

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, OCTOBER 27, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 66

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. WILLIAM H. REIST, chaplain of the House of Representatives and pastor of the First Church of God, Elizabethtown, Pennsylvania, offered the following prayer:

Let us pray:

O God, from whom, through whom, for whom exist all things, we give thanks that You have called those whose weighty responsibility it is to legislate for the common good. Do not let them shrink from the task, but give them courage for their work of this day. Do not let them become outworn, but grant them a passion for the truth. Do not let them be swayed by solemnity or shrewd argument, but equip them with integrity and conviction. Do not make their lives easier, but bestow upon them the strength to do what is right. Grant that at all times they may be a voice for those who have no voice; that they may provide the arena for justice to those who do not receive justice; that they might show integrity in a world where integrity and truth and justice are often in short supply.

Grant Your blessing this day to those whom You have instituted in positions of civil leadership through this assembly. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Journals of Wednesday, September 23, 1981, and Monday, October 5, 1981, are now in print. Are there corrections to the Journals? If not, and without objection, the Journals stand approved. The Chair hears no objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, October 26, 1981, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2007 By Representatives SERAFINI, PUNT, A. C. FOSTER, JR. and NOYE

An Act relating to and regulating the practice of forestry; *** prescribing the powers and duties of the Department of State and the courts; and prescribing penalties.

Referred to Committee on PROFESSIONAL LICENSURE, October 26, 1981.

No. 2008 By Representatives J. L. WRIGHT, LASHINGER, NOYE, HAYES, RYAN, MARMION, FLECK, CESSAR, GLADECK, E. H. SMITH, POTT, MERRY, E. Z. TAYLOR, NAHILL, SEVENTY, CORNELL, GRUPPO, SIEMINSKI, DAVIES, GREENWOOD, McVERRY, SAURMAN, VROON, ROCKS, SHUPNIK, RASCO, FRAZIER, SPITZ, PHILLIPS, CLYMER, JOHNSON, STAIRS, ARTY, FREIND, CALTAGIRONE, ZWIKL, PETRONE, HORGOS, MISCEVICH, BROWN, RITTER, DeWEESE, PISTELLA, OLIVER, BARBER, DEAL, CAPPABIANCA, LEVIN, PUCCIARELLI, McMONAGLE, BORSKI, DONATUCCI, WIGGINS, WAMBACH, PETRARCA, PICCOLA, JACKSON, COSLETT, BLAUM, HASAY, STEVENS, COCHRAN, BURD, HONAMAN, SIRIANNI, TADDONIO, BELFANTI and BURNS

An Act providing for energy conservation and management, establishing a State Energy Office, *** providing for the issuance of bonds and making an appropriation.

Referred to Committee on MINES AND ENERGY MANAGEMENT, October 26, 1981.

No. 2009 By Representative PHILLIPS (BY REQUEST)

An Act declaring and adopting the song "Pennsylvania," by Ken Mease, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, October 26, 1981.

No. 2010 By Representatives MAIALE, PERZEL, WOGAN, O'DONNELL, DONATUCCI and WESTON

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

Referred to Committee on JUDICIARY, October 26, 1981.

No. 2011 By Representatives A. C. FOSTER, JR., COLE and DORR

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a certain parcel of property in Manheim Township, York County acquired pursuant to the "Project 70 Land Acquisition and Borrowing Act," in exchange for two parcels of land located in Manheim Township, York County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, October 26, 1981.

No. 2012 By Representatives LIVENGOOD, COCHRAN, STEIGHNER, MILLER, CALTAGIRONE, MULLEN, KLINGAMAN, GAMBLE, PETRARCA, CIMINI, VAN HORNE, PRATT, GALLAGHER, FRYER, MORRIS, SIRIANNI, FEE, BELFANTI, A. K. HUTCHINSON, KOLTER, CLARK, LESCOVITZ, COLAFELLA, H. WILLIAMS, OLASZ, W. W. FOSTER, CORDISCO, WACHOB, LETTERMAN and DeWEESE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, removing provisions relating to retention election of judges and justices.

Referred to Committee on JUDICIARY, October 26, 1981.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence.

Mr. CESSAR. Thank you, Mr. Speaker.

I request a leave for the day for the gentleman from Delaware, Mr. ALDEN.

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

The Chair recognizes the gentleman from Beaver, Mr. Colafella, for the purpose of taking minority leaves of absence.

Mr. COLAFELLA. Mr. Speaker, the Democratic whip asks leave for the gentleman from Berks, Mr. CALTAGIRONE, for today and tomorrow.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1713, PN 2460 (Amended)

By Rep. W. W. FOSTER

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for certain fishing license and service fees and providing for a trout-salmon stamp.

GAME AND FISHERIES.

HB 1875, PN 2268 (Unanimous)

By Rep. W. W. FOSTER

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

GAME AND FISHERIES.

CALENDAR

BILL AGREED TO ON SECOND CONSIDERATION

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

HB 1650, PN 2165.

* * *

The House proceeded to second consideration of **HB 1652, PN 2166**, entitled:

An Act amending the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), referred to as the Sterling Act, further providing for the types and rates of authorized taxes and making a repeal.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that **HB 1652, PN 2166**, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

HB 1670, PN 1949; HB 1671, PN 2099; and HB 1674, PN 2167.

* * *

The House proceeded to second consideration of **HB 1678, PN 2100**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), increasing the rate of the personal income tax and excluding one thousand dollars (\$1,000) from the same.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 1678, PN 2100, be recommended to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 349, PN 2302**, entitled:

An Act amending the "Pennsylvania Municipal Retirement Law," approved February 1, 1974 (P. L. 34, No. 15), providing for the payment of administration funds from excess interest earnings; authorizing increased earnings on a temporary or seasonal basis and eliminating certain offset payments.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 349, PN 2302, be recommended to the Appropriations Committee for an actuarial note.

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

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

SB 514, PN 525; HB 353, PN 1883; SB 1, PN 1231; HB 242, PN 2157; HB 1512, PN 2158; HB 1224, PN 2386; HB 1225, PN 1360; HB 1226, PN 2387; HB 1227, PN 1362; HB 1228, PN 1363; HB 1283, PN 2406; HB 1801, PN 2159; HB 562, PN 2409; HB 893, PN 2354; HB 1256, PN 2357; HB 1741, PN 2361; HB 1766, PN 2093; SB 831, PN 1370; HB 752, PN 2351; HB 758, PN 2352; SB 795, PN 843; and HB 178, PN 1762.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Steven Ritter and his wife Sharon,

here today as the guests of Steve's father, Representative Ritter of Lehigh County.

The Chair is pleased to welcome to the hall of the House a class from the Cedar Cliff High School, here today with Mr. Barnhart, their teacher I suppose, as the guests of Representative Bruce Smith of Cumberland and York Counties.

The Chair is pleased to welcome to the hall of the House today Miss Rita Anczarski and the eighth grade class of St. Patrick's Grade School of Pottsville, here today as the guests of Representative Lucyk of Schuylkill County.

The Chair is pleased to welcome to the hall of the House today William and Kathy Geise of Union County, here today as the guests of Representative Showers.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take up today's master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT—194

Anderson	Fargo	Lloyd	Rybak
Armstrong	Fee	Lucyk	Salvatore
Arty	Fischer	McCall	Saurman
Barber	Fleck	McClatchy	Serafini
Belardi	Foster, W. W.	McIntyre	Seventy
Belfanti	Foster, Jr., A.	McMonagle	Showers
Beloff	Frazier	McVerry	Shupnik
Berson	Freind	Mackowski	Sieminski
Bittle	Fryer	Madigan	Sirianni
Blaum	Gallagher	Maiale	Smith, B.
Borski	Gallen	Manderino	Smith, E. H.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Marmion	Snyder
Brandt	Geist	Merry	Spencer
Brown	George	Michlovic	Spitz
Burd	Gladeck	Micozzie	Stairs
Burns	Grabowski	Miller	Steighner
Cappabianca	Gray	Miscevich	Stevens
Cawley	Greenwood	Moehlmann	Stewart
Cessar	Grieco	Morris	Suban
Cimini	Gruitza	Mowery	Swaim
Civera	Gruppo	Mrkonic	Sweet
Clark	Hagarty	Mullen	Swift
Clymer	Haluska	Murphy	Taddonio
Cochran	Harper	Nahill	Taylor, E. Z.
Cohen	Hasay	Noye	Taylor, F. E.
Colafella	Hayes	O'Donnell	Telek
Cole	Heiser	Olasz	Tigue
Cordisco	Hoeffel	Oliver	Trello
Cornell	Honaman	Pendleton	Van Horne
Coslett	Horgos	Perzel	Vroon
Cowell	Hutchinson, A.	Peterson	Wachob
Cunningham	Itkin	Petrarca	Wambach
DeMedio	Jackson	Petrone	Wargo
DeVerter	Johnson	Phillips	Wass
DeWeese	Kanuck	Piccola	Wenger
Daikeler	Kennedy	Pievsky	Weston
Davies	Klingaman	Pistella	Wiggins
Dawida	Kolter	Pitts	Williams, J. D.
Deal	Kowalyshyn	Pott	Wilson
Dietz	Kukovich	Pratt	Wogan
Dininni	Lashinger	Pucciarelli	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rasco	Wright, J. L.
Dorr	Lescovitz	Reber	Wright, R. C.
Duffy	Letterman	Richardson	Zwikl
Durham	Levi	Rieger	
Emerson	Levin	Ritter	Ryan,
Evans	Livengood	Rocks	Speaker

ADDITIONS—3

Greenfield Rappaport Williams, H.
NOT VOTING—1

White

EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
Caltagirone

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. James Bailoni and Mr. Michael Witcoskie, here today as the guests of Representative Belfanti.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport; and the gentleman from Philadelphia, Mr. Greenfield, who ask that their names be added to the master roll call.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1348, PN 2008**, entitled:

An Act amending "The Minimum Wage Act of 1968," approved January 17, 1968 (P. L. 11, No. 5), further providing for exemptions.

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

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

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

Mr. GREENFIELD. To speak on the bill, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. GREENFIELD. Mr. Speaker, I rise to oppose HB 1348 as an extension of the exemptions of the minimum wage provisions of the State law. Mr. Speaker, I think it is inconceivable, at this time of rising costs in a very heated inflationary period, that we are considering legislation to cut back on the protection to the workingman under the minimum wage provisions. I think it is a very poor precedent. I think we should be thinking of ways to help these individuals in a time of crisis, and not extensions of this particular provision.

Incidentally, Mr. Speaker, for the members, I would like to point out that the calendar reading and explanation of the bill is incorrect. There is a new printer's number, and—

The SPEAKER. Will the gentleman yield?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 1348, PN 2008, be laid temporarily on the table.

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

* * *

The House proceeded to third consideration of **HB 1030, PN 1132**, entitled:

An Act amending the "Co-operative Agricultural Association Corporate Net Income Tax Act," approved May 23, 1945 (P. L. 893, No. 360), further providing for the imposition of the tax.

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—184

Anderson	Fleck	McMonagle	Salvatore
Armstrong	Foster, W. W.	McVerry	Saurman
Arty	Foster, Jr., A.	Mackowski	Serafini
Barber	Frazier	Madigan	Seventy
Belardi	Freind	Maiale	Showers
Belfanti	Fryer	Manderino	Shupnik
Beloff	Gallagher	Manmiller	Sieminski
Berson	Gallen	Marmion	Sirianni
Bittle	Gamble	Merry	Smith, B.
Blaum	Gannon	Michlovic	Smith, E. H.
Borski	Geist	Micozzie	Smith, L. E.
Boyes	George	Miller	Snyder
Brandt	Gladeck	Miscevich	Spencer
Brown	Greenfield	Moehlmann	Spitz
Burd	Greenwood	Morris	Stairs
Burns	Grieco	Mowery	Stevens
Cappabianca	Gruitza	Mrkonic	Stewart
Cawley	Gruppo	Mullen	Stuban
Cimini	Hagarty	Murphy	Swaim
Civera	Haluska	Nahill	Sweet
Clark	Harper	Noye	Swift
Clymer	Hasay	O'Donnell	Taddonio
Cochran	Hayes	Olasz	Taylor, E. Z.
Colafella	Heiser	Oliver	Taylor, F. E.
Cole	Hoeffel	Pendleton	Telek
Cordisco	Honaman	Perzel	Tigue
Cornell	Horgos	Peterson	Trello
Coslett	Hutchinson, A.	Petrarca	Van Horne
Cowell	Itkin	Petrone	Vroon
DeMedio	Jackson	Phillips	Wachob
DeWeese	Kennedy	Piccola	Wambach
Daikeler	Klingaman	Pievsky	Wargo
Davies	Kolter	Pistella	Wass
Dawida	Kowalyszyn	Pitts	Weston
Deal	Kukovich	Pott	Wiggins
Dietz	Lashingier	Pratt	Williams, J. D.
Dininni	Laughlin	Pucciarelli	Wilson
Dombrowski	Lehr	Punt	Wogan
Donatucci	Lescovitz	Rappaport	Wozniak
Dorr	Letterman	Rasco	Wright, D. R.
Duffy	Levi	Reber	Wright, J. L.
Durham	Livengood	Richardson	Wright, R. C.
Emerson	Lloyd	Rieger	Zwilk
Evans	Lucyk	Ritter	

Fargo	McCall	Rocks	Ryan,
Fee	McClatchy	Rybak	Speaker
Fischer	McIntyre		

NAYS—7

Bowser	DeVerter	Johnson	Wenger
Cunningham	Grabowski	Steighner	

NOT VOTING—7

Cessar	Gray	Levin	Williams, H.
Cohen	Kanuck	White	

EXCUSED—5

Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

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 1039, PN 1963**, entitled:

An Act amending the act of November 15, 1972 (P. L. 1063, No. 271), entitled "An act amending the act of November 25, 1970 (P. L. 707, No. 230), entitled 'An act codifying and compiling a part of the law of the Commonwealth,' adding provisions relating to burial grounds, corporations, including corporations not-for-profit, educational institutions, private police, certain charitable or eleemosynary institutions, certain nonprofit insurers, service of process on certain nonresident persons, names, prescribing penalties and making repeals," changing certain registration requirements from the Department of Revenue to the Department of State, deleting a penalty and repealing certain filing requirements.

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendments No. A4089:

Amend Sec. 1 (Sec. 8), page 2, line 13, by inserting a bracket before "Every"

Amend Sec. 1 (Sec. 8), page 2, line 14, by striking out the brackets before and after "Revenue"

Amend Sec. 1 (Sec. 8), page 2, line 14, by striking out "State"

Amend Sec. 1 (Sec. 8), page 2, lines 15 and 16, by striking out "THIS ANNUAL NOTIFICATION SHALL BE FILED WITH NO FEE REQUIRED."

Amend Sec. 1 (Sec. 8), page 2, line 17, by striking out the bracket before "(b)"

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, my intent in this amendment is to relieve nonprofit corporations from what I perceive to be non-cost-effective red tape. We have systems in place in the law which require filings by nonprofit corporations, most of which are out there serving the people of our communities in various capacities. These provisions require an annual notification of change of officers and a decennial registration system; that is, every 10 years.

Frankly, it is my judgment that the annual registration system is almost never used and the decennial registration system is very seldom used, or used by a small percentage of the actual nonprofit corporations which are working in our communities. The systems have a purpose, and I do not deny that.

The intent of the bill originally is to reduce the present requirements of law down to a once-per-year registration system, and I certainly do not argue with reducing red tape. My point is that in fact very few of those organizations are utilizing the system now, and many of them in fact are not filing any kind of statements.

My fear is that by reducing this, we give the Department of State an excuse to go trotting around requiring a lot of red tape, filing of forms by nonprofit organizations—which in fact they do not do today—and continue to impose severe penalties which now, I believe, the Department of State will see its way clear to enforce, which they have not enforced in the past.

Therefore, I believe it is probably better for the people in our communities who are receiving the benefits of these nonprofit organizations out there working in our communities to relieve the nonprofit corporations of this additional, what I believe in practice would be additional, red tape. Therefore, my amendment deletes all of those requirements, leaving in place only the original registry form, which has to be filed when the organization incorporates.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind, on the question of the amendments.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the Dorr amendment. I share Mr. Dorr's concern that we remove red tape from our nonprofit corporations, and in fact, that is what HB 1039 does. HB 1039 is the result of more than 2 years of work, numerous meetings with all of the State departments involved - Revenue, State, the Governor's Office, the Chamber of Commerce, and the United Way - all of whom strongly support this legislation.

Present law requires any nonprofit corporation to file articles of incorporation with the Department of State, just like a profit corporation. Like a profit corporation, it must also file a registry statement. But unlike a profit corporation, it does not file the registry statement with the Department of State, but with the Department of Revenue. There has never been any rationale for that whatsoever. Revenue does not want the forms, and so the first thing the bill does is the registry statement will be filed with the Department of State rather than the Department of Revenue.

Present law requires a nonprofit corporation once a year to file a statement with the Department of Revenue as to whether or not any of the officers have changed, and if so, the names of the new officers. There is also in present law a \$500 penalty for failing to file the registry statement. We have removed that \$500 penalty in HB 1039. The annual statement is shifted from Revenue to State, and it is merely a change-of-officer statement. If in fact the officers have not changed, it will take approximately 10 seconds to fill out. If in fact all four officers have changed, it might take about 40 seconds to fill out. The

forms will be sent by the Department of State. I certainly do not believe, Mr. Speaker, that this is imposing any red tape on these organizations and is not changing existing law in any way by adding new restrictions.

In addition what we do is remove the existing requirement that every 10 years each nonprofit corporation has to file a decennial report and a \$40 licensing fee. That is totally removed. It eliminates the red tape; it saves the nonprofit corporations money; it does insure that at least a bare minimum of information, the names of the four officers of the corporation, will be on file with the Department of State. It is strongly supported by the nonprofit corporations, by the United Way, and I would ask for defeat of the Dorr amendment. Thank you.

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

Mr. DORR. Only a couple of comments, Mr. Speaker. First of all, it is strongly supported by the United Way; I do not doubt that. The problem is that there are hundreds and hundreds of nonprofit corporations out there working in your community and mine which had no part in that decision. The United Way is a sophisticated operation. They have the staff and ability to file forms and they are filing forms all the time. That is no problem for them. It is your Jaycee organizations, your junior women's clubs, whatever is doing the work in your communities, which I think do not need that extra whatever it is, 10 seconds, 30 seconds, 20 cents on an envelope to send it to the Department of State and then 4 hours trying to straighten it out when the State wants to argue with them about it.

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

Mr. FREIND. Mr. Speaker, I think we have to keep one thing in mind when we are talking about nonprofit corporations. We are not just talking about charitable corporations. We are talking about a lot of corporations which do business in the Commonwealth and, even though they do not show a profit, pay their staff really big salaries. As a matter of fact, one of the problems that we have right now, which we will be called upon to deal with in greater detail, is the life-care facilities, which are multimillion-dollar operations which by and large are nonprofit corporations.

Now, HB 1039 does not purport to totally deal with that problem. But what it will do is insure that a basic minimum is available to the public and in fact to a law enforcement agency, and that is the names each year of the four corporate officers and the address, not of the officers, not their home address, but the address of the nonprofit corporation. I do not think that that is asking too much, Mr. Speaker. The red tape involved is minimal. In fact, we are eliminating a lot of red tape, and I think this will be a strength for our nonprofit corporations and for the people rather than a detriment. For that reason I would strongly urge you to defeat the Dorr amendment.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams, who asks that his name be placed on the master roll call.

CONSIDERATION OF HB 1039 CONTINUED

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

The following roll call was recorded:

YEAS—85

Anderson	Gallen	Manmiller	Smith, E. H.
Armstrong	Hagarty	Morris	Snyder
Belfanti	Haluska	Mowery	Spencer
Bittle	Hasay	Nahill	Steighner
Borski	Hayes	Noye	Stevens
Boyes	Honaman	O'Donnell	Stewart
Brandt	Jackson	Oliver	Sweet
Cappabianca	Johnson	Peterson	Swift
Clymer	Kennedy	Phillips	Taddonio
Cochran	Klingaman	Piccola	Taylor, E. Z.
Cole	Kolter	Pitts	Taylor, F. E.
Cordisco	Kowalyshyn	Pucciarelli	Van Horne
Cornell	Laughlin	Punt	Vroon
Daikeler	Lehr	Rasco	Wachob
Davies	Letterman	Reber	Wambach
Dietz	Levi	Rieger	Wass
Dininni	McCall	Rybak	Wenger
Dombrowski	McClatchy	Saurman	Williams, H.
Dorr	McIntyre	Showers	Williams, J. D.
Foster, W. W.	McMonagle	Sirianni	Wozniak
Foster, Jr., A.	Mackowski	Smith, B.	Wright, D. R.
Frazier			

NAYS—105

Arty	Fargo	Lloyd	Ritter
Barber	Fee	Lucyk	Rocks
Belardi	Fischer	McVerry	Salvatore
Berson	Fleck	Madigan	Serafini
Blaum	Freind	Maiale	Seventy
Bowser	Fryer	Manderino	Shupnik
Brown	Gallagher	Marmion	Sieminski
Burd	Gamble	Merry	Smith, L. E.
Burns	Gannon	Michlovic	Spitz
Cawley	Geist	Micozzie	Stairs
Cessar	George	Miller	Stuban
Cimini	Gladeck	Miscevich	Swaim
Civera	Grabowski	Mochlmann	Telek
Clark	Greenfield	Mrkonic	Tigue
Colafella	Greenwood	Mullen	Trello
Coslett	Grieco	Murphy	Wargo
Cowell	Gruitza	Olasz	Weston
Cunningham	Gruppo	Pendleton	Wiggins
DeMedio	Harper	Perzel	Wilson
DeVerter	Heiser	Petrarca	Wogan
DeWeese	Hoefel	Petrone	Wright, J. L.
Dawida	Horgos	Pievsky	Wright, R. C.
Deal	Itkin	Pistella	Zwikl
Donatucci	Kukovich	Pott	
Duffy	Lashinger	Pratt	Ryan,
Durham	Lescovitz	Rappaport	Speaker
Evans	Livengood	Richardson	

NOT VOTING—8

Beloff	Emerson	Hutchinson, A.	Levin
Cohen	Gray	Kanuck	White

EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
Caltagirone

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

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

Anderson	Fischer	McCall	Serafini
Armstrong	Fleck	McClatchy	Seventy
Arty	Foster, W. W.	McIntyre	Showers
Barber	Foster, Jr., A.	McMonagle	Shupnik
Belardi	Frazier	McVerry	Sieminski
Belfanti	Freind	Mackowski	Sirianni
Beloff	Fryer	Madigan	Smith, B.
Bittle	Gallen	Maiale	Smith, E. H.
Blaum	Gamble	Manmiller	Smith, L. E.
Bowser	Gannon	Marmion	Snyder
Boyes	Geist	Merry	Spencer
Brandt	George	Michlovic	Spitz
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miller	Steighner
Burns	Greenfield	Miscevich	Stevens
Cappabianca	Greenwood	Moehlmann	Stewart
Cawley	Grieco	Morris	Stuban
Cessar	Gruitza	Mowery	Swaim
Cimini	Gruppo	Mrkonic	Sweet
Civera	Hagarty	Murphy	Swift
Clark	Haluska	Nahill	Taddonio
Clymer	Harper	Noye	Taylor, E. Z.
Cochran	Hasay	O'Donnell	Taylor, F. E.
Cohen	Hayes	Olasz	Telek
Colafella	Heiser	Oliver	Tigue
Cole	Hoeffel	Pendleton	Trello
Cordisco	Honaman	Perzel	Van Horne
Cornell	Horgos	Peterson	Vroon
Coslett	Hutchinson, A.	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVertter	Kanuck	Pievsky	Wenger
DeWeese	Kennedy	Pistella	Weston
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, H.
Dawida	Kowalshyn	Pratt	Williams, J. D.
Deal	Kukovich	Punt	Wilson
Dietz	Lashinger	Rappaport	Wogan
Dininni	Laughlin	Rasco	Wozniak
Dombrowski	Lehr	Reber	Wright, D. R.
Donatucci	Lescovitz	Richardson	Wright, J. L.
Dorr	Letterman	Rieger	Wright, R. C.
Duffy	Levi	Ritter	Zwinkl
Durham	Levin	Rocks	
Evans	Livengood	Rybak	Ryan,
Fargo	Lloyd	Salvatore	Speaker
Fee	Lucyk	Saurman	

NAYS—3

Berson Borski Pucciarelli

NOT VOTING—6

Emerson Gray Mullen White
Gallagher Manderino

EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
Caltagirone

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 VOTES

The SPEAKER. The Chair recognizes the majority whip.

Mr. CESSAR. Thank you, Mr. Speaker.

If I had been in my seat on HB 1030, PN 1132, I would have voted in the affirmative.

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

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

Mr. GRABOWSKI. Mr. Speaker, on HB 1030 I inadvertently voted in the negative. I would like to be recorded in the affirmative.

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

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, if I had been paying attention, I would have voted on HB 1039, and I would like the record to show that I would have voted in the affirmative.

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

GUESTS INTRODUCED

The SPEAKER. I have asked the gentleman from Philadelphia, Mr. Hardy Williams, to come to the rostrum for the purpose of introducing guests to the General Assembly. Mr. Williams.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, we have with us today two distinguished guests from California. The first person is Representative James Cramer from the Legislature of California. Mr. Cramer.

The second person is Mr. Jeff Goodman, who is counsel for the Criminal Justice Committee, which Mr. Cramer chairs in the Legislature of California.

And the third person is Bennie Swans, who is the executive director of the Crisis Intervention Network in Philadelphia.

Very briefly, the reason these gentlemen came to Pennsylvania is to learn some of our successes in the area of youth violence or organized gang warfare. Those of you who were here in 1973 and 1974 and those of you who served on that committee remember the receptivity of this body to that problem in Philadelphia. I just want to state that through the help and direction of the ladies and gentlemen of this body

and of the committee, the problem in Philadelphia has been successfully handled over a period of years, and presently Mr. Swans directs that organization.

So I want to thank you and to indicate to you that your work and your deliberations and your concern have reverberated to California, and these gentlemen have come here today and met with the Speaker and some members of that old committee to learn our lessons of success in terms of some deep human problems. I thank you, Mr. Speaker.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1040, PN 1142**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the furnishing and availability of certain information relating to nonprofit corporations and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Caltagirone, is on leave of absence for the day. Does anyone have his amendments to offer on his behalf?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, there is some question as to whether Mr. Caltagirone is even going to offer his amendment. We will find that out very shortly. Let us just table this bill temporarily and move on with the calendar. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1040 be placed temporarily on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today students and teachers of the Martin Mylin Middle School of Lancaster County, here today as the guests of Representative Armstrong.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 773, PN 2424**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the use of replica firearms by security officers.

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—186

Anderson	Fargo	McCall	Rocks
Armstrong	Fee	McClatchy	Rybak
Arty	Fischer	McIntyre	Salvatore
Barber	Fleck	McMonagle	Saurman
Belardi	Foster, W. W.	McVerry	Serafini
Beloff	Foster, Jr., A.	Mackowski	Seventy
Berson	Frazier	Madigan	Showers
Bittle	Freind	Maiale	Shupnik
Blaum	Fryer	Manderino	Sieminski
Borski	Gallagher	Manmiller	Sirianni
Bowser	Gallen	Marmion	Smith, B.
Boyes	Gamble	Merry	Smith, E. H.
Brandt	Gannon	Michlovic	Smith, L. E.
Brown	Geist	Micozzie	Snyder
Burd	George	Miller	Spencer
Burns	Gladeck	Miscevich	Spitz
Cappabianca	Grabowski	Moehlmann	Stairs
Cawley	Greenfield	Morris	Steighner
Cessar	Greenwood	Mowery	Stevens
Cimini	Grieco	Mrkonic	Stuban
Civera	Gruitza	Mullen	Swaim
Clark	Gruppo	Murphy	Sweet
Clymer	Hagarty	Nahill	Swift
Cochran	Haluska	Noye	Taddonio
Cohen	Harper	O'Donnell	Taylor, E. Z.
Colafella	Hasay	Olasz	Taylor, F. E.
Cole	Hayes	Oliver	Telek
Cordisco	Heiser	Pendleton	Tigue
Cornell	Hoeffel	Perzel	Trello
Coslett	Honaman	Peterson	Van Horne
Cowell	Horgos	Petrarca	Wachob
Cunningham	Itkin	Petrone	Wambach
DeMedio	Jackson	Phillips	Wargo
DeVerter	Johnson	Piccola	Wass
DeWeese	Kennedy	Pievsky	Wenger
Daikeler	Klingaman	Pistella	Weston
Davies	Kolter	Pitts	Wiggins
Dawida	Kowalshyn	Pott	Williams, J. D.
Deal	Kukovich	Pratt	Wilson
Dietz	Lashingier	Pucciarelli	Wogan
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Letterman	Rasco	Wright, R. C.
Dorr	Levi	Reber	Zwikl
Duffy	Levin	Richardson	
Durham	Lloyd	Rieger	Ryan,
Evans	Lucyk	Ritter	Speaker

NAYS—0

NOT VOTING—12

Belfanti	Hutchinson, A.	Livengood	White
Emerson	Kanuck	Stewart	Williams, H.
Gray	Laughlin	Vroon	Wozniak

EXCUSED—5

Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

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 921, PN 1032**, entitled:

An Act providing for the recording of certain affidavits affecting the title to real estate and for their admissibility into evidence.

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—194

Anderson	Fee	Lucyk	Rybak
Armstrong	Fischer	McCall	Salvatore
Arty	Fleck	McClatchy	Saurman
Barber	Foster, W. W.	McIntyre	Serafini
Belardi	Foster, Jr., A.	McMonagle	Seventy
Belfanti	Frazier	McVerry	Showers
Beloff	Freind	Mackowski	Shupnik
Berson	Fryer	Madigan	Sieminski
Bittle	Gallagher	Maiale	Sirianni
Blaum	Gallen	Manderino	Smith, B.
Borski	Gamble	Manmiller	Smith, E. H.
Bowser	Gannon	Marmion	Smith, L. E.
Boyes	Geist	Merry	Snyder
Brandt	George	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Grabowski	Miller	Stairs
Burns	Greenfield	Miscevich	Steighner
Cappabianca	Greenwood	Moehlmann	Stevens
Cawley	Grieco	Morris	Stewart
Cessar	Gruitza	Mowery	Stuban
Cimini	Gruppo	Mrkonic	Swaim
Civera	Hagarty	Mullen	Sweet
Clark	Haluska	Murphy	Swift
Clymer	Harper	Nahill	Taddonio
Cochran	Hasay	Noye	Taylor, E. Z.
Colafella	Hayes	O'Donnell	Taylor, F. E.
Cole	Heiser	Olasz	Telek
Cordisco	Hoefel	Oliver	Tigue
Cornell	Honaman	Pendleton	Trello
Coslett	Horgos	Perzel	Van Horne
Cowell	Hutchinson, A.	Peterson	Vroon
Cunningham	Itkin	Petrarca	Wachob
DeMedio	Jackson	Petrone	Wambach
DeVerter	Johnson	Phillips	Wargo
DeWeese	Kanuck	Piccola	Wass
Daikeler	Kennedy	Pievsky	Wenger
Davies	Klingaman	Pistella	Weston
Dawida	Kolter	Pitts	Wiggins
Deal	Kowalyszyn	Pott	Williams, J. D.
Dietz	Kukovich	Pratt	Wilson
Dininni	Lashinger	Pucciarelli	Wogan
Dombrowski	Laughlin	Punt	Wozniak
Donatucci	Lehr	Rappaport	Wright, D. R.
Dorr	Lescovitz	Rasco	Wright, J. L.
Duffy	Letterman	Reber	Wright, R. C.
Durham	Levi	Richardson	Zwikel
Emerson	Levin	Rieger	
Evans	Livengood	Ritter	
Fargo	Lloyd	Rocks	Ryan, Speaker

NAYS—0

NOT VOTING—4

Cohen	Gray	White	Williams, H.
EXCUSED—5			
Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

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 Armstrong, Mr. Livengood.

Mr. LIVENGOOD. Mr. Speaker, I was out of my seat when HB 773 was voted on. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Mr. Speaker, I inadvertently missed the vote on HB 773, and I would like to be recorded in the affirmative.

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

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

Mr. BELFANTI. Same thing here, Mr. Speaker. I would like to be recorded in the affirmative on HB 773.

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

The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. I would like to be recorded in the affirmative on HB 773.

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

CONSIDERATION OF HB 1040 CONTINUED

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1040 be removed from the table.

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 on third consideration?
Mr. FREIND offered the following amendments No.

A2497:

Amend Sec. 2 (Sec. 408), page 3, lines 16 and 17, by striking out “such as the names of principal corporate officers and complete company office addresses” and inserting as defined in section 403(a)(3)

Amend Sec. 4, page 3, line 30; page 4, line 1, by striking out “actively doing business” and inserting active

Amend Sec. 4, page 4, line 1, by striking out “during” and inserting within

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

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

Mr. FREIND. Thank you, Mr. Speaker.

This is strictly a technical amendment which clarifies the language. It is a language change to clarify the intent of the bill. It is purely technical, and I would ask for your support.

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

The following roll call was recorded:

YEAS—192

Anderson	Fee	McCall	Salvatore
Armstrong	Fischer	McClatchy	Saurman
Arty	Fleck	McIntyre	Serafini
Barber	Foster, W. W.	McMonagle	Seventy
Belardi	Foster, Jr., A.	McVerry	Showers
Belfanti	Frazier	Mackowski	Shupnik
Beloff	Freind	Madigan	Sieminski
Berson	Fryer	Maiale	Sirianni
Bittle	Gallagher	Manderino	Smith, B.
Blaum	Gallen	Marmion	Smith, E. H.
Borski	Gamble	Merry	Smith, L. E.
Bowser	Gannon	Michlovic	Snyder
Boyes	Geist	Micozzie	Spencer
Brandt	George	Miller	Spitz
Brown	Gladeck	Miscevich	Stairs
Burd	Grabowski	Moehlmann	Steighner
Burns	Greenfield	Morris	Stevens
Cappabianca	Greenwood	Mowery	Stewart
Cawley	Grieco	Mrkoncic	Suban
Cessar	Gruitza	Mullen	Swaim
Cimini	Gruppo	Murphy	Sweet
Civera	Hagarty	Nahill	Swift
Clark	Haluska	Noye	Taddonio
Clymer	Harper	O'Donnell	Taylor, E. Z.
Cochran	Hasay	Olasz	Taylor, F. E.
Cohen	Hayes	Oliver	Telek
Colafella	Heiser	Pendleton	Tigue
Cole	Hoeffel	Perzel	Trello
Cordisco	Honaman	Peterson	Van Horne
Cornell	Horgos	Petrarca	Vroon
Coslett	Hutchinson, A.	Petrone	Wachob
Cowell	Itkin	Phillips	Wambach
Cunningham	Jackson	Piccola	Wargo
DeMedio	Johnson	Pievsky	Wass
DeVerter	Kennedy	Pistella	Wenger
DeWeese	Klingaman	Pitts	Weston
Daikeler	Kolter	Pott	Wiggins
Davies	Kowalyszyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
Deal	Lashingner	Punt	Wogan
Dietz	Laughlin	Rappaport	Wozniak
Dininni	Lehr	Rasco	Wright, D. R.
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Richardson	Wright, R. C.
Duffy	Levi	Rieger	Zwinkl
Durham	Levin	Ritter	
Emerson	Livengood	Rocks	Ryan,
Evans	Lloyd	Rybak	Speaker

Fargo Lucyk

NAYS—1

Manmiller

NOT VOTING—5

Dorr Kanuck White Williams, H.
Gray

EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
Caltagirone

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

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

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—192

Anderson	Fischer	McClatchy	Saurman
Armstrong	Fleck	McIntyre	Serafini
Arty	Foster, W. W.	McMonagle	Seventy
Barber	Foster, Jr., A.	McVerry	Showers
Belardi	Frazier	Mackowski	Shupnik
Belfanti	Freind	Madigan	Sieminski
Beloff	Fryer	Maiale	Sirianni
Berson	Gallagher	Manderino	Smith, B.
Bittle	Gallen	Manmiller	Smith, E. H.
Blaum	Gamble	Marmion	Smith, L. E.
Borski	Gannon	Merry	Snyder
Bowser	Geist	Michlovic	Spencer
Boyes	George	Micozzie	Spitz
Brandt	Gladeck	Miller	Stairs
Brown	Grabowski	Miscevich	Steighner
Burd	Greenfield	Moehlmann	Stevens
Burns	Greenwood	Morris	Stewart
Cappabianca	Grieco	Mowery	Suban
Cawley	Gruitza	Mrkoncic	Swaim
Cessar	Gruppo	Mullen	Sweet
Cimini	Hagarty	Murphy	Swift
Civera	Haluska	Nahill	Taddonio
Clark	Harper	Noye	Taylor, E. Z.
Clymer	Hasay	O'Donnell	Taylor, F. E.
Cochran	Hayes	Olasz	Telek
Cohen	Heiser	Oliver	Tigue
Colafella	Hoeffel	Pendleton	Trello
Cole	Honaman	Perzel	Van Horne
Cordisco	Horgos	Peterson	Vroon
Cornell	Hutchinson, A.	Petrarca	Wachob
Coslett	Itkin	Petrone	Wambach
Cowell	Jackson	Phillips	Wargo
Cunningham	Johnson	Piccola	Wass
DeMedio	Kennedy	Pievsky	Wenger
DeVerter	Klingaman	Pistella	Weston
DeWeese	Kolter	Pitts	Wiggins
Daikeler	Kowalyszyn	Pott	Williams, H.
Davies	Kukovich	Pratt	Williams, J. D.
Dawida	Lashingner	Pucciarelli	Wilson
Deal	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Rasco	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Richardson	Wright, R. C.
Dorr	Levin	Rieger	Zwinkl
Duffy	Livengood	Rocks	

Durham	Lloyd	Rybak	Ryan,
Evans	Lucyk	Salvatore	Speaker
Fee	McCall		

NAYS—1

Fargo

NOT VOTING—5

Emerson	Kanuck	Ritter	White
Gray			

EXCUSED—5

Alden	Hutchinson, W. Irvis	Lewis
Caltagirone		

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.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I suggest we recess now until 1:30 for the purpose of taking lunch.

To those who have amendments to bills on today's voting schedule, I ask you to please have them ready for this afternoon's session. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House, Dr. Jim Showrank, here today as the guest of the Representatives of Beaver County.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 1:30 p.m. The Chair hears none.

AFTER RECESS

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

**CALENDAR RESUMED
BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1307, PN 1457**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for the duties of constables.

On the question,

Will the House agree to the bill on third consideration?

Mrs. HEISER offered the following amendments No. A4225:

Amend Sec. 1 (Sec. 1207), page 1, line 19, by striking out the bracket before "The"

Amend Sec. 1 (Sec. 1207), page 1, line 20, by inserting brackets before and after "shall" and inserting immediately thereafter may

Amend Sec. 1 (Sec. 1207), page 2, line 7, by striking out the bracket after "election."

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Heiser.

Mrs. HEISER. Mr. Speaker, inadvertently the bill eliminated constables, and all this amendment does is to make deputy constables at polling places, change it from a mandate of "shall" to "may." In other words, the counties have the option of appointing deputy constables at polling places.

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

Mr. RASCO. Mr. Speaker, I wonder if Representative Heiser would stand for interrogation on the amendment.

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

Mr. RASCO. Mr. Speaker, if we are going to have this amendment which says it is optional to have constables at the polling places and it is an option of the county, this would have to be done, I suppose, before the election. What I question on this amendment is, who is to determine whether there is going to be a problem at any particular polling place in the county? Who would make that decision before the election?

I think with this amendment, as I see it, I do not think anyone could really make that decision as to where there would be problems at any particular polling place, so, really, it could not be an option. I would like to have Representative Heiser's comments.

Mrs. HEISER. Mr. Speaker, this bill takes effect in 60 days, so it would not influence the upcoming election.

The decision as to what polling places would have the deputy constables would be determined by the election board within each individual county.

Mr. RASCO. Yes, in the county. The reason I question it is, in Allegheny County, for example, which we are both from, and the many polling places we have - For example, I have been at the polls for many years, and we have had problems at our polling place. These types of problems have been where people will violate the 10-foot distance. They will go into the polls where workers have jammed up the area so voters cannot get through, where candidates have gone into the polls with signs. In these different areas, this is where a constable is responsible to maintain order, move these people back, get people back out of the polling place, open up the aisles so they can vote, these types of things.

I do not think the county really knows what problems we have in Penn Hills in my voting district. What I question is how someone in the county in the election bureau can decide in my election polling place or in any place in Penn Hills or any voting district in Allegheny County as to who is going to have problems on election day.

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

Mrs. HEISER. Mr. Speaker, I think we have been discussing the bill itself. I believe the gentleman is out of order.

The amendment offered is to clarify an error in the printing of the bill, and it is just to establish the option to the counties as to whether they want to have deputy constables at the polls.

Within Allegheny County there have been polls that have opened and they legally can open without deputy constables. At each election it amounts to about \$55,000, amounting to \$110,000 in just Allegheny County. Yet these individuals do not have any definite responsibility at the polls.

I would urge adoption of this amendment, because it does offer the option to the county as to whether they want to have deputy constables at the polls.

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

Mr. RASCO. One additional comment on this particular amendment.

I question Mrs. Heiser's statement in which she says that deputy constables do not have responsibilities at the polls. The deputy constable is under the constable of that district, and he does have responsibility for law and order at the polls.

I can understand that we do want to save money in the State and in the counties on the election process, but this is not the area to save it. You do not want to save money at the polls and then have chaos and disorder at the polls. I think it is too important to all of us. I would ask for a negative vote on this amendment.

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

Mr. RAPPAPORT. Mr. Speaker, will the lady consent to interrogation?

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

Mr. RAPPAPORT. Mr. Speaker, could the lady inform us as to whether constables in Allegheny County are elected officials?

Mrs. HEISER. Yes.

Mr. RAPPAPORT. Under the proposed amendment and proposed legislation, would these deputy constables be elected officials?

Mrs. HEISER. No.

Mr. RAPPAPORT. And could the lady inform us as to who would appoint these deputy constables?

Mrs. HEISER. There are two types of deputy constables. The constable within the municipality appoints a deputy constable to assist him in transporting prisoners, serving summonses, and then there are deputy constables that are appointed at each polling place for the primary and the general election.

Mr. RAPPAPORT. Mr. Speaker, could the lady inform us, first of all, who appoints these deputy constables who are in the polling place, and secondly, is that the law today?

Mrs. HEISER. At the present time the responsibility lies within the constable's realm of responsibility to appoint deputy constables at the polls. However, in our experience in Allegheny County, the constables generally turn to the political parties and in turn they assist him in selecting deputy constables at the polls.

Mr. RAPPAPORT. Mr. Speaker, can the lady perhaps tell us what need there is to have constables in polling places? I would assume in Allegheny County they have judges of elections and majority inspectors and minority inspectors and watchers there appointed by the parties and candidates.

Mrs. HEISER. Mr. Speaker, just recently the constables' fees have been raised to \$40, and they have a tendency to back into this raise primarily based on the way the law is written. At the present time, inspectors and clerks of election are paid \$40 a day, and yet they are required to be at the polls for 13, 14 hours. The present law does not identify the responsibility of the deputy constables at the polls, and yet they are getting \$40 a day.

Prior to the deputy constables getting the raise of \$40 per election, their salary or fee they received was \$10. According to the gentleman who heads the Allegheny County election department, it was next to impossible to get deputy constables to sit there all day or perhaps come and go at \$10 per day. Now that their salary has come up to \$40 a day, they are getting more people who are willing to take this position. However, we have a mass resignation of inspectors and clerks of election primarily based on the fact that they put in the 13, 14 hours a day, and the deputy constables who collect the same fee of \$40 do not have any definite responsibility at the polls.

Mr. RAPPAPORT. Mr. Speaker, perhaps the lady could tell me, what is the necessity of having any constable at the polls? I come from a river ward in Philadelphia, but I was not aware of the fact that you had great problems of violence in the polling places in Allegheny County.

Mrs. HEISER. The intent of my legislation is to give the counties the option. Presently they are obligated by law within the Election Code to have a deputy constable. And I agree with the gentleman, Mr. Speaker, that there is not a need within many of our polling places in Allegheny County to have these individuals and pay them \$40 a day. That amounts to \$55,000 per election.

Mr. RAPPAPORT. One last question, Mr. Speaker, and I am really trying to find out since we abolished constables long since in Philadelphia. I read the bill, HB 1307, and it seems to delete the whole provision forbidding officers of the peace to be within 100 feet of a polling place. Is that the intention of the lady as well, to permit policemen to be inside a polling place on election day?

Mrs. HEISER. The piece of legislation, HB 1307, was inadvertently printed incorrectly. The amendment I am offering is to remove the brackets that are within the legislation and change the word "shall" to "may." That would just give the option to the counties to appoint deputy constables at the polls or not to appoint.

Mr. RAPPAPORT. Therefore, Mr. Speaker, as I understand it, it is the intent of the lady to maintain the present law that police officers are not permitted within polling places.

Mrs. HEISER. That is right.

Mr. RAPPAPORT. Thank you, Mr. Speaker. The lady has indeed been enlightening.

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

Mr. RITTER. Mr. Speaker, would the lady consent to brief interrogation?

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

Mr. RITTER. Mr. Speaker, with your amendment—and in effect what you are doing is making it a “may” provision in the bill—my question is, since we are amending the Election Code and not the County Code, who makes the determination whether or not that constable can be at the polling place?

Mrs. HEISER. As I said prior, before, actually the decision would be within the election department of each county. I think by the fact that you give them this option, they may elect to have deputy constables at certain polling places where they feel they have a need for this type of service, and yet they could eliminate them in other polling places within a given county.

Mr. RITTER. Mr. Speaker, I thank the lady.

Mr. Speaker, I do not think that this amendment is going to do that. This amendment deals only with section 1207 of the Election Code, which says that the constable of each borough, et cetera, shall be present at polling places, and then it goes on to say later on that they shall be paid at the same rate as other election officials by the county. But you now say that the constable may be present in the polling place and, if he in fact is there, he will be paid at the same rate other election officers are by the county. We do not say in here that that decision as to whether or not he will come to the polling place is the constable’s decision or whether it is the county’s decision. It seems to me that when we take out the words “shall be present” and say the constable “may be present” without saying who makes that determination, I think in fact we are letting that determination up to the constable. And I think if you do that, you are liable to get chaos. In some polling places constables will show up; in other polling places they will not show up.

I do not think the election board or the counties are going to have any idea how much it is going to cost to have this system. I think you ought to either eliminate constables at the polling places period, or if you are going to say it is a “may” provision, then you ought to say that it is up to the county or up to the county election board to determine whether or not they want to have constables at the polling places. But as I read this bill and I read the amendment, I think, Mr. Speaker, we are allowing that discretion in the hands of the constables themselves. I do not think the lady wants to do that. It certainly is *not my intent to do that, and for that reason I am going to vote against the amendment, and I would ask the other members to do the same.*

The SPEAKER. The Chair recognizes the majority whip.

Mr. CESSAR. Thank you, Mr. Speaker.

I rise to support the Heiser amendment. I think it is a good amendment. In Allegheny County we do have a problem with the constables. For the past 25 years the constables have never really functioned in the capacity that they were hired to function in. In any polling place in Allegheny County it is a known

fact a constable will show up for maybe 1 or 2 hours and leave. This has caused us immeasurable problems with the people who work on the boards. The constables are paid \$40 a day, the same as the clerks. Those people object strongly to those constables coming in, spending 1 or 2 hours a day there, and then leaving.

I might add, Mr. Speaker, that this proposal is endorsed by our elections bureau, the director, Mr. Kenny Dixon, and also by the county commissioners, and I would certainly hope that we would vote to support the Heiser amendment and eventually the Heiser bill. Thank you, Mr. Speaker.

The SPEAKER. For the second time on the question, the Chair recognizes the gentleman from Allegheny, Mr. Rasco.

Mr. RASCO. Mr. Speaker, the responsibility at the polling places for the deputy constable to be there is the judge of elections. If that constable is not there during that day from 7 to 8 at night, the judge has the discretion of that constable not being paid. Now, we had gone from \$10 for a constable several years ago, and it was very difficult to get someone from 7 o’clock in the morning to 8 o’clock at night to stay at those polls. So finally this House saw to it that they would get \$40 a day, which is more reasonable. There is a place for that deputy constable at the polls, and his job is to maintain order, and he has that authority given to him by the constable of that area.

As to another point that was brought up here, I do not know of any mass movement of our judges of election and majority and minority inspectors resigning because the constable is getting \$40 a day. I do not know of that, not particularly in my area. I would ask for a “no” vote on the amendment.

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

The following roll call was recorded:

YEAS—114

Anderson	Foster, W. W.	McCall	Serafini
Armstrong	Foster, Jr., A.	McClatchy	Seventy
Arty	Frazier	Mackowski	Showers
Belardi	Freind	Madigan	Sieminski
Belfanti	Fryer	Manmiller	Smith, B.
Berson	Gallen	Marmion	Smith, E. H.
Bittle	Gamble	Merry	Smith, L. E.
Boyes	Gannon	Micozzie	Snyder
Brandt	Geist	Moehlmann	Spencer
Brown	Gladeck	Morris	Spitz
Burd	Grabowski	Mowery	Steighner
Burns	Greenwood	Mrkonic	Stevens
Cawley	Gruppo	Murphy	Stuban
Cessar	Hagarty	Nahill	Swift
Civera	Haluska	Noye	Taylor, E. Z.
Clymer	Hasay	Pendleton	Trello
Cornell	Hayes	Perzel	Vroon
Coslett	Heiser	Peterson	Wambach
Cowell	Itkin	Petrone	Wass
Cunningham	Jackson	Phillips	Wenger
DeVerter	Johnson	Piccola	Weston
Daikeler	Kanuck	Pitts	Williams, H.
Davies	Kennedy	Pott	Wilson
Dawida	Kukovich	Punt	Wogan
Dietz	Lashingier	Rappaport	Wright, D. R.
Dininni	Lehr	Reber	Wright, J. L.
Dorr	Levi	Rocks	
Fargo	Levin	Salvatore	Ryan,
Fleck	Lloyd	Saurman	Speaker

NAYS—78

Barber	Evans	McIntyre	Ritter
Beloff	Fee	McMonagle	Rybak
Blaum	Fischer	McVerry	Shupnik
Borski	Gallagher	Maiale	Sirianni
Bowser	George	Manderino	Stairs
Cappabianca	Greenfield	Miller	Stewart
Cimini	Grieco	Miscevich	Swaim
Clark	Gruitza	Mullen	Sweet
Cochran	Harper	O'Donnell	Taddonio
Cohen	Hoeffel	Olasz	Taylor, F. E.
Colafella	Horgos	Oliver	Telek
Cole	Hutchinson, A.	Petrarca	Tigue
Cordisco	Klingaman	Pievsky	Van Horne
DeMedio	Kolter	Pistella	Wachob
DeWeese	Kowalyshyn	Pratt	Wargo
Deal	Laughlin	Pucciarelli	Wiggins
Dombrowski	Lescovitz	Rasco	Williams, J. D.
Donatucci	Letterman	Richardson	Wozniak
Duffy	Livengood	Rieger	Zwilk
Durham	Lucyk		

NOT VOTING—6

Emerson	Honaman	White	Wright, R. C.
Gray	Michlovic		

EXCUSED—5

Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

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

On the question,

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

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?

Does the gentleman from Lehigh, Mr. Ritter, desire recognition?

Mr. RITTER. Yes, Mr. Speaker.

Mr. Speaker, just briefly, I do not believe that we have clarified a thing. I think we have complicated the situation. I think we have left the possibility open that constables themselves can make the determination as to whether or not they are going to come to the polling place. I do not think the county is going to be involved in that decision because I do not think we changed the proper sections of the Election Code in order to do that. I do not think we want to give the constables the discretion to decide whether or not on election day they are going to come to the polling place. Either they are there or they are not there. I think we had a simple bill before. You either voted for or against that proposition. I think we have complicated it now. We have clouded the issue.

Mr. Speaker, I am going to ask for a "no" vote on the bill, because I do not think that we have cleared up the situation, and I think we are creating the possibility of a great deal of chaos and confusion on election day when constables show up and demand to be paid because they are there that day. The election bill that we are passing today says that they may come to the polling place. It does not say anything about the county or the election board; it just says that the constable may be

there. And if he comes and demands to be paid, there are going to be problems. I think we should either say they should be at the polling places or not be there. This amendment, the amendment that was put into this bill, does not do that, and I think for that reason we ought to vote against the bill until we get time to clear it up and make sure that we understand what we are doing.

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

Mr. GAMBLE. Mr. Speaker, I rise to oppose the bill also. I want to clarify a statement that was made earlier that politics is involved in the appointment of the constables. Perhaps there is politics played indirectly, but there is politics played in getting us elected here as well. The constable that is elected in each district or each municipality appoints the deputy constables for the election polls in that particular district, and he signs an affidavit at the clerk of courts in making that appointment. So the suggestion that perhaps political leaders make the appointment is incorrect, because an affidavit must be signed by the elected constable in each municipality and ward.

I think the argument that they are making too much money is not a good argument. They have been underpaid for many years, making \$10 an election up until last year, and not too many years before that they were making \$5. And to say that they are making too much money, we want to eliminate them, just is not a good argument, so I ask that you defeat this bill.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Heiser.

Mrs. HEISER. Mr. Speaker, I would appeal to the gentlemen and ladies here. Our polls within Allegheny County have opened even though we do not have a deputy constable to serve at that poll. But since Mr. Dixon, who heads our election department—I have talked to him on numerous occasions—we are having a mass resignation of inspectors and clerks. Perhaps next year when we all run for election we may not have inspectors and clerks available at these polls, and then the polling places will not open. You can understand that these inspectors, these clerks are putting in 14 hours a day, a minimum of 14 hours working, whereas these deputy constables do not have any assigned responsibility or duty.

Within our present law, the judge of elections or three eligible voters can summon the police if there is disruption within the polls. The deputy constables are a carryover from many, many years back, and there is not a need to mandate them at every poll. I would urge support of this legislation.

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

Mr. RASCO. Mr. Speaker, another point I would like to make again, and I know this for a fact, in Penn Hills we have every judge that we had in the spring and we have every majority inspector and every minority inspector. We are covered completely at the polls.

There has not been one complaint within Penn Hills about a constable getting \$40 for working from 7 in the morning to 8 at night. I have not heard one complaint. I think this is really a fallacy.

I think to feel that next year when we are going to run that we will not have a judge at the polls is something that really should not be brought up on this bill. I think these deputy constables are needed for order at the polls, and we should have them and we should go against this bill. I would ask for a "no" vote on this bill. Thank you.

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

Mr. DUFFY. Just from the local experience I have in my local community, our constables have to stay there until the ballots are counted and have to get in in the morning at approximately a quarter to 7. So I would say it is quite a long day that they work, and I think they are entitled to the \$40 that they receive at the end of a long and grueling day. I think we should vote "no" on this bill. Thank you.

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—62

Anderson	Freind	Marmion	Sieminski
Arty	Gallen	Merry	Smith, E. H.
Bittle	Gannon	Michlovic	Smith, L. E.
Boyes	Geist	Micozzie	Spencer
Brandt	Greenfield	Miller	Spitz
Burns	Greenwood	Moehlmann	Steighner
Cessar	Hayes	Mrkonic	Taylor, E. Z.
Civera	Heiser	Noye	Vroon
Clymer	Honaman	Perzel	Weston
Cunningham	Itkin	Peterson	Wilson
DeVerter	Jackson	Phillips	Wogan
Dietz	Johnson	Pitts	Wright, D. R.
Dorr	Kennedy	Pott	Wright, J. L.
Fargo	Levi	Punt	
Fleck	McVerry	Rocks	Ryan,
Foster, Jr., A.	Mackowski	Salvatore	Speaker

NAYS—133

Armstrong	Evans	Livengood	Ritter
Barber	Fee	Lloyd	Rybak
Belardi	Fischer	Lucyk	Saurman
Belfanti	Foster, W. W.	McCall	Serafini
Beloff	Frazier	McClatchy	Seventy
Berson	Fryer	McIntyre	Showers
Blaum	Gallagher	McMonagle	Shupnik
Borski	Gamble	Madigan	Sirianni
Bowser	George	Maiale	Smith, B.
Brown	Gladeck	Manderino	Snyder
Burd	Grabowski	Manmiller	Stairs
Cappabianca	Gray	Miscevich	Stevens
Cawley	Grieco	Morris	Stewart
Cimini	Gruitza	Mowery	Stuban
Clark	Gruppo	Muilen	Swaím
Cochran	Hagarty	Murphy	Sweet
Cohen	Haluska	Nahill	Swift
Colafella	Harper	O'Donnell	Taylor, F. E.
Cole	Hasay	Olasz	Telek
Cordisco	Hoeffel	Oliver	Tigue
Cornell	Horgos	Pendleton	Trello
Coslett	Hutchinson, A.	Petrarca	Van Horne
Cowell	Kanuck	Petrone	Wachob
DeMedio	Klingaman	Piccola	Wambach
DeWeese	Kolter	Pievsky	Wargo
Daikeler	Kowalshyn	Pistella	Wass
Davies	Kukovich	Pratt	Wenger
Dawida	Lashinger	Pucciarelli	Wiggins
Deal	Laughlin	Rappaport	Williams, H.
Dininni	Lehr	Rasco	Williams, J. D.
Dombrowski	Lescovitz	Reber	Wozniak
Donatucci	Letterman	Richardson	Wright, R. C.

Duffy Levin Rieger Zwick
Durham

NOT VOTING—3

Emerson Taddonio White
EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
Caltagirone

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

* * *

The House proceeded to third consideration of **HB 264, PN 269**, entitled:

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (Sp. Sess., 1937 P. L. 2897, No. 1), further providing for the amount of compensation.

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

Mr. LETTERMAN offered the following amendments No. A4124:

Amend Sec. 1, page 1, line 19, by striking out "Subsection" and inserting

Subsections (c) and

Amend Sec. 1, page 1, line 22, by striking out "is" and inserting

are

Amend Sec. 1 (Sec. 404), page 2, by inserting between lines 6 and 7

(c) Any otherwise eligible employe who has base year wages in an amount equal to, or in excess, of the amount of qualifying wages appearing in Part C of the Table Specified for the Determination of Rate and Amount of Benefits on the line on which in Part B there appears his weekly benefit rate, as determined under subsection (a) of this section, shall be entitled during his benefit year to the amount appearing in Part D on said line[: Provided he had eighteen (18) to twenty-three (23) "credit weeks" during his base year] or Part E provided he had twenty-four (24) or more "credit weeks" during his base year.

Amend Sec. 2, page 3, line 29, by striking out "This act" and inserting

The amendment to section 404(c) shall take effect immediately. The amendment to section 404(d)

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

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

I am going to talk to you a little bit about a problem that has cropped up in my legislative district. You might not have had it happen to you yet, and I hope it never does.

I have had a group of men who have worked for a period of 24 years to 30 years at one plant, have worked every day that they were eligible to work and been asked to work. They have been denied unemployment compensation because of the great piece of legislation we passed and put into effect in June of 1980. I am going to ask you to vote for an amendment that will allow these people to be treated fairly.

If the company they work for was paying by the week, every one of these people would have been eligible for unemployment. But because they were being paid biweekly, they were not eligible, and they could not move any of their credit weeks around. I knew when we passed this, trying to get at seasonal employees, that we were going to have a problem, and I spoke about it at that time.

I have a company that because of the times, because of inflation—they sell airplanes—and at the interest rate that we now charge, it is almost an impossibility for people to buy airplanes, so they have had shutdowns off and on for 2 weeks, 3 weeks at a time. Through this, my people have become ineligible for unemployment.

I would like to have you vote for my amendment to allow them to take the amount of money that they earn and switch it around like they did prior to the piece of legislation we passed in 1980. They have the amount of money earned, and if they could switch those quarters and turn those quarters around, they would be eligible for the unemployment.

I am sure we did not pass this meaning to catch people who worked in a factory every day of their lives. We were trying to catch seasonal employees who worked maybe 5 or 6 weeks, went in and drew 4 or 5 weeks unemployment, they were back out working a couple of weeks and back in drawing unemployment.

I think that what we have done here is told people that you will not have any money now for October, November, and December. Every one of these people will become eligible January 1. I have had almost all of them checked out by Social Security number and name. Even the Bureau of Employment Security is not sure why this happened or if it would happen to anyone else in Pennsylvania, but it has happened, and it has put about 270 people out in one place of Piper Aircraft and about 200 out in another place that they have, and all of them are in the same situation.

I would ask for an affirmative vote on my amendment.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, on the question of the adoption of the Letterman amendment.

Mr. PITTS. Mr. Speaker, I rise to oppose this amendment. I understand the gentleman's problem, but his amendment does not solve his problem. He has said that according to L and I (Labor and Industry), all of his constituents would qualify for UC benefits in January, but even with this amendment, they would not qualify any sooner. I agree with that. They do qualify in January, but your real problem is that you need a movable base year, and you do not provide this in your amendment.

You were in error when you stated that the wages are credited when paid. The wages are credited for the week worked, not when they are paid, so you are in error in your analysis of the problem on that issue. So I would urge the defeat of this amendment. It does not solve the gentleman's problem.

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. GRIECO. Mr. Speaker, it is very rare that I stand up and go against my colleagues on this side, but today I must stand and take the mike.

We are talking about a 14-percent unemployment rate in Clinton County and 11 1/2 percent unemployment in Lycoming County.

Last year I voted for the 17-week unemployment compensation bill, but I did not vote with the idea of hurting people who work steady; they are honest, they are sincere and reliable. Now, in this case our plant laid off over 200 people on February 17. I have had calls from people; they worked 17 weeks, 18 weeks, 19 weeks, 20 weeks, 22 weeks, and 23 weeks. I have had phone calls galore over the weekend. These people are steady workers, and it is our job to take care of people when they are unemployed so that they can pay their bills.

Now, maybe Russ' amendment is not correct, but I want to stand here and ask to hold this bill until we come up with a good amendment that will satisfy the Republican and Democratic side. I would like to hold this bill until another draft of an amendment is made. Thank you.

The SPEAKER. On the motion of the gentleman from Lycoming, Mr. Grieco, that the bill be placed on the third consideration postponed calendar, the Chair recognizes the majority leader.

Mr. HAYES. There is no need for that, Mr. Speaker. The gentleman, Mr. Letterman, is going to withdraw the amendment which he has brought to the House at the present time and have another amendment circulated which he does have prepared, and it will only be a moment or two until all members will have it in their possession. So I would respectfully suggest that the gentleman from Lycoming, Mr. Grieco, withdraw his motion, after which Mr. Letterman will withdraw his amendment for the purpose of having his other amendment circulated, and we can go on with the other amendments. Thank you, Mr. Speaker.

MOTION WITHDRAWN

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

Mr. GRIECO. Mr. Speaker, I withdraw my motion.

The SPEAKER. The Chair hears no objection.

AMENDMENTS WITHDRAWN

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

Mr. LETTERMAN. Mr. Speaker, I withdraw amendment A4124.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments No. A4218:

Amend Sec. 1 (Sec. 404), page 2, line 7, by inserting after "(d)"

(1)

Amend Sec. 1 (Sec. 404), page 2, line 14, by inserting brackets before and after the semicolon and inserting immediately thereafter

and

Amend Sec. 1 (Sec. 404), page 2, line 17, by inserting a period after "employment"

Amend Sec. 1 (Sec. 404), page 2, line 17, by inserting a bracket before "and"

Amend Sec. 1 (Sec. 404), page 2, line 17, by striking out the bracket before "an"

Amend Sec. 1 (Sec. 404), page 2, line 21, by striking out the bracket after "subsection"

Amend Sec. 1 (Sec. 404), page 2, lines 22 through 30; page 3, lines 1 through 6, by striking out all of lines 22 through 30, page 2, all of lines 1 through 5 and "retirement pay." in line 6

Amend Sec. 1 (Sec. 404), page 3, line 13, by inserting a bracket after "nonrecoupable."

Amend Sec. 1 (Sec. 404), page 3, by inserting between lines 13 and 14

(2) (i) In addition to the deductions provided for in paragraph (1), for any week with respect to which an individual is receiving a pension (which shall include a governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment) under a plan maintained or contributed to by a base period or chargeable employer, the weekly benefit amount payable to such individual for such week shall be reduced (but not below zero) by the prorated weekly amount of the pension after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the plan by such individual.

(ii) No reduction shall be made under this paragraph by reason of the receipt of a pension if the services performed by the individual during the base period (or remuneration received for such services) for such employer did not affect the individual's eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity or similar payment. This subparagraph shall not apply to pensions paid under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law). Payments made under such acts shall be treated solely in the manner specified by subparagraph (i) of this paragraph.

Amend Sec. 1 (Sec. 404), page 3, line 14, by inserting before "The"

(3)

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the amendment that I offer to the House bill before us, HB 264, is a substitution of language which describes the pension offset that is included in the bill sponsored by Representative Dombrowski. The language describing the pension offset differs in two respects, Mr. Speaker, from the bill that is before us. It describes the pension offset to make it clear that whatever a claimant's contribution has been to the pension which gives rise to the offset, whatever that contribution would be, would be taken into consideration in deciding how great an offset would be taken in his unemployment compensation check. If the contribution is 50 percent or below, none of the amendments I have seen and the Dombrowski bill deny anyone an unemployment compensation check that has been offset more than 50 percent.

Mr. Speaker, I misspoke in the last statement. My original statement was correct that we individualize in each case the determination on whether or not what amount must be offset against the unemployment compensation check. We give the worker and the claimant full credit for each dollar that he contributed to the pension plan that gives rise to the pension offset.

The second portion of the amendment, Mr. Speaker, also conforms with what the Federal Government will permit as a pension offset, and it liberalizes the present state of the law which allows only a 30-week recovery in the event that one is in a pension offset situation. This particular amendment makes it clear that even in the pension offset situation, a person can collect for the full 52 weeks of benefits, can qualify for the full 52 weeks of benefits. This provision is permitted by the Federal letters and the Federal law, and we would be in conformity, if this amendment were adopted for pension offset, with present Federal law. I ask adoption of this amendment, Mr. Speaker.

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

Mr. PITTS. Mr. Speaker, I rise to oppose the gentleman's amendment.

This is not a balanced amendment. It does provide for the liberalization concerning the pension offset question which we have before us today, but there are no corresponding tax increases or benefit reductions.

In the Federal legislation that passed this fall, there was a provision in the law which provided that there be no net liberalization of benefits. Any liberalization of benefits, as this amendment would be, a liberalization at the cost of about \$25 million to \$30 million, without a corresponding tax increase or other benefit adjustments will result in the loss of the freeze for the tax penalty credit on our tax base. That will mean an increase of \$210 million in taxes on our tax base. This amendment is totally unacceptable for that reason.

The other reason that it is unacceptable is that this is not the recommended language of the Federal Department of Labor on this issue. The Feds require Labor and Industry to make a determination within 14 days for a claimant, and if they do not, the Department of Labor files a court suit or we lose our administrative funding.

To have this dollar-for-dollar provision in here would be administratively impossible. It would require all types of administrative investigation for every pension contract. They could not award, speedily, money to the claimants. You would have probably an increased cost to the State in penalties for paying people late, and so I urge that we oppose this amendment strongly. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the objections made to my amendment appear to be two. The first objection appears to be that there is a liberalization of benefits in the fund without a corresponding revenue source, so that the people administering the Federal program and overseeing Pennsylvania's fund will decide that our FUTA (Federal Unemployment Trust Act) credits and our freeze would be knocked out. Mr. Speaker, this contention, in my opinion, is absurd.

Admittedly, the gentleman's figures of \$20 million or \$25 million would be the cost of this very onerous amendment that was put in the Unemployment Compensation Act that was passed a year or so ago. To allow the pension offset is going to cost that much money to the fund. But just the other day we passed SB 1006, which was another conformity bill, and what that bill actually did was to minimize the payments that would be made on extended benefits in Pennsylvania. The Federal Government required us to pass that bill, but they required us simply to pass the bill and to take them out of the business of contributing to the extended benefits in Pennsylvania, and that bill passed in this House with a healthy margin.

Last year we spent, on extended benefits from the Unemployment Compensation Fund, according to the bureau's records and according to their memo to us, \$176 million. Over 51 percent of that \$176 million were State funds; over \$90 million were State funds. Now we could have been in conformity with the Federal act when we passed SB 1006 by just simply saying that the Federal Government no longer had to contribute and that persons who ordinarily would qualify for extended benefits would only get 50 percent of what they formerly would have received. We would have continued to spend \$90 million a year from that Unemployment Compensation Fund for those benefits. We chose not to do that. The fund has been saved \$90 million, based on what was paid out last year. Now, that will not be a total savings, because not all the extended benefits are not to be paid in future years. But even the department's estimate is that there will only be at best 13 weeks in which we may be paying benefits in the next year; 13 weeks. There will be a savings, Mr. Speaker, to Pennsylvania's Unemployment Compensation Fund by that one feature—in my opinion, from all I have been able to learn about the extended benefits costs last year and the projected costs for next year—of somewhere near \$50 million, and that is twice what the pension offset is going to cost, Mr. Speaker.

That was only the first objection Mr. Pitts had.

The second objection Mr. Pitts had is that it would be administratively impossible to determine each claimant who was on unemployment compensation benefits on what his contribution was to the plan. I do not think that if Mr. Pitts would talk with the officials from the Department of Labor in Pennsylvania they would necessarily agree with his position. A determination has to be made. A determination has to be made, first, that he was in a pension fund that he contributed anything to, even under what you are proposing.

In the amendment I have seen, even what is in the Dombrowski amendment now, a determination must be made by the Unemployment Compensation Bureau that this claimant, lady or gentleman, is in a pension program that he made any contribution to at all to know whether or not he has saved any of the offset. And once you have to make that determination, you have got to determine how much. It is a simple procedure. The burden is on the claimant to prove what his contribution was to the system in claiming the benefit that he claims under the fund.

There is not going to be any administrative nightmare. It would be very easily done. It is a determination that has to be made in the first instance anyway, and I think that your second objection is as equally ill-founded as your first. Thank you, Mr. Speaker.

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

Mr. PITTS. Mr. Speaker, I have talked to our Labor and Industry Department about this provision, and they have told me that it would be impossible for them to make a determination within 14 days. Administratively they just could not do it. Those are their words, an administrative nightmare.

On the first point, Mr. Speaker, I cannot believe the gentleman is serious. The possible savings for the conformity measures that we passed last week, which apply only to extended benefits, is a maximum of \$1 1/2 million. We are not even in a period of extended benefits now. We may not even trigger on extended benefits next year. There may be no savings. There is no way that those benefit adjustments for extended benefit periods can offset the \$25- to \$30-million cost which this liberalization will provide.

I suggest that we reject this amendment. I have an amendment that will provide for the liberalization for the pension offset that will make adjustments so that we will not jeopardize the freeze so that our job base will not be taxed additionally, and I suggest that we oppose the gentleman's amendment.

The SPEAKER. The Chair recognizes, for the third time on the question, the minority whip.

Mr. MANDERINO. Mr. Speaker, the \$1 1/2-million figure that Mr. Pitts has bandied about in his most recent delivery at the microphone is a figure that was used by the department before changes were made regarding the extended benefits as they will affect not only Pennsylvania but every other State in the Union. And before we passed SB 1006 that is what the savings would have been, simply from the feature of trying to determine how many people would not qualify because they were not suitable for the job market. That is what the \$1 1/2-million figure is. Since then the whole ball game has changed unextended benefits, and I am sure if you check with your department authorities, they will tell you that the whole thing has changed and that they do not expect to pay more than 13 weeks next year, and we are talking about what cost us last year over \$176 million for the full year. There is no question that the \$1 1/2-million figure that you are using is an erroneous figure, and a member of my staff, in talking with the same people whom you are talking to from the Department of Labor, has received from them their admission that the \$1 1/2-million figure is no longer valid.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, for the third time on the question.

Mr. PITTS. Mr. Speaker, that last statement is just not true. I am in daily contact with the Labor and Industry people, and they have assured me that the \$1 1/2 million, if we trigger into extended benefits, is the amount of savings from the bill we passed last week.

We are talking about jobs and whether we are going to chase jobs from Pennsylvania to Arizona by increasing taxes on our job base. If you jeopardize the freeze with this amendment, if you pass this amendment, you are going to lose the freeze of the tax credit penalty on our job base, and next year you are going to have an increase automatically of \$210 million in taxes. You are going to chase jobs away from Pennsylvania. This is a bad amendment. We should vote it down.

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

Mr. GREENFIELD. Mr. Speaker, it was my interpretation in the committee that the term "liberalization" meant the net revenue coming into the fund next year. Now, there will be an increase in the taxable base of the employer from \$6,300 to \$6,800 next year. That accounts for \$48 million, Mr. Speaker. We judge that the pension offset change will amount to \$20 to \$25 million. There will be solvency in the fund. The fund will not be hurt. I think we accommodate all the requirements that are requested, and I think Mr. Manderino's amendment should be supported. I urge your support for it. Thank you.

Mr. PITTS. Mr. Speaker, the gentleman knows that the increase in the tax base from \$6,300 to \$6,600 was grandfathered in, as was the increase in benefits, when the Federal budget reconciliation bill passed. That is not even an issue. We are talking about increased costs to the system that were not in place when the Federal legislation passed.

Mr. GREENFIELD. I disagree with that, Mr. Speaker.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Greenfield, desire recognition?

Mr. GREENFIELD. Yes, Mr. Speaker.

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

Mr. GREENFIELD. Mr. Speaker, I disagree with that interpretation. I believe that the concept was in mind that there shall not be any greater deficit in the Unemployment Compensation Fund next year. That is accomplished by the increase whether it is grandfathered in or not. It is a matter of what it will be, what the net amount will be. And there will be solvency. The fund will not be hurt.

We ought to think of the workingman who worked all his life for a pension, who then goes out into the job market because he has to keep up with the cost of living, finds he is then laid off for one reason or another, and then his pension, which all his years he accounted for in his future planning, is offset against any benefits that the government would give him. I think it is unfair to the individual. We should start thinking of the blood and guts of this kind of a situation, the workingman and his family, Mr. Speaker. I urge support for the amendment.

The SPEAKER. The Chair has been very lenient in permitting excessive debate. Please limit the debate.

The gentleman, Mr. Pitts, is recognized on the question finally.

Mr. PITTS. For the last time, the gentleman talked about jobs and the workingman. In the last 10 years we have lost over 200,000 manufacturing jobs from this State. This amendment will chase more jobs out of Philadelphia. That is

the bottom line, and the gentleman, I think, ought to be a better guardian for the jobs of his own city and State than that. I urge defeat of the amendment.

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

The following roll call was recorded:

YEAS—109

Barber	Fee	McCall	Seventy
Belardi	Fischer	McIntyre	Shupnik
Belfanti	Fleck	McMonagle	Stairs
Beloff	Fryer	Maiale	Steighner
Berson	Gallagher	Manderino	Stevens
Blaum	Gamble	Michlovic	Stewart
Borski	Grabowski	Micozzie	Stuban
Bowser	Greenfield	Morris	Swaim
Brown	Gruitza	Mrkonic	Sweet
Burns	Haluska	Mullen	Taylor, F. E.
Cappabianca	Harper	Murphy	Telek
Cawley	Hasay	O'Donnell	Tigue
Clark	Hoeffel	Olasz	Trello
Cochran	Horgos	Oliver	Van Home
Colafella	Hutchinson, A.	Pendleton	Wachob
Cole	Itkin	Petrarca	Wambach
Cordisco	Kanuck	Petrone	Wargo
Coslett	Kolter	Pievsky	Wass
Cowell	Kowalyszyn	Pistella	Wiggins
DeMedio	Kukovich	Pratt	Williams, H.
DeWeese	Laughlin	Pucciarelli	Williams, J. D.
Dawida	Lescovitz	Rappaport	Wilson
Deal	Letterman	Richardson	Wogan
Dombrowski	Levin	Rieger	Wozniak
Donatucci	Livengood	Ritter	Wright, D. R.
Duffy	Lloyd	Rybak	Wright, R. C.
Durham	Lucyk	Serafini	Zwickl
Evans			

NAYS—82

Anderson	Frazier	McVerry	Salvatore
Armstrong	Freind	Mackowski	Saurman
Bittle	Gallen	Madigan	Showers
Boyes	Geist	Manmiller	Sieminski
Brandt	George	Marmion	Sirianni
Burd	Gladeck	Merry	Smith, B.
Cessar	Greenwood	Miller	Smith, E. H.
Cimini	Grieco	Moehlmann	Smith, L. E.
Civera	Gruppo	Mowery	Snyder
Clymer	Hagarty	Nahill	Spencer
Cornell	Hayes	Noye	Spitz
Cunningham	Heiser	Perzel	Swift
DeVerter	Honaman	Peterson	Taddonio
Daikeler	Jackson	Phillips	Taylor, E. Z.
Davies	Johnson	Piccola	Vroon
Dietz	Kennedy	Pitts	Wenger
Dininni	Klingaman	Pott	Weston
Dorr	Lashinger	Punt	Wright, J. L.
Fargo	Lehr	Rasco	
Foster, W. W.	Levi	Reber	Ryan,
Foster, Jr., A.	McClatchy	Rocks	Speaker

NOT VOTING—7

Arty	Emerson	Gray	White
Cohen	Gannon	Miscevich	

EXCUSED—5

Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

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

On the question,

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

Mr. LETTERMAN offered the following amendments No. A4273:

Amend Title, page 1, line 15, by inserting after "penalties," further defining "base year" and

Amend Bill, page 1, lines 19 through 22, by striking out all of said lines and inserting

Section 1. Subsection (a) of section 4, act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," amended July 10, 1980 (P.L.521, No.108), is amended to read:

Section 4. Definitions.—The following words and phrases, as used in this act, shall have the following meanings, unless the context clearly requires otherwise.

(a) (1) "Base year" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

(2) Notwithstanding the provisions of paragraph (1), an individual who does not meet the monetary requirements of section 401(a) of this act by reason of insufficient wage credits in his base year as so defined, may elect to have his base year consist of the first four of the completed calendar quarters immediately preceding the first day of his benefit year. The quarters included in such an election may not be used at any time thereafter in the calculation of benefits for any subsequent benefit year.

Section 2. Subsection (d) of section 404 of the act, amended July 10, 1980 (P.L. 521, No.108), is amended to read:

Amend Sec. 2, page 3, line 29, by striking out "Section 2. This act" and inserting

Section 3. (a) Section 1 of this act shall take effect in 60 days and shall apply to applications for benefits filed on and after that date.

(b) Section 2

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I had this amendment redrawn, and I do not know how it happened, but this amendment calls for it to take effect in 60 days. I want it to take effect immediately.

This is the exact language that was in the bill prior to the passage of the new legislation in 1980, which reverts back to the old wording where they can move the movable base.

You know, this is a very hard piece of legislation to speak about unless you have dealt with it almost every day. So you ought to bear with me. If I make mistakes, I do not intend to, but there is a possibility that will happen with this kind of legislation.

The only thing I am really asking you people to do is to start to take into consideration people. This amendment will allow them to move the movable base and give the people the opportunity to draw unemployment compensation who have earned the right and proper amount of money.

I know that we are all thinking that we should not do anything to disrupt the bill so that the Federal Government can step in on us and say they cannot any longer help us. I think this can be worked out within the department, and I

have spoken to the department and they said they were willing to give it a try because they never intended, nor did anyone ever intend, for this to strike at the factory worker. They were only after the seasonal person.

I would ask for Mr. Pitts' ideas on this with the 60 days. I have the amendment being corrected. Could we vote on it now with the amendment reading that it shall take effect immediately?

The SPEAKER. With respect to the gentleman's inquiry as to whether or not there can be a difference between the printed amendment and the effect of a favorable vote, the answer is in the negative. The amendment as submitted must be considered as submitted.

Mr. LETTERMAN. Well, Mr. Speaker, I then ask that this bill be held over just temporarily until that amendment is corrected. It is on its way. I cannot accept it with 60 days in it. I might as well not do anything if it has that.

The SPEAKER. Is it the understanding of the Chair that the gentleman is withdrawing his amendment?

AMENDMENTS DIVIDED

Mr. LETTERMAN. Question: If we would split my amendment and take out the effective date, then I understand that the rest of the bill says it shall take effect immediately. Could we do that?

The SPEAKER. Is the gentleman advising the Chair that the bill states that the bill shall take effect immediately?

Mr. LETTERMAN. Yes. In other words, the part of my amendment would not affect it at all, the bottom part.

The SPEAKER. The Chair understands the nature of the gentleman's question.

It is the understanding of the Chair that the gentleman, Mr. Letterman, desires to divide the question on the adoption of amendment A4273 so that the House will vote in two sections, the first section beginning at the top of the amendment down to but excluding that portion of the amendment that begins, "Amend Sec. 2, page 3, line 29."

PART II OF AMENDMENTS WITHDRAWN

The SPEAKER. It is the further understanding of the Chair that that portion consisting of the bottom seven lines of the amendment as submitted after division will be withdrawn?

Mr. LETTERMAN. That is right, Mr. Speaker.

The SPEAKER. Upon motion of the gentleman, Mr. Letterman, the amendment submitted by the gentleman, being amendment A4273, is divided. The second portion of the amendment as submitted and as divided is withdrawn.

The question before the House therefore is the amendment offered by the gentleman, Mr. Letterman, A4273, beginning at the top of that amendment page down to but excluding the last seven lines of the amendment as submitted.

On the question,

Will the House agree to Part I of the amendments?

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

Mr. LETTERMAN. Mr. Speaker, may I question Mr. Pitts, please?

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

Mr. LETTERMAN. Mr. Speaker, do you understand this then that the effective date will be November of 1980, just as the bill is? Is this your understanding also?

Mr. PITTS. That is correct.

Mr. LETTERMAN. Thank you. That is all I have.

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

Mr. PITTS. Mr. Speaker, the gentleman's interest is that his constituents get their money, and they will get their UC benefits whether this amendment passes or not. The purpose of the fixed year, which the gentleman is replacing with the movable base, is so that seasonal employees show adequate attachment to the work force so that they are eligible for UC benefits which otherwise they would not be eligible for. The gentleman permits under this amendment seasonal employees to receive benefits which they would not otherwise receive under present law. The cost to our fund for this amendment is \$35 to \$40 million.

Again, if this amendment passes, we are going to lose the freeze of the tax credit penalty which we now have, and it is going to result in an additional tax on your job base in Pennsylvania, and, therefore, I must oppose this amendment.

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

Mr. LETTERMAN. Mr. Speaker, I would like to question Mr. Pitts on one of his statements.

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

Mr. LETTERMAN. Mr. Speaker, did I understand you to say that my people would get this money anyway?

Mr. PITTS. Under present law your people will get their money in January. Yes; they are eligible according to the Department of Labor and Industry.

Mr. LETTERMAN. Then can you explain to me why it is going to cost \$35 million more?

Mr. FITTS. Because this changes the law for other people, not just your constituents, by going to a movable base year.

Mr. LETTERMAN. Do you think that it is proper, though, the way the amendment was written, that we include everybody in this amendment that we did in 1980 when we included everybody? I do not think we intended— Do you think we intended to include all factory workers who work every day of their lives that they are given the opportunity to work?

Mr. PITTS. Mr. Speaker, if I understand your question correctly, the present law requires that seasonal employees who do not work every day of the year are applicable, they qualify, in order to receive UC benefits. That is the purpose of the present law. By eliminating the fixed base year and going to the movable base, then you are opening it up to seasonal employees who do not qualify under the present law to receive benefits.

Mr. LETTERMAN. Well, Mr. Speaker, do you have any suggestions as to how you could amend the bill not to include them then? Because what I am interested in is being fair to people who work every day for a living. That is what we

should be interested in. I do not think we ever intended this bill to be anything else but fair to the people. I hope we did not. And the way it is written today, every one of you people sitting in this room may have this happen to you at any time the way inflation is today. Do not think that this is just a Joe Grieco and a Russ Letterman and a Bud George problem today. It can be every one of you people who have a factory in your legislative district that starts to have layoffs, and every time they have those layoffs and then they hire the people back for a short amount of time and then they are laid back off again, you are going to be under the same thing that I am under today, and I do not think any one of us intended this bill to really do what it is doing. There is no way in this world that you can tell me we sat here and voted for a bill that we thought was going to take our people who work every day of their lives and, through inflation and no cause of their own whatsoever, they are being laid off for short times, then brought back to work, then laid off again. This is not their fault, and it is something we should all take into consideration when we vote for this piece of legislation.

I do not want to see the UC bill mistreated any more than the rest of you, and I do not want to see industry chased out of this State, but darn it, we have got to be fair to the people who work every day of their lives in this country. Thank you.

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

Mr. PITTS. Again, Mr. Speaker, the people who work every day of their lives qualify under present law. They do have to wait one quarter until the base year moves before they get their benefits. You cannot write a law for every 250 constituents we have. You have to write the law so that it applies to everyone fairly. Your people do qualify; they will receive their benefits; they have to wait until January. Therefore, by moving this base year, as you would do, you are going to open it up. You are going to cost the fund \$35 to \$40 million more; you are going to cost our employers more taxes, and I have to oppose it, Mr. Speaker.

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

Mr. GRIECO. Mr. Speaker, I may be ignorant, but I want to tell you this. When an individual works 18, 19, 20, 22, 23 weeks and they have been working all the years for 18 years and they are laid off and they cannot draw unemployment, what good is unemployment compensation if you cannot take care of people when they need it? How are my people going to live from the first of August until the first of January by paying their mortgage, by buying food and clothing for the next 4 months? How are they going to live? And these people have been working. They are not the fly-by-night working 6 weeks and calling it quits and going on unemployment. They have been working steady for 15, 18, 19, 20 years, and they deserve their unemployment. And what is \$40 million today, as far as I am concerned, the way we spend money down in Harrisburg like drunken sailors, and we cannot take care of our people who deserve it.

I am in favor of the amendment. Please vote for the amendment.

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

Mr. LAUGHLIN. Mr. Speaker, as briefly as possible, I congratulate Mr. Grieco for coming to the decision that many of us came to last year when the bill was originally voted on, that it would eventually deprive many deserving people of rightful benefits that they had earned. I hope—

The SPEAKER. The gentleman will yield.

The gentleman is restricted to commenting on the amendments that are before the House. We are not going to open up last year's debate.

Mr. LAUGHLIN. Mr. Speaker, I only wish we could. Thank you.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, would Mr. Pitts stand for a slight interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. George, may proceed.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I listened intently to your answer, and I feel that it is quite so that with you and your assistant who stands at your side you probably deliver much more expertise than many of us because you work with Labor and Industry. But the thing that bothers me about all of this is you give a straightforward answer. Would it be possible without intent that you are suggesting that all of these people who live in Mr. Letterman's area and Mr. Grieco's area and my area will be able to go back and sign up in January? Is it not true—and I am not certain; I am asking you—is it not true that there might be some of these people who, because of the removal of the flexible base, wanted to sign up and were not eligible because the removal of this base may have even made slightly a few more dollars and yet those who even made less, because of the rule of thumb that is used by this, would be signing up for reduced benefits, and therefore, some of those people whom we are restricting because of their efforts and because of their ambitions are being restricted from signing up at this time. Is that true, Mr. Speaker?

Mr. PITTS. Mr. Speaker, there is no way to tell what an individual person will receive in benefits without looking at the wages he makes and what he qualifies at. The idea behind this legislation is a person who works every day has no problem going in and getting benefits immediately. It is those who do not work every day that this applies to, those seasonal workers, and that is the purpose for having the movable base, so they qualify to get benefits immediately instead of having to wait until January.

Mr. GEORGE. Mr. Speaker, I ask you straightforward if it would be a possibility that some of those folks who earn so much and get that amount in that last quarter is insufficient to allow them to sign up at this day, that it could be possible that some of their fellow workers who made less might be able to sign up for reduced benefits. Now, let us forget about removing and going down on three categories. I am talking about the way the law is specifically right now.

Mr. Speaker, I do not mean to try to embarrass you. It is evident that when I pick up the phone and call Labor and Industry, they evidently give me a different answer than they give you, sir, because I was just told 2 hours ago that what I am saying to you is factual, and evidently that individual over there is telling you something, you and your aide, that they are not telling me.

Mr. PITTS. Mr. Speaker, as I understand it—and I can check with the department—it is possible under this amendment that they would receive less benefits than they would receive without the amendment. That is my understanding, but I will confirm that, if you wish.

Mr. GEORGE. Mr. Speaker, may I continue?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Then, Mr. Speaker, I did not insist that you have given us an answer that was not proper, but then you do admit that an individual— You keep insisting about the man who works every day, you know, and there is no problem. Now, these people who called me said that they were offered overtime in an effort not to be laid off, because the company insisted they should work those few hours of overtime.

Mr. Speaker, I again suggest that you give me a definite answer. Is it not a fact that when this House in its wisdom made the big change, the change was supposedly for conformance with Federal guidelines, and this effort all was because we did not want to allow the Federal Government to penalize us, so we made this change, and is it not further true that some of those people who you insist are going to be able to sign up in January simply will still not be eligible in January, and they would have been if the bill had remained as it was prior to the big change? Is that not true?

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

Mr. PITTS. No, Mr. Speaker.

Mr. GEORGE. Mr. Speaker, was his answer "no"?

Mr. PITTS. That is correct; no.

Mr. GEORGE. Mr. Speaker, may I make a statement?

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

Mr. GEORGE. Mr. Speaker, I am not going to stand here and insist that our colleague, Mr. Pitts, neither wants to provide much-needed benefits for our working class. I know that is not true; he would want to do this. But it is evident that he just does not accept what those 260 people have been told back in Clinton and Lycoming and Clearfield Counties, because those people who run the Bureau of Employment Security have told our constituents exactly what Mr. Pitts says could not be so, and because of these people who he insisted work daily, and we have a concern, they are still insisting that it does not matter, because all they have to do is go down next January and they will be eligible for benefits, and I again have asked Labor and Industry, and they have punched this out, and they insist that that statement is not true.

So I ask you, Mr. Speaker, to look closely at the Letterman amendment. It may have been done with a little compassion, it may have been done without the benefit of an aide and com-

puters, but it was done for the people in Pennsylvania, and I ask you to vote for it.

On the question recurring,
Will the House agree to Part I of the amendments?

The following roll call was recorded:

YEAS—112

Barber	Durham	Levin	Serafini
Belardi	Emerson	Livengood	Seventy
Belfanti	Evans	Lucyk	Shupnik
Beloff	Fee	McCall	Stairs
Berson	Fischer	McIntyre	Steighner
Bittle	Fleck	McMonagle	Stevens
Blaum	Fryer	Maiale	Stewart
Borski	Gamble	Manderino	Stuban
Bowser	Gannon	Michlovic	Swaim
Brown	George	Micozzie	Sweet
Burns	Gray	Miscevich	Taddonio
Cappabianca	Greenfield	Morris	Taylor, F. E.
Cawley	Grieco	Mrkonic	Telek
Cimini	Gruitza	Mullen	Tigue
Clark	Haluska	O'Donnell	Trello
Cochran	Harper	Olasz	Van Horne
Cohen	Hasay	Oliver	Wachob
Cole	Hoeffel	Petrarca	Wambach
Cordisco	Horgos	Petrone	Wargo
Coslett	Hutchinson, A.	Pievsky	Wass
Cowell	Itkin	Pistella	Wiggins
DeMedio	Kanuck	Pratt	Williams, H.
DeWeese	Kolter	Pucciarelli	Williams, J. D.
Dawida	Kowalyszyn	Punt	Wilson
Deal	Kukovich	Richardson	Wogan
Dombrowski	Laughlin	Rieger	Wozniak
Donatucci	Lescovitz	Ritter	Wright, D. R.
Duffy	Letterman	Rybak	Zwilk

NAYS—82

Anderson	Frazier	McVerry	Rocks
Armstrong	Freind	Mackowski	Salvatore
Arty	Gallen	Madigan	Saurman
Boyes	Geist	Manmiller	Showers
Brandt	Gladeck	Marmion	Sieminski
Burd	Grabowski	Merry	Sirianni
Cessar	Greenwood	Miller	Smith, B.
Civera	Gruppo	Moehlmann	Smith, E. H.
Clymer	Hagarty	Mowery	Smith, L. E.
Colafella	Hayes	Murphy	Snyder
Cornell	Heiser	Nahill	Spencer
Cunningham	Honaman	Noye	Spitz
DeVerter	Jackson	Pendleton	Swift
Daikeler	Johnson	Perzel	Taylor, E. Z.
Davies	Kennedy	Peterson	Vroon
Dietz	Klingaman	Phillips	Wenger
Dininni	Lashinger	Piccola	Weston
Dorr	Lehr	Pitts	Wright, J. L.
Fargo	Levi	Pott	
Foster, W. W.	Lloyd	Rasco	Ryan,
Foster, Jr., A.	McClatchy	Reber	Speaker

NOT VOTING—4

Gallagher	Rappaport	White	Wright, R. C.
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EXCUSED—5

Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

The question was determined in the affirmative, and Part I of the amendments was agreed to.

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

Mr. MANDERINO offered the following amendments No. A4219:

Amend Title, page 1, line 15, by inserting after "for" certain credits for employers and for

Amend Bill, page 1, by inserting between lines 18 and 19

Section 1. Section 301.3, act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," added July 10, 1980 (P.L.521, No.108), is amended to read:

Section 301.3. Additional Contributions.—
(a) Notwithstanding any other provision of this act, every contributing employer except those subject to the provisions of section 301(a)(3) and (4) shall pay, commencing with the calendar year one thousand nine hundred eighty and each calendar year thereafter, additional contributions equal to one per centum of taxable wage base.

(b) Contributions payable under this section shall be in addition to any contributions payable under section 301.2.

(c) If for any calendar year the tax credits allowed employers under the Federal Unemployment Tax Act are reduced to a rate less than two point seven per centum for any reason, the rate of contributions for all employers payable under this section for the calendar year shall be reduced (but not below one-tenth of one per centum), by the amount of the reduction in tax credits under the Federal Unemployment Tax Act.

(d) The credit provided for employers under subsection (c) shall not be allowed:

(1) For the current tax year if in the previous year the Commonwealth's outstanding debt to the Federal government for unemployment compensation funds has increased from the amount due during the year prior to the said previous year.

(2) For the current tax year if the department has determined that the Commonwealth will be liable for interest during said year pursuant to section 2407 of the Federal Budget Reconciliation Act of 1981.

(3) For the current tax year if the department has determined that the Commonwealth cannot comply with the conditions set forth in section 2406 of the Federal Budget Reconciliation Act of 1981.

Amend Sec. 1, page 1, line 19, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 19 through 21, by striking out "act of December 5," in line 19, all of line 20 and " "Unemployment Compensation Law," " in line 21, and inserting of the act,

Amend Sec. 2, page 3, line 29, by striking out "2. This act" and inserting

3. Section 1 of this act shall take effect immediately. Section 2

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

The SPEAKER. The Chair recognizes the minority whip.
Mr. MANDERINO. Mr. Speaker, the amendment that I propose to HB 264 deals with section 301.3(c) of the reform bill that was passed here a year or so ago.

Mr. Speaker, in order to understand what we are trying to accomplish by this amendment, let me just very briefly describe a problem that we were attempting to solve when we passed the reform bill.

As we all understood the problem with the Unemployment Compensation Fund in Pennsylvania, we were some \$500 million short in the fund so far as cash flow was concerned. There were more benefits being paid out of the fund than

there were employers' taxes coming into the fund to pay those benefits, and so the fund had to borrow from the Federal Government, and we had built up a large debt to the Federal Government. What we tried to do with that \$500-million figure is to find a distribution between cutting benefits and increasing employers' taxes which was fair and equitable to all concerned, and as I remember a compromise that was struck originally, it was a compromise where there would be \$400 million in new moneys to go into the Unemployment Compensation Fund in Pennsylvania, and workers' benefits would be cut somewhere around \$100 million. In the Senate of Pennsylvania the \$100-million workers' benefits got stretched by agreement to about \$111 million, and my contention was, in arguing that bill on the floor of the House, that at the last minute an additional \$50 million in workers' benefits was made, which violated what at least I thought was the original compromise. But no one disagreed, Mr. Speaker, that there was a \$500-million shortfall in the fund that we had to attack.

Mr. Speaker, a little-known provision of that reform bill took the \$400 million that the employers were to put into the fund and allowed an offset of that \$400 million for whatever was paid in additional penalties to the Federal Government in order to retire the long-term debt with the Federal Government. So employers told us and the Governor told us and the Labor and Industry Department told us that they were going down to the Federal Government to obtain a freeze on any future payments. With the \$400 million that the employers were going to put in and the benefit cuts that were somewhere around \$150 million, we had done a job on our fund that they should recognize and freeze any future penalties on Pennsylvania's employers.

Mr. Speaker, I am here to tell you today that there was a failure to solve the problem in Pennsylvania because of the way we wrote section 301.1(c), allowing the credit. Employers, instead of putting into the fund \$400 million of that problem, put in \$264 million and received a credit for \$136 million because there was a failure to obtain at the Federal level the freeze that everyone said would be obtained.

Mr. Speaker, I distributed to the members of the House two letters, one by a deputy secretary of the Federal department overseeing unemployment compensation funds written to Governor Thornburgh and one letter written to Senator Heinz of Pennsylvania referring to the letter written to Dick Thornburgh. The essence of those two letters, if you will look at them, among other things recommended very strongly to the Governor of Pennsylvania that he urge the General Assembly to repeal section 301.1(c) which allowed the credit. He pointed out that the Federal Government had been told that it would no longer be necessary to borrow money from the Federal Government, from the Federal Unemployment Compensation Fund, to pay benefits in Pennsylvania from our fund. The fact of the matter is that our debt to the Federal Government was \$1.2 billion—\$1,200,000,000—at the time we passed the reform bill. Three hundred and five million dollars additional was borrowed last year, and at the time it was borrowed, we were told it was just going to be coming in until we received our taxes and it would be paid back by

September. Well, it never got paid back. The debt to the Federal Government now is \$1.5 billion.

We are not and have not improved the situation of Pennsylvania's fund because of the credit allowed in section 301.1(c). None of us, I would daresay, at least anyone whom I talked to about the unemployment compensation bill, knew the effect of that section on the employers of Pennsylvania and the fund of Pennsylvania so far as keeping it solvent was concerned.

Mr. Speaker, the recommendation of the Federal Government to repeal this section, which is contained in the letters that I distributed to you, the recommendation to repeal this section is for the benefit of the employers of Pennsylvania, because if this fund does not remain solvent, if this fund is unable to pay the benefits from the taxes that come in, very unusual and stringent penalties are placed upon every employer in Pennsylvania so far as the long-term debt is concerned and so far as any future borrowing is concerned.

First, if there is any borrowing that should take place from the Federal Government which is not repaid in the same year by September, the Federal Government will begin to charge 10 percent interest on the loan. Mr. Speaker, that 10 percent cannot come under Federal law, cannot come from the Unemployment Compensation Fund, but must come from some other source, perhaps the General Fund, perhaps from employers in a different manner.

In addition, Mr. Speaker, in any year that we are unable to keep that fund solvent, the freeze that was obtained that Mr. Pitts referred to will be lifted, and employers will be tagged with an additional 3 percent and maybe an additional 6 percent to defer the long-term Federal debt.

Mr. Speaker, the amendment that I propose does not go so far as has been recommended by the Federal Government in a complete repeal of the credit section. My amendment simply adds that in three circumstances the credit will not be allowed, and those three circumstances are on page 1 of the amendment listed in section (d). The first condition is that the credit will not be allowed for the current tax year if in the previous tax year the Commonwealth's outstanding debt to the Federal Government for unemployment compensation funds has increased from the amount due during the year prior to said previous year. All we are saying is, you cannot take the credit or give the credit to Pennsylvania's employers if in fact this fund has demonstrated itself to be unable to pay the benefits allowing the credit. And in that circumstance, we would not allow the credit.

Mr. Speaker, the second condition under which the credit would not be allowed is that if for the current tax year the department determines that the Commonwealth will be liable for interest during the year pursuant to section 2407 of the Federal Budget Reconciliation Act of 1981.

And the third place or the third condition under which the credit would not be allowed is if for the current tax year the department has determined that the Commonwealth cannot comply with the conditions set forth in section 2406 of the Federal Budget Reconciliation Act.

Now, what are those provisions? Those provisions have to do with solvency. Those provisions have to do with not bor-

rowing money that you are unable to pay by September of the same year. Those conditions have to do with borrowing more than once from the Federal fund in any fiscal year. Mr. Speaker, what I am attempting to do here on the recommendation of the Reagan administration to the Governor of this Commonwealth, what I am attempting to do is keep this fund solvent so we do not have another crisis 6 months, 8 months, 10 months, or even a year down the line.

Mr. Speaker, either this money which is given in credit is needed to keep that fund solvent or somebody lied to us when they told us that there was a \$500-million problem last year. I do not believe they lied to us. I think we all agree that there was a \$500-million problem, and what I am saying to you is, we have not solved that problem. The fund is still in precarious shape. I am not asking for a complete repeal of the credit allowed. I am simply saying, when it appears that the fund is not going to be able to pay what it is we have determined it should pay, then the credit cannot be allowed in the circumstances outlined.

Mr. Speaker, I urge adoption of the amendment. Thank you.

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

Mr. PITTS. Thank you, Mr. Speaker.

This amendment has nothing to do with benefits. There are no benefits in this amendment. This amendment—and I can sum up all the statements of the gentleman and his amendment in one sentence—is a tax vote. This is a vote for increasing taxes, and that increase under this amendment, if you vote “yes” for it, will be \$136 million. In addition to that, this will also jeopardize the freeze, so you will get additional tax increases later on very possibly. But if you vote “yes” for this amendment, you are voting for a \$136-million tax increase. I urge a “no” vote on the amendment.

The SPEAKER. The Chair recognizes, for the second time on the amendment, the minority whip.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Pitts, consent to interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Manderino, may proceed.

Mr. MANDERINO. Mr. Speaker, do you disagree with my remarks that when we passed our reform act we all perceived a \$500-million problem in income and outgo of the Unemployment Compensation Fund in Pennsylvania? Do you disagree with that?

Mr. PITTS. Mr. Speaker, I agree with your statement. It was a \$400-million tax increase on our employers and a \$140-million benefit reduction.

Mr. MANDERINO. And do you agree that that was the amount necessary and determined at that time—at that time—in order to keep this fund somewhere near solvent?

Mr. PITTS. That is true, according to the best information we had.

Mr. MANDERINO. Mr. Speaker, is it not true that the employers are paying \$136 million less than the \$400 million into Pennsylvania's fund?

Mr. PITTS. No, Mr. Speaker. That was part of the figuring.

Mr. MANDERINO. Mr. Speaker, is it not true that section 301.1(c) gives them a credit for whatever is paid on the long-term debt in the way of additional penalty from the time we passed our reform law?

Mr. PITTS. Mr. Speaker, the freeze was worked out knowing what the dollar figures were, and if we qualify for the freeze, which we will and the department assures us that we will, there is no need for your amendment.

Mr. MANDERINO. And by the same token, would you not agree that if the fund is going to remain solvent and the freeze is not in jeopardy and interest is not going to be imposed, my amendment places no liability on the employer of Pennsylvania because the conditions will not have been met?

Mr. PITTS. Mr. Speaker, then why bother with it at all unless you are trying to come in the back door and pay for the liberalization of your first amendment?

Mr. MANDERINO. Thank you, Mr. Speaker.

May I proceed with a comment?

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

Mr. MANDERINO. Mr. Speaker, the gentleman asked me why bother at all. The reason that I bother at all is because I just do not believe the department that tells us that that fund is all right; do not worry about it; we are not going to have to pay interest; the freeze is intact and it will stay there; and our employers are not going to get hit with additional penalties, because that is the same department that told me that the \$305 million that was borrowed last year was not going to have to be borrowed. And at the time that it was being borrowed, it is the same department that told me and told you that it would be paid back by September, and it was not paid back by September.

I am simply saying to you that we had a \$500-million problem. Four hundred million dollars was to go into the fund from employers. They are putting \$264 million in. If that is enough to keep the fund's income and outgo even, if that is enough, that is all I want them to pay. I do not want to take the tax credit away from them unless it is necessary to keep the fund solvent.

Now, if I am right and they are wrong in the department, as they were wrong when they borrowed the money and as they were wrong when they could not pay it back and as they were wrong when they projected Pennsylvania's unemployment to be only 5 percent in all of their calculations, if they are right, then there is no jeopardy to this amendment. If they are wrong, we do a service to the employers in Pennsylvania by keeping them from further penalties, by keeping them from paying interest on what has to be returned to the Federal Government at the rate of at least 10 percent.

Mr. Speaker, I urge adoption of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—105

Barber	Emerson	Lucyk	Rybak
Belardi	Evans	McCall	Serafini
Belfanti	Fee	McIntyre	Seventy
Beloff	Fischer	McMonagle	Shupnik
Berson	Fryer	Maiale	Stairs
Blaum	Gallagher	Manderino	Steighner
Borski	Gamble	Michlovic	Stevens
Brown	Gannon	Miscevich	Stewart
Burns	George	Morris	Stuban
Cappabianca	Grabowski	Mrkonic	Swaim
Clark	Greenfield	Mullen	Sweet
Clymer	Haluska	Murphy	Taylor, F. E.
Cochran	Harper	O'Donnell	Telek
Cohen	Hoeffel	Olasz	Tigue
Colafella	Horgos	Oliver	Trello
Cole	Hutchinson, A.	Pendleton	Van Horne
Cordisco	Itkin	Petrarca	Wachob
Coslett	Kolter	Petrone	Wambach
Cowell	Kowalyszyn	Pievsy	Wargo
DeMedio	Kukovich	Pistella	Wiggins
DeWeese	Laughlin	Pratt	Williams, H.
Dawida	Lescovitz	Pucciarelli	Williams, J. D.
Deal	Letterman	Rappaport	Wilson
Dombrowski	Levin	Richardson	Wozniak
Donatucci	Livengood	Rieger	Wright, D. R.
Duffy	Lloyd	Ritter	Zwilk
Durham			

NAYS—90

Anderson	Foster, Jr., A.	McClatchy	Salvatore
Armstrong	Frazier	McVerry	Saurman
Arty	Freind	Mackowski	Showers
Bittle	Gallen	Madigan	Sieminski
Bowser	Geist	Manmiller	Sirianni
Boyes	Gladeck	Marmion	Smith, B.
Brandt	Greenwood	Merry	Smith, E. H.
Burd	Grieco	Micozzie	Smith, L. E.
Cawley	Gruitza	Miller	Snyder
Cessar	Gruppo	Moehlmann	Spencer
Cimini	Hagarty	Mowery	Spitz
Civera	Hasay	Nahill	Swift
Cornell	Hayes	Noye	Taddonio
Cunningham	Heiser	Perzel	Taylor, E. Z.
DeVerter	Honaman	Peterson	Vroon
Daikeler	Jackson	Phillips	Wass
Davies	Johnson	Piccola	Wenger
Dietz	Kanuck	Pitts	Weston
Dininni	Kennedy	Pott	Wogan
Dorr	Klingaman	Punt	Wright, R. C.
Fargo	Lashingar	Rasco	
Fleck	Lehr	Reber	Ryan,
Foster, W. W.	Levi	Rocks	Speaker

NOT VOTING—3

Gray	White	Wright, J. L.
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EXCUSED—5

Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

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

REMARKS ON VOTES

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

Mr. GEORGE. Mr. Speaker, first I ask you if you would permit the record to show on the Manderino amendment A4218 that I was recorded in the negative and I am certain I voted in the affirmative.

On this vote, Mr. Speaker, I saw it with my own eyes as I was standing here, my vote turned from green to red. Now, there is something wrong with that button, sir, and I would ask that you have someone look into it, please. I get blamed, Mr. Speaker, enough for the votes I do make that are wrong. I do not want the machine to make them for me, please.

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

The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I have inadvertently been recorded in the negative on the Letterman amendment 4273, and I would like to be recorded in the affirmative. Thank you.

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

CONSIDERATION OF HB 264 CONTINUED

On the question recurring,

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

Mr. PITTS offered the following amendments No. A4131:

Amend Title, page 1, line 16, by striking out all of said line and inserting

rates of qualifications for benefits.

Amend Bill, page 1, lines 19 through 25, pages 2 and 3, lines 1 through 30, page 4, line 1, by striking out all of said lines on said pages and inserting

Section 1. Subsections (m.3) and (w)(2) of section 4, act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," amended September 27, 1971 (P.L.460, No.108), are amended to read:

Section 4. Definitions.—The following words and phrases, as used in this act, shall have the following meanings, unless the context clearly requires otherwise.

(m.3) "Partial Benefit Credit" means that part of the remuneration, if any, paid or payable to an individual with respect to a week for which benefits are claimed under the provisions of this act, which is not in excess of [forty per centum (40%)] thirty per centum (30%) of the individual's weekly benefit rate [or six dollars whichever is the greater]. Such partial benefit credit if not a multiple of one dollar (\$1) shall be computed to the next higher multiple of one dollar (\$1).

(w) ***

(2) An application for benefits filed after the termination of a preceding benefit year by an individual shall not be considered a Valid Application for Benefits within the meaning of this subsection[,] unless such individual has[,] subsequent to the beginning of such preceding benefit year and prior to the filing of such application, worked and earned wages, whether or not such work is in "employment" as defined in this act in an amount equal to or in excess of [six (6)] twelve (12) times his weekly benefit rate in effect during such preceding benefit year.

Section 2. Subsection (f) of section 401 of the act, amended September 27, 1971 (P.L.460, No.108), is amended to read:

Section 401. Qualifications Required to Secure Compensation.—Compensation shall be payable to any employe who is or becomes unemployed, and who—

(f) Has earned, subsequent to his separation from work under circumstances which are disqualifying under the provisions of subsections 402 (b), 402 (e) and 402 (h) of this act, remunera-

tion for services in an amount equal to or in excess of [six (6)] twelve (12) times his weekly benefit rate irrespective of whether or not such services were in "employment" as defined in this act. The provisions of this subsection shall not apply to a suspension of work by an individual pursuant to a leave of absence granted by his last employer, provided such individual has made a reasonable effort to return to work with such employer upon the expiration of his leave of absence.

Section 3. Paragraph (3) of subsection (a) and subsection (d) of section 404 of the act, amended July 10, 1980 (P.L.521, No.108), are amended to read:

Section 404. Rate and Amount of Compensation.—Compensation shall be paid to each eligible employe in accordance with the following provisions of this section except that compensation payable with respect to weeks ending in benefit years which begin prior to the first day of October, one thousand nine hundred seventy-one shall be paid on the basis of the provisions of this section in effect at the beginning of such benefit years.

(a) ***

(3) If the base year wages of an employe whose weekly benefit rate has been determined under clause (1) of paragraph (1) of this subsection, or redetermined under paragraph (2) of this subsection, as the case may be, are insufficient to qualify him under subsection (c) of this section but are sufficient to qualify him for [any one of] the next [three] lower weekly benefit [rates] rate, his weekly benefit rate shall be redetermined at [the highest of] such [next] lower [rates] rate.

(d) (1) Notwithstanding any other provisions of this section each eligible employe who is unemployed with respect to any week ending subsequent to the first day of July, one thousand nine hundred eighty, shall be paid, with respect to such week, compensation in an amount equal to his weekly benefit rate less the total of (i) the remuneration, if any, paid or payable to him with respect to such week for services performed which is in excess of his partial benefit credit; (ii) vacation pay, if any, which is in excess of his partial benefit credit, except when paid to an employe who is permanently or indefinitely separated from his employment and (iii) [an amount equal to the amount of a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual, which is reasonably attributable to such week, in accordance with this subsection. The balance in the employe's compensation account as indicated in Part D of the table contained in subsection (e) shall be reduced by his weekly benefit amount without regard to the pension deduction provided herein: Provided, however, That notwithstanding section 804, any overpayment that occurs as a result of the retroactive implementation of the changes made in this subsection of this amendatory act shall be established as nonfault nonrecoupable.] for any week with respect to which an individual is receiving a pension (which shall include a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment) under a plan maintained or contributed to by a base year employer, the weekly benefit amount payable to such individual for such week shall be reduced (but not below zero):

(A) by one-half the pro-rated weekly amount of the pension if at least half but less than one hundred per centum (100%) of the contributions to the plan were provided by such individual;

(B) by the entire pro-rated weekly amount of the pension if subclause (A) or (C) does not apply; or

(C) by no part of the pension if the entire contributions to the plan were provided by such individual, or by the individual and an employer (or any other person or organization) who is not a base year employer.

(2) No reduction shall be made under this subsection by reason of the receipt of a pension if the services performed by the individual during the base year (or remuneration received for

such services for such employer) did not affect the individual's eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity or similar payment. The conditions specified by this paragraph shall not apply to pensions paid under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law). Payments made under such acts shall be treated solely in the manner specified by clause (iii) (A), (B) and (C) of paragraph (1).

(3) The provisions of this subsection shall be applicable whether or not such vacation pay, retirement pension or annuities, or wages are legally required to be paid. If such retirement pension or annuity payments deductible under the provisions of this subsection are received on other than a weekly basis, the amount thereof shall be allocated and pro-rated in accordance with the rules and regulations of the department. Vacation pay, or other remuneration deductible under the provisions of this subsection shall be pro-rated on the basis of the employe's normal full-time weekly wage and as so pro-rated shall be allocated to such period or periods of unemployment as shall be determined by rules and regulations of the department. Such compensation, if not a multiple of one dollar (\$1.00), shall be computed to the next higher multiple of one dollar (\$1.00).

Section 4. This act shall take effect January 1, 1982 as follows:

(1) The amendments to sections (4)(w)(2), 404(a)(3) and 404(d) shall apply to all applications for benefits filed effective on and after January 1, 1982.

(2) The amendments to sections 4(m.3) and 401(f) shall apply to all weeks for which benefits are claimed which begin on and after January 1, 1982.

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Thank you, Mr. Speaker.

The omnibus Federal Budget Reconciliation Act of 1981 contained a provision which would freeze the additional Federal UC tax paid by Pennsylvania employers at six-tenths of 1 percent. Without that provision, Pennsylvania employers' additional Federal UC taxes would have increased by three-tenths of a percent each year. In other words, for 1981 it would have gone to nine-tenths of a percent and by 1985 it would have increased up to 2.1 percent, which would be equivalent to \$126 per employee. In that budget reconciliation act there was a provision called the no-net liberalization provision, which provided that in order to retain the freeze in 1981, we must not take any action in Pennsylvania that would decrease our tax effort or result in a net decrease in the solvency of the UC system. Any increase in benefit cost must be accompanied either by an increase in taxes or a decrease in other benefits.

So far today we have voted for a pension offset amendment to liberalize and increase the benefits on the pension matter. We have accepted the Letterman amendment, and we just voted as a House for a tax increase. If you wish to have a liberalization of the pension offset problem without a tax increase, my amendment which I am offering would provide that.

This language is the language that is recommended approved by the Federal Department of Labor—it is the approved language—and it would provide benefit adjust-

ments in four other areas to offset the increased cost which the liberalization would cost our system to the tune of \$25 million to \$30 million. This is a way to vote for the liberalization of the pension offset problem and also keep solvency, keep the freeze, the tax credit penalty freeze, at six-tenths of a percent so our job base is not burdened with additional tax increases. I urge you to support this amendment.

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

Mr. GREENFIELD. Mr. Speaker, this is a cut in the benefits to the workingmen of the Commonwealth under the unemployment compensation system. Mr. Speaker, the unemployment compensation system was set in motion to help a man or woman who finds himself unemployed due to no fault of his own. It has sustained this Commonwealth and this country for many years and has helped the security and the welfare of the men and women in the shops and in the steel mills and in business, and it has helped business by giving an income to those individuals in dire times of emergency. It is incredible—incredible, Mr. Speaker—at times when the cost of living is rising and putting such a serious strain on a person to maintain his livelihood and his family, to pay his bills, and we are thinking of cutting back benefits, hurting that individual more, putting him more into a serious situation and a critical situation.

Mr. Speaker, I urge defeat of this amendment. It is not necessary, as the speaker has suggested. We have, by SB 1006, added millions of dollars to the fund next year. We are adding, by increasing the base rate from \$6,300 to \$6,600, millions of dollars over and above the amount that this pension offset will cost. It is merely something to fly in your face and to persuade you to vote against the interests of the people and the workingman, Mr. Speaker. It is not necessary. I urge you to defeat the amendment. The funds are there; the fund will be solvent. Thank you.

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

I was not going to speak, but I just cannot sit here and let a \$25-million deficit be added onto the \$1.5-billion deficit we already have.

Last year on the House floor we talked about this and we were \$1.2, \$1.3 billion in debt, and at that time I stated the best thing that could happen is we could hold our own; we could not erase this debt. Now, it is growing worse. We are \$1.5 billion behind the eight ball.

Do you know what that is costing the taxpayers of the United States? I am not talking about the taxpayers in Pennsylvania but the whole United States. At 15 percent interest, that is where they have to borrow the money in the open market. That is \$225 million just in interest to finance our debt. We are not paying the interest because we are getting it free. It is just an interest-free loan. However, somebody has to pay for that.

I think it is about time we have to stand up. If we are going to give \$25 million away, I think on the other side we have to cut \$25 million. It was very nice of Mr. Manderino to say we

are going to help the manufacturer out by giving them a tax increase. That is exactly what we did. I do not think that is right, and I think we should support Mr. Pitts' amendment. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Madigan.

Mr. MADIGAN. Thank you, Mr. Speaker.

I would share Mr. Greenfield's concern about the employees who find it necessary to use unemployment compensation, and I agree that it helps out in the time when they have no job, but if we continue on the course that we are going today, we are going to assure that there will be no jobs for them when those unemployment compensation benefits run out.

We have attacked the solvency of our fund here today, and I was impressed by the minority whip's concern about the solvency of the fund after we had adopted two amendments which threw it completely out of balance, and then he had to come back with an amendment which provides that we can tax our employers more. I think we are sending a clear message to the employers of Pennsylvania that we have no concern for their problems. I think this is something that we have to work together on with both the employees and the employers, and I feel we have a real opportunity to provide a solvency for this fund if we all work together. I would therefore like to urge support for the Pitts amendment. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip.

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

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. MANDERINO. Mr. Speaker, as I review the Pitts amendment, adoption of the Pitts amendment will take out all the language presently in the bill, including the two amendments that I proposed that were adopted, including the Letterman amendment, and substitute entirely new language. Is that correct, Mr. Speaker?

The SPEAKER. It is the opinion of the Chair that to a great extent the suggestion of the gentleman, Mr. Manderino, is correct. It would insert new language. It would in effect strike the amendment offered by the gentleman, Mr. Letterman, and the one amendment offered by the gentleman, Mr. Manderino. However, the gentleman from Westmoreland's second amendment would not be stricken; by that I am referring to amendment A4219.

Mr. MANDERINO. Yes, Mr. Speaker. I have concern because when I read the amendment, it takes page 1 of the bill and strikes out lines 1 through 16; allows lines 17 and 18 to remain which simply say, "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:"; strikes out lines 19 to 25; strikes out 30 lines, and that is all there are on page 2; strikes out 30 lines on page 3, and that is all there are; and strikes out 1 line on page 4. So I am having problems with the effect of this amendment. I am not even sure that my second amendment is still intact. Whether it is or

not, Mr. Speaker, I would like to rise in opposition to the amendment.

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

Mr. MANDERINO. Mr. Speaker, I think that we have demonstrated that the offset pension amendment that Mr. Pitts now proposes be coupled with an additional cut in workers' benefits, is just too much of a cut in workers' benefits.

The proposals that I made, and which were adopted by this House, did not impose additional taxes on the people of Pennsylvania or the employers of Pennsylvania that was not generally agreed to in this General Assembly as being their share of the problem. I really allow a credit to be disallowed in three situations.

Mr. Speaker, to cut benefits of workers, which were cut over \$150 million just a year ago and additional millions of dollars in the extended benefits portion just a few days ago, to relieve and to remove from the law passed a year ago the onerous prohibition known as pension offset, which I think most of us want to remove, I think is going too far.

If Mr. Pitts is right—and I do not think he is—that the fund was solvent, then all we are doing with pension offset is costing it \$25 to \$30 million. And if the fund is anywhere near solvent, the \$136 million that will not be allowed in the credit when the fund gets in those conditions I think is sufficient to offset it. But I do not want to make that argument because I think that money ought to be going in anyway, but I know that the money we cut from extended benefits just a couple of days ago is well enough, well enough, for the workers of this Commonwealth to contribute to get back pension offset. That is well over twice, as I indicated, the amount of money necessary to pay for the pension offset.

I urge defeat of the Pitts amendment that just cuts benefits of workers in Pennsylvania unnecessarily.

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

Mr. GRIECO. Mr. Speaker, I want to say this puts me in a terrible position. I did not ask for this position, but I have to defend myself and my people back home.

I want to say this, and I mean it from the bottom of my heart. My people in Lycoming County, in Clinton County, are hurt by removing the Letterman and George amendment. I cannot sit here and tell my people back home I support them and come back down here and cut their throats. I am against the amendment. Thank you.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not know why we cannot ever work anything out that we do good for people and not just good on a piece of paper, and that is exactly what we continually do. I think that every time we look at an amendment, someone is going to say, well, we know how to take care of that, so we will just dodge around it and wipe it right out, you know.

I think there were 112 votes for my amendment, and I think that 112 people were sincere that they felt that those people

should be helped, not be mistreated like the bill really did. I would ask you to turn down the Pitts amendment for that reason. Thank you.

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

The following roll call was recorded:

YEAS—79

Anderson	Foster, Jr., A.	McVerry	Rocks
Armstrong	Frazier	Mackowski	Saurman
Arty	Freind	Madigan	Showers
Bittle	Gallen	Manmiller	Sieminski
Bowser	Geist	Marmion	Sirianni
Boyes	Gladeck	Merry	Smith, B.
Brandt	Greenwood	Miller	Smith, E. H.
Burd	Gruppo	Moehlmann	Smith, L. E.
Cessar	Hagarty	Mowery	Snyder
Civera	Hayes	Murphy	Spencer
Clymer	Heiser	Nahill	Spitz
Cornell	Honaman	Noye	Swift
Cunningham	Jackson	Peterson	Taylor, E. Z.
DeVerter	Johnson	Phillips	Vroon
Daikeler	Kennedy	Piccola	Wenger
Davies	Klingaman	Pitts	Weston
Dietz	Lashingner	Pott	Wright, J. L.
Dininni	Lehr	Punt	
Dorr	Levi	Rasco	Ryan,
Fargo	McClatchy	Reber	Speaker
Foster, W. W.			

NAYS—117

Barber	Fee	Lucyk	Serafini
Belardi	Fischer	McCall	Seventy
Belfanti	Fleck	McIntyre	Shupnik
Beloff	Fryer	McMonagle	Stairs
Berson	Gallagher	Maiale	Steighner
Blaum	Gamble	Manderino	Stevens
Borski	Gannon	Michlovic	Stewart
Brown	George	Micozzie	Stuban
Burns	Grabowski	Miscevich	Swaim
Cappabianca	Greenfield	Morris	Sweet
Cawley	Grieco	Mrkonic	Taddonio
Cimini	Gruitza	Mullen	Taylor, F. E.
Clark	Haluska	O'Donnell	Telek
Cochran	Harper	Olasz	Tigue
Cohen	Hasay	Oliver	Trello
Colafella	Hoeffel	Pendleton	Van Horne
Cole	Horgos	Perzel	Wachob
Cordisco	Hutchinson, A.	Petrarca	Wambach
Coslett	Itkin	Petrone	Wargo
Cowell	Kanuck	Pievsky	Wass
DeMedio	Kolter	Pistella	Wiggins
DeWeese	Kowalshyn	Pratt	Williams, H.
Dawida	Kukovich	Pucciarelli	Williams, J. D.
Deal	Laughlin	Rappaport	Wilson
Dombrowski	Lescovitz	Richardson	Wogan
Donatucci	Letterman	Rieger	Wozniak
Duffy	Levin	Ritter	Wright, D. R.
Durham	Livengood	Rybak	Wright, R. C.
Emerson	Lloyd	Salvatore	Zwinkl
Evans			

NOT VOTING—2

Gray White

EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
Caltagirone

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 as amended?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. PITTS. Mr. Speaker, very briefly, I think everyone knows the issues by now.

This bill, as it has been amended, would jeopardize the freeze. You will have an increase on your job base this year. It will cost \$210 million in additional taxes. You also have the Manderino amendment, which is another increase in taxes. You have the liberalization of the pension offset, which has been addressed in Mr. Letterman's amendment. I would urge you to oppose this bill and defeat the bill, unless you are willing to go back to your employers and tell them that they have an additional burden placed on them in taxes to pay for all the liberalization. Thank you, Mr. Speaker.

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

Mr. GREENFIELD. Mr. Speaker, I want to stand at this mike and congratulate the concern that this House has demonstrated in these amendments for the working people of this Commonwealth.

Mr. Speaker, you are restoring the faith of those individuals who worked for a living, went on pension, then had their pension taken away from them as an offset against any needed unemployment compensation in the economy today. You recognized the need to correct that situation, which many of us who voted for the bill in our last session were not even made aware of. And I say I congratulate you, Mr. Speaker, and I urge you to pass this bill. You have heard the numbers, you have heard the debate, and I do not have to take your time any further with those figures. I think you realize that the pension offset will be very amply taken care of as far as the solvency of the fund is concerned. I urge you to vote "yes" for the bill.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker.

Probably few people here will listen to what I have to say because we are tired and it is raining out and it is kind of a gloomy day, but I agree with Representative Pitts. I think what we have seen here today is that we still disregard the intent of the employer. I do not believe we know who that person is in Pennsylvania anymore, and I think for the first time that we have to begin to think about what they do.

Workers, I understand we have to care for them, but right now I think it is important to continue on the trend that the employers, big and small, have believed in for the last 2 1/2 years, that Pennsylvania is a place where you can stay if you have a business and you can look at it if you intend to come here and build a business. I spent an hour with a chief executive officer of a Fortune 500 company who lives in my district

just 2 days ago, and they made a big decision for their company. They decided they would stay here in Pennsylvania as opposed to moving to Illinois, on the basis of the inner attitude of this General Assembly, that we have begun to take a look at our UC fund, we are looking at our workmen's compensation situation, our product liability situation; in other words, we are recognizing that we first need business, for without it, there will be no need for employees. And what I hear on these votes today is that we are putting the employees ahead of those who provide the jobs. So I recommend that we support Representative Pitts in what he just said and move on accordingly. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Would the gentleman, Mr. Pitts, consent to brief interrogation, Mr. Speaker?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Lloyd, may proceed.

Mr. LLOYD. Mr. Speaker, I just want to understand what we are and are not doing when we vote on this bill.

Mr. Speaker, I thought I heard you say in defense of your own amendment that here was a chance to treat the pension offset benefit without the tax increase, as you choose to characterize Mr. Manderino's second amendment. Now, Mr. Speaker, in opposition to the bill I hear you saying, no, even though we passed this—what you say is a tax increase—we are still jeopardizing the solvency of the fund.

Mr. Speaker, I do not understand. Is it your position that all of these amendments taken together, even considering what you believe is a tax increase, are not enough to maintain the solvency of the fund?

Mr. PITTS. Mr. Speaker, the elimination of the State UC tax credit one year and possibly not the next year would cause us to have a decrease in tax effort. The no-net liberalization clause in the Federal bill provides that there be no decrease in tax effort, so even with the tax increase of Mr. Manderino one year and a decrease the next year, we lose the freeze, should it kick in. We are jeopardizing the freeze. We are also jeopardizing the freeze because the liberalization of the pension offset in the Letterman amendment is not coupled with a corresponding decrease in benefits or increase in taxes.

Mr. LLOYD. Mr. Speaker, now I really am confused, because before I understood I was voting for an increase in taxes, and now I understand the taxes are going to go down, and that means that the fund is not going to be solvent. Did the Manderino amendment result in an increase in taxes or a decrease in taxes, Mr. Speaker?

Mr. PITTS. It will result in an increase in taxes, \$136 million.

Mr. LLOYD. Then, Mr. Speaker, how is it that we have a decrease in taxes that you are explaining is the reason why, in the second year, somehow the fund is going to be insolvent?

Mr. PITTS. Because it is figured every year, and should in a succeeding year it not kick in for any reason, you have a decrease in tax effort; you lose solvency.

Mr. LLOYD. Mr. Speaker, I do not understand, because it was my understanding that the Manderino amendment was a permanent change in the law, not something for 1 year.

Mr. PITTS. It is figured every year.
 Mr. LLOYD. What is "it," Mr. Speaker, which is figured every year?

Mr. PITTS. The tax credit law is calculated every year under the Manderino amendment.

Mr. LLOYD. So is that a change, Mr. Speaker, from the existing law? Under existing law is there not a figuring of the credit every year?

Mr. PITTS. The credit is there. If you eliminate the credit, you increase the taxes.

Mr. LLOYD. That is correct, Mr. Speaker, but is there not language in the law right now which says that you have to figure the credit each year?

Mr. PITTS. No, there is not.

Mr. LLOYD. Mr. Speaker, at the urging of my colleagues, I would invite your attention to section 301.3(c) of the Unemployment Compensation Law. I have not had an opportunity to read it, but I am advised that that section of the law is basically requiring a recalculation of the credit every year, or a redetermination of whether or not the credit is available.

Mr. Speaker, I am still waiting for an answer to the question as to whether or not the existing law contains a section which requires the redetermination of the credit, the eligibility for the credit, every year.

Mr. PITTS. Not to my understanding; not right now.

Mr. LLOYD. So then it is your position that the staff on this side of the aisle is incorrect, Mr. Speaker. Is that your statement?

Mr. PITTS. That is correct.

Mr. LLOYD. Now, Mr. Speaker, if in fact the possibility exists in the second year that the Manderino amendment is not going to result in any increase in payments by businesses, then how can it fairly be characterized as a tax increase?

Mr. PITTS. If there is a loss of credit, then it could be characterized as a tax increase.

Mr. LLOYD. But, Mr. Speaker, if there is no loss in credit, then there will not be a tax increase. Is that correct?

Mr. PITTS. That is correct, but in our opinion there will be.

Mr. LLOYD. And why, Mr. Speaker, is that?

Mr. PITTS. Because the pension offset and the liberalization amendment will kick it in.

Mr. LLOYD. Well, Mr. Speaker, I guess we are not really getting anywhere, because I do not understand your responses, and I just find it difficult to understand how, on the one hand, those of us who want to try to keep the fund solvent and voted for the Manderino amendment for that purpose are now being told that we really did not succeed in doing that at all; that we have raised taxes but those taxes have somehow disappeared and that they are not available to help pay for correcting problems or oversights in the law which were created last year.

Thank you, Mr. Speaker. That concludes my interrogation.

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—123

Arty	Evans	Lloyd	Seventy
Barber	Fee	Lucyk	Shupnik
Belardi	Fischer	McCall	Spitz
Belfanti	Fleck	McIntyre	Stairs
Beloff	Frazier	McMonagle	Steighner
Berson	Fryer	Maiale	Stevens
Blaum	Gallagher	Manderino	Stewart
Borski	Gamble	Michlovic	Stuban
Brown	Gannon	Micozzie	Swaim
Burns	George	Miscevich	Sweet
Cappabianca	Grabowski	Morris	Taddonio
Cawley	Gray	Mrkonic	Taylor, F. E.
Cimini	Greenfield	Mullen	Telek
Civiera	Grieco	O'Donnell	Tigue
Clark	Gruitza	Olasz	Trello
Cochran	Haluska	Oliver	Van Horne
Cohen	Harper	Perzel	Wachob
Colafella	Hasay	Petrarca	Wambach
Cole	Hoeffel	Petrone	Wargo
Cordisco	Horgos	Pievsky	Wass
Coslett	Hutchinson, A.	Pistella	Weston
Cowell	Itkin	Pratt	Wiggins
DeMedio	Kanuck	Pucciarelli	Williams, H.
DeWeese	Kolter	Rappaport	Williams, J. D.
DeWida	Kowalshyn	Richardson	Wilson
Deal	Kukovich	Rieger	Wogan
Dombrowski	Laughlin	Ritter	Wozniak
Donatucci	Lescovitz	Rocks	Wright, D. R.
Duffy	Letterman	Rybak	Wright, R. C.
Durham	Levin	Salvatore	Zwikel
Emerson	Livengood	Serafini	

NAYS—73

Anderson	Foster, Jr., A.	Mackowski	Reber
Armstrong	Freind	Madigan	Saurman
Bittle	Gallen	Manmiller	Showers
Bowser	Geist	Marmion	Sieminski
Boyes	Gladeck	Merry	Sirianni
Brandt	Greenwood	Miller	Smith, B.
Burd	Gruppo	Moechlmann	Smith, E. H.
Cessar	Hagarty	Mowery	Smith, L. E.
Clymer	Hayes	Murphy	Snyder
Cornell	Honaman	Nahill	Spencer
Cunningham	Jackson	Noye	Swift
DeVerter	Johnson	Pendleton	Taylor, E. Z.
Daikeler	Kennedy	Peterson	Vroon
Davies	Klingaman	Phillips	Wenger
Dietz	Lashinger	Piccola	Wright, J. L.
Dininni	Lehr	Pitts	
Dorr	Levi	Pott	Ryan,
Fargo	McClatchy	Punt	Speaker
Foster, W. W.	McVerry	Rasco	

NOT VOTING—2

Heiser White

EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
 Caltagirone

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.

CONSIDERATION OF HB 1348 RESUMED**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1348, PN 2008, be removed from the table.

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

On the question recurring,
Shall the bill pass finally?

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

Mr. GREENFIELD. Mr. Speaker, in the vein of the previous enactment and action of this House, I urge defeat of HB 1348 as being an unnecessary extension of the exemption under the Minimum Wage Act.

This is a small exemption; it is a small added provision to the act. It says that the exemption for amusement parks, recreation centers, which are now exempt if they operate for 7 months or less and if they are public, will now be extended to those which will be private amusement and recreation centers.

I understand that this bill has been placed in for the benefit of one or two institutions in the Commonwealth. I think it is a bad precedent at a time when we should be protecting the workingmen, as we have demonstrated here we are willing and anxious to do under the provisions and the protective language of our wage and hour laws and the labor bills that we have passed in this House and in this Commonwealth, and I urge defeat of HB 1348.

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

Mr. BRANDT. Thank you, Mr. Speaker.

Mr. Speaker, in regard to the previous speaker, he mentioned about the small but narrow vein that we are changing the law, and that is entirely correct, and that is why the bill is drawn to this specific point. When we talk about the word "private" here, we are not talking about the ownership of these facilities, but we are talking about the use of them. We talk about the word "amusement," and according to the regulations, an amusement is defined as any establishment providing amusement, entertainment, or recreation as its primary service. And as the bill says, it is for those places that are open for less than 7 months a year in order that their next average income is less than a third of the previous time.

This bill is drawn for all those places we have in Pennsylvania where community-spirited individuals have taken upon themselves to create the recreation amusement particularly for our teenagers and fun-loving Pennsylvanians as we are. We are placing them at a disadvantage where those places that are operated for a private entity have to come under the minimum wage contrary to those that may be operated by our public boroughs and townships and are open to the public.

To me this bill is a step in the right direction of creating real jobs for teenagers of the Commonwealth that are needed so bad. I certainly ask that you pass this bill as it is. It is a step in

the right direction for our teenagers and for our folks back home. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield, for the second time on the issue.

Mr. GREENFIELD. Mr. Speaker, I do not intend to belabor the issue and take the time of this House too long, but I do not think that this is a step in the right direction. I think we are going backwards; it is obvious we are going backwards. We are now taking away some of the protections that we have enacted throughout the years and which are needed more today than ever before to keep, in common, the salaries and the benefits of the workingman up so that they can meet the high cost of living which we find ourselves in today, Mr. Speaker.

I urge defeat of this bill as going the wrong way. Thank you.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Richardson, desire to speak on this bill?

Mr. RICHARDSON. Yes, Mr. Speaker. I would like to know if I can interrogate Mr. Brandt.

The SPEAKER. The gentleman from Lancaster, Mr. Brandt, will stand for interrogation. The gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. Mr. Speaker, I would like to ask the gentleman whether or not he can explain to us what are recreational or amusement establishments that are spoken to in this bill?

Mr. BRANDT. Mr. Speaker, as the gentleman understood when I read the definition of "amusement" — Did you hear that part, Mr. Speaker?

Mr. RICHARDSON. Well, in this House it is hard to hear anything, but I heard some of it.

Mr. BRANDT. "Amusement" is defined in the regulations as any establishment providing amusement, entertainment, or recreation as its primary service to the public. Then it goes on and further defines. My interpretation, Mr. Speaker, is that we are talking about swimming pools, recreational halls in our communities, possibly and also probably country clubs or golf courses that are open to the public, but they have to come under those other parts of this bill, and that is being open less than 7 months of the year and having a set amount of dollars that they collect or bring in in revenue.

Mr. RICHARDSON. Well, Mr. Speaker, that does not specifically answer the question. What I am trying to get at is, if this is an establishment, are we talking about established recreational and amusement facilities in a particular locale in the State of Pennsylvania that presently are operating at private use or for the private ownership or use of other individuals who may utilize these establishments, or are we talking about public amusement parks, public recreational centers, and other public amusement establishments that presently exist that we are talking about minimizing this overtime and minimum wage provision in this act?

Mr. BRANDT. Would it help the gentleman if I cite some examples?

Mr. RICHARDSON. That is what I have been trying to get to, Mr. Speaker. Could you give us some examples of what are recreational or amusement establishments that specifically relate to this bill, because you have not explained it to us yet.

Mr. BRANDT. Yes, Mr. Speaker. As an example, in my opinion, and as I understand it, Hersheypark is not in this law. They must pay minimum wage, and in fact they do; they probably pay more than minimum wage. You take an example, a good example would be in an inner city where a group of individuals would get together in a certain area or a neighborhood and put up the money to provide swimming facilities for people in that area. That would be designated a private operation. It does not have the blessing of the city council, so to speak, or the township supervisors. That would be designated a private organization, and it would be restricted to the people who live within those blocks of that neighborhood. They would in fact have to pay minimum wage, and they are the types of places that we are attempting to change, that they can pay less than minimum wage, if they meet the rest of the criteria of the law.

Mr. RICHARDSON. If we are to go by the present establishments of recreation centers that are in our own particular communities, are you including them also? For an example, like a recreation center that may fall under the city administration, are we saying that these persons would be exempt from minimum wage?

Mr. BRANDT. The key, Mr. Speaker, is if that facility has a qualifier on the people who can participate in its activities. If it is strictly open to the public and no restrictions on people going into that facility, they are now allowed to pay less than the minimum wage. If there is any type of restriction on the membership or the entrance into that facility, they must pay minimum wage at this time, even though they are providing a service that we generally acknowledge as open to the public.

Mr. RICHARDSON. What about the country clubs in relationship to how they operate within a private setting? Are you saying now that the employers or the employees who utilize that facility would be exempt under this bill under the minimum wage?

Mr. BRANDT. As you cite a country club, if that country club would be open, number one, it would have to be open for less than 7 months of the year. It would have to qualify under that. It would also have to qualify that its increase in revenues was no more than a third of what it was the previous year and that it had a restricted membership. It would have to meet all of those qualifiers to come under this legislation.

Mr. RICHARDSON. Are you saying that this is an exclusive piece of legislation for a specific group of people?

Mr. BRANDT. It is exclusive to the point that I am concerned that there will be many places in Pennsylvania that will not be providing the recreational facilities or swimming facilities that we have if those organizations were established by the Jaycees or by the Lions Club or by the Rotary Club in lieu of them being established by the local town father, so to speak. Those places will close up if they cannot afford to pay above the minimum wage.

Mr. RICHARDSON. I have no further questions of the gentleman, Mr. Speaker. I would like to speak on the bill.

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

Mr. RICHARDSON. Mr. Speaker, I really do not see a purpose in HB 1348, and I rise to also ask the members of this House to vote against HB 1348, as did my colleague who already spoke on the bill, Mr. Greenfield.

I was trying to find out whether or not this was geared toward a specific group of people, whether it was geared toward trying to help a specific group of people. But then he told me that it falls in the purview of a 7-month criteria of being open and that it would only be geared for those persons who do it, and if they do not get this exemption, they will close up. A specific example that was given was the one on country clubs. I am not really understanding of why there would be a certain provision particularly for a private country club that would have the money and the availability to be able to pay those employees who work there minimum wage or above, if that be the case, to take care of his particular problem.

It seems to me that we are always moving somewhere off center when we exclude certain groups of people and do not talk about giving an across-the-board equalization to everyone to receive the same minimum wage and overtime provision exemption. For that reason, Mr. Speaker, I oppose HB 1348.

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

Mr. MORRIS. Mr. Speaker, I hate to belabor the time of the House. I thought I was confused by some of the debate on the unemployment compensation bill that we just last passed, but I am even more confused at the moment on what is intended to be a simple bill.

I really must ask, with your permission, Mr. Speaker, to interrogate Mr. Brandt briefly.

The SPEAKER. The gentleman from Lancaster, Mr. Brandt, will stand for interrogation. The gentleman, Mr. Morris, may proceed.

Mr. MORRIS. Mr. Speaker, I take it that most private golf clubs would not qualify under this because the facilities of such organizations are open for more than 7 months. Is that correct?

Mr. BRANDT. I did not hear the first part of the question, Mr. Speaker. I believe the answer is yes.

Mr. MORRIS. I will repeat the question.

The SPEAKER. Do you accept that?

Mr. BRANDT. Did the gentleman say private health clubs?

Mr. MORRIS. Is it true, Mr. Speaker, that most private golf clubs would not qualify under this, perhaps almost all for that matter, because their facilities are open for more than 7 months a year?

Mr. BRANDT. That is correct. They are open for more than 7 months. Private golf clubs?

Mr. MORRIS. Yes.

Now, Mr. Speaker, is this bill intended to apply solely to charitable organizations?

Mr. BRANDT. No; because it talks about employment by an establishment which is an amusement or recreational establishment, organized camp, or religious or nonprofit educational conference center. It does not specifically say nonprofit as a total group.

Mr. MORRIS. Do I understand that the facilities are to be open to the public in general or just some small segment of the public in general; and, if so, what would the restrictions be? Can you give us some idea about that, Mr. Speaker?

Mr. BRANDT. I apologize to the gentleman. I did not hear or understand the full question.

Mr. MORRIS. Mr. Speaker, under this bill, could an organization operating one of these facilities qualify if the people to be benefited were not the general public but some restricted segment thereof?

Mr. BRANDT. If this bill would pass under those circumstances you quoted, then they would be able to hire individuals for less than the minimum wage, provided, however, that they meet the other qualifications.

Mr. MORRIS. I am afraid that did not answer my question, Mr. Speaker. I am about to give up on pursuing this, because I am not getting answers, and I do not think this is, perhaps, Mr. Brandt's fault.

I fail to see the distinction, Mr. Speaker—and perhaps you can enlighten me—between a charitable organization and an organization which provides recreation to all and sundry and makes no profit. So I was asking you, is there some distinction there that is inherent in this?

Mr. BRANDT. Mr. Speaker, I will take one more bite at this apple.

The clear intent of this legislation is to make sure that an organization that has established an amusement or recreational facility that meets the other qualifications would not have to pay the minimum wage. Example: Let us take an inner city or a borough or a township, for that matter, and there is a strong interest in the community for a swimming pool. The local—and I will use my favorite—Jaycees pool their resources and get people interested in a swimming pool, and one of the stipulations in that is that they sell memberships, and then the only people who are allowed to go to that swimming pool are people who have belonged to the pool, so to speak. If that happens, that is considered a facility open to a private group of individuals. It is not open to the public generally. Although there is strong feeling probably through the community that that is not right, they have a stipulation on their membership. Therefore, it is not considered a public facility; therefore, they are outside of this exemption for less than minimum wage, and they must pay the minimum wage.

That is the point I am attempting to address. They have to be open for less than 7 months. They have to have a restriction on the revenues they garner, and that is the narrow vein in which we are attempting to draw this amendment.

Also, this bill is identical to Federal language and brings it into conformity.

Does the gentleman from Chester have any further questions?

Mr. MORRIS. No, I do not, Mr. Speaker. I thought I understood what he said until he got to the last half of it.

Mr. BRANDT. Mr. Speaker, that is how I felt about your questions.

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

Mr. RITTER. Mr. Speaker, I rise to oppose the bill.

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

Mr. RITTER. Mr. Speaker, I think Mr. Brandt pointed out what the bill is intended to do. We talked about the Jaycees opening up a swimming pool. I want to talk about a private owner, a private builder who decides to build a swimming pool in a community in a housing project, and he charges memberships to belong to that club and to use those facilities. This bill, if you pass it, will allow that builder or that contractor to pay less than minimum wages to people who will work at that swimming pool for which members have to pay a fee in order to get in in the first place. I cannot see any need for that.

You know, we are talking not about the Jaycees running something; that is part of it, but we are talking about private ownership, private enterprise operating it, and amusement parks that may only be open for 7 months in any given year or less than 7 months. The people who work within that amusement park would not have to be paid minimum wage if you pass this bill. What you are doing is you are opening a door; you are eroding the powers of the minimum wage if you pass this bill. You are opening it up by saying, well, we are only talking about people who are employed 7 months or less; we are only talking about people who work in swimming pools built by the Jaycees. I am saying to you that that is nonsense. There are other people involved, other ownerships other than civic groups, private ownerships, and those people should have to pay the minimum wage to anybody who is employed there.

This bill will set a bad precedent. You are going to erode the minimum wage base. If that is what you want to do, then obviously you are going to vote for this bill. If you do not want to erode the minimum wage bill, then you vote against it. Mr. Speaker, I am urging the members to vote against this bill.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fleck, on final passage.

Mr. FLECK. Thank you, Mr. Speaker.

Would the sponsor of the bill submit to interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Fleck, may proceed.

Mr. FLECK. Mr. Speaker, I am confused now. Does this bill address itself to organizations not for profit or does it also address itself to organizations for profit?

Mr. BRANDT. You raise a very interesting point, Mr. Speaker.

Although there are different trains of thought on this, it is my opinion that the word "nonprofit" shows up in the legislation only one time when it discusses educational conference centers. It could be, as Mr. Ritter had pointed out, the private swimming pool scenario would be possible. If you would be

interested in the word "nonprofit," we could possibly amend that further yet and make it strictly in a nonprofit vein.

Mr. FLECK. It was my understanding that it was only nonprofit. I think it would be important, because I think it is a bill that we should pass. I disagree with most of the debate so far, and I agree with you, and I agree for this reason: Fifty-five percent of the black youths in this Commonwealth are unemployed. Now, we can stand here and argue with ourselves in support of the minimum wage or we can address a problem. Thirty percent of all of the youths in this State are unemployed. Now, there are a lot of kids in my district who would love to have a summer job, and if we can allow some of the ancillary work that is now not being done because the minimum wage makes it uneconomical to do, everything from painting the curbs around a swimming pool to doing maintenance in gardens that cannot be done because you cannot afford to hire somebody for it, why do we not let these kids have a job? Why do we not let a kid work during the summer? If he is willing to work for \$3 an hour and the employer is willing to pay it, if it is only 7 months out of the year, if it does not affect anybody's permanent full-time employment, why do we not give it a shot? We have a deep problem here.

If we continue to freeze out of the work force the young people in this Commonwealth, your welfare problems in the future are going to be ever more great, because they are not going to understand how to work. They are not going to develop in this early stage of their lives the work skills they will need at a later date. This seems to me a rather inoffensive first step in addressing that problem, in allowing not-for-profit concerns, as is the intent of the legislation as I understand you to say it, in allowing not-for-profit concerns employing only part-time transient employees, transient in the sense that they are employed 7 months and then not for the rest of the year. Why not give these kids a chance? It is important. Think about it. You are sitting in your seats, and I know the AFL-CIO hates this bill, no doubt. Anything that tampers with the minimum wage is detested by the AFL-CIO. However, what is your solution to providing more jobs for these kids who need it? Why not give it a chance?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, for the second time on the bill.

Mr. RICHARDSON. It is quite clear, Mr. Speaker, that there is some obvious misunderstanding. Number one, while the gentleman may be correct that the unemployment rate amongst black youths in this Commonwealth is 55 percent, I will share with him that I do not think that we get the opportunity to work at the country clubs that are included in this bill, and that if that is going to be the situation, I would hope he put up the first application so we can make sure that those children would have an opportunity to work in those particular places.

Secondly, I think it must be important to recognize that the problems that we are faced with today were not explained by Representative Brandt, which raised the question in the first place. If this is to meet private ownership of establishments such as country clubs and other businesses and recreational establishments for pleasure, then why not, if the money is

there and available? This is not running their recreational centers or amusement centers out of this State of Pennsylvania. In fact, I would imagine that they are flourishing in money and certainly would not have any problem paying the minimum wage. It seems to me, though, that when you start talking about exempting, we always talk about how the employer is going to suffer so greatly if we cannot put some other work forces in the community or in their particular establishment at a lower wage. We say that that is slave labor wage tax. We do not believe in that and feel that there needs to be a utilization of equalization across the board to make sure that everyone is equal and that everyone will have an opportunity to have an equal share of the pie, so that when you talk about minimum wage, make it equal for everyone, but it seems to me that his bill does not speak to that.

When asked specifically about whether we are talking about private or public, his bill started off talking about public but was amended and public was taken out, which raises another question altogether. What are we really talking about? He talked about public in the beginning, but that was amended out in the Labor Relations Committee, which means that there was maybe some seriousness about his direction. But now that has changed, which brought on the confusion in the first part. And then whether it is nonprofit or private has not been clarified, because it seems to me that it crosses both lines, private and also nonprofit. I think that unless you explain those particular pieces, at least on my behalf, I will be in opposition to this bill.

I think that the points that have been merited, particularly when you talk about extending welfare, we have talked about a number of solutions to resolving and getting jobs for folks in this Commonwealth, but in every instance we have heard gentlemen, like the last speaker who spoke, who say that we do not have a solution. Those solutions have not been addressed on this floor, only because there are certain members who do not agree with that.

I agree and concur with Representative Ritter. This is a bad piece of legislation, and I think perhaps maybe the drafters of this legislation need to go back and specifically get in the language what they want that will address their particular point, because at this point the bill does not do that.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, in agreement with some of the statements made by Mr. Fleck and the need for the legislation and the fact that there are some gray areas in it, would it be proper at this time to move to place the bill temporarily on the table until Mr. Brandt and others could get the proper amendments to the bill drafted?

The SPEAKER. Is the gentleman, Mr. Davies, asking a question or making a motion?

Mr. DAVIES. No, sir, I am asking a question. That is a matter of parliamentary inquiry, sir.

The SPEAKER. Under parliamentary procedure it would be proper for the gentleman to move that the bill be placed on the table or, preferably, be placed on the final passage postponed calendar.

MOTION TO TABLE

Mr. DAVIES. All right, sir. I will take the first of that and ask that it be placed upon the table for additional amendments by the maker and other interested parties. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I believe that that will be fine with the prime sponsor, Mr. Speaker.

MOTION WITHDRAWN

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. Would the gentleman, Mr. Davies, consider withdrawing that motion and moving that the bill be placed on the final passage postponed calendar?

Mr. DAVIES. I so move.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. GREENFIELD. A parliamentary question, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. GREENFIELD. Can a motion be made to recommit to committee rather than place upon the table?

Mr. HAYES. Mr. Speaker, we are not going to vote this bill today, and we are not going to consider any motion to recommit or place on the table. We are going to place the bill over today.

The SPEAKER. In answer to the gentleman's question of parliamentary inquiry, the motion to postpone takes precedence over the motion to recommit.

On the question,

Will the House agree to the motion?

Motion was agreed to.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Heiser.

Mrs. HEISER. Mr. Speaker, when the final vote was taken on HB 264, PN 269, I was not in my seat. I would like the record to show that I would have voted against the bill, a "no" vote.

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

The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, on HB 1030, PN 1132, there seems to have been some problem with my switch. I find I am recorded in the affirmative, and I certainly intended to vote in the negative. I would like the record to show that.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1478, PN 2359**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped parking placards, for the content of drivers' licenses and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendments No. A4227:

Amend Title, page 1, line 3, by inserting after "LICENSES" , requiring the fee for inspection certificates to be printed thereon

Amend Bill, page 3, by inserting between lines 23 and 24

Section 3. Section 1958 of Title 75 is amended to read:

§ 1958. Certificate of inspection.

The department shall charge \$1 for each certificate of inspection which shall be marked "Fee \$1" in one-quarter inch boldface type.

Amend Sec. 3, page 3, line 24, 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 Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I offer an amendment to this bill which is straightforward and highly beneficial to the citizens of this Commonwealth. It concerns vehicle inspection stickers which PennDOT sells to inspection stations for \$1 each and are placed on the windshield of your vehicle. My amendment would require to print "Fee \$1" on each of those stickers in 1/4-inch boldface type.

What do you think happens every time an inspection station raises its charge? Some of them say, it is not our fault, to the unknowing motorists; Harrisburg has raised the sticker fee. I submit that this legislature has enough on its mind without being blamed for things we have not even done. I suggest that the vehicle owners should know how much of their inspection fee goes to the garage and what a small amount comes to the Commonwealth. In the interest of increasing consumer information, I urge a "yes" vote on the amendment, Mr. Speaker.

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

Mr. DININNI. Mr. Speaker, I rise in opposition to this amendment for one reason and one reason only, and I think we should defeat it. We are considering legislation that would go to one inspection a year. The price may change depending

on the will of this House, and I think it is premature to mandate that PennDOT should put "\$1" on the stickers. So I would say, let us defeat this amendment and address the issue when the next bill comes up.

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

Mr. FRYER. Mr. Speaker, in rebuttal, this had been a provision of the law in which we had the price of the sticker. I had been the prime sponsor of the bill. The price of that sticker was placed right on there for the motorists to see so there could not be any confusion and any charges made to legislators in particular. This was later removed.

Now, I say that we can move ahead, make this change here, because we do not know what lies ahead for the proposal that is before this House in Representative Davies' bill. At that time, Mr. Speaker, when that bill comes before this body, I will also submit an amendment to state that it should be in writing. The motorist is entitled to know. And for our own protection, the price of that sticker should be on the tag. What are we trying to conceal? I urge approval of the amendment, Mr. Speaker.

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

Mr. STEIGHNER. Mr. Speaker, I would like to interrogate the maker of the amendment.

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

Mr. STEIGHNER. Mr. Speaker, a previous speaker on the floor asked us to defeat this amendment relative to some potential legislation that may come before us. Is not the fee for an inspection sticker currently \$1 now?

Mr. FRYER. It is, sir.

Mr. STEIGHNER. Your amendment would have nothing to do with changing that fee. Is that not correct?

Mr. FRYER. It would not.

Mr. STEIGHNER. Thank you, Mr. Speaker. That ends my interrogation.

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

Mr. MISCEVICH. Mr. Speaker, I rise to oppose this amendment on the grounds that the public is well informed as to how much an inspection sticker does cost at every inspection. Any honest garage in this Commonwealth does have posted what the labor charges are for that particular inspection for that inspection period. There is no need to add more confusion to the sticker and another cost to PennDOT to print "\$1" on top of that sticker.

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

The following roll call was recorded:

YEAS—93

Barber	Duffy	Lucyk	Rybak
Belardi	Fee	McCall	Serafini
Belfanti	Fryer	McIntyre	Seventy
Beloff	Gallagher	McMonagle	Showers
Berson	Gamble	Maiale	Shupnik
Blaum	George	Manderino	Steighner
Borski	Gray	Miscevich	Stewart
Brown	Greenfield	Mrkonic	Stuban

Burns	Gruitza	Mullen	Swaim
Cappabianca	Harper	Murphy	Sweet
Cawley	Hoeffel	O'Donnell	Taylor, F. E.
Civera	Horgos	Olasz	Trello
Clark	Hutchinson, A.	Oliver	Van Horne
Cohen	Itkin	Pendleton	Wachob
Colafella	Kolter	Petrarca	Wambach
Cole	Kowalyshyn	Petrone	Wargo
Cordisco	Kukovich	Pievsky	Wiggins
Cowell	Laughlin	Pistella	Williams, H.
DeMedio	Lescovitz	Pratt	Williams, J. D.
DeWeese	Letterman	Pucciarelli	Wilson
Dawida	Levin	Rappaport	Wozniak
Deal	Livengood	Rieger	Wright, D. R.
Dombrowski	Lloyd	Ritter	Zwikl
Donatucci			

NAYS—101

Anderson	Foster, W. W.	McVerry	Sieminski
Armstrong	Foster, Jr., A.	Mackowski	Sirianni
Arty	Freind	Madigan	Smith, B.
Bittle	Gallen	Manmiller	Smith, E. H.
Bowser	Gannon	Marmion	Smith, L. E.
Boyes	Geist	Merry	Snyder
Brandt	Gladeck	Michlovic	Spencer
Burd	Grabowski	Micozzie	Spitz
Cessar	Greenwood	Miller	Stairs
Cimini	Grieco	Moehlmann	Stevens
Clymer	Gruppo	Morris	Swift
Cochran	Hagarty	Mowery	Taddonio
Cornell	Haluska	Nahill	Taylor, E. Z.
Coslett	Hasay	Noye	Telek
Cunningham	Hayes	Perzel	Tigue
DeVerter	Heiser	Peterson	Vroon
Daikeler	Honaman	Phillips	Wass
Davies	Jackson	Piccola	Wenger
Dietz	Johnson	Pitts	Weston
Dininni	Kanuck	Pott	Wogan
Dorr	Kennedy	Punt	Wright, J. L.
Durham	Klingaman	Rasco	Wright, R. C.
Evans	Lashinger	Reber	
Fargo	Lehr	Rocks	Ryan,
Fischer	Levi	Salvatore	Speaker
Fleck	McClatchy	Saurman	

NOT VOTING—4

Emerson	Frazier	Richardson	White
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EXCUSED—5

Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

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

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—194

Anderson	Fargo	McCall	Salvatore
Armstrong	Fee	McClatchy	Saurman
Arty	Fischer	McIntyre	Serafini
Barber	Fleck	McMonagle	Seventy
Belardi	Foster, W. W.	McVerry	Showers
Belfanti	Foster, Jr., A.	Mackowski	Shupnik
Beloff	Frazier	Madigan	Sieminski
Berson	Freind	Maiale	Sirianni
Bittle	Fryer	Manderino	Smith, B.

Blaum	Gallagher	Manmiller	Smith, E. H.
Borski	Gallen	Marmion	Smith, L. E.
Bowser	Gamble	Merry	Snyder
Boyes	Gannon	Michlovic	Spencer
Brandt	Geist	Micozzie	Spitz
Brown	George	Miller	Stairs
Burd	Gladeck	Miscevich	Steighner
Burns	Grabowski	Moehlmann	Stevens
Cappabianca	Greenfield	Morris	Stewart
Cawley	Greenwood	Mowery	Stuban
Cessar	Grieco	Mrkonic	Swaim
Cimini	Gruitza	Mullen	Sweet
Civera	Gruppo	Murphy	Swift
Clark	Haluska	Nahill	Taddonio
Clymer	Harper	Noye	Taylor, E. Z.
Cochran	Hasay	O'Donnell	Taylor, F. E.
Cohen	Hayes	Olasz	Telek
Colafrella	Heiser	Oliver	Tigue
Cole	Hoeffel	Pendleton	Trello
Cordisco	Honaman	Perzel	Van Horne
Cornell	Horgos	Peterson	Vroon
Coslett	Hutchinson, A.	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVerter	Kanuck	Pievsky	Wenger
DeWeese	Kennedy	Pistella	Weston
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, H.
Dawida	Kowalshyn	Pratt	Williams, J. D.
Deal	Kukovich	Pucciarelli	Wilson
Dietz	Lashingier	Punt	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, J. L.
Dorr	Levi	Richardson	Wright, R. C.
Duffy	Levin	Rieger	Zwinkl
Durham	Livengood	Ritter	
Emerson	Lloyd	Rocks	Ryan,
Evans	Lucyk	Rybak	Speaker

NAYS—0

NOT VOTING—4

Gray	Hagarty	Letterman	White
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EXCUSED—5

Alden	Hutchinson, W.	Irvis	Lewis
Caltagirone			

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

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today 85 students from Drexel Hill Middle School and their teacher, George Cain, here today as the guests of Representatives Civera and Arty.

REMARKS ON VOTES

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

Mr. DORR. Mr. Speaker, the record indicates that I voted in the affirmative on HB 1307. I wish the record to show that I voted in the negative.

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

The Chair recognizes the gentleman from Perry, Mr. Noye. Mr. NOYE. Thank you, Mr. Speaker.

I was out of my seat when HB 1307 was voted. I would like the record to reflect that I would have voted in the affirmative.

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

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

Mr. FRAZIER. Thank you, Mr. Speaker.

I was out of my seat during the voting of amendment 4227 to HB 1478. Had I been there, I would have voted in the negative.

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 530, PN 2404**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing for the publication of audit summaries and providing for the creation of Residential Finance Authorities, granting powers and imposing duties, providing for governing bodies of such authorities and granting the authorities the power to issue bonds to provide funds for residential financing by owners.

On the question,

Will the House concur in Senate amendments?

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

Mr. LEVI. Thank you, Mr. Speaker.

The Senate put a new section in the bill that we passed here called the residential finance authorities. It only addresses the creation of authorities in the counties of the second class. It is to help encourage homebuilding in these counties, and it sets up an authority for the municipalities to lean on. There is no tax burden on any of the local governments or on the Commonwealth of Pennsylvania. There will be freestanding bonds that the authority can set up, so there is no burden on the taxpayers. I recommend that we concur in the Senate amendments.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—192

Anderson	Fleck	McClatchy	Saurman
Arty	Foster, W. W.	McIntyre	Serafini
Barber	Foster, Jr., A.	McMonagle	Seventy
Belardi	Frazier	McVerry	Showers
Belfanti	Freind	Mackowski	Shupnik
Beloff	Fryer	Madigan	Sieminski
Berson	Gallagher	Maiale	Sirianni

Bittle	Gallen	Manderino	Smith, B.
Blaum	Gamble	Manmiller	Smith, E. H.
Borski	Gannon	Marmion	Smith, L. E.
Bowser	Geist	Merry	Snyder
Boyes	George	Michlovic	Spencer
Brandt	Gladeck	Micozzie	Spitz
Brown	Grabowski	Miller	Stairs
Burd	Greenfield	Miscevich	Steighner
Burns	Greenwood	Moehlmann	Stevens
Cappabianca	Grieco	Morris	Stewart
Cawley	Gruitza	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Swaim
Cimini	Hagarty	Mullen	Sweet
Civera	Haluska	Nahill	Swift
Clark	Harper	Noye	Taddonio
Clymer	Hasay	O'Donnell	Taylor, E. Z.
Cochran	Hayes	Olasz	Taylor, F. E.
Cohen	Heiser	Oliver	Telek
Colafella	Hoeffel	Pendleton	Tighe
Cole	Honaman	Perzel	Trello
Cordisco	Horgos	Peterson	Van Horne
Cornell	Hutchinson, A.	Petrarca	Vroon
Coslett	Itkin	Petrone	Wachob
Cowell	Jackson	Phillips	Wambach
Cunningham	Johnson	Piccola	Wargo
DeMedio	Kanuck	Pievsky	Wass
DeVerter	Kennedy	Pistella	Wenger
DeWeese	Klingaman	Pitts	Weston
Daikeler	Kolter	Pott	Wiggins
Davies	Kowalshyn	Pratt	Williams, H.
Deal	Kukovich	Pucciarelli	Williams, J. D.
Dietz	Lashingner	Punt	Wright, J. L.
Dininni	Laughlin	Rappaport	Wright, R. C.
Dombrowski	Lehr	Rasco	Zwinkl
Donatucci	Lescovitz	Reber	
Dorr	Letterman	Richardson	
Duffy	Levi	Rieger	
Durham	Levin	Ritter	
Evans	Livengood	Rocks	
Fargo	Lloyd	Rybak	Ryan,
Fee	Lucyk	Salvatore	Speaker
Fischer	McCall		

NAYS—2

Dawida Murphy

NOT VOTING—4

Armstrong Emerson Gray White

EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
Caltagirone

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 769, PN 2405**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to convey to the Abington Area Line Officers Association, 27 acres of land, more or less, situate in Newton Township, Lackawanna County, Pennsylvania.

On the question,
Will the House concur in Senate amendments?
The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I suggest that the House concur in the amendments offered by the Senate to HB 769, PN 2405.

On the question recurring,
Will the House concur in Senate amendments?
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—191

Anderson	Fee	Lloyd	Rybak
Armstrong	Fischer	Lucyk	Salvatore
Arty	Fleck	McCall	Saurman
Barber	Foster, W. W.	McClatchy	Serafini
Belardi	Foster, Jr., A.	McIntyre	Seventy
Belfanti	Frazier	McMonagle	Showers
Beloff	Freind	McVerry	Shupnik
Berson	Fryer	Mackowski	Sieminski
Bittle	Gallagher	Madigan	Sirianni
Blaum	Gallen	Maiale	Smith, B.
Borski	Gamble	Manderino	Smith, E. H.
Bowser	Gannon	Manmiller	Smith, L. E.
Boyes	Geist	Merry	Snyder
Brandt	George	Michlovic	Spencer
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miscevich	Steighner
Burns	Greenfield	Moehlmann	Stevens
Cappabianca	Greenwood	Morris	Stewart
Cawley	Grieco	Mowery	Stuban
Cessar	Gruitza	Mrkonic	Swaim
Cimini	Gruppo	Mullen	Sweet
Civera	Hagarty	Murphy	Swift
Clark	Haluska	Nahill	Taddonio
Clymer	Harper	Noye	Taylor, E. Z.
Cochran	Hasay	O'Donnell	Taylor, F. E.
Cohen	Hayes	Olasz	Telek
Colafella	Heiser	Oliver	Tighe
Cole	Hoeffel	Pendleton	Trello
Cordisco	Honaman	Perzel	Van Horne
Cornell	Horgos	Peterson	Vroon
Coslett	Hutchinson, A.	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVerter	Kanuck	Pievsky	Wenger
DeWeese	Kennedy	Pistella	Weston
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, H.
Dawida	Kowalshyn	Pratt	Williams, J. D.
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashingner	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwinkl
Duffy	Levi	Rieger	
Durham	Levin	Ritter	
Evans	Livengood	Rocks	Ryan,
Fargo			Speaker

NAYS—3

Marmion Miller Spitz

NOT VOTING—4

Emerson Gray White Wilson

EXCUSED—5

Alden Hutchinson, W. Irvis Lewis
Caltagirone

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION ADOPTED

Mr. SPENCER called up **HR 93**, entitled:

Joint State Government Commission conduct a study of Commonwealth's procurement laws.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Anderson	Fee	Lucy	Salvatore
Armstrong	Fischer	McCall	Saurman
Arty	Fleck	McClatchy	Serafini
Barber	Foster, W. W.	McIntyre	Seventy
Belardi	Foster, Jr., A.	McMonagle	Showers
Belfanti	Frazier	McVerry	Shupnik
Beloff	Freind	Mackowski	Sieminski
Berson	Fryer	Madigan	Sirianni
Bittle	Gallagher	Maiale	Smith, B.
Blaum	Gallen	Manderino	Smith, E. H.
Borski	Gamble	Manmiller	Smith, L. E.
Bowser	Gannon	Marmion	Snyder
Boyes	Geist	Merry	Spencer
Brandt	George	Michlovic	Spitz
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miller	Steighner
Burns	Greenfield	Miscevich	Stevens
Cappabianca	Greenwood	Moehlmann	Stewart
Cawley	Grieco	Morris	Stuban
Cessar	Gruitza	Mowery	Swaim
Cimini	Gruppo	Mrkonic	Sweet
Civera	Hagarty	Mullen	Swift
Clark	Haluska	Murphy	Taddonio
Clymer	Harper	Nahill	Taylor, E. Z.
Cochran	Hasay	Noye	Taylor, F. E.
Cohen	Hayes	O'Donnell	Telek
Colafella	Heiser	Olasz	Tigue
Cole	Hoeffel	Oliver	Trello
Cordisco	Honaman	Pendleton	Van Horne
Cornell	Horgos	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wachob
Cowell	Itkin	Petrarca	Wambach
Cunningham	Jackson	Petrone	Wargo
DeMedio	Johnson	Phillips	Wass
DeVerter	Kanuck	Piccola	Wenger
DeWeese	Kennedy	Pievsky	Weston
Daikeler	Klingaman	Pistella	Wiggins
Davies	Kolter	Pitts	Williams, H.
Dawida	Kowalshyn	Pott	Williams, J. D.
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashinger	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwilk
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Evans	Livengood	Rocks	Speaker
Fargo	Lloyd	Rybak	

NAYS—0

NOT VOTING—5

Emerson	Pratt	White	Wilson
Gray			

EXCUSED—5

Alden	Hutchinson, W. Irvis	Lewis
Caltagirone		

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

REQUEST TO MAKE STATEMENT

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Williams, requested permission of the Chair to make a statement with respect to the Philadelphia School District situation. The Chair has granted that request. The Chair has heard no objection.

I suggest the members who are leaving depart quietly.

The SPEAKER. For what purpose does the majority whip rise?

Mr. CESSAR. I would like to make an announcement before Mr. Williams makes his presentation.

The SPEAKER. What is the nature of the announcement?

Mr. CESSAR. The announcement is that all Republican members who are leaving, we would be most appreciative if they would go to our caucus room immediately.

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

Mr. H. WILLIAMS. Mr. Speaker, under the circumstances of the uncontrolled departure of our members, may I ask permission to make my statement tomorrow at the beginning of the session?

The SPEAKER. At the beginning of the session?

Mr. H. WILLIAMS. Yes, Mr. Speaker.

The SPEAKER. You have my permission to ask my permission to make your statement tomorrow. I believe that was the gentleman's question, was it not?

Mr. H. WILLIAMS. I asked your permission to make that statement tomorrow rather than now.

The SPEAKER. Of course.

Mr. H. WILLIAMS. Thank you.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate, October 26, 1981

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 9, 1981 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, November 9, 1981 unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER. The Chair recognizes the distinguished member from York, Mr. Anderson.

Mr. ANDERSON. I present a supplemental report of the Committee on Committees.

The following report was read:

SUPPLEMENTAL REPORT OF COMMITTEE ON COMMITTEES

In the House of Representatives, October 26, 1981

RESOLVED, That William W. Foster, 139th District, Wayne County, is hereby elected a member of the Appropriations Committee, vice Roy W. Wilt resigned.

Signed: John Hope Anderson,
Chairman, and others

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

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 22, PN 2169**, and has appointed Senators CORMAN, O'CONNELL and STOUT a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. A. C. FOSTER moved that the House insist upon its nonconcurrence in Senate amendments to HB 22, PN 2169, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 22, PN 2169:

Messrs. A. C. FOSTER, LEVI and FRYER.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 33, PN 2046**, and has appointed Senators RHOADES, WILT and LINCOLN a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. LEVI moved that the House insist upon its nonconcurrence in Senate amendments to HB 33, PN 2046, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 33, PN 2046:

Messrs. LEVI, A. C. FOSTER and FRYER.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 103, PN 2048**, and has appointed Senators HOLL, KUSSE and MESSINGER a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. SPENCER moved that the House insist upon its nonconcurrence in Senate amendments to HB 103, PN 2048, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF
COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 103, PN 2048: Messrs. L. E. SMITH, SPENCER and TAYLOR.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 428, PN 2170**, and has appointed Senators CORMAN, O'CONNELL and MESSINGER a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE
IN SENATE AMENDMENTS

Mr. DeVERTER moved that the House insist upon its non-concurrence in Senate amendments to HB 428, PN 2170, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF
COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 428, PN 2170: Messrs. DeVERTER, NOYE and MORRIS.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE-AMENDED SENATE
BILL CONCURRED IN

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 608, PN 1230**.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 530, PN 2404

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing for the publication of audit summaries and providing for the creation of Residential Finance Authorities, granting powers and imposing duties, providing for governing bodies of such authorities and granting the authorities the power to issue bonds to provide funds for residential financing by owners.

HB 769, PN 2405

An Act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to convey to the Abington Area Line Officers Association, 27 acres of land, more or less, situate in Newton Township, Lackawanna County, Pennsylvania.

SB 624, PN 641

An Act amending the act of February 1, 1966 (1965 (P. L. 1656, No. 581), entitled "The Borough Code," further providing for the mayor's expenses in attending the annual association meeting.

ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I submit for the record the additions of sponsorships of bills in accordance with the House rules.

HB 1184, Showers; HB 1185, Showers; HB 1186, Showers; HB 1187, Showers; HB 1188, Showers; HB 1787, Lescovitz; HB 1973, H. Williams, Micozzie, Itkin; HB 1983, Itkin; HR 115, McIntyre, Mullen; HR 118, Mullen.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt of the monthly report of Mark R. Corrigan, Secretary of the Senate, dated October 27, 1981, and John J. Zubeck, Chief Clerk of the House of Representatives.

The following communication was read:

Senate of Pennsylvania
October 27, 1981

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from September 15, 1981 through October 26, 1981 inclusive for the 165th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan
Secretary of the Senate

John J. Zubeck
Chief Clerk
House of Representatives

(For list, see Appendix.)

RECESS

The SPEAKER. Without objection, this House will stand in recess until 6 p.m. The Chair hears none.

For the benefit of the members within hearing distance, when the House does adjourn tonight, it will adjourn until 11 a.m. tomorrow morning.

AFTER RECESS

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 720, PN 2463**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

SENATE MESSAGE

HOUSE-AMENDED SENATE BILL CONCURRED IN

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 124, PN 1404**.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

SB 124, PN 1404

An Act providing for the sole or shared custody of children; providing access to records to both parents and providing for the right of grandparents to visit grandchildren in certain cases.

SB 608, PN 1230

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," allowing policyholders at least ten days in which to examine certain contracts before being bound thereby and requiring a certain notice be a part thereof.

SB 921, PN 1032

An Act providing for the recording of certain affidavits affecting the title to real estate and for their admissibility into evidence.

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 none.

ADJOURNMENT

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

Mr. EVANS. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 28, 1981, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:20 p.m., e.s.t., the House adjourned.