

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 24, 1980

Session of 1980

164th of the General Assembly

No. 51

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE LOIS SHERMAN HAGARTY, member of the House of Representatives and guest chaplain, offered the following prayer:

Let us pray: O Father, we thank You for this day. Grant us power to see anew the commandments which secure our foundation, the wisdom that safeguards our government, the righteousness that protects our government, the righteousness that protects our democracy, and the spirit that begets peace among our fellow man.

Inspire us in all policy deliberation and legislation so that the laws of men may always be in harmony and accord with the laws of God.

Keep our country under your watchful eye that we are an example of enlightenment and benevolence to the world community and the common good of all. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, June 23, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2750 By Representative POTT (BY REQUEST)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring lighted headlights when it is raining and providing for the tarpaulins or other covers on certain loads.

Referred to Committee on TRANSPORTATION, June 24, 1980.

No. 2751 By Representatives WASS, M. R. CLARK AND STEWART

An Act amending the "Eminent Domain Code," approved June 22, 1964 (Sp. Sess., P. L. 84, No. 6), further providing for measure of damages for property affected by the Great Flood of July, 1977.

Referred to Committee on APPROPRIATIONS, June 24, 1980.

No. 2752 By Representatives BURNS AND GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), increasing reimbursement for school building construction and making editorial corrections.

Referred to Committee on APPROPRIATIONS, June 24, 1980.

No. 2753 By Representatives BURNS AND GALLAGHER

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), adding positions in the Vocational Education Management Information Systems to the classified service in the Department of Education.

Referred to Committee on STATE GOVERNMENT, June 24, 1980.

No. 2754 By Representatives A. K. HUTCHINSON, LIVENGOOD, LETTERMAN, D. R. WRIGHT, DeMEDIO, C. GEORGE, YAHNER, FEE, FRYER, STAIRS, TADDONIO AND PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing certain fees.

Referred to Committee on TRANSPORTATION, June 24, 1980.

No. 2755 By Representatives DOMBROWSKI, MILANOVICH, CAPPABIANCA AND FEE

An Act amending the "Wage Payment and Collection Law," approved July 14, 1961 (P. L. 637, No. 329), adding definitions and providing for the frequency of wage payments.

Referred to Committee on LABOR RELATIONS, June 24, 1980.

No. 2756 By Representative POLITE

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

Referred to Committee on TRANSPORTATION, June 24, 1980.

No. 2757 By Representatives SWEET, DeMEDIO, LESCOVITZ, FISCHER AND DeWEESE

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

Referred to Committee on APPROPRIATIONS, June 24, 1980.

No. 2758 By Representative O'DONNELL

An Act amending the "Motor License Fund Supplement to the General Appropriation Act of 1979," approved July 4, 1979 (P. L. 714, No. 11A), clarifying certain language.

Referred to Committee on TRANSPORTATION, June 24, 1980.

No. 2759 By Representatives PERZEL AND BURD

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for personal income tax on interest and dividends.

Referred to Committee on FINANCE, June 24, 1980.

No. 2760 By Representatives McCALL, RODGERS, KOLTER, BURNS, GATSKI AND B. D. CLARK

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), raising the authorized level for exemption from certain taxes and providing an exemption for persons receiving income from social security and occupational disease disability payments.

Referred to Committee on FINANCE, June 24, 1980.

No. 2761 By Representatives CUNNINGHAM, SCHEAFFER AND DeMEDIO

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the powers, privileges and immunities of military or security police of the Pennsylvania National Guard.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, June 24, 1980.

No. 2762 By Representatives ROCKS, WHITE, BORSKI, PUCCIARELLI, R. C. DONATUCCI, GIAMMARCO, RIEGER, SALVATORE, PERZEL, McKELVEY, PITTS, E. Z. TAYLOR, NAHILL, CORNELL, CESSAR, MURPHY, SEVENTY, PISTELLA, RAPPAPORT AND OLIVER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing special sentencing provisions for persons convicted of certain crimes committed on local transportation organization or transportation company property.

Referred to Committee on JUDICIARY, June 24, 1980.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request a leave for the gentleman from Venango, Mr. PETERSON, for today, the gentleman from Dauphin, Mr. DININNI for today, and for the gentleman from Chester, Mr. E. R. LYNCH, who requested leave at 2:30 p.m. for the balance of the day.

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

Mr. PIEVSKY. Mr. Speaker, I request a leave of absence for the gentleman from Philadelphia, Mr. BARBER, for the week.

The SPEAKER. Without objection, leaves are granted.

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HBs Nos. 1408, 1528, 1753, 2231 and 2383.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 22, 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 1408, Printer's No. 2710, entitled "An act authorizing the Department of General Services, with the approval of the Department of Health and the Governor of the Commonwealth of Pennsylvania to convey a certain lot or tract of ground situate in the Township of Mount Joy, Lancaster County, Pennsylvania".

DICK THORNBURGH
GOVERNOR

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 22, 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 1528, Printer's No. 2828, entitled "An act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting and manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,' further regulating distributing rights for malt and brewed beverages and providing remedies and penalties".

DICK THORNBURGH
GOVERNOR

Commonwealth of Pennsylvania
Governor's Office

June 22, 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 1753, Printer's No. 2143, entitled "An act amending the act of June 13, 1961 (P. L. 282, No. 167), entitled 'An act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts,' removing second class cities from the scope of the act".

DICK THORNBURGH
GOVERNOR

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 22, 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 2231, Printer's No. 3300, entitled "An act adopting the interstate high speed intercity rail passenger network compact and for related purposes".

DICK THORNBURGH
GOVERNOR

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 22, 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 2383 Printer's No. 3359, entitled "An act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State Liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,' providing for the use of the photo drivers' licenses for identification".

DICK THORNBURGH
GOVERNOR

COMMUNICATION FROM GOVERNOR

VETO OF HB 2261

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

VETO OF HB 2261

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 22, 1980

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

I return herewith without my approval, House Bill 2261, Printer's No. 2901, entitled "An act providing for official visitations of jails and prisons by certain officials".

This bill in its present form would permit so-called "official visitors" to visit any prison, jail, state or regional correctional institution on any day, at any time, and to visit privately with any prisoner during such visits.

The definition of "official visitor" includes the members of the Pennsylvania General Assembly, all judges and justices of the peace, members of the Pennsylvania Prison Society, and a number of Executive Branch officials. The total number of persons thus eligible for such visits in the prisons exceeds 1,400.

I have vetoed this bill after consultation with and upon the recommendations of the Attorney General and the Chairman of the Pennsylvania Commission on Crime and Delinquency.

I believe that it is important to insure humane conditions in our correctional institutions and programs which will reduce the rate of recidivism. Attorney General Bartle has already undertaken steps to achieve this, and other measures are under consideration. At the same time, however, I cannot be unmindful of the need to preserve security and discipline in our correctional institutions.

Based upon the advice I received from the Attorney General, the Chairman of the Pennsylvania Commission on Crime and Delinquency and others in the system, I am not satisfied that in operation this bill would not pose potential breaches of discipline and security, disruption and problems of protection for the visitors themselves.

This, in turn, could impose an undue burden on our state correctional officers and could even lead to a risk of hostage-taking.

Present law permits for personal prison visits by family, friends, attorneys and others authorized by the wardens during daylight hours five days a week. Without provisions which more adequately define the scope of the visits encompassed by this bill and which provide for measures to address the disruption and security problems that many in the system foresee, I feel I have no choice but to veto H.B. 2261.

DICK THORNBURGH
GOVERNOR

BILL AND VETO MESSAGE TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2261 and the Governor's veto message be laid on the table.

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

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report to the floor. The Chair is about to take the master roll. Only those members in their seats may be recorded.

The following roll call was recorded:

YEAS—193

Alden	Foster, Jr., A.	Livengood	Rodgers
Anderson	Freind	McCall	Ryan
Armstrong	Fryer	McClatchy	Salvatore
Arty	Gallagher	McIntyre	Scheaffer

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

NAYS—0

NOT VOTING—2

Jones Shadding

EXCUSED—6

Barber Helfrick Peterson Weidner
Dininni Lynch, E. R.

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

SPECIAL PRESENTATION

The SPEAKER. The Chair, at this time, has asked the majority whip, Mr. Hayes, to come to the rostrum for a special presentation.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

We are honored today by the visitation of a person who is not unlike you and I. The gentleman I refer to is a representative, not from another one of our sister states here in America, but, rather, another nation; the Nation of Nigeria in the continent of Africa. He is not a Federal legislator. As I mentioned, he is like you and I. He is a state assemblyman from the newest state in the Nation of Nigeria.

As we all know from our contemporary history, Nigeria has been troubled by civil war. They are struggling as our forefathers struggled some 200 years ago here in America to form a new nation. They have been problemated with the same sort of problems our forefathers were problemated with during that period of American history when we were governed by the Articles of Confederation.

The representative by profession is a farmer. He is serving in his first term in his state's assembly. He has come to our nation to visit for 3 weeks. He is hopeful that on another day other persons who serve with him may come to America and study our legislative process here in Pennsylvania.

Without giving the gentleman's speech, it is an honor for me to introduce to all of you, the Honorable Patrick Onuoha.

HONORABLE PATRICK ONUOHA. Mr. Speaker, sir, honorable members of the State Assembly of the great State of Pennsylvania, I salute you. I have come a long way on a private mission as a Nigerian citizen to bring to you and the good people of Pennsylvania greetings from the Speaker and members of the House of Assembly of the Imo State of Nigeria, and also from the people of my state, Imo State. As you know, Nigeria is made up of 19 states governed through a three-tier system of government similar to what you have in the United States. That is to say, we have a Federal government, a state government, and the local government which you call here the county. Furthermore, the new Civil Administration in my country, headed by our beloved and respected President, Allaji Shehu Alagari, is operating a constitution modeled on the American system that is a presidential system. This term of government is very new to Nigeria which, as you know, was a British colony up until 1960 when we gained our independence.

So I have come to the world's greatest democracy, the United States, to learn from the horse's mouth the dynamics of this governmental process that has contributed so much to mankind. My states would wish to establish very close contacts with the great State of Pennsylvania. Personally, I have been connected with this state since 1973 because I do business with one of your citizens, Mr. Bob Park, who runs Park's Poultry Farm in Altoona. My chicken business has been nurtured by this fine gentleman from Pennsylvania.

It would be my wish that a relationship is worked out between this Assembly and the Imo State House of Assembly of my country. And I would appreciate it very much if this state would invite a delegation from my state Assembly to visit with you, learn your processes, and be able to come back home to help in building up our nation. Besides the connection in constitution, Nigeria is also closely connected with your country in business because, as you know, my country produces oil, and most of our oil is sold to the United States of America. So it would be my wish that this relationship grows.

Mr. Speaker, sir, honorable members, it has been my privilege to be allowed to address this honorable House. Thank you very much.

Mr. S. E. HAYES. Before we bid farewell to the Representative, I would like to present, on behalf of the Speaker and all the Representatives of our great Commonwealth, two banners, two banners which not only symbolize the freedom of our nation and our Commonwealth, but also symbolically represent the common origins of our colony of Pennsylvania and the Nation of Nigeria in that both of us on previous days were governed by Britain. First, the banner of our country, the American flag, and also the banner of our colony, the Pennsylvania flag. Thank you very much for being part of our program this morning.

MISS PENNSYLVANIA PRESENTED

The SPEAKER. One of the privileges that is awarded to the Speaker is the annual recognition of a Miss Pennsylvania. Today, again, it gives me great pleasure to introduce the Representative from Blair County, Mr. Geist.

Mr. GEIST. Mr. Speaker, Honorable Pat, Miss Pennsylvania, and fellow members, this is a tough job. We in the city of Altoona are very pleased to have the Miss Pennsylvania Scholarship Pageant held there every year, and there is an awful lot of work that goes into it, an awful lot of work. Some of the people who are here today with the pageant I would like to introduce to you and they are: Sandy Durbain, who is the official chaperon for Miss Pennsylvania and will accompany her on all her trips and to Atlantic City; and Duane Bordell, who has put the whole show together in Altoona and has expended a tremendous amount of energy. I would also like to introduce two other people who made this event possible, especially for the winner, Mr. and Mrs. Patton, the parents of our Miss Pennsylvania.

Now going out to the Miss Pennsylvania Pageant on Thursday, Friday, and Saturday is a very tough duty for a legislator, and especially for the finals and staying for the Awards Ball and things like this, but I am more than pleased today to be able to present to you our new Miss Pennsylvania who, I believe, come the end of this summer, will bring home the title of Miss America to Pennsylvania.

At this time I would like to invite Anita forward, present her with our House citation, and Anita will then have a few words to say to our Assembly.

Our citation reads:

Miss Anita E. Patton, daughter of Mr. and Mrs. George Patton of Lebanon, was crowned Miss Pennsylvania 1980 on June 14, 1980. A graduate of Lebanon Senior High School, she has attended Elizabethtown College and Syracuse University where she was named to the Dean's List. She is a talented singer and actress and was selected to tour Europe with America's Youth in Concert and has performed leading roles in community theaters and college musicals.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends congratulations to Miss Anita E. Patton on being crowned Miss Pennsylvania 1980, and wishes her the best of future endeavors.

I now present Miss Pennsylvania.

Miss PATTON. Thank you, Mr. Speaker, honorable members of the House and distinguished guests. It is my pleasure and honor to stand before you today as the new Miss Pennsylvania. My roots and pride in this state run very deep. I have had the privilege to travel throughout the United States and parts of Europe, but I have always been anxious to return home to the rolling hills of Pennsylvania.

This year in the pageant we sang a song entitled "We Are Family." Family, that is how I look upon Pennsylvania; as a unified family made up of smaller parts and each part has their own specific role to do. To me the biological family, which is different to each of us, is the most important. I consider myself very lucky in this area. Because of my family, I feel that my life has been built on a very firm foundation. I have been taught that through hard work, dedication and love, many, if not all, feats can be accomplished. Your family develops your morals, your ideas and your individuality. Because of the uniqueness of each person, laws and guidelines need to be devised. This is your job, the family of lawmakers. My thanks to you for the thought and dedication you give your roles in the control and growth of Pennsylvania. I hope to bring that same thought and dedication to my position as Miss Pennsylvania.

In the past week and a half that I have traveled, I have met many fine people who have offered their support and extended to me their hand in friendship. And I have also come in contact with another family, the pageant family. Through their care and understanding they have opened new doors for me and given me many insights to myself.

I thank you for your interest and support of the Pennsylvania Scholarship Pageant. I feel that it is a worthwhile experience for any young lady who enters it, and I plan to use my scholarship to further my education and take this time as Miss Pennsylvania to expand the knowledge of myself and of this state and country. I hope I can wear this crown with dignity and represent this state to the best of my ability. And I know at the end of my year, my family will have grown to include all the fine people that I will meet during my travels throughout Pennsylvania.

Right before I came up here, Mr. Geist told me that my one goal in going to Atlantic City should be that I return the best milker on the farm. Whatever that means, I do not know, but he told me to say it. I told him if they did not laugh I was going to leave quickly. But, seriously, I thank you for having me here today. It has truly been a memorable experience. Thank you.

The SPEAKER. This House has been blessed for many years with excellent legislators from Lebanon County. We just want to show that we also have beauty as well as beasts coming from the 101st legislative district.

CALENDAR**BILLS AGREED TO ON
SECOND CONSIDERATION**

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

HB 2645, PN 3514; HB 2724, PN 3598; HB 1048, PN 1171; SB 355, PN 1382; SB 496, PN 1937; SB 888, PN 1373; and HB 266, PN 2033.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, as we review the calendar, it would appear that both caucuses are in need of time to review the measures that are on the calendar prior to taking any roll calls. Accordingly, I am going to ask that we recess now until 2 o'clock, and that the Republicans report to the majority caucus room at 12:30.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Democratic caucus at 12:45. Thank you, Mr. Speaker.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 2 p.m. The Chair hears none.

AFTER RECESS

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. McCLATCHY. Mr. Speaker, I would like to call for a meeting of the Appropriations Committee immediately in room 245.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Before we begin the afternoon session, if you would kindly return to requests for leaves of absence, I would request a leave for the gentleman from Chester, Mr. E. R. LYNCH, for the rest of today's session.

The SPEAKER. Without objection, leave will be granted. The Chair hears none.

STATEMENT BY MR. DAVIES

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

Mr. DAVIES. I would like to seek unanimous consent for a brief retort to the Chair, Mr. Speaker.

The SPEAKER. The Chair has no objection. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, this morning after the introduction of Miss America, you made some reference to both beauty and the beast being represented from your area. Mr. Speaker, far be it from this humble member's viewpoint to attempt to correct the Chair, but, Mr. Speaker, we have never referred to our former leader and current Speaker as a beast. At times we may have been subjected to fastidious flairs, adamant approaches and affronts with acerbity, but never the attack of a beast or a beast of burden. Thank you, Mr. Speaker.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2763 By Representatives LEHR, ANDERSON, GALLEN, HASAY, F. TAYLOR, CALTAGIRONE AND COCHRAN

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), establishing a Youth Development Center at Fort Indiantown Gap.

Referred to Committee on APPROPRIATIONS, June 24, 1980.

No. 2764 By Representatives LETTERMAN, BENNETT, BITTLE, FEE, WILT, GRIECO, CIMINI, KUKOVICH, POTT, STEWART, KOWALYSHYN AND CESSAR

An Act making an appropriation to the County Commissioners of Clinton and Lycoming Counties.

Referred to Committee on APPROPRIATIONS, June 24, 1980.

No. 2765 By Representatives CESSAR AND ITKIN

An Act making an appropriation to the United Cerebral Palsy of Pittsburgh and vicinity, Pittsburgh.

Referred to Committee on APPROPRIATIONS, June 24, 1980.

No. 2766 By Representatives GOEBEL AND LASHINGER

An Act creating a temporary study commission to study groups which seek to unduly exert control over children and youth.

Referred to Committee on STATE GOVERNMENT, June 24, 1980.

No. 2767 By Representatives GOEBEL AND LASHINGER

An Act amending the "Solicitation of Charitable Funds Act," approved August 9, 1963 (P. L. 628, No. 337),

providing for identification cards and for verbal identification of persons soliciting for charitable organizations.

Referred to Committee on STATE GOVERNMENT, June 24, 1980.

No. 2768 By Representatives LEVI, FRYER,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act amending the "Local Government Unit Debt Act," approved July 12, 1972 (P. L. 781, No. 185), making technical and editorial changes.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2769 By Representatives LEVI, FRYER,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2770 By Representatives LEVI, FRYER,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act authorizing incorporated towns to levy an additional annual tax for the purpose of paying interest and principal on certain indebtedness.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2771 By Representatives LEVI,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2772 By Representatives LEVI, FRYER,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2773 By Representatives LEVI, FRYER,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2774 By Representatives LEVI, FRYER,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act amending "The First Class Township Code," approved June 23, 1931 (P. L. 1206, No. 331), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2775 By Representatives LEVI, FRYER,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2776 By Representatives LEVI, FRYER,
A. C. FOSTER, JR., DeMEDIO AND FEE

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), authorizing taxation for the purpose of paying interest and principal on certain indebtedness.

Referred to Committee on LOCAL GOVERNMENT, June 24, 1980.

No. 2777 By Representative POLITE

An Act amending the "Physical Therapy Practice Act," approved October 10, 1975 (P. L. 383, No. 110), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2778 By Representative POLITE

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the Barber's License Law, providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2779 By Representative POLITE

An Act amending the "Pharmacy Act," approved September 27, 1961 (P. L. 1700 No. 699), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2780 By Representative POLITE

An Act amending "The Professional Nursing Law," approved May 22, 1951 (P. L. 317, No. 69), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2781 By Representative POLITE

An Act amending the act of March 30, 1917 (P. L. 21, No. 10), referred to as the Optometry Practice Law, providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2782 By Representative POLITE

An Act amending the act of July 12, 1919 (P. L. 933, No. 369), referred to as the Architects Registration Law, providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2783 By Representative POLITE

An Act amending the "Chiropractic Registration Act of 1951," approved August 10, 1951 (P. L. 1182, No. 264), providing for hearing examiners and making an editorial change.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2784 By Representative POLITE

An Act amending the "Nursing Home Administrators License Act," approved June 22, 1970 (P. L. 378, No. 122), providing for hearing examiners and making an editorial change.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2785 By Representative POLITE

An Act amending "The C. P. A. Law," approved May 26, 1947 (P. L. 318, No. 140), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2786 By Representative POLITE

An Act amending "The Auctioneers License Act," approved September 29, 1961 (P. L. 1745, No. 708), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2787 By Representative POLITE

An Act amending the "Motor Vehicle Manufacturer's, Dealer's and Salesmen's License Act," approved September 9, 1965 (P. L. 499, No. 254), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2788 By Representative POLITE

An Act amending the "Landscape Architects Registration Law," approved January 24, 1966 (1965 P. L. 1527, No. 535), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2789 By Representative POLITE

An Act amending the "Funeral Directors Law," approved January 14, 1953 (P. L. 1898, No. 522), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2790 By Representative POLITE

An Act amending the act of March 23, 1972 (P. L. 136, No. 52), referred to as the Psychologists License Act, providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2791 By Representative POLITE

An Act amending the "Veterinary Medicine Practice Act," approved December 27, 1974 (P. L. 995, No. 326), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2792 By Representative POLITE

An Act amending "The Dental Law," approved May 1, 1933 (P. L. 216, No. 76), providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2793 By Representative POLITE

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the Beauty Culture Law, providing for hearing examiners.

Referred to Committee on PROFESSIONAL LICENSURE, June 24, 1980.

No. 2794 By Representatives SELTZER AND RYAN

An Act making an appropriation to the Pennsylvania Crime Commission.

Referred to Committee on APPROPRIATIONS, June 24, 1980.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

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

SB 1425, PN 1926

Referred to Committee on Business and Commerce, June 24, 1980

SB 1475, PN 1917

Referred to Committee on Appropriations, June 24, 1980

CALENDAR RESUMED

FINAL PASSAGE BILLS CONSIDERED

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 2551, PN 3637**, entitled:

An Act amending Title 59 (Partnerships) of the Pennsylvania Consolidated Statutes, adding provisions relating to foreign limited partnerships and making a conforming amendment to Title 42 as to foreign partnerships and other entities.

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—185

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

NAYS—0

NOT VOTING—10

Cohen	Jones	Rhodes	Shadding
Grieco	O'Brien, B. F.	Richardson	Thomas
Johnson, J. J.	Reed		

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

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

* * *

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 2176, PN 3638**, entitled:

An Act providing for a Statewide emergency telephone number "911" system, establishing the Office of Telecommuni-

cation in the Department of General Services and providing for its powers and duties, and making a repeal.

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

The question is, shall the bill pass finally?

RECONSIDERATION OF VOTE ON HB 2176

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Mr. Speaker, I move that the vote by which HB 2176 passed third consideration as amended on June 23, 1980, be reconsidered.

Mr. PICCOLA. Mr. Speaker, I second the motion.

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

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

Mr. IRVIS offered the following amendments:

Amend Sec. 4, page 5, line 25, by striking out "INVOLVES" and inserting involved

Amend Sec. 4, page 5, line 27, by removing the period after "EMPLOYEES" and inserting except in counties of the first and second class where the cost will be funded to a maximum of 20 employees.

Amend Sec. 5, page 6, line 15, by inserting after "(A)" Powers and duties.—

Amend Sec. 5, page 7, line 4, by inserting after "(B)" Effect of noncompliance.—

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. This amendment, Mr. Speaker, would add to HB 2176 a provision which would permit counties of the first class and counties of the second class to hire 20 persons to implement the 911 system instead of the 5 persons allowed currently in the bill. There would be an increase to the state because of the increase in numbers, and the cost has been estimated at approximately \$360,000 a year. I ask for the support of the House on this amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Quite correctly the minority leader has a fiscal note on this, which I object to on another point. I could easily go along with the portion dealing with Philadelphia since they have an existing system which, I understand, has four central answering points, and I can see the problem there. I am dubious about the other counties since they do not have the system. I am not able to determine that 20 employees are necessary, and because of the added cost, I will vote against it. I ask the members to use their own good judgment. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have made by telephone an inquiry of the county commissioners of Allegheny County just this morning, and the estimate is that it will require at least 20 persons. I told them that I thought it would be unrealistic to ask for more than 20 people and, therefore, I have not changed the amendment. But they assured me that in order to cover a county the size of Allegheny, at least 20 people would have to be employed, and that is the reason I am offering the amendment. I ask for your support.

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

The following roll call was recorded:

YEAS—105

Table listing names of members who voted 'YEAS' (105 total). Includes Anderson, Austin, Beloff, Bennett, Berson, Borski, Brown, Burns, Caltagirone, Cappabianca, Cessar, Chess, Civera, Clark, B. D., Cochran, Cole, Cowell, DeMedio, DeWeese, Dawida, Dombrowski, Donatucci, R., Duffy, Dumas, Fee, Fisher, Foster, Jr., A., Fryer, Gallagher, Gamble, Gatski, George, M. H., Goebel, Goodman, Grabowski, Gray, Greenfield, Harper, Hoeffel, Hutchinson, A., Irvin, Itkin, Knepper, Knight, Kolter, Kowalyszyn, Kukovich, Laughlin, Lescovitz, Letterman, Levin, McCall, McIntyre, McKelvey, McMonagle, McVerry, Maiale, Manderino, Michlovic, Milanovich, Mrkonic, Mullen, Murphy, Novak, O'Donnell, Oliver, Petrarca, Pievsky, Pistella, Pott, Pratt, Pucciarelli, Rappaport, Rasco, Rhodes, Rieger, Ritter, Rocks, Rodgers, Salvatore, Schmitt, Schweder, Seventy, Shupnik, Steighner, Stewart, Street, Stuban, Sweet, Taddonio, Taylor, F., Telek, Trello, Wachob, Wargo, White, Williams, Wilson, Wright, Jr., J., Yahner, Zeller, Zitterman, Zord, and Zwilk.

NAYS—83

Table listing names of members who voted 'NAYS' (83 total). Includes Alden, Armstrong, Arty, Belardi, Bittle, Bowser, Brandt, Burd, Cimini, Clark, M. R., Cornell, Coslett, Cunningham, DeVerter, DiCarlo, Davies, Dietz, Dorr, Durham, Earley, Fischer, Foster, W. W., Freind, Gallen, Gannon, Geesey, Geist, George, C., Gladeck, Grieco, Gruppo, Hagarty, Halverson, Hasay, Hayes, Jr., S., Honaman, Hutchinson, W., Johnson, E. G., Johnson, E. G., Kanuck, Klingaman, Lashinger, Lehr, Levi, Lewis, Livengood, McClatchy, Mackowski, Madigan, Manmiller, Micozzie, Miller, Mowery, Nahill, Noye, O'Brien, B. F., O'Brien, D. M., Perzel, Phillips, Piccola, Pitts, Polite, Pyles, Ryan, Scheaffer, Serafini, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Swift, Taylor, E. Z., Thomas, Vroon, Wass, Wenger, Wilt, Wright, D. R., and Yohn.

NOT VOTING—7

Table listing names of members who did not vote: Cohen, Giammarco, Johnson, J. J., Jones, Reed, Richardson, and Shadding.

EXCUSED—6

Table listing names of members who were excused: Barber, Dininni, Helfrick, Lynch, E. R., Peterson, and Weidner.

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

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 2176

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Mr. Speaker, I move that the vote by which the Zwilk amendments to HB 2176, were passed on the 23d day of June, be reconsidered.

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

Mr. PICCOLA. I second the motion.

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

The following roll call was recorded:

YEAS—154

Table listing names of members who voted 'YEAS' (154 total). Includes Alden, Anderson, Armstrong, Arty, Austin, Belardi, Beloff, Berson, Bittle, Borski, Bowser, Brandt, Burd, Burns, Cappabianca, Cessar, Cimini, Civera, Clark, B. D., Clark, M. R., Cochran, Cole, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, DiCarlo, Davies, Dawida, Dietz, Dombrowski, Donatucci, R., Dorr, Duffy, Dumas, Durham, Earley, Fee, Fisher, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallen, Gannon, Geesey, Geist, George, C., Gladeck, Grieco, Gruppo, Hagarty, Halverson, Halverson, Hasay, Hayes, Jr., S., Honaman, Irvin, Johnson, E. G., Kanuck, Klingaman, Knepper, Knight, Kolter, Kowalyszyn, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Lewis, Livengood, McClatchy, Mackowski, Madigan, Manmiller, Micozzie, Miller, Mowery, Nahill, Noye, O'Brien, D. M., O'Brien, B. F., O'Brien, D. M., Perzel, Phillips, Piccola, Pitts, Polite, Pyles, Rappaport, Rasco, Rieger, Ritter, Rocks, Rodgers, Ryan, Salvatore, Scheaffer, Schmitt, Schweder, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Steighner, Stuban, Sweet, Swift, Taddonio, Telek, Thomas, Trello, Vroon, Wachob, Wargo, Wenger, White, Wilson, Wilt, Wright, Jr., J., Yahner, Yohn, Zeller, Zitterman, and Zwilk.

NAYS—30

Bennett	Grabowski	Murphy	Stewart
Brown	Greenfield	Novak	Street
Caltagirone	Hutchinson, A.	O'Brien, B. F.	Taylor, F.
Cohen	Itkin	Pistella	Wass
Fischer	Kukovich	Pratt	Williams
Gallagher	Livengood	Pucciarelli	Wright, D. R.
Goebel	McMonagle	Seventy	Zord
Goodman	Michlovic		

NOT VOTING—11

Chess	Johnson, J. J.	Reed	Shadding
Giammarco	Jones	Rhodes	Taylor, E. Z.
Hutchinson, W.	Pitts	Richardson	

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

On the question recurring,

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

Mr. ZWIKL reoffered the following amendments:

Amend Sec. 4, page 4, by inserting between lines 24 and 25 (c) Existing systems.—All local governments which have an existing "911" system on the effective date of this act shall be eligible for funding or for reimbursement in the same manner as provided in this section.

Amend Sec. 4, page 4, line 25, by striking out "(c)" and inserting (d)

On the question recurring,

Will the House agree to the amendments?

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

Mr. ZWIKL. Mr. Speaker, this amendment was offered yesterday and was adopted with 110 affirmative votes. This is the amendment that adds those systems in Pennsylvania that currently have the 911 system and makes them eligible for funding or reimbursement in the same manner that is provided in the bill right now. I could go through again and read the 11 counties and the 20 communities that already have the 911 systems. I think you know them, but I am going to read them again anyhow just to make sure. The counties that already have the 911 system and would benefit by this amendment are: Butler, Clarion, Cumberland, Dauphin, Indiana, Lackawanna, Lebanon, Lancaster, Philadelphia, Westmoreland, York. In addition, there are 20 communities: Allentown, Berwick, Bradford, Clearfield, Du Bois, Hollidaysburg, Lansford, Milton, Norwood, Pittsburgh, Shaler Township, Shamokin, Smethport, Tarentum, Union City, and Washington.

The reason that this amendment was reconsidered would be to remove it, and I would encourage an affirmative vote to leave this amendment intact so that the counties and communities that I just mentioned will be eligible for reimbursement under this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Yesterday when this amendment was presented, the author of the amendment did not have a fiscal note and made the quesstimate that it would cost the same as 1980-81, which is \$2.8 million. At the time I had not seen the amendment and I did some very brief research on it. I called the present office of telecommunications, which has a record of what has been spent over the past years in those counties with which that office has dealt, and Mr. Zwikl has read a list of 11 counties. Ten of those counties, not counting Philadelphia, would cost \$5 1/2 million. That is the best estimate they can make. Now, if you will listen to some figures, which I know are boring, the total people now served by 911 is 4,579,000. Philadelphia and the 700,000 in those 16 smaller communities total 2,648,000. Therefore when they give me an estimate of \$5 1/2 million for 10 counties, that is only half of the people served, which, if my arithmetic means anything, means that when you take the whole thing in, it would be approximately a \$10-million payback. And really I think that is more than the State of Pennsylvania can afford.

Now, we spoke yesterday about fairness. On those figures alone—and speaking of fairness—we are now asking two-thirds of the people to pay back approximately \$10 million to one-third of the people who enjoyed this system over the past several years. I would take exception to the argument put on the floor yesterday that these counties did something good on their own and that the others are sitting by and just waiting for a handout. That is not true. The majority of these counties, the fourth, fifth, sixth, and so on, class counties, if you have read what was given to you at the end of last year, the report of the 911 committee, you would find that we face the same thing in the 911 system as does the school subsidy where many counties get back only 10 cents on the dollar and the others get much more because they need it. And one of the parts of the formula is sparsity and density. With the 911 system, if you come from a county which is highly populated, the hookup for a telephone may be only 20 or 21 cents. If you come from a county such as Forest, Venango, Potter, Pike, the hookup may be \$20, and that must be paid by a smaller group of taxpayers who are not able to afford that, and I hope that you all realize that the smaller counties, mostly in northern Pennsylvania, with lesser population, are the very counties where the big city people go to spend their vacations, to fish and hunt and ski, and they are the people who need a system like this when they come across an emergency and do not know where to call the right person.

On the basis of the high cost of this amendment and what I call the unfairness of two-thirds bearing one-third, I oppose the amendment. Thank you.

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

Mr. ZELLER. I would like to bring out some points that Mrs. Honaman mentioned and I think it is very important for the membership to hear this. Being a member of LEAA - Law Enforcement Assistance Agency - that is the North-east Regional Council of the Governor's Justice Commis-

sion, which is now the Commission on Crime and Delinquency, I do not know if Mrs. Honaman realizes it or not, with all respect to her, that some communities received aid through LEAA to set up 911. As a matter of fact, Mr. Hutchinson over here can tell you about it in his county; Lehigh County can tell you about it; many counties can tell you about it. Now, the point I am bringing out is the \$5.5 million. That, Mr. Speaker, is not a correct figure because it would be closer to or less than \$1.8 million, and the reason for this is very obvious. Those communities cannot double-dip because of the LEAA regulations. If they receive any funding from any other source, they must return the money. So therefore they are not about to request any funding if they received aid otherwise. The only communities we are talking about are those communities who did not receive LEAA money, and those are the communities that are going to be less than \$1.8 million. If we did our homework all the way, we would find that LEAA is really involved here, and that is why your figures are not correct.

Now, get this: If we do not honor the Zwikl amendment, which reimburses those responsible communities who have taken the initiative to enact 911, we then tell all communities to just relax and take it easy, big daddy government will take care of you later. Now, you are going to encourage people to stumble and drag their feet and go through all kinds of actions in order not to comply because later on someone—with all respect to Mrs. Honaman—will be coming up here and introducing legislation to take care of you, and I am sure that we have all been victims of this and we have all probably done it. Her movement I am not questioning, but what I am saying is, we are setting a precedent here to ask communities to be negligent, and I do not think we want that. We want to encourage communities to take the initiative and to go on with requests and to be good, responsible communities.

Now, that is why I feel that the Zwikl amendment should go, and it will not be the money that Mrs. Honaman is mentioning because of the LEAA funding, the Law Enforcement Assistance Agency. Therefore, it will be less than \$1.8 million, not \$5.5 million, and I think that figure should be brought out. Thank you.

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

Mr. PICCOLA. I have had a change of heart on the Zwikl amendment and I would urge opposition to that amendment.

I would like to see my county, as well as other counties, reimbursed for these expenses as much as anybody, but I fear that the costs that Mrs. Honaman just outlined to us will doom this bill. It will make it fiscally impossible for us to pass it and make it the law of the Commonwealth, and if we are serious about making 911 a statewide system, then I believe we should defeat the Zwikl amendment so that this bill has a realistic possibility of becoming law. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, I thought we were always talking about a statewide system. I always was concerned. I thought that 911 was meant to deal with all the people of Pennsylvania and people traveling through the State of Pennsylvania, and I thought we were all going to fund this so that we had a good system. I hear two speakers talking about not helping counties that have already put their system in, not helping to refund it, and I think that is really wrong. I think we should help to give them some type of reimbursement and let all the people of Pennsylvania pay for the system. If we do that, the system will really be effective for everyone, and I ask for an affirmative vote on Mr. Zwikl's amendment.

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

Mr. ZWIKL. I would like to respond to a few of the points that have been raised in the debate. First of all, the fiscal note that I am using is the fiscal note that was put out by the Appropriations Committee on March 3, 1980, and it states that the figures used on this note for 1980-81 are \$2.9 million, and they are based on the existing programs in various counties and municipalities around the state. Now, I did not draft that fiscal note; the Appropriations Committee did. If Mrs. Honaman thinks that figure is wrong, then perhaps this whole bill should be reconsidered in light of its fiscal implications. This is what the Appropriations Committee was given from the sources that we have used.

Now, secondly, you talk about two-thirds of the state would be without the 911 system, and I view it in exactly the reverse terms. You are asking one-third of the state, that has already paid, to foot their own local system and to foot the bill the second time for the rest of the state, the other two-thirds of the state. We are not going to doom this bill by putting this amendment in. What we are going to do is ensure that the communities that have already put the system in will be guaranteed a reimbursement just like those systems that are yet to come and the communities that do not have it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. I rise in support of this amendment. Representing a little community that took on the responsibility of 911 a good many years ago and being the headquarters of 911 for a lot of other little communities in the area and also taking care of a lot of the State Police work in that area, I stand here today to help communities like Allegheny County so they can put on 20 employes, up to 20 employes. And my little district that is handling 911 for half of the county does not have 20 employes, even in the street department, and then we stand here and talk about reimbursing that small amount that they have taken out of their budgets in the past to put in that system, and I personally think that it is all wrong. I personally think that Allegheny County and Philadelphia could themselves support a system far better than the rural communities could and I think those little communities that have put that system in should be reimbursed for it.

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Mr. Speaker, I think we are talking of cross-purposes here. The Zwinkl amendment states that we pay back those counties who have instituted 911. It does not mean we pay 1 year; it means if they have been in 2 years, we pay 2 years; if they have been in 12 years, such as one is, we pay 12 years. And let me point out to Mr. Zeller my figures are not incorrect. I will cite my own county's budget, which is \$110,000. The Federal Government pays \$45,000 of that. The county pays \$65,000. We have had it 2 years; that would be \$130,000. I have just received from the office of Telecommunication the amount that Philadelphia County pays on their running current expenses, \$210,000 a year. Philadelphia, I understand, has had this system for 6 years. That would be over \$1 million right there. What I am saying is, you cannot take a fiscal note for 1980-81 and use it as a total amount. You have to double it and triple it and take it the whole way back to the beginning of the 911 system.

Frankly, Mr. Speaker, we are attempting to operate on an austere budget this year. The \$2.9 million has now been swollen by another \$360,000, which takes it over the \$3-million mark. I just do not think that if this amendment passes, this bill would be signed by the Governor, because Pennsylvania cannot afford a new program of that magnitude. As a county which has 911, I would rather pick up the current expenses and get the system for the whole state than lose everything. Thank you.

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

Mr. RITTER. I pointed out yesterday about the fairness, and I still say that it is an issue of fairness. But, Mr. Speaker, I want to point out also that those communities which put in a 911 system with LEAA funds are not going to be eligible for any state reimbursement, unless, of course, they are willing to pay back the Federal funds, and there are some communities that did put in the 911 program with the LEAA funds. So we are not talking about all of the communities, because many of them did use Federal funds.

Mr. Speaker, on page 1 of the bill, in one of the amendments put in yesterday, it says, "It is the intent of the General Assembly that the Commonwealth assume full responsibility for costs, as defined in section 4 of this act, associated with statewide implementation and operation of this program." Mr. Speaker, Mr. Letterman pointed out that this is going to be a statewide program. It is going to benefit all of the people, and we said, with the adoption of an amendment yesterday, that it is the intent of this General Assembly that the Commonwealth would pay the full cost associated with the installation of that program.

Mr. Speaker, in section 4 on page 5, it says that there will be "Funding for one-time installation charges attendant to..." et cetera, "...incurred subsequent to enactment of this act..." All Mr. Zwinkl's amendment is doing is saying that those same one-time installation charges shall be

applied to all the communities that have taken the initiative to do it before they had the carrot on the string handed to them by the state government.

I think it is grossly unfair to say to that one-third of the people of this Commonwealth who have already used local tax money to install this system that we are now going to use your tax money to fund the other two-thirds, who either did not care, did not have the money, or did not want to spend the money before, and all we are saying to you is, if you want to have this statewide program, then you ought to fund all of the communities and all of the counties in this Commonwealth on an equal basis. Mr. Speaker, I ask for support for the Zwinkl amendment.

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

The following roll call was recorded:

YEAS—114

Austin	Gamble	McMonagle	Schmitt
Belardi	Gatski	McVerry	Schweder
Beloff	George, C.	Mackowski	Serafini
Bennett	George, M. H.	Maiale	Seventy
Berson	Giammarco	Manderino	Shupnik
Borski	Goebel	Manmiller	Smith, L. E.
Brown	Grabowski	Michlovic	Spitz
Burd	Gray	Milanovich	Steighner
Burns	Greenfield	Mrkonic	Stewart
Caltagirone	Grieco	Mullen	Street
Cappabianca	Harper	Murphy	Stuban
Cimini	Hasay	Novak	Sweet
Clark, B. D.	Hoeffel	O'Brien, B. F.	Taddonio
Cochran	Hutchinson, A.	O'Donnell	Taylor, F.
Cohen	Hutchinson, W.	Oliver	Telek
Cole	Irvis	Petrarca	Trello
Cowell	Itkin	Pievsky	Wachob
DeMedio	Kanuck	Pistella	Wargo
DeWeese	Klingaman	Pott	Wass
DiCarlo	Knepper	Pratt	White
Dawida	Knight	Pucciarelli	Wilson
Dombrowski	Kukovich	Rappaport	Wright, D. R.
Donatucci, R.	Laughlin	Reed	Wright, Jr., J.
Dorr	Lescovitz	Rhodes	Yahner
Dumas	Letterman	Richardson	Zeller
Fee	Levin	Rieger	Zitterman
Fischer	Livengood	Ritter	Zord
Fryer	McCall	Rodgers	Zwinkl
Gallagher	McIntyre		

NAYS—76

Alden	Foster, W. W.	Lewis	Rocks
Anderson	Foster, Jr., A.	McClatchy	Ryan
Armstrong	Freind	McKelvey	Salvatore
Arty	Gallen	Madigan	Scheaffer
Bittle	Gannon	Micozzie	Sieminski
Bowser	Geesey	Miller	Sirianni
Brandt	Geist	Moehlmann	Smith, E. H.
Cessar	Gladeck	Mowery	Spencer
Civera	Goodman	Nahill	Stairs
Clark, M. R.	Gruppo	Noye	Swift
Cornell	Hagarty	O'Brien, D. M.	Taylor, E. Z.
Coslett	Halverson	Perzel	Thomas
Cunningham	Hayes, Jr., S.	Phillips	Vroon
DeVerter	Honaman	Piccola	Wenger
Davies	Johnson, E. G.	Pitts	Wilt
Dietz	Kolter	Polite	Yohn
Duffy	Kowalshyn	Punt	
Durham	Lashingner	Pyles	Seltzer,
Earley	Lehr	Rasco	Speaker
Fisher	Levi		

NOT VOTING—5

Chess Jones Shadding Williams
Johnson, J. J.

EXCUSED—6

Barber Helfrick Peterson Weidner
Dininni Lynch, E. R.

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?

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

YEAS—183

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

NAYS—6

Arty DiCarlo Sirianni Zord
Cunningham McClatchy

NOT VOTING—6

Gannon Jones Shadding Williams
Johnson, J. J. Rhodes

EXCUSED—6

Barber Helfrick Peterson Weidner
Dininni Lynch, E. R.

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.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 2419, PN 3147 By Rep. McCLATCHY

An Act making an appropriation to the United Cerebral Palsy of Wyoming Valley, Luzerne County.

APPROPRIATIONS.

HB 2427, PN 3167 By Rep. McCLATCHY

An Act making an appropriation to the United Cerebral Palsy of Philadelphia and vicinity.

APPROPRIATIONS.

HB 2475, PN 3235 By Rep. McCLATCHY

An Act making an appropriation to the Holy Spirit Hospital, Camp Hill, Pennsylvania.

APPROPRIATIONS.

HB 2483, PN 3243 By Rep. McCLATCHY

An Act making an appropriation to the Association for the Blind of Carbon and Monroe Counties, for the provision of services to the blind.

APPROPRIATIONS.

HB 2611, PN 3458 By Rep. McCLATCHY

An Act making an appropriation to the Johnstown Flood Museum Association, Johnstown, Pennsylvania, to establish the Johnstown historical archives.

APPROPRIATIONS.

HB 2613, PN 3460 By Rep. McCLATCHY

An Act making an appropriation to the York County Blind Center, a branch of the Pennsylvania Association for the Blind.

APPROPRIATIONS.

HB 2794, PN 3703 By Rep. McCLATCHY

An Act making an appropriation to the Pennsylvania Crime Commission.

APPROPRIATIONS.

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

SB 1201, PN 1946 (Amended)

By Rep. McCLATCHY

An Act making an appropriation to the County Commissioners of Fayette County.

APPROPRIATIONS.

SB 1300, PN 1634

By Rep. McCLATCHY

An Act making an appropriation to the Erie Center for the Blind.

APPROPRIATIONS.

SB 1397, PN 1776

By Rep. McCLATCHY

An Act making an appropriation to the Cambria County Association for the Blind and the Handicapped.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

SB 414, PN 1945 (Amended)

By Rep. McCLATCHY

An Act protecting race horses from abuse, establishing prohibited substances during horse races, creating a presumption, creating the Equine Drug Control Committee and establishing the Pennsylvania Race Horse Testing Laboratory.

APPROPRIATIONS.

SB 602, PN 634

By Rep. McCLATCHY

An Act amending the act of June 20, 1919 (P. L. 521, No. 258), entitled, as amended, "Transfer Inheritance Tax Law," changing the rate of commission and increasing the maximum.

APPROPRIATIONS.

**FINAL PASSAGE POSTPONED
BILL CONSIDERED**

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 1246, PN 1878**, entitled:

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

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 Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, I would like to briefly explain SB 1246. Apparently I did not do too good a job of it the last time and I would like to make it a little clearer this time. If you will recall, Mr. Speaker, this is a bill which we considered 2 weeks ago. It was defeated, and we are calling it up again and asking for your affirmative consideration at this time.

What SB 1246 does is increase the rate of interest to borrowers when they borrow on their permanent life insurance policies. This increases the allowable rate of interest from the current 6 percent to a maximum of 8 percent. This would not apply to current policies, only to policies sold after the effective date of this act.

One of the provisions of the bill is that the benefits would be paid to the policyholders. If they were a holder of a permanent life insurance policy in a participating life insurance company, any increase in the company's profits, of course, would be given back to them in the form of dividends. If you had purchased a nonparticipating policy, which is a life insurance company which does not pay dividends, the benefit to the consumer would be in the form of lower rates.

I believe that all of you received a memorandum from the Provident Mutual Life Insurance Company, and in that memorandum they enumerate, for instance, that on a policy bought by an insured aged 35, a \$25,000 life insurance policy, the dividend over a 20-year period would accumulate \$3,916 at a 6-percent rate of interest, whereas if we pass the bill to allow the company to charge borrowers 8 percent, the amount of the dividend would increase to \$4,225, or an increase of \$339.50.

Basically, Mr. Speaker, I believe that we should allow insurance policyholders to borrow on their life insurance cash values. That is an inherent right in a permanent life insurance policy. I think that the current 6-percent rate of interest to those borrowers, who for some reason or another have to borrow on their policies, is too small.

Suppose a \$500 life insurance policy is purchased by the consumer. The insurance company begins to invest that money to the best benefit of not only the company but to all of its policyholders. If, during the course of the term of that policy, the policyholder must borrow out those moneys which he has paid in to the company, of course, then the company has to find that money. In recent months and recent year, the companies have been paying prime rates for the moneys which they send back to their policyholders and, of course, are only allowed to charge up to the maximum rate of 6-percent interest. I believe the 6-percent rate of interest is a super-deal, and I think 8-percent interest is not that bad, and I would respectfully ask for your support. I will certainly appreciate it. Thank you very much, and I will be happy to answer any questions that anybody might have.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn.

Mr. KOWALYSHYN. I would like to speak briefly in opposition to SB 1246. I would like to suggest that 2 weeks ago a great majority vote of this House was correct when you voted to reject SB 1246. I would like to further explain what is involved in SB 1246.

We have here a valuable right which is available to the people of Pennsylvania, and that is the right to purchase a cash value life insurance policy or an annuity which includes the right to loan your own money. That is what is

involved here. We are not talking about what Mr. Halverson talked about, about the prime rate and about the discount rate, which is the rate dealing with other people's money. We are talking about loaning your own money. I would like to point out that there is an important principle involved here, and that is the special consideration which is accorded to you as a bank depositor or as the owner of a cash value life insurance policy or an annuity and that is the special consideration accorded to you by the business community when you loan your own money. Let me point out, for example, if you have a savings account at the bank and if you have certificates of deposit at the bank and then you want to make a personal loan, you will receive special consideration as to the rate you will be charged, because actually you are loaning your own money.

Now, this valuable right is available to every holder, every owner, of a cash value life insurance policy or annuity. It is a matter of right, and it does not matter the size of the insurance policy. The right means that you had the right to loan up to the cash value of that policy; you had the right to loan your own money equal to the value of the policy.

I would like to point out that when it comes to the rate of interest for the use of other people's money, the rate of interest has been going down. For example, the discount rate, which is the rate of interest charged by the Federal Reserve System to member banks—this is the rate charged on the use of other people's money—that rate of interest has been coming down. Several months ago it was 13 percent; it is now reduced to 11 percent. The prime lending rate, which we all know is the rate of interest which banks charge to their best customers—that is also other people's money—that rate of interest has been coming down. Several months ago it was 20 percent; it is now 12 percent; and yesterday we had a New York bank reduce it to 11 1/2 percent. This is to loan other people's money. Just last week we saw that the rate of interest on 6-month United States Treasury notes is again down from what it had been several months ago. It is down to 6.6 percent.

Mr. Speaker, I submit it would be contrary to common sense if, in the face of reduced rates charged for the use of other people's money, we now decided to raise the interest rate charged on the use of your own money, and that is the principle that is involved here.

Those who speak for this bill fail to mention the interest of the people who are most concerned, and I submit the people most concerned are the individual policy owners who own these policies. In addition to that, the people most concerned are the life insurance agents who sell these policies. This campaign to raise the interest rate has been carried on for several months. It has preceded our recessionary period, and I have personally had many life insurance agents remind me that they are against raising the interest rate here in Pennsylvania because it is an important factor in selling this kind of life insurance policy. So I ask you to remember that the people most concerned, the owners of these policies, are against raising the rate of

interest on what they will have to pay to loan their own money. Also, the rank-and-file life insurance agents continue to be against raising the interest rate. And you may be told that some of the spokesmen for the life insurance agents are taking no position on this bill, but you can be sure that the life insurance agents back home, the great majority of them, are against this.

We had, at the last argument on this bill, mentioned the fact that Pennsylvania stands alone in having a 6-percent rate of interest on loaning your own money. I submit that that is to the credit of the people of Pennsylvania that in the insurance field we do have this special right, this valuable right. We have another valuable right where we stand alone, except for Michigan and New Jersey, in the insurance field, and that is that Pennsylvania stands alone in having unlimited medical benefits under our No-fault Motor Vehicle Act.

Now just last session, 2 years ago, certain spokesmen for the insurance industry tried radically to reduce the benefits payable to each Pennsylvanian. Fortunately, Governor Shapp vetoed HB 1980, which would have done that, and this session Governor Thornburgh said that the unlimited medical benefits which we have in Pennsylvania alone, except for Michigan and New Jersey, will continue. So it is not unique when Pennsylvania stands alone, and I believe that Pennsylvania should continue to stand alone, because these are two examples of valuable rights in the insurance field. So I would like to urge a negative vote on SB 1246. Thank you.

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

Mr. ZITTERMAN. Mr. Speaker, would the gentleman, Mr. Halverson, stand for brief interrogation, please?

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

Mr. ZITTERMAN. Mr. Speaker, it appears that in the context of your discussion regarding the insurance bill, SB 1246, you placed much credence on the letter sent to us by Provident Mutual of Philadelphia, and I have a few questions.

Number one, in their chart on the back, where it says dividends for \$25,000 whole life policy for the insured at age 35, under 1 year, it relates under 6 percent a \$40.50 figure, and under 8 percent, \$42.25. May I have an explanation of that, sir?

Mr. HALVERSON. What was the last question?

Mr. ZITTERMAN. Where it says year 1, policy loan rate 6 percent, \$40.50, and 8 percent, \$42.25, is this a dividend or is it the amount of interest received under both?

Mr. HALVERSON. That, Mr. Speaker, is the dividend paid to the policyholders owning a \$25,000 whole life policy at age 35; \$40.50 represents the dividend if the 6-percent rate is in effect, and \$42.25 represents the dividend if the 8-percent borrowing rate is in effect.

Mr. ZITTERMAN. Therefore, what we are saying is that if the principal borrowed under an 8-percent policy, he would receive an excess dividend of \$1.75 per year after the first year. Correct?

Mr. HALVERSON. That is right, but the point is that all the policyholders who owned a \$25,000 policy would receive that same dividend.

Mr. ZITTEMAN. All right, Mr. Speaker, considering that this is an actual fact, we are saying that if the rate of interest goes up to 8 percent, the policyholder will receive \$1.75. Considering that only 25 percent of the policyholders borrow money, would we then divide the \$1.75 by 4?

Mr. HALVERSON. No. I think you missed the point. The borrower who borrowed on his whole life policy, if he had a \$25,000 policy and he was age 35, the first year, if 8 percent was in effect, he would receive a dividend of \$42.25 on his policy, as would all other policyholders having the same amount in their policy.

Mr. ZITTEMAN. Thank you, Mr. Speaker.

Mr. Speaker, may I make some brief comments, please?

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

Mr. ZITTEMAN. Mr. Speaker, I agree with the remarks made by my colleague, Mr. Kowalyshyn, regarding SB 1246. After serious interrogation and discussion with not only loan companies or insurance companies or the agents themselves, I find that, number one, the discussion regarding the prime rate in borrowing does not reflect in this type of legislation and has no serious meaning in this legislation itself.

Secondly, in discussing the rate of interest with the insurance agents themselves, 46 out of 50 agents advised that the 6-percent rate would be a better selling point for them in comparison to the 8-percent and therefore would create more insurance.

Thirdly, I think that a person who buys insurance to, number one, build equity in a cash savings program and to be protected and to protect his dependents in the event of death, should be given every consideration, considering the fact that he is borrowing his own money, and pay but 6 percent.

Now, let us look on the other side of the coin, Mr. Speaker. If a person borrows \$1,000 from an insurance company and he borrows at 6 percent, he pays \$60 per year on a \$1,000 outstanding balance. Should he be charged 8 percent for borrowing his own money, there is a difference in interest payments of \$20 per year. If we go on to the schedule that you discussed about the dividend savings of \$1.80 per year, should the policyholder put that \$1.80 per year into an annuity, where every year he puts \$1.80 into the kitty, at the end of 20 years, including compound interest at 8 percent, he would have acquired \$89.10. In comparison to the small borrower, the man who borrows \$1,000, who needs the money desperately, if he took that \$20 and put it into an annuity fund at 8 percent, it would yield \$988.47, or approximately 11 times the amount of money that he would have received.

Mr. Speaker, I feel that the consumer who borrows his own money should be given every consideration when it comes to interest and dividends. I agree that dividends should be more plentiful, but I am looking at the person

who has to borrow on his cash value of the insurance policy, and when the vote on this legislation for final passage is called, I would suggest a negative vote, Mr. Speaker.

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

Mr. SEVENTY. Mr. Speaker, I would like to ask Mr. Halverson two questions, please.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. SEVENTY. Mr. Speaker, does this 2-percent additional interest rate raise apply to stock insurance companies as well?

Mr. HALVERSON. It applies to both stock and mutual life insurance companies.

Mr. SEVENTY. Well, you have been justifying the raise by dividends. How do you justify it as far as a stock company is concerned?

Mr. HALVERSON. As I had mentioned earlier, in the case of a stock company issuing nonparticipating policies, the benefit to the policyholders and to the consumer would be in the form of lower rates.

Mr. SEVENTY. Thank you, sir.

The SPEAKER. The Chair recognizes Mr. Halverson.

Mr. HALVERSON. I think it just boils down to one thing in our discussion here. Certainly there is no question that if this bill passes, borrowers in the future may have to—and I say “may” because this is a “may” bill—may have to pay more money to borrow. On the other hand, policyholders, consumers, people who purchase life insurance, will be the beneficiaries of lower rates and higher dividends, and I would certainly appreciate your support.

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—128

Alden	Fryer	Mackowski	Schweder
Anderson	Gallen	Madigan	Serafini
Armstrong	Gannon	Maiale	Sirianni
Arty	Geist	Manmiller	Smith, E. H.
Austin	George, M. H.	Milanovich	Smith, L. E.
Beloff	Giammarco	Miller	Spencer
Berson	Gladeck	Moehlmann	Spitz
Bittle	Goebel	Mowery	Stairs
Bowser	Goodman	Nahill	Stewart
Brandt	Gray	Noye	Street
Burd	Grieco	O'Brien, B. F.	Sweet
Burns	Gruppo	O'Brien, D. M.	Swift
Cessar	Hagarty	Oliver	Taddonio
Cimini	Halverson	Perzel	Taylor, E. Z.
Civera	Hasay	Petrarca	Taylor, F.
Clark, M. R.	Hayes, Jr., S.	Phillips	Telek
Cochran	Hoeffel	Piccola	Thomas
Cole	Honaman	Pievsky	Vroon
Cornell	Hutchinson, A.	Pitts	Wachob
Coslett	Hutchinson, W.	Polite	Wenger
Cowell	Johnson, E. G.	Pucciarelli	White
Cunningham	Knepper	Punt	Wilson
DeVerter	Lashinger	Pyles	Wilt
Davies	Laughlin	Rappaport	Wright, D. R.
Dietz	Levi	Rasco	Wright, Jr., J.
Dombrowski	Levin	Richardson	Yahner
Donatucci, R.	Lewis	Rieger	Yohn

Dorr	Livengood	Rocks	Zord
Dumas	McCall	Rodgers	Zwinkl
Durham	McClatchy	Ryan	
Fisher	McIntyre	Salvatore	Seltzer,
Foster, Jr., A.	McKelvey	Scheaffer	Speaker
Freind	McVerry		

NAYS—61

Belardi	Gallagher	Lehr	Reed
Bennett	Gamble	Lescovitz	Rhodes
Borski	Gatski	Letterman	Ritter
Brown	George, C.	McMonagle	Schmitt
Caltagirone	Grabowski	Manderino	Seventy
Cappabianca	Greenfield	Michlovic	Shupnik
Chess	Harper	Micozzie	Sieminski
Clark, B. D.	Irviss	Mrkonic	Steighner
Cohen	Itkin	Mullen	Stuban
DeMedio	Kanuck	Murphy	Trello
DeWeese	Klingaman	Novak	Wargo
Dawida	Knight	O'Donnell	Wass
Duffy	Kolter	Pistella	Williams
Fee	Kowalshyn	Pott	Zeller
Fischer	Kukovich	Pratt	Zitterman
Foster, W. W.			

NOT VOTING—6

DiCarlo	Geesey	Jones	Shadding
Earley	Johnson, J. J.		

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1135, PN 1388**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for standard nonforfeitures for individual deferred annuities.

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—180

Alden	Freind	McIntyre	Ryan
Anderson	Fryer	McKelvey	Salvatore
Armstrong	Gallagher	McMonagle	Scheaffer
Austin	Gallen	McVerry	Schmitt
Beloff	Gamble	Mackowski	Schweder
Bennett	Gannon	Madigan	Seventy
Berson	Gatski	Maiale	Shupnik
Bittle	Geesey	Manderino	Sieminski
Borski	Geist	Manmiller	Smith, E. H.
Bowser	George, C.	Michlovic	Smith, L. E.

Brandt	Giammarco	Micozzie	Spencer
Brown	Gladeck	Milanovich	Spitz
Burd	Goebel	Moehlmann	Stairs
Burns	Goodman	Mowery	Steighner
Caltagirone	Grabowski	Mrkonic	Stewart
Cappabianca	Greenfield	Mullen	Street
Cessar	Grieco	Murphy	Stuban
Chess	Gruppo	Nahill	Sweet
Cimini	Hagarty	Novak	Swift
Civera	Halverson	Noye	Taddonio
Clark, B. D.	Hasay	O'Brien, B. F.	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Cochran	Hoeffel	O'Donnell	Telek
Cohen	Honaman	Oliver	Thomas
Cole	Hutchinson, W.	Perzel	Trello
Cornell	Irviss	Petrarca	Vroon
Coslett	Itkin	Phillips	Wachob
Cunningham	Johnson, E. G.	Piccola	Wargo
DeMedio	Kanuck	Pievsky	Wass
DeVerte	Klingaman	Pistella	Wenger
DeWeese	Knepper	Pitts	White
DiCarlo	Knight	Polite	Williams
Davies	Kolter	Pott	Wilson
Dawida	Kowalshyn	Pratt	Wilt
Dietz	Kukovich	Pucciarelli	Wright, D. R.
Dombrowski	Lashinge	Punt	Wright, Jr., J.
Donatucci, R.	Laughlin	Pyles	Yahner
Dorr	Lehr	Rappaport	Yohn
Duffy	Lescovitz	Reed	Zeller
Durham	Letterman	Rhodes	Zitterman
Earley	Levi	Richardson	Zord
Fee	Levin	Rieger	Zwinkl
Fischer	Lewis	Ritter	
Fisher	Livengood	Rocks	Seltzer,
Foster, W. W.	McCall	Rodgers	Speaker
Foster, Jr., A.	McClatchy		

NAYS—0

NOT VOTING—15

Arty	George, M. H.	Johnson, J. J.	Serafini
Belardi	Gray	Jones	Shadding
Cowell	Harper	Miller	Sirianni
Dumas	Hutchinson, A.	Rasco	

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

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

REMARKS ON VOTES

The **SPEAKER**. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, on SB 1246 my vote was not recorded, and I would like to indicate that had it been recorded, I would have voted in the affirmative.

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

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

Mr. COWELL. Mr. Speaker, on the most previous vote, on SB 1135, I do not believe my light was on. If I have not been previously recorded, I want to be recorded in the affirmative on SB 1135.

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

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. My switch was not operating on SB 1135. I would like to be recorded in the affirmative.

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

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

Mr. BELARDI. Mr. Speaker, I would like to be recorded in the affirmative on SB 1135.

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

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

Mr. SERAFINI. Mr. Speaker, I would like to be recorded in the affirmative on SB 1135.

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

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

Mrs. ARTY. Mr. Speaker, may I be recorded in the affirmative for SB 1135?

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

The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, may I be recorded in the affirmative on SB 1135?

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

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

Mrs. GEORGE. Mr. Speaker, it appears the votes were recorded terribly fast the last time, and a lot of us did not get a chance to push our buttons. I would like to be recorded in the affirmative on SB 1135.

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

**BILLS ON THIRD CONSIDERATION
CONTINUED**

The House proceeded to third consideration of **SB 1137, PN 1660**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," increasing the interest rate for computation of minimum non-forfeiture benefits and cash surrender values required in life insurance policies.

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

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

The question is, shall the bill pass finally?

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

YEAS—189

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

NAYS—0

NOT VOTING—6

Gray	Jones	Stairs	Street
Johnson, J. J.	Shadding		

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

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

* * *

The House proceeded to third consideration of **SB 1162, PN 1661**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of

one thousand nine hundred and twenty-one," further regulating the computation of the reserve liability of life insurance policies and annuity contracts.

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—191

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

NAYS—0

NOT VOTING—4

Gray	Johnson, J. J.	Jones	Shadding
------	----------------	-------	----------

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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.

REQUEST TO CALL UP HB 90

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Goebel, rise?

Mr. GOEBEL. Mr. Speaker, on page 7 I would like to call up HB 90.

The SPEAKER. Will the gentleman wait until the Chair reaches that bill?

Mr. GOEBEL. I certainly will, Mr. Speaker. I just did not want it to slip by you as it sometimes can do.

The SPEAKER. The gentleman has given notice to the Chair that when he reaches HB 90, he wishes to have it considered. The Chair thanks the gentleman.

* * *

The House proceeded to third consideration of **HB 2607, PN 3451**, entitled:

An Act amending the act of July 16, 1979 (No. 14A), entitled "An act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors," increasing the appropriation for the State Workmen's Insurance Fund.

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—182

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

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

NAYS—0

NOT VOTING—13

Austin	Greenfield	Jones	Shadding
Dumas	Irvis	Maiale	Street
Giammarco	Johnson, J. J.	Pucciarelli	Taylor, F.
Gray			

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

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

* * *

The House proceeded to third consideration of **HB 90, PN 101**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), defining the term "taxable income" to exclude from the corporate income tax the amortization of certified pollution control devices.

On the question,

Will the House agree to the bill on third consideration?

Mr. YOHN offered the following amendments:

Amend Sec. 1, page 1, line 17, by inserting before "No. 306" P. L. 1287,

Amend Sec. 2, page 3, line 17, by striking out "immediately" and inserting January 1, 1981

On the question,

Will the House agree to the amendments?

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

Mr. YOHN. Mr. Speaker, I believe this is an agreed-to amendment. Basically, all it does is to specify the effective date of the act to be January 1, 1981, rather than immediately. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—8

Austin	Hutchinson, W.	Johnson, J. J.	Levi
Gray	Irvis	Jones	Shadding

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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. PRATT offered the following amendments:

Amend Title, page 1, line 10, by inserting after "penalties," further providing for the sales tax exclusion for weekly shoppers guides and

Amend Bill, page 1, by inserting between lines 14 and 15

Section 1. Clause (30) of section 204, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," is amended to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

(30) The sale at retail or use of (i) periodicals and publications which are published at regular intervals not exceeding three months, circulated among the general public and containing matters of general interest and reports of current events or (ii) weekly shoppers guides, news shoppers, or publications offered as a free publication to the general public which consist primarily of paid commercial advertisements from business or other organizations or associations, or free advertisements of individuals, non-commercial members of the general public, or a combination of both but not including periodic free supplemental publications consisting primarily of advertisements of one advertiser.

Amend Sec. 1, page 1, line 15, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 16 and 17, by striking out "of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971,""

Amend Sec. 2, page 3, line 17, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

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

Mr. PRATT. What I am trying to do with this amendment, Mr. Speaker, is I am trying to exclude from the sales tax weekly shopper guides, those newspapers or weekly publications that are published once a week throughout the Commonwealth, and there are not too many of them. I believe there are probably— Well, I cannot even guess, but there are not too many of them. What I am trying to do is state that these publications shall be free of sales tax, because what is happening now, Mr. Speaker, is the Department of Revenue is picking on these weekly publications one by one and auditing each of these newspapers, making them liable for the sales tax. Many of these weekly publications are printed off the premises by an independent printing company. However, the Department of Revenue is auditing and assessing a sales tax based upon the materials used to print the publication. Most of these publications are distributed free of charge. The Department of Revenue says that if they charge a fee or sell the publication for whatever amount, the publications would be free of sales tax, and what is happening is many of these publications are being sold for one penny, one cent, to avoid this particular provision and the regulations and the Tax Reform Act of 1971.

I have tried to draft the language of the amendment so that the amendment does not include those particular supplemental advertisements which are added to your daily newspapers or Sunday newspapers or are put in the mailboxes throughout your communities, and I am hoping, Mr. Speaker, that this amendment is adopted. I do not believe it is going to mean any loss of revenues to the Commonwealth, because most of these publications are not taxed now. The problem is the Department of Revenue is attempting to tax them. Thank you, Mr. Speaker.

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

Mr. GOEBEL. Mr. Speaker, I would rise to oppose the amendment. I think it is probably a problem we should deal with, but I think it has nothing to do with pollution control equipment, and I would hate to muddy the water on this bill. I think it should be a separate issue. Even though it may be well justified that the problem should be dealt with, I do not think it should be tacked onto this particular bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—53

Beloff	Foster, Jr., A.	Livengood	Rhodes
Bennett	Gatski	McCall	Ritter
Berson	George, C.	Manmiller	Scheaffer
Borski	Goodman	Milanovich	Schmitt
Brown	Gruppo	Moehlmann	Schweder
Caltagirone	Hasay	Mullen	Stuban
Cappabianca	Hutchinson, A.	O'Brien, B. F.	Sweet
Clark, B. D.	Irvis	O'Donnell	Taylor, F.
Cochran	Klingaman	Petrarca	Wachob
Cohen	Kolter	Pratt	Wright, D. R.
Cole	Kowalshyn	Punt	Yahner
DiCarlo	Lescovitz	Rappaport	Zeller
Dombrowski	Letterman	Reed	Zwilk
Fee			

NAYS—136

Alden	Freind	McKelvey	Serafini
Anderson	Fryer	McMonagle	Seventy
Armstrong	Gallagher	McVerry	Shupnik
Arty	Gallen	Mackowski	Sieminski
Austin	Gamble	Madigan	Sirianni
Belardi	Gannon	Maiale	Smith, E. H.
Bittle	Geesey	Manderino	Smith, L. E.
Bowser	Geist	Michlovic	Spencer
Brandt	Giammarco	Micozzie	Spitz
Burd	Gladeck	Miller	Stairs
Burns	Goebel	Mrkonic	Steighner
Cessar	Grabowski	Murphy	Stewart
Chess	Greenfield	Nahill	Street
Cimini	Grieco	Novak	Swift
Civera	Hagarty	Noye	Taddonio
Clark, M. R.	Halverson	O'Brien, D. M.	Taylor, E. Z.
Cornell	Harper	Oliver	Telek
Coslett	Hayes, Jr., S.	Perzel	Thomas
Cowell	Hoefel	Phillips	Trello
Cunningham	Honaman	Piccola	Vroon
DeMedio	Hutchinson, W.	Pievsky	Wargo
DeVerter	Itkin	Pistella	Wass
DeWeese	Johnson, E. G.	Pitts	Wenger
Davies	Kanuck	Polite	White
Dawida	Knepper	Pott	Williams
Dietz	Knight	Pucciarelli	Wilson
Donatucci, R.	Kukovich	Pyles	Wilt
Dorr	Lashinger	Rasco	Wright, Jr., J.
Duffy	Laughlin	Richardson	Yohn
Dumas	Lehr	Rieger	Zitterman
Durham	Levi	Rocks	Zord
Earley	Levin	Rodgers	
Fischer	Lewis	Ryan	Seltzer,
Fisher	McClatchy	Salvatore	Speaker
Foster, W. W.	McIntyre		

NOT VOTING—6

George, M. H.	Johnson, J. J.	Mowery	Shadding
Gray	Jones		

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—186

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

NAYS—0

NOT VOTING—9

Bennett	Jones	Rhodes	Spencer
Gray	Mackowski	Shadding	Street
Johnson, J. J.			

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. I was out of my seat when the vote was taken on the Yohn amendment 6531 and I would like to be recorded in the affirmative, please.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 1288, PN 1619, entitled:

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing changes in withdrawal of accounts and providing for Negotiable Orders of Withdrawal.

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—187

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

Coslett	Hutchinson, A.	Petrarca	Vroon
Cowell	Hutchinson, W.	Phillips	Wachob
Cunningham	Irvis	Piccola	Wargo
DeMedio	Itkin	Pievsky	Wass
DeVerter	Johnson, E. G.	Pistella	Wenger
DeWeese	Kanuck	Pitts	White
DiCarlo	Knepper	Polite	Williams
Davies	Knight	Pott	Wilson
Dawida	Kolter	Pratt	Wilt
Dietz	Kowalyshyn	Pucciarelli	Wright, D. R.
Dombrowski	Kukovich	Punt	Wright, Jr., J.
Donatucci, R.	Lashingier	Pyles	Yahner
Dorr	Laughlin	Rappaport	Yohn
Duffy	Lehr	Rasco	Zeller
Dumas	Lescovitz	Reed	Zitterman
Durham	Levi	Rhodes	Zord
Earley	Levin	Richardson	Zwilk
Fee	Lewis	Rieger	
Fischer	Livengood	Ritter	Seltzer,
Fisher	McCall	Rocks	Speaker
Foster, W. W.			

NAYS—0

NOT VOTING—8

Bennett	Johnson, J. J.	Klingaman	Shadding
Gray	Jones	Letterman	Street

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

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

* * *

The House proceeded to third consideration of **HB 1837, PN 3406**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for certain remedies against individuals violating provisions relating to electronic surveillance and for certain defenses.

On the question,

Will the House agree to the bill on third consideration?

Mr. BERSON offered the following amendments:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for the use of the contents of intercepted communications and for suppression of the contents of intercepted communications and

Amend Bill, page 1, by inserting between lines 7 and 8

Section 1. Sections 5720 and 5721(b) of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, are amended to read:

§ 5720. Service of copy of order and application before disclosure of intercepted communication in trial, hearing or proceeding.

The contents of any wire or oral communication intercepted in accordance with the provisions of this chapter, or evidence derived therefrom, shall not be disclosed in any trial, hearing, or other adversary proceeding before any court of the Commonwealth unless not less than ten days before the trial, hearing or proceeding the parties to the action have been served with a copy of the order, the accompanying application and the final report under which the interception was authorized or, in the case of an interception under section 5704

(relating to exceptions to prohibition on interception and disclosure of communications), notice of the fact and nature of the interception. The service of inventory, order, application, and final report required by this section may be waived by the court only where it finds that the service is not feasible and that the parties will not be prejudiced by the failure to make the service. Nothing in this section shall affect the right of any party to obtain pretrial discovery pursuant to general rules of court.

§ 5721. Suppression of contents of intercepted communication or derivative evidence.

* * *

(b) Procedure.—The motion shall be made [at least ten days before the trial, hearing, or other adversary proceeding] within the time fixed by the Pennsylvania Rules of Criminal Procedure for filing pretrial motions unless there was no opportunity to make the motion or the moving party was not aware of the grounds for the motion. Motions by co-indictees are to be heard in a single consolidated hearing. The court, upon the filing of such motion by the aggrieved person, shall make available to the aggrieved person or his counsel the intercepted communication and evidence derived therefrom. If the motion is granted, the entire contents of all intercepted wire or oral communications obtained during or after any interception which is determined to be in violation of this chapter under subsection (a) or evidence derived therefrom, shall not be received in evidence in the trial, hearing or other adversary proceeding.

* * *

Amend Sec. 1, page 1, line 8, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 8 to 10, by striking out "act of November" in line 8, all of line 9 and "Consolidated Statutes," in line 10

Amend Sec. 2, page 2, line 25, by striking out "2." and inserting 3.

Amend Sec. 3, page 3, line 13, by striking out "3." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. BERSON. Mr. Speaker, this is a technical amendment to the Wiretap Act, designed to bring the act into conformity with the Pennsylvania Rules of Criminal Procedure. The act, as it stands, requires the disclosure or discovery of wiretap evidence 10 days before the trial. However, the Pennsylvania Rules of Criminal Procedure provides that discovery in criminal cases has to be completed 14 days after arraignment. There is a similar provision with respect to filing pretrial motions with respect to wiretap evidence. Both these sections are amended by my amendment to make it clear that the Pennsylvania Rules of Criminal Procedure control the timetable for the discovery and for the making of pretrial motions with respect to wiretap evidence, and that is all that they do.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—186

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

NAYS—0

NOT VOTING—9

Arty	Gallen	Johnson, J. J.	Shadding
Bennett	Gray	Jones	Street
Borski			

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

On the question,

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

Mr. O'DONNELL offered the following amendments:

Amend Sec. 1 (Sec. 5725), page 2, line 23, by striking out "GOOD FAITH" and inserting reasonable

Amend Sec. 1 (Sec. 5725), page 2, line 24, by inserting a period after "ORDER"

Amend Sec. 1 (Sec. 5725), page 2, line 24, by striking out "OR THE PROVISIONS OF THIS CHAPTER."

On the question,

Will the House agree to the amendments?

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

Mr. O'DONNELL. Mr. Speaker, the present wiretap law provides for three penalties for people who wiretap and do it outside the confines of the law, and those are: removal from office, loss of pension, and you can also be sued civilly. The present bill provides a very, very broad defense for anybody wiretapping, a very broad defense against the loss of their pension, against removal from office and also against the civil suit. The purpose of my amendment and what the amendment does is to limit the nature of the defense in civil actions only. It does not affect the bill in terms of the defense available for the removal of pension or the removal from office.

The bill provides presently that a complete defense is available to a wiretapper if he acts in good faith in reliance on the statute or on a court order. My amendment would change that defense and make it reasonable reliance rather than good faith, and a reliance on a court order and not merely on a reading of the statute. My understanding of the difference between those two standards is that a reasonable reliance is one that can be found to be reasonable and that is as observed by a third party, and good faith merely means honesty in fact. The effect of the amendment would be to narrow the defense available and to, in effect, urge wiretappers, if they want to proceed under the statute, to get a court order and therefore have the fullest protection.

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

Mr. SPENCER. Mr. Speaker, I would urge a "no" vote on this amendment. The purpose of the bill was to put into use by the enforcement officers, Wiretap and the Surveillance Act. Because of the restrictions, both criminally and civilly, this has not been used, and so the terminology is finally agreed upon between the parties that were interested, including the enforcement officers, including the ACLU, - American Civil Liberties Union - and it pretty much conforms to what the Federal wiretap statutes consider. To use reasonable reliance would again put a question mark in the mind of any individual that was required or requested to wiretap, and, therefore, rather than expose himself to an unknown quantity, they would not go through with it. Therefore, I would ask for defeat of this amendment.

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

Mr. O'DONNELL. Mr. Speaker, I think the only real argument that was raised in committee or at least so far here on the floor is that the wiretappers are afraid to go ahead with wiretapping because of the potential liabilities that they involve. This bill takes care of them in the sense that it removes any real threat that they are going to be removed from office. It removes any real threats that they are going to lose their pensions, and it still provides a defense from a civil action for a wiretapper. It only requires

that he act in reliance on a court order and act reasonably. I do not think that is such a rigorous standard to impose on people who are going to be invading our privacy.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—98

Austin	Gallagher	Livengood	Rieger
Belardi	Gamble	McCall	Ritter
Beloff	Gannon	McIntyre	Rodgers
Bennett	Gatski	McMonagle	Schmitt
Berson	George, C.	Maiale	Schweder
Borski	George, M. H.	Manderino	Serafini
Brown	Giammarco	Michlovic	Seventy
Burns	Goebel	Milanovich	Shupnik
Caltagirone	Goodman	Mrkonic	Stairs
Cappabianca	Grabowski	Mullen	Steighner
Chess	Greenfield	Murphy	Stewart
Clark, B. D.	Harper	Novak	Street
Cohen	Hoefel	O'Brien, B. F.	Stuban
Cole	Hutchinson, A.	O'Donnell	Sweet
Cowell	Irvn	Oliver	Taylor, F.
DeMedio	Itkin	Petrarca	Trello
DeWeese	Kanuck	Pievsky	Wachob
DiCarlo	Knight	Pistella	Wargo
Dawida	Kolter	Pratt	White
Dombrowski	Kowalshyn	Pucciarelli	Wilt
Donatucci, R.	Kukovich	Rappaport	Wright, D. R.
Duffy	Laughlin	Reed	Yahner
Dumas	Lescovitz	Rhodes	Zitterman
Fee	Letterman	Richardson	Zwikl
Fryer	Levin		

NAYS—91

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

NOT VOTING—6

Civera	Johnson, J. J.	Shadding	Williams
Gray	Jones		

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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 minority whip.

Mr. MANDERINO. Mr. Speaker, is there a sponsor of the bill that I might interrogate regarding the provisions of the bill?

The SPEAKER. Will the gentleman, Mr. Berson, stand for interrogation? The gentleman, Mr. Berson, indicates that he will, and he is sideling up beside the minority whip.

Mr. MANDERINO. Mr. Speaker, as I read the bill, we are changing the law of the Commonwealth of Pennsylvania as it presently exists regarding the penalty that any person would suffer in the event that they willfully or intentionally violated the statute regarding wiretapping. It is my understanding that the present statute of the Commonwealth uses the word "willfully" violating the provisions of the chapter regarding wiretapping, and we are changing that "willfully" to "intentionally". Is that correct?

Mr. BERSON. That is correct.

Mr. MANDERINO. Mr. Speaker, it is also my understanding that in addition to changing the word "willfully" to "intentionally" we are adding a section that makes it a complete defense, a complete defense to any action brought for someone who might have now, as we have amended it, intentionally violated this act; that any person who has now intentionally violated this act shall have a complete defense if he acted in good faith reliance on the court orders or the provisions of this chapter. Is that correct?

Mr. BERSON. Not quite. Mr. O'Donnell's amendment, just adopted, as I understand it, struck the words "good faith reliance" and substituted the words "reasonable reliance".

Mr. MANDERINO. Mr. Speaker, unless I am looking at a wrong O'Donnell amendment, the O'Donnell amendment dealt with page 2, line 23; page 2, line 24; and page 2, line 24, and did not touch page 3 at all. The complete defense on page 3(B), "It is a defense to an action brought pursuant to subsection (A)," and subsection A is the one about intentional violation, it is a complete defense to that if you "acted in good faith reliance upon a court order or the provisions of this chapter." On page 3 that language appears.

Mr. BERSON. It was my understanding that Mr. O'Donnell amended that language in both places since it is identical, and on line 23—

Mr. MANDERINO. I show you the O'Donnell amendment and ask you whether or not it amends page 3 at all? It does not amend page 3.

Mr. BERSON. If he did not, he did not. The language is sub—

Mr. MANDERINO. Therefore, I will repeat my question. Is it a complete defense?

Mr. BERSON. Yes, sir. It is the language that appears in the Federal wiretapping statute word for word.

Mr. MANDERINO. All right. Now, it is my understanding also that we are amending present law. Now it says if you intentionally violate the statute where the law previously said that you had the possibility of losing your pension, we are taking that language out completely so that the law of Pennsylvania, if this passes, will say that you can intentionally violate the statute, intentionally wiretap people whom you should not be wiretapping under this law, under any court order, and we cannot touch your pension. Is that correct?

Mr. BERSON. That is correct. It was the identical situation under Federal law that has existed for many years.

Mr. MANDERINO. Mr. Speaker, I have no further questions for this gentleman.

I had nothing to do with the passage of that Federal law, but I hope that I have something to do with whatever we pass in Pennsylvania. And in Pennsylvania, I think that anybody who intentionally violates a court order—I am not talking about negligently or I did not know or I did not understand. I am talking about intentionally violates the order—and intentionally violates the law that we passed prescribing under what circumstances conversations between individuals by wire can be eavesdropped upon, can be tapped, anybody who intentionally violates the law, we are removing, by passing this statute, the chance that they might lose whatever pension, if any, that they might be entitled to.

Now it would seem to me that the kind of a crime by a prosecutor who is an officer of the court, as an attorney, is guilty of an infraction of the law so inimicable to justice that a pension ought to be taken away from him, and we should not make it easier for them to violate the law. We passed that law. And what prosecutors are telling us now is, we do not want to be penalized even if we intentionally violate the law you passed, which prescribes the limits, the parameters, and the safeguards to the people's rights; even if we intentionally violate those, we do not want to suffer penalty. I say they should suffer the penalties. I say as long as Mr. O'Donnell did not change that section and did not change page 3 at all, we ought to defeat this bill and put it in better shape before we attempt passage. Thank you, Mr. Speaker.

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

Mr. BERSON. Mr. Speaker, I think that the issue here is really a question of what you want to do. The prosecutors have said that they can live with a penalty that involves their removal from office for improper wiretapping, but they feel that in addition to losing or being removed from office, that they forfeit all of their pension rights in addition to the other civil penalties that are provided for in this act for improper wiretapping, they felt that that goes too far. And because it goes too far, and because the removal from office and the pension forfeiture provisions appear nowhere in Federal law, it just is a question, I think, of

whether you want this law enforced or you want it to become a dead letter.

The prosecutor's position is that if that is the penalty for making a mistake under this act, then it is too great a penalty and they will not utilize the statute. So I suspect that the issue before the House is whether you want to see this act utilized in dealing with organized crime or you do not, because the reading we are getting from the prosecutors is that if we retain the act in its present form, it simply will become a dead letter. I, for one, think that act can be useful in dealing with organized crime. We passed it overwhelmingly in the last session, and I think we ought to try to mediate the differences that we have with the prosecutors and our district attorneys and see if this bill can be made to work. I do not see that removal of the provision with relation to the forfeiture of their pension is such a retreat from the penalties imposed upon them, the civil penalties, the forfeiture of their office if they improperly wiretap; I do not see that as opening the door to indiscriminate wiretapping that has been suggested here today might occur. I just do not think that is a realistic possibility. Therefore, I would urge that the bill be passed.

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

Mr. A. K. HUTCHINSON. One thing about it, if I go away and make a mistake or commit a crime, I lose my pension. Before we passed this wiretapping act, we were all very wary of the FBI - Federal Bureau of Investigation - and the way they used it. That is why that was in the law in the first place and I think that is the way it ought to stay. If I lose my pension when I make a mistake or commit a crime, I think the district attorneys ought to be under the same laws. Thank you very much.

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

Mr. SPENCER. Mr. Speaker, what my good friend, Mr. Amos Hutchinson, is not recalling in this bill, and what Mr. Norm Berson hit right on the nose is this fact: Before any person is allowed to wiretap, they must go into court and have a court order requesting it, and the requirements to get that court order are very, very, very strict. It is infrequently that they are given. Then what you are saying is, if I am a district attorney and I get permission to wiretap and I get a court order, then I order an employe of mine to tap the line and I tell them I have the court order, and he in reliance of that court order and what I say and taps the wire. Then under the present law he would be subjected to criminal and civil penalties. What we are saying now is that if he relied by a good faith reliance on the court order, he could not be prosecuted. So you have got to get the court order first.

If you do not want the bill to work, then you should not pass it if you do not believe it. But if you want to help law enforcement, you want to protect employes—not the top dog but the employes of law enforcement agencies—you should adopt this bill. Thank you.

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

Mr. A. K. HUTCHINSON. I know you have to get a court order, but after you get the court order, something else could go astray.

Before this bill was passed, it was illegal to wiretap. We had a state policeman caught down in Montgomery County wiretapping, so that is not going to stop anybody just because a judge has to give an order.

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, I guess I am really confused after Mr. Spencer's response of Mr. Hutchinson, because he indicates to the floor of this House that there may be an employe in some form of government who gets an order from a district attorney or a prosecutor to carry out a wiretap when indeed a court order might not be in existence. And what he is saying to this House is, what we ought to do is protect that poor employe who is going out and initiating the action. What he is also saying to us—and we all know through the years that wiretap has been one of the most abused systems used in this country, and evidently there must be instances or there must be cases such as Mr. Spencer talked about, that there are some prosecutors in some areas who are indeed giving these challenges or these orders without substantive court orders—and I am saying that Mr. Manderino did bring up a point and I think it is a very valid point, and I think the argument could go on back and forth all day, but I also know that this House is not going to, in its wisdom, stand up and vote against this legislation because of the accounts that may be reported in the news media on the final version of this vote. Mr. Speaker, because of Mr. Manderino's comments, because of the sensitivity of the issue, I make a motion that we recommit HB 1837 back to the Committee on Judiciary.

The SPEAKER. The gentleman from Erie, Mr. DiCarlo, moves that HB 1837 be recommitted to the Committee on Judiciary. The question is on the motion.

The Chair recognizes the chairman of the Committee on Judiciary, Mr. Spencer.

Mr. SPENCER. I am not going to take anymore time of the House on this bill now, but I just wish you would vote against this motion of recommitment and get on with the business. Thank you.

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

Mr. ZELLER. Is the recommitment debatable?

The SPEAKER. Only on the reason to recommit.

Does the gentleman from Schuylkill, Mr. Hutchinson, wish to be recognized on the recommitment?

Mr. W. D. HUTCHINSON. Mr. Speaker, I do not think that the recommitment would serve any useful purpose. I oppose it. The problems are admittedly difficult ones in balancing, but it was very carefully considered in Judiciary and the legislation that we presented, we think, represented

our best judgment. I think we should defeat the motion and then proceed to the merits of the bill.

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

The following roll call was recorded:

YEAS—72

Beloff	Fee	Levin	Richardson
Bennett	Gamble	McCall	Rieger
Borski	Gatski	McIntyre	Ritter
Cappabianca	George, C.	McMonagle	Schweder
Chess	Giammarco	Maiale	Seventy
Clark, B. D.	Goebel	Manderino	Shupnik
Cochran	Goodman	Michlovic	Steighner
Cohen	Grabowski	Milanovich	Stewart
Cole	Gray	Mullen	Street
Cowell	Harper	Murphy	Suban
DeMedio	Hoeffel	Novak	Taylor, F.
DeWeese	Hutchinson, A.	O'Brien, B. F.	Trello
DiCarlo	Irvic	O'Donnell	Wargo
Dawida	Knight	Petrarca	Wright, D. R.
Dombrowski	Kolter	Pistella	Yahner
Donatucci, R.	Kukovich	Pratt	Zeller
Duffy	Laughlin	Pucciarelli	Zitterman
Dumas	Letterman	Rhodes	Zwilk

NAYS—117

Alden	Foster, Jr., A.	McKelvey	Scheaffer
Anderson	Freind	McVerry	Serafini
Armstrong	Fryer	Mackowski	Sieminski
Arty	Gallagher	Madigan	Sirianni
Austin	Gallen	Manmiller	Smith, E. H.
Belardi	Gannon	Micozzie	Smith, L. E.
Berson	Geesey	Miller	Spencer
Bittle	Geist	Moehlmann	Spitz
Bowser	George, M. H.	Mowery	Stairs
Brandt	Gladeck	Mrkoncic	Sweet
Brown	Grieco	Nahill	Swift
Burd	Gruppo	Noye	Taddonio
Burns	Hagarty	O'Brien, D. M.	Taylor, E. Z.
Caltagirone	Halverson	Oliver	Telek
Cessar	Hasay	Perzel	Thomas
Cimini	Hayes, Jr., S.	Phillips	Vroon
Civera	Honaman	Piccola	Wachob
Clark, M. R.	Hutchinson, W.	Pievsky	Wass
Cornell	Johnson, E. G.	Pitts	Wenger
Coslett	Kanuck	Polite	White
Cunningham	Klingaman	Pott	Williams
DeVerter	Knepper	Punt	Wilson
Davies	Kowalshyn	Pyles	Wilt
Dietz	Lashingier	Rappaport	Wright, Jr., J.
Dorr	Lehr	Rasco	Yohn
Durham	Lescovitz	Reed	Zord
Earley	Levi	Rocks	
Fischer	Lewis	Rodgers	Seltzer,
Fisher	Livengood	Ryan	Speaker
Foster, W. W.	McClatchy	Salvatore	

NOT VOTING—6

Greenfield	Johnson, J. J.	Schmitt	Shadding
Itkin	Jones		

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

On the question recurring,
Shall the bill pass finally?

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

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman from Philadelphia, Mr. Berson, consent to a further interrogation?

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

Mr. W. D. HUTCHINSON. Mr. Speaker, could the gentleman enlighten me, since I am just not sure of the answer to this. In response to Mr. Amos Hutchinson's references to pension and the problems with pension, we had passed a general statute relating to the deprivation of a person who is not getting his pension if he committed an unlawful official act, if he violated the statute in an official manner. Is that correct?

Mr. BERSON. That is correct. That is my understanding of the law.

Mr. W. D. HUTCHINSON. Okay. And that was a very general statute. There was a great deal of debate around here, and some of the debate centered in fact on the kind of horror stories that we could lose our pensions and any state official indeed could lose his pension for the simplest kind of violation, one that you would not normally expect to lose it for. I think that is correct also, and that was one of the problems with it. Does the gentleman know whether that statute would apply to persons who would engage in unlawful wiretapping?

Mr. BERSON. I am not sure, but I do not believe it is made a crime.

Mr. W. D. HUTCHINSON. All right. Under the wiretapping provisions, is not the—

Mr. BERSON. There are civil penalties in this.

Mr. W. D. HUTCHINSON. Okay, that is just in this bill there are civil penalties. Is that correct?

Mr. BERSON. In the Wiretap Act there are civil penalties.

Mr. W. D. HUTCHINSON. But no criminal penalties?

Mr. BERSON. My recollection is not clear. I guess there are criminal penalties. My memory is not that clear, but I think there are, yes. For improper wiretapping there are criminal penalties.

Mr. W. D. HUTCHINSON. All right. Does the gentleman, Mr. Rhodes, have an answer to that question? Are there criminal penalties in the wiretap statute for improper wiretapping?

Mr. RHODES. Yes, there are.

Mr. W. D. HUTCHINSON. There are. All right, Mr. Speaker, that ends my interrogation.

I would say to the gentleman from Westmoreland, Mr. Hutchinson, this was considered in Judiciary Committee and one of the questions raised was, if you put the pension deprivation section in here, what were you really accomplishing by adding one more specific section, since we already had a general statute that said that if you committed a criminal act you could be deprived of your pension and since the Wiretap Act itself made improper wiretapping a criminal provision? So there was no intention

to give a special benefit to the person who unlawfully wiretaps and so on. The fact is that he is subject to the pension law just the same as we are and anyone else, and if he criminally acts in connection with wiretapping, then assuming that statute is constitutional, he could be deprived of his pension. So I do not think that is a serious issue.

I would have other comments. The minority whip has, as usual, seized on a couple of words in this and he has seized on the word "intentionally" and he said that has greatly loosened up this statute. Now, I am not sure whether he is correct in that because as a matter of fact we have always this question in the law between willfully and intentionally, and I would point out that the bill, as it came out of the Judiciary Committee, was amended to delete the requirement of malice, so that all the person has to do is intentionally violate it. He does not have to purposely violate it. Those distinctions may be slippery ones, but I am not so sure that the bill is that much weakened.

Finally, I would point out that we passed these statutes because we felt they were needed, I personally was not happy with the wiretapping thing, but we felt they were needed, and when we passed them we felt that in order to control organized crime and in order to control many corruption problems in this Commonwealth, we needed a Wiretap Act. Now, when we did that, we are advised and we had testimony in the committee that the district attorney of Philadelphia, the district attorneys in the major jurisdictions have simply not been able to use this act without this bill. And there were compromises worked out to give them the good faith reliance, and we put the civil action in for that purpose.

Now the real issue here is: Do you want to have a Wiretap Act that is usable with reasonable protections for the public or do you just want to play another charade and say we passed that crime package a few years ago, now the heat is off, folks, and we do not need it anymore, but we do not really want to come out and say that, so we are just going to let it go and let it be a dead letter because nobody will use it under penalties that are in the act now without some amendment. I am not completely happy with the compromises that were all worked out here, but the fact is that I think it offers a reasonable protection. I find it difficult to see how a high official could claim that he was acting in good faith if he did not have a court order. It is possible that he might misrepresent to a lower official what the terms of that court order would allow, and then I think that lower official should be protected. I think this is good legislation. It is needed if the act is to become effective, and I think we should vote in favor of it. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Spencer, indicated that somehow it was a saving grace and it saved this legislation from being what I described it was because a court order was necessary, which would detail the kinds of limitations within which the prosecutor must act in tapping anyone's conversations by wire. Well, we all knew and I knew that a court order was necessary, but what this

legislation says is that you can intentionally violate that court order, which limits you in what you can do, which tells you under what circumstances this individual can have his conversations listened to without his knowledge, and you can intentionally violate what the court told you you must do and still we do not have to worry about loss of pension. Mr. Hutchinson is entirely wrong. He is entirely incorrect when he alludes to the law we passed about forfeiture of pension rights when you are a state employe or receiving pensions from the Commonwealth. We, in that particular statute—and I am sure you will recall when I remind you—pointed to specific sections of the Criminal Code, and we outlined which sections of the Criminal Code of the Commonwealth of Pennsylvania being violated would subject someone to loss of pension rights. And this particular section of the Criminal Code was not one of them. So prosecutors, officers of the court, can violate, can commit a crime. If Mr. Rhodes is correct, that is a crime to violate the statute and to violate the court order. They can commit that kind of a crime and not lose any rights of pension. I think that is wrong. I think it is wrong for Mr. Hutchinson, Mr. Spencer and Mr. Berson to suggest to this body that our prosecutors across this Commonwealth are unwilling, are unwilling to execute the law, to do their job, unless they are given the privilege of intentionally violating the law without loss of pension rights, because that is what they are telling us. They are saying the prosecutors have told us they will not enforce the law; they will not do what they are supposed to do under the statute; they will not use the tools of investigation that we have given them, however reluctantly they were given to them and however we tried to safeguard the individual rights of citizens when we gave them those rights; they will not use that investigative tool that they told us they needed so badly to get at organized crime and to get at corruption; they will not use that tool unless we give them immunity, immunity from loss of pension if they intentionally violate the proscription of the court order or the proscription of the law that we have passed. That is ridiculous. And if you really think about this, and think about it deeply, I think you are going to have to agree with me in principle and in your mind that you ought to vote against this. And I know a lot of you who will come to that conclusion will be afraid to do it, and I understand that too, but I am going to vote against this bill. Thank you, Mr. Speaker.

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

Mr. RHODES. Mr. Speaker, as some of you may know, I was chairman of the Subcommittee on Crime and Corrections in the last session of this General Assembly and was chief sponsor of the wiretap statute that this bill seeks to amend. For the purposes of reviewing the circumstances under which the statute was created and the provisions inserted into the statute to provide protections to private citizens in the Commonwealth, I would like to review very briefly why the legislation has in it the abolition of a good faith defense and why the pension removal provision was included.

As my good friend, Mr. Hutchinson, points out, there are criminal penalties in the wiretap statute. What he fails to point out, and I know you are all aware of, under our criminal system the standard of proof for establishing criminal wrongdoing is much more severe than the standard of proof in the civil procedure. We felt a civil procedure was necessary to restrain improper use of the wiretap statute precisely because of the beyond-the-reasonable-doubt standard of proof contained in the criminal laws of the Commonwealth. Furthermore, we felt that the wiretap concept as a whole was a very special kind of problem because an individual could have his private life and private thoughts and private communications used against him to impugn his character, his profession, or his individuality far beyond the normal proceedings of a grand jury or the proceedings of a wiretap. In other words, the very nature of eavesdropping or wiretapping was of such a special quality, such a special intrusion in the privacy, that you had to provide very stringent provisions to discourage willy-nilly violations of that privacy, and that is why the civil proceeding was adopted as a way to protect individual privacy. I might point out the district attorneys raised serious objection to this attempt on our part to balance the statute giving them a fairly strong statute on the one hand, in terms of wiretapping, and at the same time giving the individual citizens of the Commonwealth the protection of the dangers or, should I say, the peril that a district attorney or attorney general would face if they wrongfully used a court order.

I will point out one further thing: If we enact HB 1837, we would disrupt this balance established within the wiretap statute. If you review the entire statute, my good friend, Mr. Spencer, points out that there are court orders required, but we made a decision when we wrote the wiretap statute that we would not rely on the courts, we would not rely on the courts to protect individual privacy; that we would rely on the peril the district attorneys and the attorney general would face if they improperly use the statute. In following up that concept, we wrote very broad mandates within the act in terms of court orders. If you read the act, you will see that it is not difficult to obtain a court order under the wiretap statute. That is purposeful; we intended it that way so there would not be a real impediment on the part of a district attorney or attorney general seeking court orders. If you look at the crimes that are articulated under the wiretap statute, practically every crime in the Commonwealth is enumerated. So there really is no real impediment to a district attorney or attorney general receiving a court order. Therefore, the only protection individual citizens in this Commonwealth have from the abuse of the act is the peril that district attorneys and an attorney general would face if they intentionally or otherwise violated the spirit of this act.

Mr. Speaker, I know that the attorney general and the district attorneys of the Commonwealth would like to see these provisions ripped out of the act, and I am sure they will be pleased if we would pass this bill. However, I guar-

antee you, if we do resist this effort to water down the statute today, there will be uses of the wiretap statute. This is just one last attempt to get the whole loaf, and I say to the members of the House, we would make a grave mistake today if we adopt HB 1837. I oppose it and I hope my colleagues will.

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

Mr. ZELLER. Mr. Speaker, I wish the members of this House could have gone through an experience I went through a couple years ago, and you would not loosen this up at all. Mr. Manderino and Mr. Rhodes are correct in regard to it is very easy to get a court order. But what you need to bring these people into reality, to be honest and sincere, is a tough penalty. Otherwise, every one of you in this room can become victim, as I was a couple years ago, and if you do not believe me, come to my office sometime and we will have a nice talk. So what I say to you is, do not open this up. I am very happy that I voted "no" on that amendment, and I believe that Mr. Manderino is correct in what he said in regard to section 3, and it is not covered.

When you talk about good faith or reasonable cause, what judge can read your mind, what judge knows what your intent is with the so-called double-talk and all this and that to go through. Any judge, the average judge, can give you a court order and say that was for reasonable cause, but if that individual is giving him a line to get that court order and they are abusing a privilege, then they should pay the price, because that is the only thing you have left for an individual, the protection of that individual's rights.

What about an individual who has been illegally wiretapped and found that it was incorrect? What about that person's life? Are these people proposing this worried about that individual? They seem to be only worried about the prosecutors and the attorney general. That is all they are worried about. Just get a load of the ones doing the talking. As a matter of fact, it is about time we start thinking about the people, your protection, our protection, and sometime stop by my office and we will have a nice talk. I went through it.

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

Mr. SPENCER. I am not sure whether Mr. Zeller's experience had to do with wiretapping, but I assume it did. I would like to point out the fact that the attempts by the opponents of this bill to say they can intentionally violate a court order is wrong. It is a complete defense, and I request that we vote in favor of this measure. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, I still have a question that has not been answered. Evidently Mr. Manderino and Mr. Hutchinson are in disagreement about whether a person who intentionally violates this law will lose his pension.

I am wondering, would the gentleman, Mr. Spencer, consent to brief interrogation to try and answer that question for this House?

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

Mr. DiCARLO. Mr. Speaker, can you enlighten this House, if a person involved violates or intentionally violates this law, a prosecutor or a person who is involved in carrying out the wiretap and he violates the law that is pending before us, will he lose his pension?

Mr. SPENCER. It depends on many circumstances. In the bill itself that part was amended out. If you look on page 3, line 8, you will see stricken "and the forfeiture of said officer, official or employee's pension benefit entitlements, if any." The reason I say it depends is because whether or not you can take away a person's vested interest is constitutional or not, as I understand it, is still before the courts. But this was taken out of this specific act here. He can lose his job and be removed from office.

Mr. DiCARLO. So then the answer is no, and Mr. Manderino, in his interrogation with Mr. Hutchinson, was absolutely right, that the pension benefits will not be forfeited. Is that right?

Mr. SPENCER. I do not know. I do not know. Under this act, they have been amended out of this act. Whether or not the general act that was approved by the Assembly would be broad enough to include this type of criminal activity, I really do not know. That is before the courts.

Mr. DiCARLO. Mr. Speaker, was it the intention of the Judiciary Committee to see that the pensions of this type of individual, a person who would intentionally violate the law, was it your intention in drafting the legislation to see that that pension would not be forfeited? Is that the intention of the committee and your intention?

Mr. SPENCER. I will have Mr. Hutchinson speak to that, but, if I recall, the intention was that if a person was working under orders of his superior, this was too severe a penalty. I will yield to Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, in answer to the inquiry of the gentleman from Erie, it is my understanding that it was not the intention of the Judiciary Committee to ensure that a person would get his pension, but it was rather the intention of the committee to leave the question of whether or not the pension should be forfeited to the general provisions of the statute on pension forfeitures. And if I may say further, at the time this was brought up and discussed in Judiciary Committee, it was my understanding, based on information that we had received from staff, that the general statute would apply to the official, the pension forfeiture statute, that while it did not speak of this section specifically, it would nevertheless apply to the person who intentionally used his official position to commit this kind of a trespass to violate the statute. That was my understanding. That was based on what I knew at that time.

Mr. DiCARLO. Mr. Speaker, I guess I am asking for a more firm action. It is your belief then, whether it is an elected attorney general who may take office next year or that the person is a state employe and intentionally violates the law, it is your understanding that that pension indeed would be forfeited?

Mr. W. D. HUTCHINSON. That would be my understanding. To give you a specific case that occurred some time ago, if this statute were in effect when the wiretapping in 1973 occurred by the State Police and the attorney general was wiretapping the State Police and one the other, it was my understanding and my opinion that in the case of the convictions of those people of that wiretap, they would have forfeited their pension under the general pension forfeiture law that we now have in effect. I am not speaking to the constitutionality of the law, but assuming if courts hold it constitutional, the statute would require the forfeiture of pensions, in my opinion.

Mr. DiCARLO. And indeed that would be your intention?

Mr. W. D. HUTCHINSON. I beg your pardon.

Mr. DiCARLO. And that indeed would be your intention on the bill before us?

Mr. W. D. HUTCHINSON. Yes; and that I think would stay the same. If I may, the reason we took the pension forfeiture section out of this particular statute, at least my reason for it, was that since we already had a pension forfeiture statute that we thought covers the situation, we thought it was wise not to have two different sections in the law in that connection but leave it to a general situation. It is my opinion, and I was so advised by staff, that the general statute would cover this situation.

Mr. DiCARLO. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, that reminds me of the bill we just had recently with the ophthalmologists and the medical doctors and eye doctors in regard to SB 770. What gets me is if it is in the statute now that a public official would abuse, they say a privilege and go against the law, that they would lose their pension. Then to tell us that if that is in the law, they do not have to have it in this law, or what is wrong with it, because what will happen is the courts will say that we have not made up our mind as to our intent. You have it in the general law and you do not have it in this, and they are going to say to us, well, my goodness, legislature, make your mind up. You have it in one and you do not have it in the other. Now, that is double-talk, absolute plain double-talk. So as far as I am concerned, if it is in the general law right now against a public official, why not have it in here. What is wrong with it? It sounds to me like this ophthalmology deal, which went through here a few weeks ago. I cannot believe it. As far as I am concerned, we are being sold the bill of goods that we were sold on SB 770. And I know it is law now; it went through, and I guess it was signed by the Governor on the ophthalmologists. So here we are getting again another good sleigh ride.

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

Mr. KUKOVICH. I was a little confused by the dialogue between Mr. DiCarlo and Mr. Hutchinson. I wonder if Mr. Hutchinson would respond to just one question?

Mr. W. D. HUTCHINSON. Certainly.

Mr. KUKOVICH. Thank you.

Mr. Speaker, it was my understanding that the general statute regarding forfeiture of pension only applied to state officials. Is that not the case? I might be mistaken, but that was my understanding of that. Is that so?

Mr. W. D. HUTCHINSON. No. I am so advised that that is not so, that it covers any official, a local official as well, who would improperly utilize his office. Of course, in that case it would apply to a local pension.

Mr. KUKOVICH. In the general statute, is it not so that there were specific crimes enumerated for the purpose of forfeiture of pension that would not apply to this bill?

Mr. W. D. HUTCHINSON. Right. You are asking two questions, and I can only answer one at a time.

Your first question was, are there specific crimes enumerated in the general statute?

Mr. KUKOVICH. Yes.

Mr. KUKOVICH. Well, how does that relate to this piece of legislation?

Mr. W. D. HUTCHINSON. Because the crimes that are enumerated, as I am advised and understand the situation, are so broadly defined that they would cover an intentional violation of this statute.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, I have no further questions.

That still has not cleared things up. There seems still to be no understanding about who the general statute applies to. But be that as it may, this bill is very clear in that it deletes the forfeiture of pension from the Wiretapping Act. How the general statute affects that, I really do not know.

My concern is—and this bill goes a little further than just talking about deleting that pension—it does make it easier. This bill in its totality makes it easier for district attorneys and prosecutors to wiretap, in my opinion. That concerns me.

I do not think wiretaps should be taken lightly. I think the question we have to ask ourselves now is a policy question. If we do allow district attorneys to wiretap in an easier manner than they have been able to prior to this time, what sort of chilling effect will that have on the first amendment rights of every individual of this Commonwealth? And I think it is a very important First Amendment question, and I think before we threaten our First Amendment rights, we have to make sure that we have a reciprocal chilling effect on those prosecutors and those law enforcement officials before they take that drastic action. I think if we vote for this bill, we will be performing a detriment to the First Amendment rights of free speech of the people of this Commonwealth and I would ask for a negative vote on HB 1837.

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—120

Alden	Fisher	McKelvey	Schmitt
Anderson	Foster, W. W.	McVerry	Serafini
Armstrong	Foster, Jr., A.	Mackowski	Shupnik
Arty	Freind	Madigan	Sieminski
Belardi	Gallen	Manmiller	Sirianni
Berson	Gannon	Micozzie	Smith, E. H.
Bittle	Geesey	Miller	Smith, L. E.
Bowser	Geist	Moehlmann	Spencer
Brandt	George, C.	Mowery	Spitz
Brown	George, M. H.	Mrkonic	Stairs
Burd	Gladeck	Nahill	Steighner
Burns	Grieco	Noye	Sweet
Caltagirone	Gruppo	O'Brien, D. M.	Swift
Cappabianca	Hagarty	O'Donnell	Taddonio
Cessar	Halverson	Oliver	Taylor, E. Z.
Cimini	Hayes, Jr., S.	Perzel	Thomas
Civera	Hoeffel	Phillips	Vroon
Clark, M. R.	Honaman	Piccola	Wargo
Cornell	Hutchinson, W.	Pitts	Wass
Cunningham	Itkin	Polite	Wenger
DeMedio	Johnson, E. G.	Pott	White
DeVerter	Klingaman	Pratt	Williams
Davies	Knepper	Pyles	Wilson
Dawida	Kowalshyn	Rappaport	Wilt
Dietz	Lashingier	Rasco	Wright, Jr., J.
Dorr	Lehr	Reed	Yohn
Dumas	Lescovitz	Rocks	Zord
Durham	Levi	Ryan	
Earley	Lewis	Salvatore	Seltzer,
Fee	Livengood	Scheaffer	Speaker
Fischer	McClatchy		

NAYS—69

Austin	Gatski	McCall	Rieger
Beloff	Giammarco	McMonagle	Ritter
Bennett	Goebel	Maiale	Rodgers
Chess	Goodman	Manderino	Schweder
Clark, B. D.	Grabowski	Michlovic	Seventy
Cochran	Gray	Milanovich	Stewart
Cohen	Harper	Mullen	Street
Cole	Hasay	Murphy	Stuban
Coslett	Hutchinson, A.	Novak	Taylor, F.
Cowell	Irvis	O'Brien, B. F.	Telek
DeWeese	Kanuck	Petrarca	Trello
DiCarlo	Knight	Pievsky	Wachob
Dombrowski	Kolter	Pistella	Wright, D. R.
Donatucci, R.	Kukovich	Pucciarelli	Yahner
Duffy	Laughlin	Punt	Zeller
Fryer	Letterman	Rhodes	Zitterman
Gallagher	Levin	Richardson	Zwinkl
Gamble			

NOT VOTING—6

Borski	Johnson, J. J.	McIntyre	Shadding
Greenfield	Jones		

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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

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

* * *

The House proceeded to third consideration of **SB 1299, PN 1633**, entitled:

An Act fixing the fees to be received by the Philadelphia Municipal Court in civil actions.

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

BILL RECOMMENDED

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

Mr. **RYAN**. Mr. Speaker, I move that SB 1299 be recommitted to the Committee on Finance.

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

BILLS 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 2109, PN 3423**, entitled:

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. **O'DONNELL** offered the following amendments:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting
Relating to the licensure and regulation of the lawful conduct of the game of bingo; and prescribing penalties.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Legislative intent.
- Section 3. Definitions.
- Section 4. Application for bingo license.
- Section 5. Application for license as commercial lessor.
- Section 6. Application for license as commercial distributor.
- Section 7. Investigation; matters to be determined, issuance and duration of license.
- Section 8. Form and contents of license; display of license.
- Section 9. Hearing; amendment of license.
- Section 10. Persons operating and conducting games; equipment; expenses; compensation.
- Section 11. Restriction upon conduct of bingo games.
- Section 12. Participation by persons under 18.
- Section 13. Frequency of game.
- Section 14. Advertising of bingo games.
- Section 15. Statement of receipts, expenses.
- Section 16. Control and supervision; suspension of licenses; inspection of premises.
- Section 17. Examination of books and records; examination of managers, etc; disclosure of information.
- Section 18. Power of the Secretary of Revenue to impose fines and penalties.
- Section 19. Report and recommendations.
- Section 20. Hearing of refusal, suspension or revocation of license.
- Section 21. Investigations and hearings.

- Section 22. Offenses.
 Section 23. Exemption from prosecution.
 Section 24. Disposition and appropriation of funds.
 Section 25. Severability.
 Section 26. Effective date.

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

Section 1. Short title.

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

Section 2. Legislative intent.

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

Section 3. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Department.” The Department of Revenue.

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

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

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

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

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

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

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

“Net proceeds.”

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

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

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

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

“Secretary.” The Secretary of Revenue.

“Sell or distribute.” Shall mean, but shall not be limited to, the following activities: offering for sale bingo supplies and

equipment, or receiving, handling, maintaining, storing the same on behalf of an authorized organization, and distributing or providing the same on behalf of such an organization.

Section 4. Application for bingo license.

(a) Each applicant for a license for a game, the gross receipts of which shall exceed \$50,000 for one year, shall after obtaining an identification number from the division file a written application therefor in the form prescribed in the rules and regulations of the department duly sworn, executed and verified in which shall be stated the information required below. Each applicant for a license for a game, the gross receipts of which shall not exceed \$50,000 and each applicant for a license for a limited period of bingo shall file a written application therefor in the form prescribed by the designated county officer duly sworn, executed and verified, in which shall be stated the information required below:

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

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

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

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

(5) All other items of expense intended to be incurred or paid in connection with the holding, operation and conducting of such games of bingo and the names and addresses of the persons to whom, and the purposes for which, they are to be paid.

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

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

(c) Each application to the department by an authorized organization for a license to conduct bingo shall be accompanied by the payment of an annual fee of \$200 plus a fee of \$10 for each bingo occasion. Each application to the county by an authorized organization for a license to conduct bingo shall be accompanied by the payment of such fees as are set by the county offices.

Section 5. Application for license as commercial lessor.

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

- (1) The name and address of the applicant.
- (2) The names and addresses of all of such applicants, owners, partners, directors, officers, stockholders, managers and representatives.
- (3) The designation and address of the premises intended to be covered by the license sought.
- (4) The lawful capacity for public assembly purposes.
- (5) The cost of the premises and the assessed valuation for real estate tax purposes, or the annual net lease rent, whichever is applicable.
- (6) The gross rentals received and the itemized expenses for the immediately preceding calendar or fiscal year, if any.
- (7) The gross rentals, if any, derived from bingo during the last preceding calendar or fiscal year.
- (8) The computation by which the proposed rental schedule was determined.
- (9) The number of occasions on which the applicant anticipates receiving rent for bingo during the ensuing year or shorter period if applicable.
- (10) The proposed rent for each such occasion;
- (11) The estimated gross rental income from all other sources during the ensuing year.
- (12) The estimated expenses itemized for the ensuing year and the amount of each item allocated to bingo rentals.
- (13) A statement that the applicant in all respects conforms with the specifications contained in the definition of "authorized commercial lessor" set forth in section 3, and such other information as shall be prescribed by such rules and regulations of the department.

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

Aggregate rental of \$1,000 to \$2,499..	\$50
Aggregate rental of \$2,500 to \$4,999..	\$125
Aggregate rental of \$5,000 to \$9,999..	\$250
Aggregate rental of \$10,000 to \$49,999..	\$500
Aggregate rental of \$50,000 to \$100,000..	\$2,500
Aggregate rental in excess of \$100,000 ..	\$5,000

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

Section 6. Application for license as commercial distributor.

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

- (1) The name and address of the applicant.
- (2) The names and addresses of all such applicants, owners, partners, directors, officers, stockholders, managers and representatives together with a statement of

the number of shares of stock or other measure of property interest each has taken in said applicant.

(3) The amount of gross receipts received and the itemized expenses for the immediately preceding calendar or fiscal year, if any.

(4) The amount of gross receipts, if any, realized on the sale or distribution of bingo supplies and equipment and the itemized expenses related thereto during the immediately preceding calendar or fiscal year.

(5) The computation by which the proposed bingo supplies and equipment price schedule was determined.

(6) The proposed price for each item of bingo supplies and equipment.

(7) The estimated amount of gross receipts from all other sources during the ensuing year.

(8) The estimated expenses itemized for the ensuing year and the amount of each item allocated to the sale or distribution of bingo supplies and equipment.

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

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

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

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

Section 7. Investigation; matters to be determined, issuance and duration of license.

(a) Where the gross receipts of all proposed bingo by an authorized organization do not exceed \$50,000 within one year the licensor shall be the county commissioners, the county council or a county official as their designee. Limited period bingo conducted by authorized organizations in accordance with the terms of this act may be licensed by the county commissioners, the county council or a county official as their designee. All other applications under this act shall be considered, decided, amended or revoked by the department. The licensor shall make an investigation of the qualifications and the merits of each application with due expedition after the

an authorized organization is duly qualified to be licensed under this act; that the applicant satisfies the requirements for an authorized commercial lessor as defined in section 3; that at the time of the issuance of an initial license the department shall find and determine that there is a public need and that public advantage will be served by the issuance of such license; that the applicant has filed its proposed rent for each bingo occasion; that there is no diversion of the funds of the proposed lessee from the lawful purposes as defined in this act; and that such leasing of a hall or premises for the conduct of bingo is to be in accordance with the provisions of this act and in accordance with the rules and regulations of the department, it shall issue a license permitting the applicant to lease said premises for the conduct of bingo to the authorized organization or organizations specified in the application during the period therein specified or such shorter period as the department shall determine, but not to exceed one year.

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

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

Section 8. Form and contents of license; display of license.

(a) Each license to conduct bingo shall be in such form as shall be prescribed in the rules and regulations promulgated by the secretary or by the county officer where he is the licensor, and shall contain a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom the games will be conducted, of the place or places where and the date or dates and time or times when such games are to be conducted and of the specific purposes to which the entire net proceeds of such games are to be devoted; if any prize or prizes are to be offered and given in cash, a statement of the amounts of the

prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any game shall be conspicuously displayed at the place where same is to be conducted at all times during the conduct thereof.

(b) Each license to lease premises for conducting bingo shall be in such form as shall be prescribed in the rules and regulations of the department and shall contain a statement of the name and address of the licensee and the address of the leased premises, the amount of permissible rent and any other information which may be required by said rules and regulations to be contained therein, and each such license shall be conspicuously displayed upon such premises at all times during the conduct of bingo.

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

Section 9. Hearing; amendment of license.

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

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

Section 10. Persons operating and conducting games; equipment; expenses; compensation.

No person shall hold, operate or conduct any game of bingo under any license issued under this act except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game of bingo under such license except such an active member or an active member of an organization or association which is an auxiliary to the licensee or an active member of an organization or association of which such licensee is an auxiliary or active member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided. No game of bingo shall be conducted with any equipment except such as shall be owned absolutely by the authorized organization so licensed, or used without payment of any compensation therefor by the licensee. No items of expense shall be incurred

or paid in connection with the conducting of any game of bingo pursuant to any license issued under this act, except those that are reasonable and are necessarily expended for bingo supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the secretary where he is the licensor, janitorial services and utility supplies if any, license fees and the cost of bus transportation, if authorized by the secretary where he is the licensor.

Section 11. Restriction upon conduct of bingo games.

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

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

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

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

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

(5) No prize shall exceed the sum or value of \$1,000 in any single game of bingo.

(6) No series of prizes or any one bingo occasion shall aggregate to more than the sum or value of \$5,000.

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

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

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

Section 12. Participation by persons under 18.

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

Section 13. Frequency of game.

No game or games or bingo, except limited period bingo, shall be conducted under any license issued under this act more often than on six days in any one calendar month.

Section 14. Advertising of bingo games.

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

Section 15. Statement of receipts, expenses.

Within ten days after the conclusion of any occasion of bingo, the authorized organization which conducted the same, and its members who were in charge thereof, and when applicable the authorized organization which rented its premises therefor, shall furnish to the department or county officer as licensor, a statement subscribed by the member in charge and affirmed by him as true, under the penalty prescribed by this act, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made, the name and address of each person to whom each item has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from such game or rental, as the case may be, and the use to which such proceeds have been or are to be applied and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

Section 16. Control and supervision; suspension of licenses; inspection of premises.

The secretary or county officer as licensor shall have and exercise supervision over all games of bingo conducted under any license, to the end that the same are fairly conducted in accordance with the provisions of such licenses, the provisions of the relevant rules and regulations and the provisions of this act, and the secretary or county officer as licensor shall have the power and the authority to suspend any license issued by the department or county officer, and to revoke the same, and additionally, in the case of an authorized commercial lessor or commercial distributor, to impose a fine in an amount not exceeding \$5,000, after notice and hearing, for violation of any

such provisions, and shall have the right of entry, by his officers and agents at all times into any premises where any game of bingo is being conducted or where it is intended that any such game shall be conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

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

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

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

(2) Any licensed authorized commercial lessor or applicant for such license so far as they may relate to leasing premises for bingo and to examine said lessor or any manager, officer, director, agent, representative or employee thereof under oath in relation to such leasing.

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

(4) Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this act and the "Solicitation of Charitable Funds Act."

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

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

Section 19. Report and recommendations.

During the month of January in each year the secretary shall submit to the Governor and the General Assembly a full report of his activities for the year ending with December 31 of

the preceding year together with such recommendations as he shall deem desirable. When he deems it advisable, the secretary shall make an interim report to the Governor and the General Assembly with his recommendations, in order to afford opportunity for the General Assembly to take immediate action thereon.

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

(a) If the secretary shall refuse to issue, amend or renew a license applied for under this act, or shall revoke or suspend such a license granted by him, the applicant or licensee may demand, within 30 days after notice of the said act of the secretary, a hearing before the Department of Revenue Appeals Board, and the board shall give prompt notice of a time and place for such hearing at which the board will hear such applicant or licensee in reference thereto. Pending such a hearing and final determination thereon, the action of the secretary in refusing to issue or in revoking or suspending a license will remain in full force and effect. The board may continue such hearing from time to time for the convenience of any of the parties. Any of the parties affected by such hearing may be represented by counsel. In the conduct of such hearing, the board shall not be bound by technical rules of evidence, but all evidence offered before the board shall be reduced to writing and such evidence, together with the exhibits, if any, and the findings of the board shall be permanently preserved and shall constitute the record of the board in such case. In connection with such hearing, the board shall have the power to administer oaths and examine witnesses and may issue subpoenas to compel attendance of witnesses and for the production of all material and relevant reports, books, papers, documents, correspondence and other evidence. The board may, if the occasion shall so require, by order, refer to one or more of its officers the duty of taking testimony in such matter as the case may require and to report thereon to the board, but no determination shall be made therein except by the board, within 30 days after the conclusion of such hearing, the board shall make a final order, in writing, setting forth the reasons for the action taken by it and a copy thereof shall be served on each of the parties affected by such order. The final order of the board may be appealed to the Commonwealth Court by any aggrieved party to the hearing pursuant to Title 42 of the Pennsylvania Consolidated Statutes (relating to judiciary and judicial procedure) and in accordance with the provisions of 2 Pa.C.S. §§ 703 (relating to scope of review) and 704 (relating to disposition of appeal).

(b) An appeal from the refusal or revocation of a license, where the licensor is the county official, shall be taken to the county court of common pleas in accordance with Title 2 of the Pennsylvania Consolidated Statutes.

Section 21. Investigations and hearings.

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

Section 22. Offenses.

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

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

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

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

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

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

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

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

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

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

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

(iii) by associations which yearly conduct carnivals or expositions not exceeding two weeks in duration and operate bingo for merchandise only and where no individual prize has a value in excess of \$100.

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

(1) to a licensed authorized organization:

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

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

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

(i) is or has been duly licensed to conduct bingo games during the preceding 12 months; and

(ii) is conducted in accordance with any rule or regulation of the secretary governing such selling or distributing of bingo supplies or equipment.

(c) Any person leasing or otherwise making available for holding, operating or conducting bingo in a hall or other premises for any consideration whatsoever, direct or indirect, is guilty of a misdemeanor of the first degree, except when leasing or otherwise making available such premises to a licensed authorized organization:

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

(2) in compliance with the requirements of this act and any rule or regulation of the secretary or county officer as licensor governing the leasing of premises for the holding, operating or conducting of bingo.

(d) Any person who shall willfully divert or pay any portion of the net proceeds of any game of bingo to any person, except in furtherance of one or more of the lawful purposes defined in section 3 is guilty of a misdemeanor of the second degree.

(e) Any person required by this act to pay any fee, or to make a return, keep any record or supply any information, who willfully fails to pay such fee or make such return, keep such record or supply such information at the time or times required by law, rule or regulation, is guilty of a misdemeanor of the second degree.

(f) Any person who shall willfully make, or cause to be made, any record, report or return, required by this act, which is false, in whole or in part, is guilty of a misdemeanor of the second degree.

(g) Any person who shall willfully make, or cause to be made, any false statement on any application for a license under this act which bears notice that false statements made thereon are punishable as provided herein is guilty of a misdemeanor of the third degree.

(h) Any person who shall willfully sell, or cause to be sold, any bingo card, supply or equipment without a license as required by this act is guilty of a misdemeanor of the third degree.

(i) Any person who shall willfully violate any other provision of this act or any other rule or regulation of the secretary for the administration and enforcement of this act is guilty of a misdemeanor of the third degree.

Section 23. Exemption from prosecution.

No person lawfully licensed pursuant to this act who is selling or distributing bingo supplies or equipment, conducting or participating in the conduct of bingo, or permitting the conduct of bingo upon any premises owned or leased by him, shall be liable to prosecution or conviction for violation of any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or any other law to the extent that such conduct is specifically authorized by this act, but this immunity shall not extend to any person knowingly selling or distributing bingo supplies or equipment, conducting or participating in the conduct of bingo or permitting the conduct of bingo upon any premises owned or leased by him under any license obtained or known to him to have been obtained by any false pretense or by any false statement made in any application for license or otherwise.

Section 24. Disposition and appropriation of funds.

(a) All revenues accruing from the issuance of licenses and from all other sources under the provisions of this act shall be paid into the Commonwealth Treasury where the department is the licensor and into the county treasury where the county officer is the licensor.

(b) As much as may be necessary of such revenues is hereby appropriated to pay:

(1) The payment of the compensation of employees of the department or of the county when used in issuing licenses and imposing fines and penalties and otherwise administering authorized by this act.

(2) All other expenses incurred by the department or county in administering this act.

(c) All revenues remaining in the Commonwealth Treasury and not required for payments under subsection (b) shall be paid into the General Fund.

Section 25. Severability.

If any clause, sentence, section, provision or part of this act, or the application thereof to any person or circumstance shall be adjudged to be unconstitutional by any court of competent jurisdiction, the remainder of this act or the application thereof to other persons and circumstances shall not be affected thereby and the General Assembly hereby declares that it would have enacted this act without the invalid clause, sentence, section, provision or part, as the case may be, had such invalidity been apparent.

Section 26. Effective date.

This act shall take effect in 90 days.

On the question,

Will the House agree to the amendments?

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

Mr. O'DONNELL. Mr. Speaker, this amendment is significantly different from the one that was circulated a number of days ago. I think this is kind of a prolonged discussion, and I would be happy to answer any questions about the specific application of this amendment to any set of circumstances that the members are interested in.

Since the time that the bill was considered on the House floor and the original amendments were offered, I had the opportunity to meet with a number of people, including the VFW - Veterans of Foreign Wars - convention in Philadelphia, and many other people who have a specific interest in how bingo is going to be conducted in Pennsylvania.

I would like to point out to the House what I think are the important policy considerations here. The first question is whether or not we should legalize bingo. I just wanted to call the House's attention to this amendment, and there are three considerations, and I will be very brief. One, whether or not we should legalize bingo in Pennsylvania? There have been a number of people playing bingo and most of them have been devoting the proceeds to extremely important causes. There has been no movement to legalize that practice for a couple of reasons: Number one, the competition was not too tough; and, number two, they were able to get away with the management of those proceeds without any interference. Right now the Internal Revenue Service has decided, apparently, that any proceeds from an illegal bingo or otherwise operation that go to a charity will be considered unrelated business income and will be taxable. It therefore becomes extremely important to legalize bingo in Pennsylvania to avoid the tax consequences to the charities that are involved.

I think that explains some of the significant lobbying efforts that are going on on behalf of this bill. There is intense feeling that we ought to legalize bingo, get it done, and anything that slows it down is to be avoided. I think that explains the pressure behind the bill. I think we ought to legalize bingo, and I believe the majority of the members in the House will agree with that.

The second question is: Who should be included in bingo? The rationale for legalizing bingo is to place the charities and other organizations that are presently running bingo and devoting the proceeds to worthwhile causes to permit them to continue in business. HB 2109, without amendments, accomplishes that. This amendment also accomplishes that. There is no one who is able to play bingo or conduct bingo under HB 2109 who is excluded under this definition in this amendment. The VFW's, the fire companies, the nonpublic schools, et cetera, are all included in this amendment.

I think the question before the House is whether or not we have solved the problems by taking those two steps. If we have legalized bingo, and if we have included in everybody we want to include in, everybody in our district who is concerned about it, have we gone far enough? I think the answer to that is no. I think it is very important that we keep out the people we want to keep out, and I think to do that you are going to have to draft a regulatory scheme. That scheme obviously cannot be so burdensome or so exclusive that it cuts against the other two objectives of legalizing bingo, and including everybody we want in. I think that the scheme that is laid out here would have the effect of keeping out the people we want to keep out.

The scheme here basically regulates. It says you cannot conduct bingo with certain exemptions, including county fairs. County fairs are exempted basically from the operations of the bill. There are three kinds of regulations here: One, for those who conduct bingo; two, those who rent bingo halls; and, third, those who manufacture bingo equipment. The second two come under the Secretary of Revenue, and I do not think that is a big concern here.

The people who conduct bingo fall into two categories under this amendment. Those whose gross receipts are less than \$50,000. That is the small operator. Under this amendment, less than \$50,000 in gross receipts would go to a relevant county official to obtain their license. If they are an authorized organization, meeting the other requirements of the law, they get their license locally from the county. There is no undue bureaucracy imposed on them. If the gross receipts are over \$50,000, in that case they would have to be licensed by the Secretary of Revenue. For a game that size, I think that is entirely appropriate.

There is a fee structure in the amendment that only applies to the large games. The small games would be in a fee structure that would be set by the county officials.

One of the other salient points in the amendment is that only authorized organizations could get a license to conduct it; not private operators. I would be happy to respond to any questions.

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

Mr. ANDERSON. Mr. Speaker, I oppose the amendment that is offered by Mr. O'Donnell. This will set up a complete new bureaucracy in Harrisburg, which we certainly do not need. It is going to drive out the small bingo operator, as I read the bill. The fees are going to be excessive. As I see it, they will pay a \$200 fee plus \$10 a night, which could amount to \$720 a year. The person who rents the bingo game will start off at \$200 and could go up to a \$5,000 fee. The person who sells supplies for bingo will start out at a \$200 license and, depending on how many he sells, could go to \$5,000, and I think what we are doing is just driving out the small people.

This bill was put in to help those people to get around the new tax law that has been put on by Internal Revenue Service, and I think that the bill as it was written, HB 2109, will take care of that and, therefore, I oppose the amendments and I would appreciate it if you would vote them down.

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

Mr. LETTERMAN. Mr. Speaker, I was always wishing we would just legalize bingo and quit trying to rewrite everything that is down here in Harrisburg. Why do we not just legalize it and vote the amendment down and vote for the bill.

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

Mr. BURNS. Mr. Speaker, I hate to be the one who gets up here and disagrees with some of the speakers like Mr. Letterman or Mr. Anderson, but there is a problem with the bill the way it is written. Mr. O'Donnell has addressed some of those problems.

This was not done willy-nilly in the back office spaces, and they are not really Mr. O'Donnell's private thoughts. Last Thursday Mr. O'Donnell and I went down and met with the state convention of the VFW - Veterans of Foreign Wars - met with a number of those people there who operate bingos as part of the charitable operation of their post. I have been in touch all day with the Catholic Conference over this particular amendment, and Mr. Fetterhoff, the head of the Catholic Conference, says that basically he is not opposed to the amendment since the amendment speaks to some problems that those of us in certain parts of the state have.

What we have done really is take the Mom and Pop, the fire companies, the VFW, the ordinary, everyday bingo operation and separated it into two categories, the big games versus the small games, and there is some concern that under the bill that is in front of you, the big games would not be properly regulated. The small games, under the bill that is in front of you, would be the same in Mr. O'Donnell's amendment, as I understand it. The difference would come when the games get over the \$50,000 take per year. At that point those people who ran those bigger games, who took in the bigger profits, would then go to the

Secretary of the Commonwealth. The Secretary of the Commonwealth would register them, and then they would be subjected to a lottery system the same as you and I are for our campaign expenses, and at that point 10 percent would be audited by the Attorney General.

One of the problems under the present bill that is in front of you, without the amendment, is that the county treasurers, to whom we give the authority of licensing in the bill that is in front of you, really, in many counties, do not have the postauditing capabilities to do what has to be done. If we are going to keep the big-time operators out, if we are going to keep the professionals out of the bingo world and limit it to the nonprofits, to the charitable, philanthropic, fraternal organizations, then I think we need Mr. O'Donnell's amendment, and I would suggest that you seriously look at the amendment before you condemn it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. I did not think that I would stand on this floor and talk about bingo, but I am beginning to believe that here in the State of Pennsylvania we are really missing the boat. I guess I can talk with a little expertise. I was in an Agriculture Committee meeting the other day, and we were going to take some money out of state funds and some money out of Philadelphia out of the horse racing bill, and now here we talk in the guise of charity and we are trying to cover up something about the Revenue Department checking on bingo.

I think after looking at the O'Donnell amendment and seeing some of these figures that are quoted and hearing Mr. Burns talk about Mom and Pop bingos, I do not think the Mom and Pop bingos are of concern. I think maybe we had better talk about these big games in Philadelphia and Pittsburgh and some of these other places, where they bring buses from as far away as Connecticut to come down into Philadelphia and play the game of bingo.

We are talking here today about fee bills. We are talking here about tax bills, and I think if the State of Pennsylvania is going to move in any direction with legalizing any type of gambling, then there ought to be coffers coming into the State of Pennsylvania to take that money away from the poor working man in one direction by gambling and then take it out of his pocket in taxes.

I personally think that this amendment is no good. It ought to be voted down, and I think then we ought to go ahead and vote down the bingo bill, and I think there ought to be a lot of studies made here, because, personally, we are talking about more money than the lottery is bringing in here and I think somebody better use their head here.

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

Mr. STREET. Would the prime sponsor stand for brief interrogation?

The SPEAKER. Will the gentleman, Mr. O'Donnell, stand for interrogation? The gentleman indicates that he will. Mr. Street may proceed.

Mr. STREET. Mr. Speaker, I have several questions on the large bingo games. Is it the purpose for us to zero in on large bingo games? I am not sure, even though we discussed this.

Mr. O'DONNELL. Is our purpose what?

Mr. STREET. Large bingo games. I just heard some talk about the large bingo games versus the small bingo games. Personally, I do not know of any small ones. I mean, are there any small ones?

Mr. O'DONNELL. Yes. I suspect that most of the games in Pennsylvania are small games.

Mr. STREET. Less than \$50,000?

Mr. O'DONNELL. If you use the definition, less than \$50,000.

On Thursday at the VFW there was only one game that got into the \$50,000 range, and that was in Steelton, around the corner here. In fact, that game will be starting shortly. In any event, the experience of the VFW's was that almost all the games that were reported there at the convention were less than \$50,000 in take.

In Philadelphia a number of the parishes have games, and most the parishes, but not all, have gross receipts of under \$50,000. I do not know what the experience is with the volunteer fire companies, which are the other big people who are mostly involved with bingo. But there is a distinction, and I think the reason for the distinction is that the people whom I am most concerned about, the organized crime elements, are not going to be participating in what has been described as the Mom and Pop bingo operations where the take is so small.

Mr. STREET. Well, then it is safe to conclude in my own mind that we do not have hundreds of bingo game people or organizations now making over \$50,000 around the State of Pennsylvania.

Mr. O'DONNELL. I think that is correct.

Mr. STREET. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—39

Austin	Harper	Mrkonic	Schweder
Berson	Hoeffel	Murphy	Shupnik
Burns	Irvis	O'Brien, B. F.	Stewart
Chess	Kowalshyn	O'Donnell	Street
Cochran	Kukovich	Pievsky	Sweet
Cohen	Lashingier	Pistella	Taylor, F.
DeWeese	Lescovitz	Pratt	Wachob
Dawida	Manderino	Rappaport	Wargo
Dumas	Michlovic	Reed	Wright, D. R.
George, M. H.	Mowery	Rhodes	

NAYS—151

Alden	Foster, W. W.	Levin	Rodgers
Anderson	Foster, Jr., A.	Lewis	Ryan
Armstrong	Freind	Livengood	Salvatore
Arty	Fryer	McCall	Scheaffer
Belardi	Gallagher	McClatchy	Schmitt
Beloff	Gallen	McIntyre	Serafini
Bennett	Gamble	McKelvey	Seventy
Bittle	Gannon	McMonagle	Sieminski
Borski	Gatski	McVerry	Sirianni
Bowser	Geesey	Mackowski	Smith, E. H.
Brandt	Geist	Madigan	Smith, L. E.

Brown	George, C.	Maiale	Spencer
Burd	Giammarco	Manmiller	Spitz
Caltagirone	Gladeck	Micozzie	Stairs
Cappabianca	Goebel	Milanovich	Steighner
Cessar	Goodman	Miller	Stuban
Cimini	Grabowski	Moehlmann	Swift
Civera	Greenfield	Mullen	Taddonio
Clark, B. D.	Grieco	Nahill	Taylor, E. Z.
Clark, M. R.	Gruppo	Novak	Telek
Cole	Hagarty	Noye	Thomas
Cornell	Halverson	O'Brien, D. M.	Trello
Coslett	Hasay	Oliver	Vroon
Cowell	Hayes, Jr., S.	Perzel	Wass
Cunningham	Honaman	Petrarca	Wenger
DeMedio	Hutchinson, A.	Phillips	White
DeVertter	Hutchinson, W.	Piccola	Wilson
DiCarlo	Itkin	Pitts	Wilt
Davies	Johnson, E. G.	Polite	Wright, Jr., J.
Dietz	Kanuck	Pott	Yahner
Dombrowski	Klingaman	Pucciarelli	Yohn
Donatucci, R.	Knepper	Punt	Zeller
Dorr	Knight	Pyles	Zitterman
Duffy	Kolter	Rasco	Zord
Durham	Laughlin	Richardson	Zwilk
Earley	Lehr	Rieger	
Fee	Letterman	Ritter	Seltzer,
Fischer	Levi	Rocks	Speaker

NOT VOTING—5

Gray	Jones	Shadding	Williams
Johnson, J. J.			

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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. DORR offered the following amendments:

Amend Sec. 6, page 4, line 12 by inserting before "The (a)

Amend Sec. 6, page 4, line 12 by inserting after "revoke" or refuse to renew

Amend Sec. 6, page 4, by inserting between lines 21 and 22 (4) Greater compensation than is herein authorized has been paid to or received by any person, or that a person or persons other than those authorized in section 5 have been involved in managing, setting up, operating or running the game. (b) The county treasurer may require the licensees to produce their books, accounts and records in order to determine whether a license should be revoked or renewal thereof denied.

Amend Sec. 7, page 4, by inserting between lines 28 and 29 Section 8. Additional powers of the district attorney. The district attorney, upon receipt of any information to the effect that the provisions of this act have been violated, may require the licensee to produce their books, accounts and records in order to determine whether criminal action should be pursued.

Amend Sec. 8, page 5, line 6 by striking out "8" and inserting 9

Amend Sec. 9, page 5, line 10 by striking out "9" and inserting 10

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 7433. The amendment adds some additional reasons for which the county treasurer may revoke or fail to renew licenses of those who are running the games. I think that this is some additional protection against the use of this particular vehicle by organized crime coming in, and the amendment also adds the power of examination to the district attorney's office in each county so that that additional protection is afforded. I would recommend an affirmative vote on the amendment.

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

Mr. ANDERSON. I have no objection to the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—181

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

NAYS—5

Borski	Spitz	Street	Wilt
Mullen			

NOT VOTING—9

Dumas	Jones	Shadding	Williams
Gray	McKelvey	Wachob	Wright, Jr., J.
Johnson, J. J.			

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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. DORR offered the following amendments:

Amend Sec. 5, page 3, line 25, by inserting a period after "bingo" where it appears the last time

Amend Sec. 5, page 3, lines 25 through 28, by striking out "EXCEPT THOSE" in line 25 and all of lines 26 through 28

Amend Sec. 5, page 4, line 6, by striking out "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C), NO" and inserting No

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 committee, when last reporting this bill out, added to the bill a provision in which outside operators, under certain limited circumstances, are allowed to be hired by organizations to run bingo games. It is my judgment that this House of Representatives and the General Assembly ought to make a decision finally once and for all on the matter of outside operators. There are various interests involved in that situation. It is my own feeling that there ought not to be any outside operators allowed if we are going to allow bingo to be operated in this state. It seems to me that the organizations which we are trying to protect in this effort should have the capability of running these games themselves or they should not be involved in the game at all. I would recommend and ask for an affirmative vote on this amendment.

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

Mr. STREET. Will the gentleman stand for brief inter-rogation?

The SPEAKER. The gentleman, Mr. Dorr, indicates that he will. Mr. Street may proceed.

Mr. STREET. Outside operator. Outside the state? Outside the county? Will you clear that up for me?

Mr. DORR. Yes. I am using the term a little loosely, I must confess, and I am glad you asked the question. What I mean is someone who is not affiliated with the organization which is running the game. For example, if a local parish of a church is running a bingo game, those people who are involved in running the game and operating it should be members of that parish. People can be hired as runners and so forth, but under the bill they cannot be paid more than \$50 a day. What we have in some areas of the state is professionals in the business of running bingo games

who are hired by organizations or whatever to come in and run bingo games. I do not think we ought to be hiring professionals to come in and run the games.

Mr. STREET. Why? What is wrong with a man professionalizing himself in running bingo games?

Mr. DORR. Mr. Speaker, my personal feeling on that is that we are opening up bingo in this state only for very limited purposes; that is, for charitable community causes, and I think those charitable community causes are best served by the people who are actually involved in that organization running the fundraising event. I think, too, and I do not mean to impugn the character of anybody who is a professional in this field, but I think that to allow this kind of outside operator influence may give a tendency to allow organized crime elements to come in and be a part of the operation.

Mr. STREET. Well, Mr. Speaker, do you not think that we could possibly be putting an unfair burden on the organization that will sponsor the game but may not have the ability to operate that game to the extent where it can bring in the amount of money that it is capable of bringing in? I run for office, but if I depended on myself to raise the amount of money that I need, I would never raise any money because I cannot raise money, you know, and I am just saying you may have people who can get the license but cannot operate the game. They have to depend on somebody else.

Mr. DORR. That is a decision we will all have to make. It is my feeling that if an organization is going to be involved in this, then they better know how to run bingo. They better not subject themselves to the influences of outside operators who come in and may take too much away from the local organization, but that is your decision to make, Mr. Speaker.

Mr. STREET. Okay. I would like to address the enforcement issue. If a parish has a game and they are operating the game, how do we enforce the outside operator? How do we know, what method of enforcement are we going to implement to know, whether there is an outside operator or whether the parish is running that or the organization?

Mr. DORR. The licensing agency, which is the county treasurer, will have the opportunity to require that books and records and accounts be produced in order to prove that case if there is ever any question raised. In addition to that, the district attorney may require the books and accounts and records of the organization to be produced.

Mr. STREET. Thank you.

May I speak—

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

Mr. STREET. I would urge the House, based on what we have just heard, to vote against this amendment. I think it would be a liability to those organizations that are small organizations, the Mom and Pop organizations that are trying to make enough money to keep themselves operating and perhaps would not have enough money to hire an outside organization operator anyhow. So I would urge a "no" vote on the amendment.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, this is a good amendment, and I think it should be supported. It meets many of the problems that I have with this bill. This bill without this amendment, mark my words, is a step in the direction of legalizing all kinds of gambling in this Commonwealth. There are some who are for it and there are some who are against it. I happen to think that is wrong, and I do not think that experience in those places that have done it is a good thing, has shown it to be a good thing. This amendment says, if our purpose in this bill is simply to take care of the problem created by Internal Revenue Service for the legitimate charities that run bingo and depend on it for their income, then it can be done under this amendment, but if you do not have this amendment, then you are going much further in this situation. I think this amendment makes a bad bill somewhat better and I think it should, therefore, be supported.

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

Mr. ZELLER. Mr. Speaker, if the members would listen for a moment in regard to what Mr. Dorr is trying to do—and I agree with him—I had this experience back in 1967, and for some of the people who spoke who think that these small churches are involved in a real nice contribution thing towards their own church, let me explain what happened. As a matter of fact, the district attorney of Lehigh County came to me and told me about an operation. There were about a dozen of them in our county after they moved out when the organized-crime unit closed up the city of Reading, and many of those individuals moved into our area, and what happened was we had games going that were \$100,000 a year, and the private operators were taking \$75,000 to \$80,000 and giving the pastor \$20,000 to \$25,000. Now, the one that was benefiting was not the church; it was the big operator. I had the unfortunate job, as mayor of that community, to arrest my own pastor. We had a case. It went through two grand jury investigations; we won them both; we had a trial by jury and won it.

Now, what I am trying to get at is what has really happened in these outside-operator programs of bingo. They are not all as legal as you think they are. As a matter of fact, weighted balls and certain individuals who won—And I have news for you. If you think it does not happen, you have not seen an operation yet. Now what I am getting at is, if you want to stop those outside operators, this is the only way you are going to do it, with the Dorr amendment, to put the kibosh to it at the beginning. We want to see the individuals who like bingo enjoy it. What we feel is, the charitable organization wants to run it to enjoy it, enjoy a profit, and he has in the bill which is in now that those individuals whom they would have to hire possibly can get \$50 a day for working, but they are going to curb these operators from walking out of that church or fire company or what have you with the total profits. That is what you are going to stop, and if you think these organizations that

come in and want to run it as a private operator to help you are in there for charity, I have got news for you; they are not. They are out there to make money; naturally they are.

So I believe the Dorr amendment is very necessary. I have had a tremendous amount of experience in this area, as Mr. Stuban has, I know, and I can say that unless you get that in there, I am afraid of what will happen to the bingo operation in the State of Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, if I understand this amendment correctly, it is going to drastically change the operation of bingo at every fair across Pennsylvania, and we have over 100 little county fairs that depend on bingo just the same as they depend on our horse racing moneys to keep them in existence. Now, if you have a little fair in your district, it might be just as important to you to think about that one as it is to think about your church or your volunteer fire company. I think maybe we should oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Will Mr. Dorr stand for two questions?

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

Mr. STUBAN. In your amendment you keep out professionals from running bingo, right? But in the bill we allow professionals to run at fairs?

Mr. DORR. That would be correct under certain circumstances - if the fair operates only for a limited period of time and only for merchandise.

Mr. STUBAN. Only for merchandise, but yet we do not allow that professional who possibly is running a bingo for a little VFW, and mark my words, as true as I stand here, that that guy at the fair is possibly taking more money out of that community in 1 week than that little VFW or charitable organization makes in a year's time.

Mr. DORR. If that is a question, I guess I agree with the gentleman, Mr. Speaker, and that is the reason for the amendment. I think everybody ought to be on an equal foot, and I do not think we ought to have the outside people in.

Mr. STUBAN. So then you are taking the outside people out of the fair system, too.

Mr. DORR. Mr. Speaker, let me clarify my position on that. I am not sure, frankly, whether I am taking them out of the fair situation at all. It is my opinion—and I am not a fairgoer, but it is my opinion—that there are not bingo operators as such operating at many of these fairs. I could be wrong about that. There are all kinds of games played—do not misunderstand me—but I do not think bingo as such is one of them for the reasons that we are all aware of - it is illegal, and most district attorneys do not treat county fairs the same way they treat the local parish.

Mr. STUBAN. Mr. Speaker, that is all the questions I have. I would like to make a statement though.

The SPEAKER. The gentleman may proceed.

MOTION TO RECOMMIT

Mr. STUBAN. I personally think this is a bad amendment. I think the whole situation is a bad situation. At this time I would like to make a motion that this bill be sent back to committee. I think there ought to be intensive investigation. There ought to be some intense hearings on it, and I move now that it be sent back to the Judiciary Committee.

The SPEAKER. It is moved by the gentleman from Columbia that HB 2109 and the amendments be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

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

Mr. ANDERSON. I oppose the motion of recommitment. This bill came out of the Committee on State Government, was then recommitted to the Committee on Judiciary, was given a great deal of study, some good amendments were put in, and I think it is time the bill was voted here on the floor.

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

Mr. DORR. Mr. Speaker, just to add to that, you know, one of the problems that we most often have around here—and I am probably the worst violator in the House—is that unless we particularly have been involved in the committee decisions and discussions of a particular bill, we tend to think it has not been studied enough. This bill, as was pointed out, went through two committee deliberations, and in both committees, I can assure you, extensive and careful consideration was given to the bill. I think it has been studied in committee enough, and I think further that the problem was mentioned, I think by the gentleman, Mr. Hutchinson, where many of the nonprofit, charitable, religious organizations of this state which do in fact operate on the proceeds of bingo are going to be in serious trouble with the Internal Revenue Service unless we in some way, shape, or form legalize the system. I think for those two reasons we need to get moving on this legislation and I would oppose the motion to recommit.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Richardson, wish to debate the recommitment motion?

Mr. RICHARDSON. Yes, Mr. Speaker.

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

Mr. RICHARDSON. I would like to know if I can interrogate Mr. Anderson.

The SPEAKER. The gentleman indicates he will stand for interrogation, but the Chair alerts the gentleman that the question before the House is recommitment and the Chair would ask that the gentleman confine his interrogation to recommitment. The gentleman may proceed.

Mr. RICHARDSON. Well, I am only going to speak to that which has been spoken on already, Mr. Speaker, and that is, the extensive time that has been allotted in relationship to this bill. I would like to know when this bill was committed to committee and when it was reported out, Mr. Speaker.

Mr. ANDERSON. It is in the History. I do not have the History in front of me, but it is in the History. You can get that information right there.

Mr. RICHARDSON. Well, I am saying, could you give us some approximate time of how long it was studied in committee?

Mr. ANDERSON. Look in the History; you will have it. You had the History in front of you when you were asking. It gives the dates right in there.

Mr. RICHARDSON. But my point is, Mr. Speaker, you made the statement, and—

Mr. ANDERSON. For your information the—

Mr. RICHARDSON. —what I am saying is that if you know, then you should tell this House.

The SPEAKER. Will the gentlemen yield?

Mr. RICHARDSON. I asked a direct question; I should get an answer.

The SPEAKER. The gentleman will yield. It is not proper interrogation. For the information of the gentleman, the Chair will read from the History.

Mr. ANDERSON. It was referred to the State Government Committee on December 13, 1979.

The SPEAKER. The Chair thanks the gentleman.

Mr. RICHARDSON. Mr. Speaker, the reason I raised the question was that on this recommittal it seems that what has been shared with the members is not a true statement. It was indicated that there has been extensive study on this bill, and a number of members have risen to their feet to explain that there have been a lot of problems with this bill. Mr. Speaker, at this time I just feel that if the time has been spent so much on this bill, what comparative analysis can be given in relationship to that which has happened in New York or other states where bingo games are operating in terms of trying to legalize this particular bingo? I do not think that any of that has been discussed in terms of in-depth study, and I just feel that it is wrong for us to sit here on the floor and confuse the members by saying, with no public hearings, with no in-depth study, with no input from a number of sources like from small community groups that operate these bingo games, that we in fact are legitimately getting the right answers. I would ask that we support the motion to recommit, let it go back, and then let us really study it.

The History will indicate that on December 13, 1979, this bill was referred to the State Government Committee, reported as amended on February 27, which means that during that period of time we were not in session that often and that committee could not have met that many times to get that much information. Certainly 2 months does not seem to me to be a whole lot of time, and I would think, Mr. Speaker, that if we were to revert to that and recognize

that there are some people who feel that this is a very serious bill, we would take into consideration those points raised, and I would ask that the members vote "yes" to recommit.

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

The following roll call was recorded:

YEAS—37

Austin	Geist	Micozzie	Pyles
Berson	George, M. H.	Milanovich	Richardson
Chess	Goebel	Mrkonic	Schweder
Cochran	Grabowski	Novak	Sirianni
Cohen	Harper	O'Donnell	Smith, L. E.
Cunningham	Irvis	Oliver	Street
Dietz	Johnson, E. G.	Piccola	Stuban
Fischer	Knight	Pistella	Wachob
Foster, W. W.	Maiale	Pitts	Wass
Gallen			

NAYS—149

Alden	Fisher	Lewis	Salvatore
Anderson	Foster, Jr., A.	Livengood	Scheaffer
Armstrong	Freind	McCall	Schmitt
Arty	Fryer	McClatchy	Serafini
Belardi	Gallagher	McIntyre	Seventy
Beloff	Gamble	McKelvey	Shupnik
Bennett	Gannon	McMonagle	Sieminski
Bittle	Gatski	McVerry	Smith, E. H.
Borski	Geesey	Mackowski	Spencer
Bowser	George, C.	Madigan	Spitz
Brandt	Giammarco	Manderino	Stairs
Brown	Gladeck	Manmiller	Steighner
Burd	Goodman	Michlovic	Stewart
Burns	Gray	Moehlmann	Sweet
Caltagirone	Greenfield	Mowery	Swift
Cappabianca	Grieco	Mullen	Taylor, E. Z.
Cessar	Gruppo	Murphy	Taylor, F.
Cimini	Hagarty	Nahill	Telek
Civera	Halverson	Noye	Thomas
Clark, B. D.	Hasay	O'Brien, B. F.	Trello
Clark, M. R.	Hayes, Jr., S.	O'Brien, D. M.	Vroon
Cole	Hoeffel	Perzel	Wargo
Cornell	Honaman	Petrarca	Wenger
Coslett	Hutchinson, A.	Phillips	White
Cowell	Hutchinson, W.	Pievsky	Wilson
DeMedio	Itkin	Polite	Wilt
DeVerter	Kanuck	Pott	Wright, D. R.
DeWeese	Klingaman	Pratt	Wright, Jr., J.
DiCarlo	Kolter	Pucciarelli	Yahner
Davies	Kowalshyn	Punt	Yohn
Dawida	Kukovich	Rappaport	Zeller
Dombrowski	Lashingier	Rasco	Zitterman
Donatucci, R.	Laughlin	Reed	Zord
Dorr	Lehr	Rieger	Zwinkl
Duffy	Lescovitz	Ritter	
Durham	Letterman	Rocks	Seltzer,
Earley	Levi	Rodgers	Speaker
Fee	Levin	Ryan	

NOT VOTING—9

Dumas	Knepper	Rhodes	Taddonio
Johnson, J. J.	Miller	Shadding	Williams
Jones			

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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 SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Richardson, rise?

Mr. RICHARDSON. Mr. Speaker, I had risen prior to the motion to recommit to speak on the amendment and ask Mr. Dorr to stand for interrogation.

The SPEAKER. The gentleman will stand for interrogation. Mr. Richardson may proceed.

Mr. RICHARDSON. Mr. Speaker, could you tell us in your amendment exactly, these outsiders, what the definition of the word "professional" means?

Mr. DORR. Mr. Speaker, I am not confident that the word "professional" appears in the bill. I do not believe I have a copy of it in front of me, but I used that term. What I mean is that there are some people who are actually in the business of running bingo and that is their profession. They are the operators of the game. They hire the staff; they buy the equipment and materials; and they are the ones who take a profit off the top of the game. Those are the people I am referring to. Does that answer the question?

Mr. RICHARDSON. Mr. Speaker, no, because in the amendment as it is before us, it does not define specifically your point. You are taking out one particular language and saying that you want to make sure that we watch ourselves from these outsiders. My point of view is that in my community a number of organizations who go to the parish may, for an example, have youth organizations that they want to give some aid and help to by running a game. Under this amendment would they, being a youth organization or outside group, be considered in your particular amendment as not being eligible?

Mr. DORR. I am not sure if I understand the gentleman's question.

Mr. RICHARDSON. Okay. We have a youth person who runs a youth organization and he goes to the parish and he wants to run the bingo game a particular night, giving an example. Under your amendment at this present time, would that exclude that individual from going and being able to raise that money to help that youth organization because he is an outsider?

Mr. DORR. No. All he would have to do is go and get a license and he could run the game anytime.

Mr. RICHARDSON. Say that again?

Mr. DORR. I said no; all he would have to do is get a license like everybody else and then they could run bingo for that purpose, in my opinion. That is a community or civic purpose.

Mr. RICHARDSON. Well, then what does your amendment do then? You just said it excludes the outsiders from coming in and running these games. I am saying that this is an outside person coming in to run a particular game for a charitable reason in the community.

Mr. DORR. Well, in my judgment, that is not an outside person. I think that person, that group, could run the game for themselves. I do not think that they could go to one of

the churches and say, we want to run your game tonight so that you can raise money for the church. They could go to the church and say, can we use your basement to run a bingo game to raise money for the youth organization?

Mr. RICHARDSON. No. I am talking about the bingo game itself, that that person would come in to raise money for a particular organization, this case being a youth organization, and I am saying with all the facilities, with the church, with the parish, not the use of space but their bingo night, their bingo game, to run their bingo game as a professional person. I am saying, what are we going to do with that person who comes in? Under your amendment it seems to me that what you are saying is that that person would be excluded from doing so, and you are indicating—

Mr. DORR. No. I think the gentleman misunderstands the amendment. The language in the bill says that no association—

Mr. RICHARDSON. I am talking about the amendment now, not the bill.

Mr. DORR. I know but I want you to follow, because the amendment affects the bill obviously. The section that is being amended says this: "No association may hire any person who is not a bona fide member of the association to manage, set up bingo, operate or actually run the game of bingo except in certain circumstances." What I am deleting is the "except in certain circumstances," so that no person could hire any person who is not a member of the organization to set up and actually run the game of bingo.

Mr. RICHARDSON. Right. Exactly. That is the exact point, that if they cannot organize or operate that particular bingo game, then that person whom I have described would be excluded from being able to run that game on that particular night because you have just taken the exception out.

Mr. DORR. I do not think the gentleman disagrees with the amendment. I think he misunderstands it, but I do not know how to explain it to him any other way than I already have.

Mr. RICHARDSON. Well, I do not misunderstand the amendment, Mr. Speaker. Maybe you are misunderstanding what I am saying, and perhaps maybe in your own wisdom you are saying what you are saying because you are, of course, in favor of the amendment.

Mr. Speaker, I would like to speak on the amendment.

The SPEAKER. The gentleman is in order and may proceed to speak on the amendment.

Mr. RICHARDSON. I rise to oppose the amendment, Mr. Speaker, and I do so regardless of whether Mr. Dorr understands what I am saying or not, because where he says "EXCEPT" and he adds "AS OTHERWISE PROVIDED IN SUBSECTION (C), NO" meaning "no," that means that no person who comes in to run a bingo game will be able to operate. I am saying that we have people in our community who run bingo games in the community who would want to be afforded the opportunity to help raise some money for their particular kids. It seems to me that he is nullifying this in this amendment, as already expressed

in the fairs. It is not a clearly drawn amendment, as I see it, and I would oppose it and ask the members to do likewise.

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

Mr. STREET. Mr. Speaker, I have just one short question, a very short question, and you can roll this bill.

This amendment in no way would keep these unscrupulous operators from joining the church, would it, and becoming a part of the organization that is running the game?

Mr. DORR. That is true; that is true. However, in the bill it says that no person may be paid more than \$50 per night for operating the game of bingo, and I will guarantee you that those people who are now professionally operating the game of bingo are in it for more than \$50 a night.

Mr. STREET. Okay, but they could join the church and become the operator anyhow.

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

The following roll call was recorded:

YEAS—122

Armstrong	Fee	Lewis	Salvatore
Arty	Fischer	Livengood	Scheaffer
Austin	Fisher	McKelvey	Sieminski
Belardi	Foster, W. W.	McVerry	Sirianni
Bennett	Freind	Mackowski	Smith, E. H.
Berson	Gamble	Maiale	Smith, L. E.
Bowser	Gatski	Manmiller	Spitz
Brandt	George, C.	Michlovic	Stairs
Burns	George, M. H.	Micozzie	Steighner
Caltagirone	Gladeck	Milanovich	Stewart
Cappabianca	Greenfield	Miller	Sweet
Cessar	Grieco	Moehlmann	Swift
Chess	Gruppo	Mowery	Taddonio
Cimini	Hagarty	Mrkonic	Taylor, E. Z.
Civera	Harper	Murphy	Taylor, F.
Clark, M. R.	Hasay	Nahill	Telek
Cochran	Hayes, Jr., S.	Noye	Vroon
Cornell	Hoeffel	O'Brien, B. F.	Wachob
Coslett	Honaman	O'Brien, D. M.	Wass
Cowell	Hutchinson, A.	Petrarca	Wenger
Cunningham	Hutchinson, W.	Phillips	Wilson
DeMedio	Itkin	Piccola	Wilt
DeWeese	Johnson, E. G.	Pievsky	Wright, D. R.
DiCarlo	Kolter	Pistella	Wright, Jr., J.
Davies	Kowalyszyn	Pitts	Yahner
Dawida	Lashinger	Pott	Yohn
Dietz	Laughlin	Pratt	Zeller
Dombrowski	Lehr	Rappaport	Zitterman
Dorr	Lescovitz	Rasco	
Duffy	Letterman	Reed	Seltzer,
Earley	Levi	Ryan	Speaker

NAYS—65

Alden	Gannon	McClatchy	Ritter
Anderson	Geesey	McIntyre	Rodgers
Beloff	Geist	McMonagle	Schmitt
Bittle	Giammarco	Madigan	Schweder
Borski	Goebel	Manderino	Serafini
Brown	Goodman	Mullen	Seventy
Burd	Grabowski	Novak	Shupnik
Clark, B. D.	Gray	O'Donnell	Spencer
Cohen	Halverson	Oliver	Street
Cole	Irvis	Perzel	Suban
DeVerter	Kanuck	Polite	Thomas
Donatucci, R.	Klingaman	Pucciarelli	Trello
Durham	Knight	Punt	Wargo
Foster, Jr., A.	Kukovich	Pyles	White

Fryer	Levin	Richardson	Zord
Gallagher	McCall	Rieger	Zwinkl
Gallen			

NOT VOTING—8

Dumas	Jones	Rhodes	Shadding
Johnson, J. J.	Knepper	Rocks	Williams

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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 amendment:

Amend Sec. 3, page 2, line 15, by inserting after "civic", county fair

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

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

Mr. DORR. Mr. Speaker, the amendment specifically adds to those groups which can run the game of bingo, county fairs.

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

The following roll call was recorded:

YEAS—178

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

Donatucci, R.	Laughlin	Rappaport	Yohn
Dorr	Lehr	Rasco	Zeller
Duffy	Lescovitz	Reed	Zitterman
Durham	Letterman	Richardson	Zord
Fee	Levi	Rieger	Zwikt
Fisher	Levin	Ritter	
Foster, W. W.	Lewis	Rocks	Seltzer,
Foster, Jr., A.	Livengood	Ryan	Speaker

NAYS—9

Borski	Fischer	Gannon	Pitts
Cunningham	Gallagher	Mullen	Rodgers
Earley			

NOT VOTING—8

Dumas	Johnson, J. J.	Madigan	Shadding
Gray	Jones	Rhodes	Williams

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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. PITTS offered the following amendments:

Amend Sec. 3, page 3, line 2, by striking out "\$1,000" and inserting \$250

Amend Sec. 3, page 3, line 4, by striking out "\$5,000" and inserting \$500

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Mr. Speaker, this amendment has the name of Mr. Peterson at the top. He was called away on an emergency today and asked me to submit it for him, which I am doing. What the amendment does is to lower the amounts of prize money available in the game from the levels in the bill, which are \$1,000 for the game and \$5,000 for the jackpot, to \$250 for the game and \$500 for the jackpot.

The problem that this amendment addresses is this: When you increase the amount of prize money, you are certainly going to increase the effort by those who are professionals or outside the local membership of the organization, outsiders, or the criminal element to get involved, and certainly the intent of this bill is not to encourage those kinds of participants. If I can read from the legislative intent: "THE GENERAL ASSEMBLY," it says, "HEREBY DECLARES THAT THE PLAYING OF BINGO FOR THE PURPOSE OF RAISING FUNDS, BY CERTAIN NONPROFIT ASSOCIATIONS, FOR THE PROMOTION OF CHARITABLE OR CIVIC PURPOSES, IS IN THE PUBLIC INTEREST." And it states that "THE LEGISLATURE RECOGNIZES THE POSSIBILITY OF ASSOCIATION BETWEEN COMMERCIAL GAMBLING AND ORGANIZED CRIME, AND WISHES TO DISCOURAGE COMMERCIALIZATION OF THE GAME OF BINGO; PREVENT

PARTICIPATION..." of those elements. I think by limiting the amounts of prize money to \$250 and to \$500, you fulfill the intent of the bill. You are going to make the proceeds of the games available only for the small charitable uses, the organizations, and discourage the criminal elements, the professional gamblers, the outsiders, from coming in and participating. Therefore, I urge adoption of the amendment.

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

Mr. ANDERSON. Mr. Speaker, I oppose the amendment. I feel that we have too many areas in this state that are close to the borders of New York, New Jersey, and Maryland where they do have larger prizes, and I think it would be a great detriment to the bingo games in Pennsylvania if we limited those. There is nothing to keep the people who are operating the games from putting a limit on of their own. I do not think that this is a good amendment and I hope you would vote "no" on the amendment.

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

Mr. CUNNINGHAM. Mr. Speaker, throughout this entire debate, we have heard about the necessity for protecting the small operator. We have heard about the necessity for protecting the Mom and Pop operation, for protecting the local charitable organizations, and we have talked about the pernicious aspects of getting the big operators involved here. It seems to me that there will be no vote that we are going to cast today that is going to be more important to the issue of how big we are going to allow bingo to become in this Commonwealth than the vote we are going to cast right now. Prize limits of \$1,000 and \$5,000 are consistent with casino gambling in Las Vegas and Reno and Atlantic City, but they are not consistent with Mom and Pop local charitable bingo operations. This kind of amendment will certainly discourage the involvement of the kinds of elements that we want to keep out of bingo in Pennsylvania, and I encourage the adoption of the amendment if we are really sincere about a desire to protect the small operator and still keep the kinds of elements out that we think are inconsistent with the public interest.

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

Mr. J. L. WRIGHT. Mr. Speaker, may I point out to the members of this House that a number of the small operators that we are concerned about are those who are operating small bingo games in the counties that border New Jersey and Maryland. They are competing with games immediately across the border in adjacent fire houses and in adjacent parishes in the State of New Jersey and in the State of Maryland. If we place limits on the games in Pennsylvania that are lower than the limits in surrounding states, we are not only closing out the big operators, we are also closing out the little Mom and Pop operations. I strongly suggest to those of you who want to maintain the small operations, remember those of us in those counties along the borders and please vote down this amendment.

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

Mr. BURNS. Mr. Speaker, I think Mr. Wright has stated it correctly. I know when we met with the VFW on last Thursday at their state convention in Philadelphia, they totally agreed with the amounts of money that are presently in the bill. They want that. They cannot operate in some of these areas to pay off their post homes and other things without it. The parishes that support parochial schools throughout the Commonwealth need this type of prize money in order to continue to operate the school systems that they do, and without it I think we are in trouble not only to competing states but also within the state. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Mr. Speaker, it surprises me to see some of these fellows get up here—and I stand here to support this amendment—and they talk about keeping the elements out of here, organized crime out of here, protecting the Mom and Pop and the little bingo game. Well, let me tell you, when you start talking about big prizes, you not only ask the elements of those people to step in there; you also ask that player out there to become a cheat and a thief and a crook, and if you have attended bingo games and watched players who sat out there with blank specials and stamped numbers on those specials, there is an incentive there to do it. I personally stand here today to say if we are sincere and we are interested in protecting that little rural fire company, and I do not care about that big game in the big city that is next to the borders where you can afford to bring buses from Connecticut in, you sure have that element there on the bus and the element operating the bingo, and under the guise of charity I think you are going too far when you are talking that kind of money, so I stand here and say support this amendment here. It is a good amendment.

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

The following roll call was recorded:

YEAS—53

Armstrong	George, C.	Moehlmann	Stuban
Austin	George, M. H.	Noye	Taylor, E. Z.
Bowser	Halverson	O'Brien, B. F.	Thomas
Brandt	Hayes, Jr., S.	Phillips	Vroon
Chess	Honaman	Piccola	Wass
Cunningham	Hutchinson, W.	Pitts	Wenger
Dietz	Johnson, E. G.	Punt	Wilt
Durham	Kanuck	Rasco	Wright, D. R.
Fischer	Kowalyszyn	Reed	Zeller
Fisher	Levi	Scheaffer	Zwikel
Foster, W. W.	Lewis	Schmitt	
Foster, Jr., A.	Madigan	Schweder	Seltzer,
Gatski	Manderino	Sirianni	Speaker
Geist	Miller	Stewart	

NAYS—137

Alden	Earley	Letterman	Rhodes
Anderson	Fee	Levin	Richardson
Arty	Freind	Livengood	Rieger
Belardi	Fryer	McCall	Ritter
Beloff	Gallagher	McClatchy	Rocks

Bennett	Gallen	McIntyre	Rodgers
Berson	Gamble	McKelvey	Ryan
Bittle	Gannon	McMonagle	Salvatore
Borski	Geesey	McVerry	Serafini
Brown	Giammarco	Mackowski	Seventy
Burd	Gladeck	Maiale	Shupnik
Burns	Goebel	Manmiller	Sieminski
Caltagirone	Goodman	Michlovic	Smith, E. H.
Cappabianca	Grabowski	Micozzie	Smith, L. E.
Cessar	Gray	Milanovich	Spencer
Cimini	Greenfield	Mowery	Spitz
Civera	Grieco	Mrkonic	Stairs
Clark, B. D.	Gruppo	Mullen	Steighner
Clark, M. R.	Hagarty	Murphy	Street
Cochran	Harper	Nahill	Sweet
Cohen	Hasay	Novak	Swift
Cole	Hoeffel	O'Brien, D. M.	Taddonio
Cornell	Hutchinson, A.	O'Donnell	Taylor, F.
Coslett	Irvis	Oliver	Telek
Cowell	Itkin	Perzel	Trello
DeMedio	Klingaman	Petrarca	Wachob
DeVerter	Knepper	Pievsky	Wargo
DeWeese	Knight	Pistella	White
DiCarlo	Kolter	Polite	Wilson
Davies	Kukovich	Pott	Wright, Jr., J.
Dawida	Lashinger	Pratt	Yahner
Dombrowski	Laughlin	Pucciarelli	Yohn
Donatucci, R.	Lehr	Pyles	Zitterman
Dorr	Lescovitz	Rappaport	Zord
Duffy			

NOT VOTING—5

Dumas	Jones	Shadding	Williams
Johnson, J. J.			

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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. PITTS offered the following amendments:

Amend Sec. 3, page 3, line 2, by striking out "\$1,000" and inserting \$250

Amend Sec. 3, page 3, line 4, by striking out "\$5,000" and inserting \$1,000

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. This is Mr. Peterson's second amendment and it is the same as the first, only the amounts are increased from \$250 to \$1,000 for the jackpot. I urge adoption for the same reason. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—56

Bowser	Hayes, Jr., S.	Mowery	Swift
Chess	Honaman	Noye	Taylor, E. Z.
Cunningham	Hutchinson, W.	O'Brien, B. F.	Thomas
Dietz	Johnson, E. G.	Phillips	Trello
Fischer	Kanuck	Piccola	Vroon
Fisher	Klingaman	Pitts	Wass

Foster, W. W.	Kowalyszyn	Punt	Wenger
Foster, Jr., A.	Letterman	Rasco	Wilt
Fryer	Levi	Reed	Wright, D. R.
Gatski	Livengood	Ryan	Zeller
Geist	Manderino	Scheaffer	Zwikl
George, M. H.	Manmiller	Sirianni	
Goebel	Micozzie	Stairs	Seltzer,
Grabowski	Miller	Stewart	Speaker
Halverson	Moehlmann		

NAYS—135

Alden	Dombrowski	Laughlin	Rhodes
Anderson	Donatucci, R.	Lehr	Richardson
Armstrong	Dorr	Lescovitz	Rieger
Arty	Duffy	Levin	Ritter
Austin	Dumas	Lewis	Rocks
Belardi	Durham	McCall	Rodgers
Beloff	Earley	McClatchy	Salvatore
Bennett	Fee	McIntyre	Schmitt
Berson	Freind	McKelvey	Schweder
Bittle	Gallagher	McMonagle	Serafini
Borski	Gallen	McVerry	Seventy
Brandt	Gamble	Mackowski	Shupnik
Brown	Gannon	Madigan	Sieminski
Burd	Geesey	Maiale	Smith, E. H.
Burns	George, C.	Michlovic	Smith, L. E.
Caltagirone	Giammarco	Milanovich	Spencer
Cappabianca	Gladeck	Mrkonic	Spitz
Cessar	Goodman	Mullen	Steighner
Cimini	Gray	Murphy	Street
Civera	Greenfield	Nahill	Stuban
Clark, B. D.	Grieco	Novak	Sweet
Clark, M. R.	Gruppo	O'Brien, D. M.	Taddonio
Cochran	Hagarty	O'Donnell	Taylor, F.
Cohen	Harper	Oliver	Telek
Cole	Hasay	Perzel	Wachob
Cornell	Hoeffel	Petrarca	Wargo
Coslett	Hutchinson, A.	Pievsky	White
Cowell	Irvis	Pistella	Wilson
DeMedio	Itkin	Polite	Wright, Jr., J.
DeVerter	Knepper	Pott	Yahner
DeWeese	Knight	Pratt	Yohn
DiCarlo	Kolter	Pucciarelli	Zitterman
Davies	Kukovich	Pyles	Zord
Dawida	Lashingier	Rappaport	

NOT VOTING—4

Johnson, J. J.	Jones	Shadding	Williams
----------------	-------	----------	----------

EXCUSED—6

Barber	Helfrick	Peterson	Weidner
Dininni	Lynch, E. R.		

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. SEVENTY offered the following amendments:

Amend Sec. 5, page 4, line 1, by inserting after "bingo" unless accompanied by an adult

Amend Sec. 6, page 4, line 17, by inserting after "18" unaccompanied by an adult

On the question,

Will the House agree to the amendments?

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

Mr. SEVENTY. Mr. Speaker, what I am trying to do with this amendment is simply allow the bingo player

company while attending bingo. This has been a common practice at most bingos throughout the state. I think it is a reasonable amendment. I wish you could support it. Thank you.

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

Mr. ANDERSON. I have no objection to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

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

NAYS—7

Borski	Gannon	Maiale	O'Brien, D. M.
Gallagher	Itkin	Mullen	

NOT VOTING—9

Beloff	Gray	Jones	Shadding
Caltagirone	Johnson, J. J.	Levin	Williams
Dumas			

EXCUSED—6

Barber Helfrick Peterson Weidner
Dininni Lynch, E. R.

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?

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

YEAS—164

Alden	Foster, Jr., A.	Livengood	Ritter
Anderson	Freind	McCall	Rocks
Armstrong	Fryer	McClatchy	Rodgers
Arty	Gallagher	McIntyre	Ryan
Austin	Gamble	McKelvey	Salvatore
Belardi	Gannon	McMonagle	Scheaffer
Beloff	Gatski	McVerry	Schweder
Bennett	Geesey	Mackowski	Serafini
Bittle	George, C.	Maiale	Seventy
Borski	Giammarco	Manderino	Shupnik
Bowser	Gladeck	Manmiller	Sieminski
Brandt	Goebel	Michlovic	Smith, E. H.
Brown	Goodman	Micozzie	Spencer
Burd	Grabowski	Milanovich	Spitz
Burns	Gray	Miller	Steighner
Caltagirone	Greenfield	Moehlmann	Stewart
Cappabianca	Grieco	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Sweet
Chess	Hagarty	Mullen	Swift
Cimini	Halverson	Murphy	Taddonio
Civera	Harper	Nahill	Taylor, E. Z.
Clark, B. D.	Hasay	Novak	Taylor, F.
Clark, M. R.	Hoeffel	Noye	Telek
Cochran	Honaman	O'Brien, B. F.	Thomas
Cohen	Hutchinson, A.	O'Brien, D. M.	Trello
Cole	Hutchinson, W.	Oliver	Wachob
Cornell	Irvis	Perzel	Wargo
Coslett	Itkin	Petrarca	Wenger
Cowell	Kanuck	Phillips	White
DeMedio	Klingaman	Piccola	Wilson
DeVerter	Knepper	Pievsky	Wright, D. R.
DeWeese	Knight	Pistella	Wright, Jr., J.
DiCarlo	Kolter	Polite	Yahner
Davies	Kowalshyn	Pott	Yohn
Dawida	Kukovich	Pratt	Zeller
Dombrowski	Lashinger	Pucciarelli	Zitterman
Donatucci, R.	Laughlin	Punt	Zord
Dorr	Lehr	Rappaport	Zwinkl
Durham	Lescovitz	Reed	
Earley	Letterman	Rhodes	Seltzer,
Fee	Levin	Rieger	Speaker
Fisher	Lewis		

NAYS—26

Berson	Geist	Pitts	Smith, L. E.
Cunningham	George, M. H.	Pyles	Stairs
Dietz	Hayes, Jr., S.	Rasco	Street
Duffy	Johnson, E. G.	Richardson	Vroon
Fischer	Levi	Schmitt	Wass
Foster, W. W.	Madigan	Sirianni	Wilt
Gallen	O'Donnell		

NOT VOTING—5

Dumas Jones Shadding Williams
Johnson, J. J.

EXCUSED—6

Barber Helfrick Peterson Weidner
Dininni Lynch, E. R.

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

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

* * *

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed third consideration of **SB 237, PN 1793**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for temporary staffing in local offices, further providing for eligibility, for subsidies for certain adoptions, for approval of county plans, for payments on a fiscal year basis, and for payments to counties for services to children.

On the question recurring,

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 237 be placed on the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

FINANCE COMMITTEE MEETING

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

Mr. YOHN. Mr. Speaker, immediately upon the declaration of the recess or adjournment, if that is the motion, I would like to call a meeting of the Finance Committee in room 115A.

The SPEAKER. The gentleman from Montgomery, Mr. Yohn, calls an immediate meeting of the Committee on Finance in room 115A.

EDUCATION COMMITTEE MEETING

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

Mr. R. R. FISCHER. Mr. Speaker, I would like to call a meeting of the Committee on Education tomorrow morning after the meeting of the Subcommittee on Higher Education.

CONSUMER PROTECTION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. For Mr. Wilson, he will not convene the House Committee on Consumer Protection tomorrow since the House of Representatives will be in session. The agenda which he was to consider tomorrow will be rescheduled for July 22. Thank you, Mr. Speaker.

The SPEAKER. The Chair has been informed there will be no more roll calls today. The desk will stay open.

SUPPLEMENTAL CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION

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

SB 414, PN 1945; and SB 602, PN 634.

BIPARTISAN MANAGEMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Bipartisan Management Committee will meet tomorrow morning at 10 o'clock in my office.

REPORT FROM RULES COMMITTEE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have certain motions with respect to removing bills from the table and the report of the Rules Committee which I submit herewith.

The SPEAKER. The gentleman will send them to the desk.

For the information of the members of the House, the House will reconvene tomorrow at 11 a.m.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 822 be removed from the table and recommitted to the Judiciary Committee.

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, I move that the following bills be removed from the table and placed on the active calendar:

SB 1201;
SB 1287;
SB 1053;
SB 1397; and
SB 1300.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

BILLS REREPORTED FROM COMMITTEES

HB 756, PN 819 By Rep. McCLATCHY
An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining "tangible personal property."

APPROPRIATIONS.

HB 2419, PN 3147 By Rep. RYAN
An Act making an appropriation to the United Cerebral Palsy of Wyoming Valley, Luzerne County.

RULES.

HB 2427, PN 3167 By Rep. RYAN
An Act making an appropriation to the United Cerebral Palsy of Philadelphia and vicinity.

RULES.

HB 2475, PN 3235 By Rep. RYAN
An Act making an appropriation to the Holy Spirit Hospital, Camp Hill, Pennsylvania.

RULES.

HB 2483, PN 3243 By Rep. RYAN
An Act making an appropriation to the Association for the Blind of Carbon and Monroe Counties, for the provision of services to the blind.

RULES.

HB 2541, PN 3333 By Rep. RYAN
An Act providing for the regulation of gasoline advertising.

RULES.

HB 2611, PN 3458 By Rep. RYAN
An Act making an appropriation to the Johnstown Flood Museum Association, Johnstown, Pennsylvania, to establish the Johnstown historical archives.

RULES.

HB 2613, PN 3460 By Rep. RYAN
An Act making an appropriation to the York County Blind Center, a branch of the Pennsylvania Association for the Blind.

RULES.

HB 2640, PN 3500 By Rep. RYAN
An Act amending the act of March 22, 1862 (P. L. 164, No. 164), entitled, as amended, "An act to provide for the destruction, and to prevent the spread of Canada thistles, chicory and

marihuana, and imposing certain powers and duties upon supervisors and constables in relation thereto," extending the act to include Johnson grass.

RULES.

HB 2794, PN 3703

By Rep. RYAN

An Act making an appropriation to the Pennsylvania Crime Commission.

RULES.

SB 1299, PN 1954 (Amended)

By Rep. YOHN

An Act providing for the comprehensive management and fixing of fees charged by administrative agencies and the judicial system.

FINANCE.

**BILLS REREPORTED FROM RULES
COMMITTEE
AND REREFERRED TO
COMMITTEE ON APPROPRIATIONS**

HB 2006, PN 3635

By Rep. RYAN

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), referred to as the Pennsylvania Thoroughbred Horse Racing Law, further providing for the disposition of pari-mutuel pools; increasing the amount of money paid into the Pennsylvania Fair Fund and making editorial changes.

RULES.

HB 2007, PN 3636

By Rep. RYAN

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the Pennsylvania Harness Racing Law, further providing for the disposition of pari-mutuel pools, Pennsylvania Fair Funds and the Pennsylvania Sire Stakes Fund.

RULES.

HB 2630, PN 3482

By Rep. RYAN

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the Pennsylvania Harness Racing Law, further providing for the disposition of pari-mutuel pools in counties of the fourth class.

RULES.

BILLS SIGNED BY SPEAKER

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

SB 65, PN 1794

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to condominiums.

SB 86, PN 1886

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," authorizing licensed clubs composed of volunteer firemen to serve persons who are active members of any volunteer fire fighting group in this Commonwealth, further providing for the number of licenses in certain municipalities and for the exchange of certain club licenses.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. McCLATCHY presented the Report of the Committee of Conference on **HB 1262, PN 3704**.

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

WELCOMES

The SPEAKER. The Chair welcomes to the front of the House Mr. and Mrs. Steve Phillips of Dalmatia, Pennsylvania, who are here today as the guests of Mr. Merle Phillips.

The Chair welcomes to the House the Machita Family and Kathy Salinger who are here today as the guests of the Montgomery County Delegation.

The Chair welcomes to the front of the House a former distinguished member of this House who hopes to again become a member of this House, George Misceovich.

The Chair welcomes to the front of the House Mrs. Helen Phillips, Miss Lorrie Phillips, the wife and daughter of Mr. Merle Phillips.

The Chair also welcomes to the front of the House Mr. Otto Spillman and his sister who are visitors from Switzerland, where Mr. Spillman serves on his local school board. They are here today as the guests of the gentleman from Montgomery, Mr. Nahill.

The Chair welcomes to the balcony a group of Brownies and Girl Scouts and their advisors from northeast Erie County, Pennsylvania, who are here today as the guests of Mr. Bowser.

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I move that this House of Representatives do now adjourn until Wednesday, June 25, 1980, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:59 p.m., e.d.t., the House adjourned.