

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JANUARY 27, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 7

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. DARWYN J. NACE, chaplain of the House of Representatives and pastor of Felton Bethany United Methodist Church, Felton, Pennsylvania, offered the following prayer:

Let us pray:

Dear Lord and Savior, we come to You this day with humble hearts and sincere minds. We ask Your blessing to be on each one of us as we deal with the business of the day. We ask Your guidance and understanding when we fail to do as You would have us to do. Open our hearts to those around us and help us to love each other as You love us. We ask these blessings this day in the Master's name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, January 26, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2181 By Representatives HOEFFEL and SPITZ

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for temporary emergency housing funds.

Referred to Committee on HEALTH AND WELFARE, January 26, 1982.

No. 2182 By Representatives HOEFFEL, ALDEN, HAGARTY, CORDISCO, BLAUM, TIGUE, CAWLEY and LLOYD

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, providing for assistance to citizen crime prevention programs and making an appropriation.

Referred to Committee on JUDICIARY, January 26, 1982.

No. 2183 By Representatives ALDEN, ARTY, GANNON, PITTS, KUKOVICH, ZWIKL and GRUITZA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privileges, chemical tests, driving while under the influence of alcohol or controlled substance and subsequent convictions.

Referred to Committee on JUDICIARY, January 26, 1982.

No. 2184 By Representatives ALDEN, ARTY, GANNON, PITTS, KUKOVICH, ZWIKL and GRUITZA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the admissibility of breath or blood test refusal.

Referred to Committee on JUDICIARY, January 26, 1982.

No. 2185 By Representatives MISCEVICH, OLASZ, SEVENTY, TRELLO, COWELL, PISTELLA, PETRONE, DAWIDA, DUFFY, GAMBLE, PENDLETON, HORGOS, GRABOWSKI, MRKONIC, RASCO and KUKOVICH

An Act prohibiting the purchase of certain mass transit vehicles and prescribing penalties.

Referred to Committee on TRANSPORTATION, January 26, 1982.

No. 2186 By Representatives KOWALYSHYN, CESSAR, NOYE, BELFANTI, EMERSON, GRIECO, PERZEL, MICHLOVIC, BOYES, PETRARCA, SHOWERS, SNYDER, RYBAK, WARGO, DUFFY, HALUSKA, BLAUM, CAPPABIANCA, MORRIS, ARTY, PISTELLA, WAMBACH, MRKONIC, DAWIDA, McVERRY, KUKOVICH, SIEMINSKI, TELEK, GRUPPO, MISCEVICH, PRATT and PETRONE

An Act amending the "Bingo Law," approved July 10 1981 (P. L. 214, No. 67), reducing the license fee for senior citizens groups.

Referred to Committee on STATE GOVERNMENT, January 26, 1982.

No. 2187 By Representative WACHOB

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for the distribution and display of certain promotional items by manufacturers to licensees.

Referred to Committee on LIQUOR CONTROL, January 26, 1982.

No. 2188 By Representatives KOWALYSHYN, SPENCER, RYBAK and ARTY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing provisions relating to juveniles driving vehicles without possessing valid drivers licenses.

Referred to Committee on TRANSPORTATION, January 26, 1982.

No. 2189 By Representatives FARGO, PETERSON, BOWSER, MERRY, LEVI, GAMBLE, SIEMINSKI, GRUPPO, BOYES, COCHRAN, STAIRS, GRABOWSKI, KOLTER, HASAY, FISCHER, FEE, WASS, HEISER, REBER, NOYE, KLINGAMAN, SIRIANNI, MARMION, McVERRY, HONAMAN, A. K. HUTCHINSON, CALTAGIRONE, MICOZZIE, TELEK, SWIFT, DIETZ, SPITZ, CIVERA, ARTY, SERAFINI, HAYES, LEHR, L. E. SMITH, DAVIES, CLARK, WENGER, FLECK, SNYDER, MACKOWSKI, BURD, DeVERTER, GEIST, PHILLIPS, DORR, JOHNSON, B. SMITH, GRIECO, CIMINI, E. Z. TAYLOR, COSLETT, W. W. FOSTER, PETRARCA, DURHAM, JACKSON, MOEHLMANN, MADIGAN, CLYMER, GREENWOOD, BURNS, CESSAR, STEVENS, POTT, MANMILLER, TADDONIO, FRAZIER, RASCO, MILLER, SAURMAN, DAIKELER, HAGARTY and ARMSTRONG

An Act amending the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," approved July 15, 1976 (P. L. 1036, No. 208), increasing loan limits.

Referred to Committee on LOCAL GOVERNMENT, January 26, 1982.

No. 2190 By Representatives ALDEN, SPITZ, MICOZZIE, CIVERA, HAGARTY and DURHAM

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the issuance of firearm licenses or registration to minors.

Referred to Committee on JUDICIARY, January 26, 1982.

No. 2191 By Representatives RASCO, GAMBLE, POTT, IRVIS, PISTELLA and HORGOS

An Act amending the "Home Rule Charter and Optional Plans Law," approved April 13, 1972 (P. L. 184, No. 62), regulating time of petitions.

Referred to Committee on LOCAL GOVERNMENT, January 26, 1982.

No. 2192 By Representatives COWELL, RASCO, McVERRY, POTT, GAMBLE, IRVIS and PISTELLA

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the commissions payable to the recorder of deeds for the collection of the State tax on realty transfers.

Referred to Committee on FINANCE, January 26, 1982.

No. 2193 By Representatives COWELL, MILLER, D. R. WRIGHT, GALLAGHER, COLAFELLA, STEIGHNER, LESCOVITZ, ZWIKL, RASCO, SWEET, CLARK, LIVENGOOD, LETTERMAN, SEVENTY, BELFANTI, KUKOVICH, CAWLEY, MISCEVICH, TRELLO, NOYE, MORRIS, PETRARCA, DeMEDIO, DeWEESE, PISTELLA, GAMBLE, FEE, DAWIDA, PETRONE, HORGOS, MRKONIC, DUFFY, PENDLETON, ITKIN, MICHLOVIC, HOFFEL, PRATT, DOMBROWSKI, WAMBACH and CAPPABIANCA

A Supplement to the act of July 1, 1981 (No. 5A), entitled "An act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, *** for the fiscal period July 1, 1981 to June 30, 1982," providing an additional appropriation to the Department of Education to fund a certain pay increase ordered by arbitration.

Referred to Committee on APPROPRIATIONS, January 26, 1982.

No. 2194 By Representatives DOMBROWSKI, WILSON, IRVIS, A. K. HUTCHINSON, LAUGHLIN, MANDERINO, DAWIDA, DUFFY, MRKONIC, HORGOS, BOWSER, FEE, OLASZ, TRELLO, ITKIN, SEVENTY, MISCEVICH, PISTELLA, BURD, POTT, RASCO, CORNELL, FLECK, HAGARTY, GRAY, LUCYK, CAPPABIANCA, GEORGE, WACHOB and STUBAN

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining taxable income and permissible deductions for public utilities.

Referred to Committee on FINANCE, January 26, 1982.

No. 2195 By Representatives ZWIKL, BELFANTI, FISCHER, MRKONIC, HALUSKA, HORGOS, MORRIS, WARGO, RYBAK, KUKOVICH, WAMBACH, PISTELLA,

TRELLO, KOWALYSHYN, BLAUM,
LETTERMAN, PUCCIARELLI,
CORDISCO, CALTAGIRONE,
MICHLOVIC, LUCYK, SNYDER, TELEK
and CAWLEY

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for polling places accessible to the handicapped and making an editorial change.

Referred to Committee on STATE GOVERNMENT,
January 26, 1982.

No. 2196 By Representatives ZWIKL, KLINGAMAN,
KOWALYSHYN, GRIECO, MRKONIC,
HALUSKA, DeMEDIO, HORGOS,
MORRIS, WARGO, RYBAK, KUKOVICH,
WAMBACH, PISTELLA, DOMBROWSKI,
TRELLO, NOYE, BLAUM, SWAIM,
PRATT, REBER, JACKSON, COWELL,
BELFANTI, LETTERMAN,
PUCCIARELLI, BOWSER, FARGO,
KOLTER, CORDISCO, TIGUE,
CALTAGIRONE, MICHLOVIC, LUCYK,
WOGAN, TELEK and CAWLEY

An Act amending the "Bingo Law," approved July 10, 1981 (P. L. 214, No. 67), adding a definition, exempting organized senior citizens' groups from licensing and other requirements in certain circumstances.

Referred to Committee on STATE GOVERNMENT,
January 26, 1982.

No. 2197 By Representatives RICHARDSON, IRVIS,
EVANS, J. D. WILLIAMS, BARBER,
EMERSON, WAMBACH, PENDLETON,
LEVIN and OLIVER

An Act prohibiting municipalities from proscribing the sale or use of kerosene heaters.

Referred to Committee on LOCAL GOVERNMENT,
January 26, 1982.

No. 2198 By Representatives RICHARDSON, IRVIS,
EVANS, J. D. WILLIAMS, DEAL,
BARBER, EMERSON, WAMBACH,
LEVIN and OLIVER

An Act amending the act of February 17, 1906 (P. L. 45, No. 11), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, *** and prescribing penalties for violations of this act," prohibiting State depositories from maintaining financial transactions with the Republic of South Africa.

Referred to Committee on STATE GOVERNMENT,
January 26, 1982.

No. 2199 By Representatives MOEHLMANN,
JACKSON, PICCOLA, O'DONNELL,
MILLER and LEVIN

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), further providing for the rights of certain persons referred to as minors.

Referred to Committee on INSURANCE, January 26, 1982.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 398, PN 1586

Referred to Committee on STATE GOVERNMENT,
January 26, 1982.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 148

(Concurrent) By Representatives GALLAGHER,
COWELL, COLAFELLA, LESCOVITZ,
KOLTER, CLARK and WACHOB

General Assembly urge Board of State College and University Directors reconsider tuition increase.

Referred to Committee on RULES, January 26, 1982.

No. 149

(Concurrent) By Representatives CLARK, PETRARCA,
CESSAR, MANDERINO, BURD,
COLAFELLA, LESCOVITZ,
LIVENGOOD, LETTERMAN, OLASZ,
BELFANTI, RASCO, PRATT, KOLTER,
DeMEDIO, FEE, A. K. HUTCHINSON and
TRELLO

General Assembly memorialize President and Congress impose specialty steel import limitations under provisions of the Trade Act of 1974.

Referred to Committee on FEDERAL-STATE RELATIONS,
January 26, 1982.

No. 150

(Concurrent) By Representatives DORR, SPENCER,
KOWALYSHYN and SWEET

General Assembly directs Joint State Government Commission organize a task force to conduct an indepth study in fee system for county row offices.

Referred to Committee on RULES, January 26, 1982.

No. 151

By Representatives ITKIN, GEORGE,
MICHLOVIC, WACHOB, BELFANTI,
DeWEESE, GAMBLE, WAMBACH,
COLAFELLA, PRATT and KUKOVICH

House direct Mines and Energy Management Committee investigate conduct of the Department of Environmental Resources.

Referred to Committee on RULES, January 26, 1982.

LEAVES OF ABSENCE GRANTED

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

Mr. CESSAR. Thank you, Mr. Speaker.

I do request leaves of absence for today for the gentleman from Allegheny, Mr. FRAZIER; the gentleman from Philadelphia, Mr. SALVATORE; the lady from Montgomery, Mrs. LEWIS; and also the gentleman from Delaware, Mr. FREIND.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, for the purpose of taking leaves of absence.

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask leave of absence for the gentleman from Westmoreland, Mr. MANDERINO, for today's session.

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

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's master roll call. Members will please take their seats. Members will proceed to vote.

The following roll call was recorded:

PRESENT—194

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

Duffy Durham	Levi Levin	Ritter Rocks	Ryan, Speaker
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ADDITIONS—1

Lescovitz

NOT VOTING—0

EXCUSED—5

Frazier Freind	Lewis	Manderino	Salvatore
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STATEMENT BY MR. KENNEDY

**TERCENTENARY COMMITTEE
ON THIS DAY IN HISTORY**

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

Mr. KENNEDY. Thank you, Mr. Speaker.

Just 232 years ago this day, Cumberland County was founded. It was a municipality which was flourishing and was trying to raise money to buy a courthouse and a prison at that time. Officials estimated they must raise the significant sum of \$600.

That is the way it was on this day in history, January 27, 1750. On this day Cumberland County became the sixth county in the State. It was named after a maritime county of England on the borders of Scotland.

The county was separated from Lancaster County upon the petition of James Silver and William Magaw. The reason listed for the separation was the need for residents to "secure themselves against thieves and other abuses." Upon separation, court could be held in more convenient locations. Before the separation residents had to travel as much as 100 miles to court.

After the boundaries were set, trustees were named and authorized to raise a sum again of 300 pounds to purchase a piece of land in the county on which to erect and build a courthouse and a prison. As I stated before in this short message, the sum needed for these improvements was a mere \$600.

While Cumberland County continued to flourish, the price of prison and courthouse construction had definitely increased.

Significantly today, I just talked to our Cumberland County commissioners, and there is a massive struggle in our county to build a \$5-million prison, so history somewhat has repeated itself. The struggle still goes on to manage the government here at the local level with regard to dollars.

There are other significant points I would like to mention with regard to the county of which I am the junior member. We enjoy the top 10 percent of income per capita, our unemployment rate is one of the best in the State, and our real estate tax millage is in fact the best in the State. Thank you, Mr. Speaker.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Lescovitz, who asks that his name be added to the master roll call.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Dr. Edna B. McKenzie of the Pennsylvania Historical and Museum Commission and the Black History Advisory Council, here today as the guest of Representative K. Leroy Irvis and Representative Bill Pendleton of Allegheny County.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1156, PN 1376**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," providing for the issuance of antlerless deer licenses to certain qualifying landowners.

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—193

Alden	Evans	Livengood	Saurman
Anderson	Fargo	Lloyd	Serafini
Armstrong	Fee	Lucyk	Seventy
Arty	Fischer	McClatchy	Showers
Barber	Fleck	McIntyre	Shupnik
Belardi	Foster, W. W.	McMonagle	Sieminski
Belfanti	Foster, Jr., A.	McVerry	Sirianni
Beloff	Fryer	Mackowski	Smith, B.
Berson	Gallagher	Madigan	Smith, E. H.
Bittle	Gallen	Maiale	Smith, L. E.
Blaum	Gamble	Manmiller	Snyder
Borski	Gannon	Marmion	Spencer
Bowser	Geist	Merry	Spitz
Boyes	George	Michlovic	Stairs
Brandt	Gladeck	Micozzie	Steighner
Brown	Grabowski	Miller	Stevens
Burd	Gray	Miscevich	Stewart
Burns	Greenfield	Moehlmann	Struban
Caltagirone	Greenwood	Morris	Swaim
Cappabianca	Grieco	Mowery	Sweet
Cawley	Gruitza	Mrkonic	Swift
Cessar	Gruppo	Mullen	Taddonio
Cimini	Hagarty	Murphy	Taylor, E. Z.
Civera	Haluska	Nahill	Taylor, F. E.
Clark	Harper	Noye	Telek
Clymer	Hasay	O'Donnell	Tigue
Cochran	Hayes	Olasz	Trello
Colafella	Heiser	Oliver	Van Horne
Cole	Hoefel	Pendleton	Vroon
Cordisco	Honaman	Perzel	Wachob
Cornell	Horgos	Peterson	Wambach
Coslett	Hutchinson, A.	Petrarca	Wargo
Cowell	Irvis	Petrone	Wass

Cunningham	Itkin	Phillips	Wenger
DeMedio	Jackson	Piccola	Weston
DeVerter	Johnson	Pievsky	Wiggins
DeWeese	Kanuck	Pistella	Williams, H.
Daikeler	Kennedy	Pitts	Williams, J. D.
Davies	Klingaman	Pott	Wilson
Dawida	Kolter	Pucciarelli	Wogan
Deal	Kowalshyn	Punt	Wozniak
Dietz	Kukovich	Rappaport	Wright, D. R.
Dininni	Lashinger	Rasco	Wright, J. L.
Dombrowski	Laughlin	Reber	Wright, R. C.
Donatucci	Lehr	Richardson	Zwinkl
Dorr	Lescovitz	Rieger	
Duffy	Letterman	Ritter	Ryan,
Durham	Levi	Rocks	Speaker
Emerson	Levin	Rybak	

NAYS—0

NOT VOTING—2

Cohen Pratt

EXCUSED—5

Frazier Lewis Manderino Salvatore
Freind

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 VOTE

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

Mr. HASAY. On SB 1156, PN 1376, my switch apparently malfunctioned, and I would like to be recorded in the negative. Thank you.

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 1599, PN 2553**, entitled:

An Act requiring the superintendent of every public school to make available, upon request, lists of graduating seniors to military recruiters and providing a penalty for the misuse of any such lists.

On the question,
Will the House agree to the bill on third consideration?
Mrs. HONAMAN offered the following amendments No. A5792:

- Amend Title, page 1, line 1, by inserting after "school" and the chief administrator of certain private schools
- Amend Sec. 2, page 1, line 12, by striking out "subsection" and inserting subsections
- Amend Sec. 2, page 1, line 13, by removing the comma after "(b)" and inserting and (c),

Amend Sec. 2, page 2, by inserting between lines 13 and 14
 (c) Chief administrators of private secondary schools supported and sponsored primarily by religious sects, a majority of whose members claim exemption from service in the armed forces on the basis of firmly held and long-standing religious beliefs shall not be required to compile the lists required by subsection (a).

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

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

Mrs. HONAMAN. Thank you, Mr. Speaker.

This amendment would exempt from this bill those schools which are sponsored primarily by religious groups, where a majority of those members claim exemption from service in the Armed Forces on the basis of firmly held and long-standing religious beliefs.

We have in our county—and I am sure many of the members here do—church schools where the belief of that church bars them from bearing arms or taking oaths, and I think it would be well if we would exempt them from this particular bill.

I would ask for an affirmative vote. Thank you, Mr. Speaker.

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

Mr. CUNNINGHAM. Mr. Speaker, we think this is an excellent amendment. It is very narrowly drawn. Military recruiters have very little interest in contacting religious schools, Quaker and Mennonite schools, et cetera, because their members obviously are not interested in military service, and so we accept the amendment and urge an affirmative vote.

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

Mr. DAVIES. Mr. Speaker, I only have one question of interrogation for either the sponsor or the amender.

The SPEAKER. The lady, Mrs. Honaman, consents to interrogation. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, there is a small group along Route 78 that has taken over a former small motel. They wear flowing white robes and I just do not know what the name of the group is. I will not even try. I think it embraces some Indian religious concept. I believe they do support the nonviolent approach. Would they fall in this category?

Mrs. HONAMAN. Mr. Speaker, are they a legitimate secondary school which grants a diploma?

Mr. DAVIES. I know they have a school there. I will have to check whether they grant a diploma or not or whether it is just attendance. Okay. I am not sure whether they do or not. I would have to find that out. Thank you.

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

The following roll call was recorded:

YEAS—183

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

NAYS—6

Cawley	Haluska	Swift	Trello
Gamble	Miscevich		

NOT VOTING—6

Cohen	Emerson	McIntyre	Richardson
Deal	Hutchinson, A.		

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Wright, withdraws his amendments.

Mr. BURNS. Mr. Speaker, Representative Wright is attending a meeting, I believe, with the Historical and Museum Commission this morning. He is not on the floor, so I cannot answer. It is my understanding, I think, that the amendment that just went in—I hope I am correct—but the amendment that just went in, I think, takes care of Representative Wright's problem.

On the question,

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

Mr. O'DONNELL offered the following amendments No. A5832:

Amend Title, page 1, line 1, by striking out "Requiring" and inserting

Authorizing

Amend Title, page 1, line 3, by inserting a period after "recruiters"

Amend Title, page 1, lines 3 and 4, by striking out "and providing a penalty for the misuse of" in line 3 and all of line 4

Amend Sec. 2, page 1, line 14, by striking out "shall" and inserting

may

On the question,

Will the House agree to the amendments?

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

Mr. O'DONNELL. Mr. Speaker, my amendment may not have been completely circulated, but I think I can explain it very directly. Mr. Cunningham has my copy of it.

It changes one word in the bill. That is all. It changes the word "shall" to "may" as it applies to nonpublic schools only. The original version of this bill, which passed this House by a significant number this past summer, covered only public schools. I want to suggest to the members that there is a very, very significant difference between government involvement in public schools and in nonpublic schools. Our entire School Code is replete with examples, chapter by chapter. It is written for application to government-owned, government-operated public schools. Private schools have a tremendous history in Pennsylvania beginning back with the Quakers.

There is a very extensive nonpublic school system in Pennsylvania, and folks who send their children to nonpublic schools do so for reasons of their own, frequently founded on religious or philosophical persuasions. It is their desire that those persuasions be carried out without government intervention and without government involvement. That is the entire rationale for nonpublic schools. If there are nonpublic schools who do not have any kind of objection to involvement with the military recruiting apparatus, then under my amendment they would be able to supply the lists that are now being mandated. If, however, they themselves decide that they have an objection, philosophical, religious, or otherwise, then under my amendment they would not be compelled to participate in this program. So the amendment only changes the word "shall" to "may." Thank you.

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

Mr. CUNNINGHAM. Mr. Speaker, we oppose this amendment for the following reason: If we could rely on every one of the schools in our Commonwealth to cooperate with military recruiters to make these lists available, there would be no point in enacting this legislation. The private schools of Pennsylvania enjoy the very same freedoms enjoyed by the public schools. Those freedoms were bought and paid for by military sacrifice. There seems to be a feeling

in the world today that the United States is no longer going to stand by its commitments, that we are willing to make sacrifices only when it is convenient to make sacrifices, that we are willing to sustain burdens only when it is expedient for us to do that, and the more pervasive feeling here in the United States seems to be, let the other guy make the sacrifice; I will enjoy the benefits of the system, but let the other guy make the sacrifice that is necessary to sustain the system.

Mr. Speaker, we are not imposing an unreasonable burden on these schools. We are simply asking that they make lists available. What applies to public schools should apply to private schools as well. We have just accepted an amendment that exempts religious schools with a longstanding history of conscientious objection to military service, so any school that falls into that category is going to be taken out. Any school that does not fall into that category has the same obligation to cooperate with military recruiters in attempting to provide for the national defense as do the private schools.

I would like to emphasize this in conclusion: Representative O'Donnell talks about changing the word "shall" to the word "may." This entire bill is a "may" bill. Any student who does not wish to have his name included in this list or these lists need only indicate that and the name will be excluded, whether that student is a student of a private school or a public school. I would urge a negative vote on the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Quite simply, Mr. Speaker, this is not necessary. As the gentleman from Centre County asserted, this is a "may" bill. Quaker boys and girls, Catholic boys and girls, Mennonite boys and girls, Presbyterian boys and girls, young men and women across Pennsylvania have the opportunity to take their names off the list. Mr. O'Donnell's measure is meretricious, and I ask for its defeat. Thank you.

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

Mr. COHEN. Mr. Speaker, I went to school during the 1960's, and I learned something about confrontations and how they are formed and what the response to confrontations is and how confrontations tend to lead to more confrontations and how the only result is the challenge to authority and not a result designed to get things done. Now, all of this failing to adopt the O'Donnell amendment sets up confrontations. If we fail to adopt the O'Donnell amendment, what is going to happen is that some private school somewhere is going to say no, and people who are opposed to the military draft are going to say, hurrah, hurrah, some private school is saying no, and then there are going to be protest marches; there are going to be demonstrations; there are going to be newspaper articles; there are going to be television interviews; there are going to be picket lines; there is going to be an elaborate melange of media coverage. What we are doing here is helping this whole process of allowing people a rational and easy way to confront the military system.

As a practical matter, it takes money to go to private schools. There are not going to be huge numbers of people

going to private schools where the administration is against military service who are going to want to serve there. As a general rule, the less money a person has, the more likely he is to serve in the Army. What we are doing is we are setting up an elaborate confrontation over whether people who are unlikely to want to say yes to the recruiters should be asked to join the Armed Forces. I do not think it is going to be a productive use of the military recruiters' time. I think it is going to merely set up a whole series of confrontations that this Commonwealth does not need, that the Armed Forces do not need, and I therefore support the O'Donnell amendment.

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

Mr. GLADECK. Mr. Speaker, I rise to agree with my colleagues from Greene County and Centre County, along with the fact that Mr. O'Donnell's amendment is simply not necessary. It is my feeling that students in private schools should be treated no differently than students in public schools. After all, each and every one of us are Americans, and the responsibility of staffing the military falls on each and every one of us regardless of where we happen to attend school. It is a "may" provision, not a "shall" provision. There is no reason why, if a student requests that his name be omitted from the lists, the name will not be omitted from the lists, so I would like to recommend that we reject the amendment. Thank you.

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

Mr. MULLEN. Mr. Speaker, I support the amendment. I think what you have to look at here is more than the bill before you. You have a question between nonpublic schools and public schools. Now, when parents elect to send their children to nonpublic schools, I think they do that for a special reason, maybe different reasons, but for that person who does that there is a special reason.

Now, I do not think, in light of the fact that we really do not support the nonpublic schools, that we should impose this obligation upon them. First of all, I agree. I think that most nonpublic schools will do it voluntarily, because I think it is a good idea, but I do not think as a matter of law we should impose this obligation on nonpublic school administrators. I think it is wrong. I think the philosophy is wrong. If they want to do it themselves— And most of them will, I might add; I cannot conceive of many who will not, but I do not think that we should do it as a matter of law. I think Mr. O'Donnell's amendment is the proper thing to be adopted, because all it does, as he explained to you, is substitute the word "may" for "shall." If they want to do it, okay, but if they decide not to do it, they should not be obligated to do it, in view of the fact that we do not support their schools. Thank you.

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

The following roll call was recorded:

YEAS—60

Belfanti	Dombrowski	Lucy	Reber
Berson	Donatucci	McVerry	Richardson
Borski	Emerson	Maiale	Ritter
Bowser	Fee	Michlovic	Shupnik
Caltagirone	Gallagher	Mullen	Stairs

Cappabianca	Gannon	Murphy	Stewart
Cohen	Greenfield	Nahill	Suban
Colafella	Greenwood	O'Donnell	Swaim
Cordisco	Gruitza	Petrone	Sweet
Cornell	Hagarty	Pievsky	Taddonio
Cowell	Harper	Pistella	Wachob
DeMedio	Itkin	Pott	Wambach
Dawida	Kukovich	Pratt	Wargo
Deal	Lashinger	Pucciarelli	Wright, J. L.
Dietz	Lloyd	Rappaport	Zwikl

NAYS—128

Alden	Fischer	Levin	Showers
Anderson	Fleck	Livengood	Sieminski
Armstrong	Foster, W. W.	McClatchy	Sirianni
Arty	Foster, Jr., A.	McIntyre	Smith, B.
Barber	Fryer	Mackowski	Smith, E. H.
Belardi	Gallen	Madigan	Smith, L. E.
Beloff	Gamble	Manmiller	Snyder
Bittle	Geist	Marmion	Spencer
Blaum	George	Merry	Spitz
Boyes	Gladeck	Micozzie	Steighner
Brandt	Grabowski	Miller	Stevens
Brown	Gray	Miscevich	Swift
Burd	Grieco	Moehlmann	Taylor, E. Z.
Burns	Gruppo	Morris	Taylor, F. E.
Cawley	Haluska	Mrkonic	Telek
Cessar	Hasay	Noye	Tigue
Cimini	Hayes	Olasz	Trello
Civera	Heiser	Oliver	Van Horne
Clymer	Hoeffel	Perzel	Vroon
Cochran	Honaman	Peterson	Wass
Cole	Horgos	Petrarca	Wenger
Coslett	Iris	Phillips	Weston
Cunningham	Jackson	Piccola	Wiggins
DeVerter	Johnson	Pitts	Williams, H.
DeWeese	Kanuck	Punt	Williams, J. D.
Daikeler	Kennedy	Rasco	Wilson
Davies	Klingaman	Rieger	Wogan
Dininni	Kowalyshyn	Rocks	Wozniak
Dorr	Laughlin	Rybak	Wright, D. R.
Duffy	Lehr	Saurman	
Durham	Lescovitz	Serafini	Ryan,
Evans	Letterman	Seventy	Speaker
Fargo	Levi		

NOT VOTING—7

Clark	Kolter	Mowery	Wright, R. C.
Hutchinson, A.	McMonagle	Pendleton	

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

On the question recurring,

Will the House agree to the bill on third consideration 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 Berks, Mr. Brown.

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

Would the gentleman, Mr. DeWeese, stand for a brief period of interrogation?

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

Mr. BROWN. Thank you, Mr. Speaker.

Mr. Speaker, on page 2, section 3, "All lists prepared pursuant to this act may be made available, with or without fee, to such persons as are deemed appropriate by vote of the" school "board...." Does that mean that if I am a jeweler in a particular area and want to influence in any way the purchase of, let us say, the class ring, or if I am a photographer in that area and want to influence in any way getting a— In other words, I am concerned that this could be some kind of opening of the door to allow a great deal of harassment, whether it is from the tuxedo man who wants to get the guys' business for the prom, you know. Is that what that means? Is that possible under this section?

Mr. DeWEESE. To respond to the gentleman from Berks County, the current regulations as promulgated by the Department of Education right now—right now—allow for tuxedo people or yearbook people or the town jeweler or whomever to obtain lists from the school as long as the school board okays it. What we are doing in this measure is putting into statute what already exists, *fait accompli*, in the regulation of the Department of Education.

Mr. BROWN. *Fait accompli*. I still do not know what that other word was you used before, but I will go along with that. All right.

Now, in other words, is the regulation "with or without fee" in the current regulations?

Mr. DeWEESE. To respond, the gentleman from Centre County has informed me that Legislative Reference has taken the regulation from the Department of Education exactly as it is in *Education* and put it in our bill. I was not aware whether the fee had been included or not heretofore.

Mr. BROWN. All right. My second question or fourth question: Is there any way of estimating the costs to the various school districts with this legislation? In other words, do we actually have the recruiter in the school office going through files?

Mr. DeWEESE. The schools already have the lists, Mr. Speaker. All they would have to do is share them with the recruiters. I think the cost would be de minimis.

Mr. BROWN. That means small? Right. I just have to keep checking, Bill.

Mr. DeWEESE. Mr. Speaker, I would like to add one thing. The school board if they wish could put a fee on this and recover all costs.

Mr. BROWN. Maybe we can make a great deal of money for them that way.

Under this legislation, what happens to a school district that does not comply with your legislation? What penalties are provided?

Mr. DeWEESE. The Department of Education already has a mechanism for dealing with school districts that are not in compliance with parts of the School Code.

According to the gentleman from Centre County, who has legal training, he indicates that this matter would be handled in the same way. People from Harrisburg would investigate and pursue the normal chain of command.

Mr. BROWN. And there is some kind of penalty for this then, in the way of school subsidies not being given? I just want to know what happens to a district that refuses.

Mr. DeWEESE. I am under the impression that administrative penalties would be all that would be incurred. I do not think anything devastating would happen, but, again, this is only my conjecture.

Mr. BROWN. Well, if I could have someone answer that one question, that is very important in my mind. What would the penalty be for a school district not complying with either this bill or regulations similar to this bill?

The SPEAKER. The gentleman, Mr. DeWeese, yields to the gentleman, Mr. Cunningham.

The Chair recognizes the gentleman.

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

We specifically took criminal penalties out of the bill and instead substituted administrative remedies. The ultimate administrative remedy is that the Department of Education can withhold the school subsidy or a portion of the school subsidy from any school district that is failing to comply with the law. So that would be the ultimate remedy.

Mr. BROWN. The ultimate remedy, in other words then, would be a loss of financial aid from the State to the local school district.

Mr. CUNNINGHAM. Mr. Speaker, that is correct.

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

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

Mr. MISCEVICH. Thank you, Mr. Speaker.

Mr. Speaker, I think that this piece of legislation is very unnecessary. Just last month several pieces of legislation were brought to the attention of this body when we were deleting legislation, and it got a lot of newspaper coverage as to how great it was to take some of these old laws off the books.

Presently the Federal Government has laws that make these kids only register. It is not a draft signup or anything; they just have to register, and they are not even registering, just signing their name to let people know where they are. Why should we go through the expense of putting this legislation on the books in Pennsylvania when it is to no avail? No way am I in opposition to the draft. I am a Vietnam veteran. I have received a Presidential citation from Syngman Rhee in Korea. So I am not against the draft; I am just against the principle of putting legislation on the books that we do not need. Thank you very much.

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

Mr. DEAL. Mr. Speaker, I rise to speak against HB 1599. Before I make my remarks, let me preface them with the fact that I did serve in World War II. I would further state that if it were necessary to defend my country, I would volunteer to go into service again. So before I make my statement, I would not want my remarks misunderstood.

Mr. Speaker, I think it is totally unfair for us to become involved in this piece of legislation. If we are looking for a fight in the legislature between some school people, I think you are well on the way to that confrontation. I am sure in the

school system there are teachers or administrators or educators who would find this legislation very offensive and may want to rebel in trying to support this legislation, though they may be as dedicated to the cause of this country as other people. Mr. Speaker, I do not believe we in the legislature ought to put educators in that kind of position. I think educators and school administrators have enough to do now, trying to educate our young people so that they can make their meaningful contribution to our society, but now you are saying to them, not only must you be disciplinarians, not only must you be educators, but now you are to be recruiters for the military forces. I do not believe educators went to school to get their degrees to become recruiters. Then I trust that your next piece of legislation will be to memorialize the United States Congress to do away with recruiters, because they will not need them anymore after you try to do what you are trying to do to educators.

Well, Mr. Speaker, it is easy to sit here and attempt to pass this kind of legislation emotionally, but I tell you, you may well see a confrontation similar to what you saw in the Vietnam war. I do not believe the Pennsylvania Congress ought to be about that kind of business. With all of the social problems we have here in Pennsylvania, the unemployment, health care, we are bankrupt, and yet we come to this body with a piece of legislation like this that only has some real support from some military people who want to circumvent the process they already have. That ought not be our job. I certainly believe that when legislation like this comes to the floor, too often we tend to feel that if we do not support it, it might be interpreted as being unpatriotic. Let me just tell you, the most unpatriotic thing, I think, is to be elected by the people and come to this great hall and not stand up for what is right.

I just think some of you should call your young people at home; call your teachers and ask them what they want. Would they want their names put on some list and sent to a military agency saying, we have some folks just about ready for you to take off to the United States Army? There are things set up for that, and we ought to follow that procedure and not place that extra burden on our educators.

Mr. Speaker, thank you so much for allowing me to make my few remarks, and I plead with all of my colleagues as much as I may love the prime sponsor of this bill, I exuberate great admiration for the young man, and I certainly believe my colleague is doing it with good intentions. But, Mr. Speaker, so often we walk out with good intentions and make many mistakes before we get home. It will not be a slap at my friend by saying to him it is not our responsibility and we should let those who have the obligation of recruiting do their job and let educators take their responsibility and make that a successful one. Thank you.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor. For what purpose does the lady rise?

Mrs. TAYLOR. Mr. Speaker, I would like to know if I could interrogate one of the prime sponsors of this bill.

The SPEAKER. The lady is on the list of members to be recognized. In fact, she is next after Mr. DeWeese.

Mrs. TAYLOR. Thank you, Mr. Speaker.

The SPEAKER. Mr. DeWeese yields to the lady, Mrs. Taylor.

This, Mr. DeWeese, has nothing to do with meretricious relationships, does it?

Mrs. TAYLOR. Only the same birth date.

Mr. Speaker, could you clarify for the members of this assembly and myself your understanding of the Honaman amendment when it talks about private secondary schools supported and sponsored primarily by religious sects? I need some clarification particularly on "supported."

Mr. DeWEESE. I believe that that language refers to Amish, Mennonite, Quaker, and other religious groups that financially support. That is the way I construe it, financially support. In other words, that school would not be there without their money.

Mrs. TAYLOR. Mr. Speaker, I am sure that if we look into the history of many of those schools to which you just referred, we would probably find in the early years of those schools that they were probably heavily supported by the religious sect. I am wondering if today, if we looked into their financial statement, we would see that that same percent of support would be coming from the religious group, or would it be coming from the tuition paid by the students attending the school?

Mr. DeWEESE. I would think that would be one and the same, because the students would have parents who would be affiliated with those religions or else they would not want their children attending those schools.

Mrs. TAYLOR. Mr. Speaker, that is exactly my point. I know of schools in my area that were originally oriented in the Quaker faith, which probably do not have all the students attending their school. I would not be able to guess even what percentage of those students attending the school would be of that particular faith, and that is what I think I need to have answered in this question.

Mr. DeWEESE. I am not a constitutional scholar and obviously not a judge, but it seems to me if you have 100 little Mennonite boys and girls at a Mennonite school, whether the Mennonite Church foundation somewhere is paying for them or whether their parents are paying for them, this Honaman amendment would still be applicable; schools supported and sponsored primarily by religious sects. Either way, I think this language is accurate and acceptable.

Mrs. TAYLOR. Thank you, Mr. Speaker.

If you look again, if I may continue, into the fact that a majority of those members claimed exemption, are you then again looking toward the people who run that school having claim to exemption, or are you looking for the students and the families attending that school looking for the exemption? They are two different things.

Mr. DeWEESE. Mr. Cunningham has requested the opportunity to respond to your inquiry.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

By way of clarification, I think the amendment very clearly says that schools are exempted when those schools are supported and sponsored primarily by religious sects, a majority of whose members claim exemption from service in the Armed Forces on the basis of firmly held and longstanding religious beliefs. We are not talking about the percentage of the students attending the school; we are talking about the religious organizations that support the school. We are not talking about the tuition paid by the students; we are talking about the financial support that is given by the schools themselves.

As a practical matter, military recruiters have their hands full contacting all of the students in the public and private schools that are nonreligious. The notion that they are going to consume valuable time calling a Quaker school or a Friend school for lists of Quaker or Friend students is just not realistic in terms of the pressures under which recruiters have to operate.

I think clearly under the terms of this amendment, and for the legislative record, the Friend school in your district would not be included, would in fact be exempted, because we are not talking about the percentage of the students who attend the school; we are talking about the percentage of the people who belong to the religious sect which supports the school, and that need not be 51 percent of the operating revenues on which the school relies; it is of the nontuition operating revenues on which the school relies.

Mrs. TAYLOR. Mr. Speaker, I would like to make a comment. I would like to say that Mrs. Honaman spoke more directly in her amendment to the Mennonite school. I speak more directly to the people who are of the Quaker faith. Those people, during other military encounters, did serve their country. They may not have served it in combat duty, but it is a matter of record that that particular sect did in the form of some supportive services work for the ultimate freedoms that we enjoy today. I think that should be made a matter of record, that they should not be exempt just because they hold a belief which may say that they do not wish to have combat duty, but says more specifically that they are willing to engage in the support services of this country when and if needed. Thank you very much, Mr. Speaker.

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

Mr. REBER. Thank you, Mr. Speaker.

Would the prime sponsor stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Cunningham, indicates he will stand for interrogation.

Mr. REBER. Mr. Speaker, how many other States have similar legislation as we are considering here today, if you know?

Mr. CUNNINGHAM. Mr. Speaker, I do not know.

Mr. REBER. I am sorry; I did not hear the response.

Mr. CUNNINGHAM. I am saying, I cannot give you a specific figure based on the remarks made by the Commandant of the Marine Corps earlier last year. It would be my assumption that Pennsylvania would not be alone in enacting this legislation.

Mr. REBER. I note in the bill that there is a provision for an opting out by the student if he desires. Could I ask you why you do not desire a procedure where the students could opt in to this program as opposed to having to affirmatively opt out of the program?

Mr. CUNNINGHAM. Because, Mr. Speaker, that would nullify the whole function of the bill.

What is happening today in Pennsylvania is that recruiters are permitted to come into virtually every school in the Commonwealth—every public school at least in the Commonwealth—to address an assembly or to set up a table in the lobby of the school. But the difficulty is that human nature being as it is, a 17-year-old is generally far more concerned about his or her car or sports or the needs of the moment than they are about some long-term career responsibility, and it is very, very often difficult to get the attention of the student long enough to present military service as a career alternative. If that were not true, there would be no necessity for this bill. If in fact we could count on the students to take the initiative to arrange a recruiter contact, there would be no point in our enacting this bill, but in fact just the opposite is true.

Experience demonstrates to us that where a recruiter has an opportunity to call a student one-on-one and set up an appointment for the student to come in and talk, the likelihood of the student then subsequently electing military service just goes up astronomically. So if again we could count on students to on their own set up this initial contact, there would be no necessity for this legislation, and that is why we went with a negative checkoff rather than a positive checkoff.

Mr. REBER. Mr. Speaker, in section 2 of the bill, there is a requirement that the telephone numbers be published. Could you enlighten me as to the reasoning for this particular requirement over and above the mailing address of the respective students?

Mr. CUNNINGHAM. Mr. Speaker, first of all, that requirement relates only to published telephone numbers; it does not relate to unlisted numbers. Any student with an unlisted telephone number is exempted from that provision of the bill to start with.

But secondly, as a practical matter, what is happening with military recruiters today is that sending out a letter is very different really from making that generalized contact in a school assembly or setting up a table in the lobby. It still requires the student to take the initiative to make the initial contact. As a result of that, what recruiters have been doing, practically, is they have been taking the high school yearbook in one hand and a telephone directory in the other hand, and at enormous consumption of time and money they have been calling on the telephone until they find the Jones family in the telephone directory that is indeed the family of the John Jones in the yearbook whom they are trying to contact. So that takes an enormous amount of time, and it wastes a tremendous amount of taxpayer money when in fact this material is readily available and easily made available to military recruiters by the schools themselves.

Mr. REBER. Mr. Speaker, I believe in response to an earlier speaker's interrogation, it was advised by Representa-

tive DeWeese that anyone can virtually procure this list once it is compiled pursuant to the language of this bill. Is that correct?

Mr. CUNNINGHAM. Mr. Speaker, we did not change the current law in any way as regards the availability of this list, except to say that when the public at large, when a commercial entrepreneur or what have you requests the list, it is up to that school board to decide whether they will or will not make the list available, under what terms the list will be made available, what controls will be imposed on the availability of the list, what fees are going to be charged, et cetera. The only compulsory change we have made in the law is to say that whereas when the public at large inquires as to the list you may or may not as you choose make it available, when a military recruiter requests the list, you must make it available. So we are not changing the law in terms of opening things up to anybody who wants to come in and get a list. The law has always recognized the discretion of school directors to make judgments about the circumstances under which these lists should or should not be made available. Again, the only compulsory aspect of the law that we are changing deals with military recruiters, and we make that change because if the all-volunteer military fails, we go to the draft.

Mr. REBER. Thank you, Mr. Speaker.

If I might, I would like to be recognized to speak on the bill.

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

Mr. REBER. Mr. Speaker, I am very concerned, and I think every member of this body should be concerned, about the fact that their constituents are going to have compiled, if in fact this procedure is carried out, in their school districts a listing with their children's names and phone numbers next to it. Now, you as well as many other people may very well engage in the practice of listing your name in a telephone directory under your wife's name, under your initial, under your wife's initial, or frankly under a fictitious name. What we are bringing about here—and it is equally disturbing to me—is that these lists can be made available to virtually anyone; that we are opening up the possibility of individuals of unsavory character—not meaning the recruiters, but of various people for harassment purposes—securing these lists. They may very well not be able to get the names and the phone numbers of certain girls and boys matriculating in the high schools under normal circumstances, but now, pursuant to this type of legislation, we are developing a list that can be gotten by virtually anyone who would want to use it for whatever purpose they may desire, and I think many people may not desire to have their children's names coded with the phone number of their personal residence, which is available to someone to use, misuse, or otherwise cause harm to those individuals.

Frankly, I recognize the concern of the military. I certainly agree with the volunteer army concept and frankly despise the involuntary servitude concept of the draft, and I do not think there is any doubt that this type of contact is necessary, but I have grave reservations about the coding of a child's name with their phone number when it is not necessarily readily

apparent that that child's name and phone number can be gleaned from a phone book as it is presently published. For these reasons I certainly feel that due consideration should be given to this body and rejection of HB 1599 effectuated. Thank you.

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

Mr. TRELLO. Mr. Speaker, I rise to oppose this legislation. I come from a family that fought in every war since World War I up to Vietnam, and I certainly have nothing against the draft or the military, but I think if this type of legislation is to be passed, it should be passed in Washington so that every State can be uniform. Why should we mandate this on our school districts in Pennsylvania when our neighboring States like Ohio, West Virginia, and others do not have to? I feel if this is so important to update our military, then let our great Congressmen who are concerned about the reapportionment do it down in Washington so it will be uniform through every State in the Union. Thank you very much.

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

Mr. SIEMINSKI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak in support of HB 1599. I have sat by patiently and listened to the arguments pro and con as to why we should and why we should not, and I would like to bring us back to the kernel of why we should.

Mr. Speaker, it is a fact that it is national policy that the United States has a volunteer military force system. That policy was developed by elected officials, our Congressmen, and was promulgated into law. Now, if we are in fact going to have a voluntary military force, then we must be sure that we have the adequate means to support that system, not to frustrate that system. HB 1599, I believe, has all the safeguards necessary to protect the rights of the individual students as well as to ensure that we have a volunteer force. It does not make recruiters out of educators, but it puts the State of Pennsylvania on record supporting the national policy of this country. So, therefore, Mr. Speaker, I would urge adoption of HB 1599. Thank you.

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

Mr. COLAFELLA. Mr. Speaker, I rise to oppose HB 1599 for a number of reasons, but the main reason is that quite frankly, our schools should not be involved with military recruitment. No college should be involved with military recruitment. If we are going to permit our schools to be involved in the assistance of recruiting our young people to the military, then our next step ought to be, let us work with the State colleges and get them involved in the assistance of military recruiting.

Our military spends an enormous amount of money recruiting young people. If you watched the Superbowl or any football game on a Sunday, it costs an enormous amount of money to advertise at those football games. Our young people can read. They are aware that we have different branches of service; at age 18 they have got to register today. President Reagan is saying let us get off people's backs, and I think if

we get involved with this kind of thing, we are getting more involved in people's personal lives, and I think it is a mistake. For all those reasons I oppose HB 1599. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Dr. Haluska.

Mr. HALUSKA. Mr. Speaker, I think that the debate here this morning regarding this bill has been directed primarily at the initiatives for recruiting purposes of the military and so forth, but I think we are losing sight of one particular fact, that the various military organizations of this Nation provide great opportunities for our youth. They have opportunities to go in there and get training in special skills, and these skills make a great contribution to the Armed Forces, but in addition to that, when these people get out of the military, they have an opportunity to come back into society and make a great contribution to the welfare of this Nation as well as the economic wealth. And I think it gives the opportunity for many a young person to receive counseling that otherwise they will never get.

Sometimes they are not aware of the opportunities, and I think this presents them with an opportunity to sit down with somebody who is knowledgeable and who can explain to them the advantages and the opportunities that they might acquire by placing themselves in the military for a couple of years of service, which in turn will make a contribution not only to the country militarily but preserve for them an opportunity to acquire skills to carry them through the rest of their lives. I think this is an important avenue in this particular piece of legislation. I thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Robert Brant and Bernie Heinz, here today as the guests of the gentleman from Montgomery County, Mr. Reber, and the Montgomery County delegation.

CONSIDERATION OF HB 1599 CONTINUED

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

Mr. RITTER. Mr. Speaker, I rise to oppose this bill. Earlier in the debate it was mentioned that the Secretary of Education would be able to impose some sanctions or some penalties against those districts which refused or did not comply with this law. Mr. Speaker, this bill does not amend the School Code; it makes no reference whatsoever to the School Code. It does not provide any administrative remedies; it does not provide any penalties. It seems to me that there is no authority for the Secretary of Education to impose any penalties on any school district that does not comply. Secondly, Mr. Speaker, all we are going to be doing then is pitting again a public school district against the private school system, because there can be no sanctions against private school systems by the Secretary of Education.

Mr. Speaker, in terms of the opting out—and I agree with Mr. Reber, I would much prefer that the student opt in—but in terms of opting out, there is nothing in this bill that requires

the superintendent to tell the student why that list is being compiled. It just says that he has got to notify the student that under the requirements of subsection (a), which simply talks about compiling a list, that that list will be compiled and that he may opt or she may opt to have their name off of that list. Maybe a student or many students might assume that that list is to be circulated among prospective employers; maybe they are not aware of the fact that it must be provided to recruiters if the recruiters ask for it. There is no protection in here whatsoever for the student or for the privacy of that student. I am just concerned and upset that this legislature is attempting, in the name of whatever you want to call it, Americanism or whatever—and there is nobody in this chamber who is un-American; I think we ought to establish that—but because of that effort, we are going to violate the privacy of a great many kids in this Commonwealth.

I do not know about your experience, but I know in my experience that recruiters do not always tell the truth. And so you are going to give the names of those kids to the recruiters and then they are going to tell these kids about if you want to do this or you want to go to that school or you want to go to that base, you just sign the papers and I will see that you get there, and when they sign the papers, they do not get there. That happened to my oldest son, and he spent 4 years in the Air Force, but never once in those 4 years did he get what he was promised.

So I am saying to you that we have enough problems. We have a volunteer Armed Forces and we also have a Draft Registration Act. Mr. Speaker, what we are going to do to the kids in Pennsylvania that no other State is doing is we are going to be giving the names of those kids to the military recruiters, and you can bet your bottom dollar they are going to check that list against those kids who have registered for the draft.

Now, I am not concerned about whether you are for or against the draft. I am concerned about whether or not we are going to be party to giving those names. I do not want the school districts to be spies for anybody. I do not approve of kids who do not register for the draft. My youngest son registered. He may not have liked it, but he registered. I do not approve of those kids who do not, but doggone it, that is their right also not to register if they do not want to. Why should we be providing the names of those kids so that somebody else can come along and say you did not register and you are going to go to jail, or whatever else the case might be?

Mr. Speaker, this is not the way to go. This is not the way to go at all. Let that kid volunteer his name then for the list, but let us not provide carte blanche to military recruiters or to anybody else the list of those kids who are going to graduate. Mr. Speaker, I ask that we vote against HB 1599.

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

Mr. GAMBLE. Mr. Speaker, I rise in support of this bill. I am absolutely astonished at the length of the debate on this issue as well as the substance of some of the debate.

I believe that we are talking about the Armed Forces of the United States of America being able to obtain names for

recruitment. The way this debate is going sometimes, it sounds like we are talking about recruiters from the French Foreign Legion. This is for the Armed Forces of the United States of America. And without waving the flag, just vote "yes" and let us get on with it.

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

Mr. PITTS. Thank you, Mr. Speaker.

It does seem that periodically this House makes much to-do about nothing. Just briefly, a few months ago when the Commandant of the Marine Corps stood in this chamber and spoke to the House, the one thing that I remember that he said was that if we wanted to do something of significance to help preserve the volunteer forces of our military in this country, it would be to help the recruiting system obtain information and interviews with those students who are interested in joining the military.

The one reservation I had about private schools or religious schools, schools you could classify as conscientious objectors being exempt, has been taken care of. The bill has safeguards in it. I think the fears raised by a couple of members that these lists could fall into the hands of unsavory organizations or that the school board would compile a list without informing the students is in error. It is implicit, as I read the bill, that these school boards would have to inform the students, and there is a safeguard that if the student has any fear at all, they can opt out.

So I think the students, both of our private and public schools, enjoy the freedoms and opportunities that this country has to offer. I see nothing wrong with helping the military secure the names of those students who would like to have an opportunity to interview for military service to provide for the national defense. I urge that the members support the bill.

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

Mr. McVERRY. Mr. Speaker, I find myself in a curious position, because I feel that I am a supporter of the military, and I very proudly served there. But I also find it curious at this time, when we are discussing the possible passage of a bill numbered HB 1732, which would abolish for at least a 2-year period of time all mandates from the State on local school boards, that we are right back here talking the next day about mandating the local school boards to do something that they can voluntarily do right now on their own. If the recruiters want to do their lobbying, they can do it in the 505 school districts, as far as I am concerned, because those local school officials can make that decision and make that information available. We should stop mandating the 505 school districts. Let them operate their own shop and get on with the meaningful business of the day.

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

Mr. PETRARCA. Thank you, Mr. Speaker.

I rise to support HB 1599.

I want the House to remember one thing. If we do not help the recruiters, in lieu of the volunteer army you are going to

have the draft back. The mood of the young men of Pennsylvania after the Vietnam war, when the ones who went to Sweden, the ones who went to Canada, came home and after 2 years were free, but the ones who went to Korea by the draft, good Americans, were killed, et cetera.

I do not want a mandatory draft. I feel we should help the recruiters, and a lot of farm boys or kids will be exposed to the benefits of the Army. I support Cunningham's bill.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWeese. One minute. In summation, if this measure passes, we will save money. The recruiters will not have to spend money contacting people who do not want to be contacted.

Number two, if this measure passes, we will have innumerable safeguards, and young men and women will not be contacted who do not want to be contacted.

Number three, 50 percent of the schools in Pennsylvania are doing this anyway. Half of the schools are giving military recruiters lists as we debate this issue right now.

Number four and finally and typically of my mode of debate, I would like us to remember what happened in 1790 in the spring when Thomas Jefferson corresponded with a friend of his in Paris. He said, we cannot expect to be translated from despotism to liberty on a featherbed. I would hope that we could remember the intelligence and the foresight of that writer, Thomas Jefferson, and, Mr. Speaker, as we vote on final passage, I would hope that we could remember the spirit of the recipient of that letter, the Marquis de Lafayette. I hope this bill passes. Thank you.

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

Mr. CUNNINGHAM. Mr. Speaker, in conclusion, school districts have got to provide each and every student with written notice of the fact that this list is being compiled. They have got to give the student 30 days to opt out. The student can opt out. No telephone numbers are made available if they are unpublished numbers. We have taken private religious schools completely out of the bill. Any student who gets a telephone call who does not want to talk to anybody simply hangs up, simply says I do not want to be called; I do not want to be bothered. No recruiter in his right mind is going to waste his time calling a student a second time who has said do not call me again. They are too busy for that.

These recruiters are not recruiting for the Soviet military. They are recruiting for our military. For some reason we seem to have the view that this bill authorizes them to come in and shanghai students and take them off to sea. We are simply authorizing a contact, nothing more than a contact.

Mr. Speaker, at a time when our adversaries are recruiting—and I am not talking about talking to; I am talking about forcing into military service every able-bodied man, woman, and child of eligible military age to crush out the freedoms of the people of Poland and Afghanistan and right here in our own hemisphere, El Salvador and Nicaragua—we are sitting in this chamber debating the merits of privacy. We are talking about convenience. We are talking about privacy, while the

people who have designs on our freedoms as well are snuffing out the freedoms of peace- and freedom-loving people around the world.

I would just like to conclude by saying, Mr. Speaker, this legislation does not make recruiters out of school officials. I would like to repeat that. It does not make recruiters out of school officials. It says only that school officials cannot block direct access to the people on whom our military is going to have to rely if this Nation is to remain free. I urge an affirmative vote.

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

Mr. COLAFELLA. Mr. Speaker, I rise again to oppose this bill.

I just want to say that our schools were never designed to be a tool for military recruiters, and our colleges have never been designed for that. I think that this is a step in that direction, and I think it is a mistake. Thank you.

The SPEAKER. Does the gentleman from Allegheny, Mr. Misceovich, desire recognition? The gentleman is in order.

Mr. MISCEVICH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to bring to the attention of this body that those addresses and phone numbers do not belong to the kids that they are giving away. They belong to their parents, and they are violating the rights of the parents by giving those addresses and phone numbers away.

I would caution everybody to watch how they vote for this bill. This evidently is pretty controversial, and it can come up in your election campaign.

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—109

Alden	Dorr	Kowalyszyn	Sirianni
Armstrong	Duffy	Kukovich	Smith, B.
Arty	Durham	Lescovitz	Smith, E. H.
Belardi	Fargo	Levi	Smith, L. E.
Belfanti	Fee	Levin	Snyder
Beloff	Fischer	Livengood	Spencer
Blaum	Fleck	McClatchy	Spitz
Bowser	Foster, W. W.	Mackowski	Stairs
Boyes	Fryer	Madigan	Steighner
Brandt	Gallagher	Manmiller	Stevens
Burns	Gallen	Marmion	Stuban
Caltagirone	Gamble	Merry	Sweet
Cawley	George	Miller	Taylor, F. E.
Cessar	Gladeck	Moehlmann	Telek
Cimini	Greenwood	Morris	Van Horne
Clark	Grieco	Mrkonic	Vroon
Clymer	Gruppo	Noye	Wachob
Cochran	Haluska	Perzel	Wambach
Cole	Harper	Peterson	Wargo
Coslett	Hasay	Petrarca	Wass
Cunningham	Hayes	Petrone	Wenger
DeMedio	Honaman	Phillips	Weston
DeVerter	Horgos	Piccola	Wogan
DeWeese	Irvis	Pitts	Wright, D. R.
Daikeler	Jackson	Rocks	
Dawida	Johnson	Rybak	Ryan,
Dininni	Klingaman	Serafini	Speaker
Dombrowski	Kolter	Sieminski	

NAYS—82

Anderson	Geist	Micozzie	Rieger
Barber	Grabowski	Miscevich	Ritter
Berson	Gray	Mowery	Saurman
Bittie	Greenfield	Mullen	Seventy
Borski	Gruitza	Murphy	Showers
Brown	Hagarty	Nahill	Shupnik
Burd	Heiser	O'Donnell	Stewart
Cappabianca	Hoefel	Olasz	Swaim
Civera	Hutchinson, A.	Oliver	Swift
Cohen	Kennedy	Pendleton	Taddonio
Colafella	Lashinger	Pievsky	Taylor, E. Z.
Cordisco	Laughlin	Pistella	Tigue
Cornell	Lehr	Pott	Trello
Cowell	Letterman	Pratt	Wiggins
Davies	Lloyd	Pucciarelli	Williams, H.
Deal	Lucyk	Punt	Williams, J. D.
Dietz	McIntyre	Rappaport	Wozniak
Donatucci	McMonagle	Rasco	Wright, J. L.
Evans	McVerry	Reber	Wright, R. C.
Foster, Jr., A.	Maiale	Richardson	Zwinkl
Gannon	Michlovic		

NOT VOTING—4

Emerson	Itkin	Kanuck	Wilson
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EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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.

SENATE MESSAGE

HOUSE AMENDMENTS

NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 805, PN 1579**.

MOTION INSISTING UPON AMENDMENTS

Mr. HAYES moved that the House insist upon its amendments nonconcurred in by the Senate to SB 805, PN 1579, 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 SB 805, PN 1579:

Messrs. HAYES, GALLEN and MANDERINO.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

REPORT OF COMMITTEE
OF CONFERENCE RECOMMITTED

The clerk of the Senate, being introduced, informed that the Senate has recommitted to Committee of Conference **HB 720, PN 2670**.

MOTION TO APPOINT
COMMITTEE OF CONFERENCE

BILL RECOMMITTED

Mr. HAYES moved that a committee of conference be appointed on HB 720, PN 2670, and that the bill be recommitted to the said committee.

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 720, PN 2670: Messrs. HAYES, PUNT and BARBER.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1768, PN 2095**; and **HB 1904, PN 2309**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

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

HB 1768, PN 2095

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, repealing provisions relating to the vehicle equipment safety compact.

HB 1904, PN 2309

An Act repealing the act of February 18, 1873 (P. L. 35, No. 9), entitled "An act in relation to writs of estrepement."

SESSION SCHEDULE

The SPEAKER. The Chair gives notice that it is inserting into the record the notice given in connection with the Sunshine Act that the House will convene in open session at 10 a.m. on Tuesday, February 9, 1982.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME FOR
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House at 10:00 a.m. on Tuesday, February 9, 1982.

John J. Zubeck
Chief Clerk

January 27, 1982

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg on January 27, 1982, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the same date.

John J. Zubeck
Chief Clerk
House of Representatives

January 27, 1982

BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**HB 1991, PN 2793 (Amended)**

By Rep. GALLEN

An Act authorizing the Borough of Warren in the County of Warren and Commonwealth of Pennsylvania to sell and convey certain Project 70 lands containing 6.826 acres more or less in said borough and county belonging to the Borough of Warren subject to certain conditions.

STATE GOVERNMENT.

HB 2011, PN 2458

By Rep. GALLEN

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.

STATE GOVERNMENT.

HB 2037, PN 2794 (Amended)

By Rep. GALLEN

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for the manner of applying to vote and the posting of the numbered lists.

STATE GOVERNMENT.

SB 373, PN 1628 (Amended)

By Rep. GALLEN

An Act authorizing the Borough of Bridgeville, County of Allegheny, to convey a certain parcel of property located in Upper St. Clair Township, Allegheny County, free of the restrictions imposed by "Project 70 Land Acquisition and Borrowing Act."

STATE GOVERNMENT.

SB 404, PN 410

By Rep. GALLEN

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," abolishing the State Lottery Commission.

STATE GOVERNMENT.

SB 918, PN 1311

By Rep. GALLEN

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for membership on the State Employees' Retirement Board and the Public School Employees' Retirement Board.

STATE GOVERNMENT.

SB 1147, PN 1359

By Rep. GALLEN

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing an exemption from Article XXIV-A for certain conveyances.

STATE GOVERNMENT.

REMARKS ON VOTE

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

Mr. A. C. FOSTER. Mr. Speaker, I find on HB 1599 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.

ANNOUNCEMENTS BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Two announcements, Mr. Speaker. First, I suggest that we recess until 2 p.m. so we can have lunch. Number two, there will be a meeting of the Rules Committee in my office immediately at the call of the recess. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader. Does the gentleman have any announcements?

Mr. IRVIS. No, Mr. Speaker.

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair appoints the gentleman from York, Mr. Anderson, to preside temporarily on the return from the recess.

RECESS

The SPEAKER. If there are no further announcements, without objection, this House will stand in recess until 2 p.m. The Chair hears none.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(JOHN HOPE ANDERSON) IN THE CHAIR
ADDITIONS AND DELETIONS OF SPONSORS**

The SPEAKER pro tempore. The Chair recognizes the majority leader for additions and deletions of sponsorship of bills.

Mr. HAYES. Mr. Speaker, I submit the following list of additions and deletions of sponsors:

ADDITIONS:

HR 101, Steighner; HB 699, Grabowski; HB 1732, Alden; HB 2108, Salvatore; HB 2128, Johnson; HB 2134, Cole; HB 2135, Cole; HB 2162, H. Williams, Phillips; HB 2175, Wogan, H. Williams, Mullen, B. Smith.

DELETIONS:

HB 1340, Colafella; HB 2128, Pratt.

REPORT FROM RULES COMMITTEE

**BILLS REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER pro tempore. The Chair recognizes the majority leader for a report of the Rules Committee.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar, and I so move:

HB 935;
HB 1568;
HB 1791;
HB 1991;
HB 2011;
HB 2037;
SB 254;
SB 373;
SB 404;
SB 457;
SB 918;
SB 937; and
SB 1147.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar, with the understanding that they will be rereferred to the Appropriations Committee for the purpose of a fiscal note at a later date, and I so move:

HB 1723; and
SB 179.

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

COMMUNICATION FROM DEPARTMENT OF STATE

Commonwealth of Pennsylvania
Department of State
Bureau of Professional and
Occupational Affairs
Post Office Box 2649
Harrisburg, PA 17120

January 20, 1982

The Honorable Matthew J. Ryan
Speaker of the House
139 Main Capitol Building
Harrisburg, PA 17120

Dear Representative Ryan:

Attached please find a regulation proposed by the State Board of Optometrical Examiners concerning the written examination prepared and graded by the National Board of Optometry. This regulation was published in the Pennsylvania Bulletin on September 12, 1981.

This regulation is being forwarded to you and the President Pro Tempore of the Senate for referral to and review by the appropriate standing committee, pursuant to Section 812.2 of the Administrative Code of 1929, the Act of April 9, 1929, P.L. 177, No. 175, as amended, 71 P.S. §279.3(a).

Please refer this regulation to the appropriate standing committee of the House of Representatives for review and approval.

Your prompt attention to this matter is greatly appreciated since the regulation requires legislative oversight prior to final adoption by our Board.

Respectfully yours,
Richard N. Gross, O.D.
Chairman
State Board of
Optometrical Examiners

RNG:JG:rms

Attachment

cc: Optometry Board

Jerome Grossi, Board Counsel

(Copy of report is on file with the Journal Clerk.)

ADMINISTRATIVE RULES REPORT NO. 1 OF 1982 REFERRED

Notice is hereby given that the State Board of Optometrical Examiners, by this Order, adopts a new administrative regulation which requires that any individual seeking licensure in Pennsylvania will be required to sit for the written examination which is prepared and graded by the National Board of Optometry, and said regulations is promulgated under the authority of the Optometric Practice and Licensure Act of 1980, June 6, P.L. 197, No. 57, Section 1 *et seq.*, 63 P.S. §244.1 *et seq.*, and under the authority of the Act of October 4, 1980, P.L. 785, No. 146, 71 P.S. §279.3(a).

ANNEX A

Section 23.16. Requirement of National Examination.

(a) Effective July 1, 1981, the National Board of Optometry Examination shall be the only written examination used in this state.

(b) Receipt of a passing grade on the examination administered by the National Board of Optometry shall be a prerequisite for taking the practical examination which is administered by the State Board.

(c) Students contemplating licensure in Pennsylvania should take Part I of the National Board's examination during their second year.

(d) Parts 2A and 2B should be taken in the third and fourth years respectively.

(e) Any applicant who has completed his studies shall be required to take all portions of the National examination at some time prior to taking the practical examination.

Referred to Committee on PROFESSIONAL LICENSURE, January 27, 1982.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1650, PN 2165**, entitled:

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), establishing a uniform interest rate for all taxes due the Commonwealth, requiring the Commonwealth to pay interest on money due taxpayers and providing for the payment of cash refunds by the Department of Revenue.

On the question,

Will the House agree to the bill on third consideration?

Mr. VROON offered the following amendments No. A4303:

Amend Sec. 1 (Sec. 806), page 2, line 7, by striking out "FIFTEEN PER CENTUM" and inserting eighty per centum of that established by the Secretary of the Treasury of the United States under the provisions of section 6621 of the Internal Revenue Code as amended by section 711 of the Economic Recovery Tax Act of 1981

Amend Sec. 1 (Sec. 806), page 3, line 1, by inserting after "corporation."

The Secretary of Revenue shall, from time to time, publish the rate of interest and the commencement date thereof in the Pennsylvania Bulletin.

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, this bill, HB 1650, addresses the interest rate that is charged on tax deficiencies on State taxes. It also addresses the question of paying an interest rate on refunds that are owing to individuals and businesses. We passed this bill out of committee with the fixed rate of 15 percent established here, and after we had done this, we had a conference with the various people who are interested in this bill, and the Revenue Department asked us if we could possibly entertain the idea of tying this to the Internal Revenue rate, the U.S. Internal Revenue rate. After discussing what is an appropriate rate, we came to the conclusion that a good,

fair rate would be 80 percent of the Internal Revenue Service rate, and it would be tied to that as a fluctuating rate which changes once a year. Once a year the average is computed out of the prime rate through the year, and the Internal Revenue Department establishes that as the rate for the very next year and until the next rate is effective.

We believe that it would be very advisable to raise our interest rate from where it is now, which is really ridiculous—it is only at 6 percent—and this encourages people to use the State money and to make money on that money withheld by investing it in more lucrative investments. We feel sure, and we have the concurrence of the Revenue Department on this point, that this new rate we have established here will discourage all of the abuses in this area. So it would insist really that the business community and all of the taxpayers who have to pay taxes late on deficiencies or on just plain late payments would have to pay a proper rate so that they could not take advantage of it. I believe this will eliminate all of the abuses. We have had concurrence on this subject from everybody involved and would ask your concurrence in this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I concur in the amendments offered by the gentleman from Chester County. The interest rates charged on late payments today is just totally out of line with normal interest rates, and we have to set something that has some fluctuation to it to the market of interest. I urge all of the members to support this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

I also concur with Representative Vroon's amendment, and I ask for an affirmative vote from our members. Thank you.

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

Mr LLOYD. Thank you, Mr. Speaker.

Would the gentleman, Mr. Vroon, consent to brief interrogation?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, if I understand your amendment, you said that you wanted to peg the interest rate on delinquent taxes to 80 percent of the IRS rate. What would that be at the present time?

Mr. VROON. That would be 80 percent of 20 percent, or 16 percent.

Mr. LLOYD. Sixteen percent. So right now what your amendment, Mr. Speaker, would do is to in effect raise from 15 to 16 percent what is in the bill.

Mr. VROON. What is in the bill, yes, but it would raise the rate from 6 percent now to 16 percent just as soon as this becomes effective.

Mr. LLOYD. Now, Mr. Speaker, I think this bill also provides for interest when the Commonwealth is late in refunding, and my question then, Mr. Speaker, would be, does your amendment also increase the rate of interest which the Commonwealth pays on refunds?

Mr. VROON. Yes, it does. Both interests are treated alike, that going out and that coming in.

Mr. LLOYD. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—179

Anderson	Fee	Lucy	Serafini
Barber	Fischer	McClatchy	Seventy
Belardi	Fleck	McIntyre	Showers
Belfanti	Foster, W. W.	McMonagle	Shupnik
Beloff	Foster, Jr., A.	McVerry	Sieminski
Berson	Fryer	Madigan	Sirianni
Bittle	Gallagher	Maiale	Smith, B.
Blaum	Gallen	Manmiller	Smith, E. H.
Borski	Gamble	Marmion	Smith, L. E.
Bowser	Geist	Merry	Snyder
Boyes	George	Michlovic	Spencer
Brandt	Gladeck	Miller	Spitz
Brown	Grabowski	Miscevich	Stairs
Burd	Gray	Moehlmann	Steighner
Burns	Greenwood	Morris	Stevens
Caltagirone	Grieco	Mowery	Stewart
Cappabianca	Gruitza	Mullen	Stuban
Cawley	Gruppo	Murphy	Swaim
Cessar	Hagarty	Nahill	Sweet
Cimini	Harper	Noye	Swift
Civera	Hasay	O'Donnell	Taddonio
Clark	Hayes	Olasz	Taylor, E. Z.
Clymer	Heiser	Oliver	Taylor, F. E.
Cochran	Hoeffel	Pendleton	Telek
Colafrilla	Honaman	Perzel	Tigue
Cole	Horgos	Peterson	Van Horne
Cornell	Hutchinson, A.	Petrarca	Vroon
Coslett	Irviss	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	Kowalshyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
Deal	Lashingier	Punt	Wogan
Dietz	Laughlin	Rasco	Wozniak
Dininni	Lehr	Reber	Wright, D. R.
Dombrowski	Lescovitz	Richardson	Wright, J. L.
Donatucci	Letterman	Rieger	Wright, R. C.
Dorr	Levi	Ritter	Zwinkl
Duffy	Levin	Rocks	
Emerson	Livengood	Rybak	Ryan,
Evans	Lloyd	Saurman	Speaker
Fargo			

NAYS—3

Greenfield	Haluska	Trello
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NOT VOTING—13

Alden	Cordisco	Kanuck	Mrkonic
Armstrong	Durham	Mackowski	Rappaport
Arty	Gannon	Micozzie	Williams, H.
Cohen			

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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. WILSON offered the following amendments No. A5944:

Amend Sec. 2 (Sec. 806.1), page 4, by inserting between lines 9 and 10

(5) If any overpayment of tax is refunded or credited within six (6) months after the last date prescribed for filing the final return or report of the tax (determined without regard to any extension of time for filing) or, in case the final return or report is filed after the last day, and is refunded or credited within six (6) months after the date the final return or report is filed, no interest shall be allowed on the overpayment.

Amend Sec. 2 (Sec. 806.1), page 5, lines 5 through 12, by striking out all of said lines

Amend Bill, page 7, by inserting between lines 12 and 13

Section 4. All other acts and parts of acts are hereby repealed insofar as they are inconsistent herewith.

Amend Sec. 4, page 7, line 13, by striking out "4" and inserting

5

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Thank you, Mr. Speaker.

This is mainly a technical amendment and a general repealer that takes out some of the acts in previous law and insures that the interest provisions will be properly applied to the returns as they are sent in. I urge the adoption of this amendment.

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

The following roll call was recorded:

YEAS—185

Alden	Evans	Levin	Saurman
Anderson	Fargo	Livengood	Serafini
Armstrong	Fee	Lloyd	Seventy
Arty	Fischer	Lucyk	Showers
Barber	Fleck	McMonagle	Shupnik
Belardi	Foster, W. W.	McVerry	Sieminski
Belfanti	Foster, Jr., A.	Mackowski	Sirianni
Beloff	Fryer	Madigan	Smith, E. H.
Berson	Gallagher	Maiale	Smith, L. E.
Bittle	Gallen	Manmiller	Snyder
Blaum	Gamble	Marmion	Spencer
Borski	Gannon	Merry	Spitz
Bowser	Geist	Michlovic	Stairs
Boyes	George	Miller	Steighner
Brandt	Gladeck	Miscevich	Stevens
Brown	Grabowski	Moehlmann	Stewart
Burd	Gray	Morris	Stuban
Burns	Greenwood	Mowery	Swaim
Caltagirone	Grieco	Mrkonic	Sweet
Cawley	Gruitza	Mullen	Swift
Cessar	Gruppo	Murphy	Taddonio
Cimini	Hagarty	Nahill	Taylor, E. Z.
Civera	Haluska	Noye	Taylor, F. E.
Clark	Harper	O'Donnell	Telek
Clymer	Hasay	Olasz	Tigue
Cochran	Hayes	Oliver	Trello
Colafrella	Heiser	Pendleton	Van Horne
Cole	Hoeffel	Perzel	Vroon
Cornell	Honaman	Peterson	Wachob
Coslett	Horgos	Petrarca	Wambach

Cowell	Hutchinson, A.	Petrone	Wargo
Cunningham	Irvis	Phillips	Wass
DeMedio	Itkin	Piccola	Wenger
DeVerter	Jackson	Pievsky	Weston
DeWeese	Johnson	Pistella	Wiggins
Daikeler	Kanuck	Pitts	Williams, J. D.
Davies	Kennedy	Pott	Wilson
Dawida	Klingaman	Pratt	Wogan
Deal	Kolter	Pucciarelli	Wozniak
Dietz	Kowalyszyn	Punt	Wright, D. R.
Dininni	Kukovich	Rasco	Wright, J. L.
Dombrowski	Lashinger	Reber	Wright, R. C.
Donatucci	Laughlin	Richardson	Zwikl
Dorr	Lehr	Rieger	
Duffy	Lescovitz	Ritter	Ryan,
Durham	Letterman	Rocks	Speaker
Emerson	Levi	Rybak	

NAYS—0

NOT VOTING—10

Cappabianca	Greenfield	Micozzie	Smith, B.
Cohen	McClatchy	Rappaport	Williams, H.
Cordisco	McIntyre		

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—185

Alden	Duffy	Levi	Rybak
Anderson	Durham	Levin	Saurman
Armstrong	Emerson	Livengood	Serafini
Arty	Evans	Lloyd	Seventy
Barber	Fargo	Lucyk	Showers
Belardi	Fee	McMonagle	Shupnik
Belfanti	Fischer	McVerry	Sieminski
Beloff	Fleck	Madigan	Sirianni
Berson	Foster, W. W.	Maiale	Smith, E. H.
Bittle	Foster, Jr., A.	Manmiller	Smith, L. E.
Blaum	Fryer	Marmion	Snyder
Borski	Gallagher	Merry	Spencer
Bowser	Gallen	Michlovic	Spitz
Boyes	Gamble	Micozzie	Stairs
Brandt	Gannon	Miller	Steighner
Brown	Geist	Miscevich	Stevens
Burd	George	Moehlmann	Stewart
Burns	Gladeck	Morris	Stuban
Caltagirone	Grabowski	Mowery	Swaim
Cappabianca	Gray	Mrkonic	Sweet
Cawley	Greenwood	Mullen	Swift
Cessar	Grieco	Murphy	Taddonio
Cimini	Gruitza	Nahill	Taylor, E. Z.
Civera	Gruppo	Noye	Taylor, F. E.
Clark	Hagarty	O'Donnell	Telek
Clymer	Harper	Olasz	Tigue
Cochran	Hasay	Oliver	Van Horne
Colafrella	Hayes	Pendleton	Vroon
Cole	Heiser	Perzel	Wachob
	Hoeffel	Peterson	Wambach

Cordisco	Honaman	Petrarca	Wargo
Cornell	Horgos	Petrone	Wass
Coslett	Hutchinson, A.	Phillips	Wenger
Cowell	Irvis	Piccola	Weston
Cunningham	Itkin	Pievsky	Wiggins
DeMedio	Jackson	Pistella	Williams, J. D.
DeVerter	Johnson	Pitts	Wilson
DeWeese	Kennedy	Pott	Wogan
Daikeler	Klingaman	Pratt	Wozniak
Davies	Koiter	Pucciarelli	Wright, D. R.
Dawida	Kowalyszyn	Punt	Wright, J. L.
Deal	Kukovich	Rasco	Wright, R. C.
Dietz	Lashinger	Reber	Zwilk
Dininni	Laughlin	Richardson	
Dombrowski	Lehr	Rieger	Ryan,
Donatucci	Lescovitz	Ritter	Speaker
Dorr	Letterman	Rocks	

NAYS—2

Haluska Trello

NOT VOTING—8

Greenfield	McClatchy	Mackowski	Smith, B.
Kanuck	McIntyre	Rappaport	Williams, H.

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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 1654, PN 2138**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for additional procedures for the payment, collection, administration and enforcement of motor vehicle sales taxes, and prescribing additional offenses and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. RITTER offered the following amendments No. A4479:

Amend Sec. 1 (Sec. 1103), page 2, line 1, by inserting brackets before and after "ten" and inserting immediately thereafter

three

Amend Sec. 1 (Sec. 1111), page 3, line 20, by striking out "ten" and inserting

three

Amend Sec. 1 (Sec. 1113), page 4, line 8, by striking out "ten" and inserting

three

Amend Sec. 1 (Sec. 1113), page 5, line 3, by striking out "ten" and inserting

three

Amend Sec. 4 (Sec. 1374), page 8, line 26, by inserting after "BUSINESS"

or special

Amend Sec. 4 (Sec. 1374), page 8, line 27, by inserting brackets before and after "MAY SUSPEND" and inserting immediately thereafter

shall temporarily suspend, effective 30 days from date of notice, vehicle business or

Amend Sec. 4 (Sec. 1374), page 8, line 30, by striking out the bracket after "[CLASS]"

Amend Sec. 4 (Sec. 1374), page 8, line 30, by inserting a bracket after "HEARING"

Amend Sec. 4 (Sec. 1374), page 10, by inserting between lines 3 and 4

(b) Departmental actions regarding temporary suspensions.—Immediately following notice of the temporary suspension under subsection (a), the department shall provide an opportunity, within the said 30 days, for a hearing to determine the length of the suspension, if any. Failure to respond or request a hearing shall constitute grounds for a permanent suspension.

Amend Sec. 4 (Sec. 1374), page 10, line 4, by inserting brackets before and after "(B)" and inserting immediately thereafter

(c)

Amend Sec. 4 (Sec. 1374), page 10, lines 17 through 21, by striking out all of said lines

Amend Sec. 4 (Sec. 1374), page 10, line 23, by striking out "MAY" and inserting

shall

Amend Sec. 4 (Sec. 1374), page 10, lines 25 and 26, by striking out "OF THE DEPARTMENT OF STATE"

Amend Sec. 6 (Sec. 7502), page 12, line 6, by inserting after "bond."

If the amount of the bond required is greater than \$50,000 the secretary shall indicate in writing the reasons for the higher amount and furnish same to the applicant.

On the question,

Will the House agree to the amendments?

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

Mr. RITTER. Thank you, Mr. Speaker.

The amendment does a couple of things. The first thing that the amendment will do is it will require that within 3 days after a motor vehicle dealer makes a purchase of an automobile, he has to send that application together with the tax report and all the fees and so on in to the department. Present law gives him 10 days to do that. My amendment seeks to make that 3 days.

Another section, Mr. Speaker, says that the department may suspend special registration plates issued to dealers, et cetera, after providing for an opportunity for a hearing in the following cases, and it lists about seven different violations for which the department may suspend. My amendment seeks to remove the word "may" and says that the department shall temporarily suspend the license of that dealer effective 30 days from the date that the department mails out the notice. Then it goes on further to say that the department shall immediately following that notice afford an opportunity within that 30-day period for the dealer to come in and have a hearing to determine how long the suspension shall be if in fact there shall be any suspension, but if the dealer fails to respond, that shall constitute grounds for permanent suspension of the dealer's license.

Then lastly, Mr. Speaker, the bill says that the secretary shall require a \$50,000 bond and may require a bond in a greater amount. My amendment says that if the amount of the bond required is greater than \$50,000, the secretary shall indicate in writing the reasons for the higher amount and furnish the same to the applicant. Mr. Speaker, I ask for support for the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I understand what the gentleman is trying to do, but I think that it must be pointed out to the members that sales taxes now currently collected under the bill we just passed will have to be paid on the 20th of the month following the month of collection. What we are doing in this legislation is setting up the automobile dealer as a sales tax agent. We are telling him he has to remit his money in 10 days—10 days. The gentleman, Mr. Ritter, would like to make that 3 days. I think that is an undue burden to try to make them report the money almost daily. I admire the process, and we probably would do well if we could get it in, but I do not think it is feasible.

Secondly, I would agree with the gentleman when he takes out the word “may” and puts in the word “shall.” However, what he is doing is he is going to suspend the agent’s sales tax license, his license to sell automobiles, for 30 days temporarily while the jury goes out and decides if he is guilty. I do not know of anything that we do in this jurisprudential action that puts the guy in jail or hangs him before we give him a trial. I would have to oppose the amendment on that basis.

As far as the bond requirement section, that has been removed in that technical amendment I put in before, Mr. Speaker.

I would urge a negative vote on those reasons. Let us get to doing this practically and doing it the way we should start, with a reasonable length of time for reporting, with a reasonable process to determine whether the person is in fact guilty of some violation of the law and should have his sales agency license removed. I would urge a “no” vote.

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

Mr. RITTER. Mr. Speaker, the gentleman is incorrect. We are not asking that the license be suspended while “the jury considers the case.” We are saying that the department must. I am tired of the department having the discretion and not using it. We are saying that the department shall temporarily suspend effective 30 days from the date of the notice. In that 30-day period they have to allow the dealer the opportunity for a hearing, at which point the length of suspension, if any, will be determined. Then if the dealer fails to respond, fails to ask for a hearing, that shall be grounds for a permanent suspension.

Mr. Speaker, I would ask you to read the bill and look at the kinds of violations we are talking about. We are talking about the fly-by-night shady dealers out there who are ripping off our constituents. How in the world can you justify protecting them?

I am not going to give the department the discretion that they may suspend a guy’s license after he commits any one or all seven violations. I am saying the department must notify that dealer that 30 days from the date of this notice you will be suspended for at least 30 days, and that in this 30-day period you have an opportunity to come in and plead your case with us, and if you do not want to come in, then we are going to suspend your license permanently. I do not see anything

wrong with that. That is due process, but it is also getting that department on the stick over there. It is going to take away that discretion. Let them stop playing ball over there and playing games and let them get down to the fact that we have dealers in this Commonwealth who ought to be put out of business, and that is what this amendment seeks to do. It says to those dealers, if you obey the law and you do not break any of those seven conditions, you have nothing to worry about; but if you are going to do that, then we are going to notify you that your license will be suspended at the end of this 30-day period, unless you want to come in and talk to us.

Mr. Speaker, I think it is a good amendment. I think it is one that is long overdue, and I ask for support of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson, for the second time.

Mr. WILSON. Thank you, sir.

Mr. Speaker, I would like to ask the gentleman, Mr. Ritter, a few brief questions, if he would, please.

The SPEAKER pro tempore. The gentleman indicates he consents to be interrogated. The gentleman, Mr. Wilson, may continue.

Mr. WILSON. If I am a dealer, an agent, and I make a sale on a car on Friday and it is Memorial Day weekend, and the 3 days expire and I cannot get to your bank account and do the job in those 3 days, how do we handle that?

Mr. RITTER. Mr. Speaker, that is an excellent point, and that is one of the problems with this entire system. Anybody who is going to sell you an automobile today is required under the law to fill out those papers before you leave that office. That means that the notary work has to be done, that means the sales tax has to be collected, and the fees have to be paid. They are not doing it, and I am saying that they ought to do it. This will say to those people, Ben Wilson is buying a car from Jim Ritter today; I will have those papers notarized; I will accept his money; I will give him a receipt, and if it is Friday night and Monday is going to be Memorial Day, sometime over that weekend, Mr. Speaker, if I am any kind of businessman, I am going to make sure that the money gets to the bank, and all I have to do is stop at the post office or drop that envelope in the mail sometime over that weekend. I do not think that is asking too much. I am trying to protect the guy who is buying that car.

I am tired of having dealers sit on their fanny and have those titles lying in their office for weeks on weeks and never do a thing with them, and then when we try to find out where they are, the dealer says, do not blame me; blame Harrisburg.

The law requires dealers to do certain things, Mr. Speaker. I am simply trying to make sure that they do those things, and if not, then I think we need to get tough with them and tell them, if you do not want to obey the law, then you have to go out of business.

Mr. WILSON. Mr. Speaker, the section of your amendment on page 8, line 27, where you take out the words “may suspend” and you insert the words “shall temporarily suspend,” the question I have is, when you mandatorily suspend the person’s license, in effect he cannot do business, and this takes place while he appeals or asks for a hearing?

Mr. RITTER. No; that is not true, Mr. Speaker.

Mr. WILSON. Or has a hearing?

Mr. RITTER. That is not true, Mr. Speaker.

The department will notify you that you have violated one of those seven conditions. They have sufficient evidence to indicate you have violated one of those seven conditions, and they are notifying you that 30 days from the date of this notice, Mr. Speaker, your license will be suspended by this department. You have an opportunity to come before the department and plead your case, at which time the determination will be made whether or not that license will be suspended for any length of time, if at all, and further, if you fail to respond, fail to ask for that hearing, then at the expiration of that 30-day period, Mr. Speaker, your license will be suspended permanently. But in the meantime you have 30 days. There will be no suspension of your business in that 30-day period, but it is putting you on notice that somewhere in that 30-day period you better come in and plead your case before the department.

Mr. WILSON. Mr. Speaker, I still read on page 8, after you have inserted your language, that the department shall temporarily suspend. You have removed on line 30 the words "after providing opportunity for a hearing," as I see it, and then you say "...any of the following cases,..." so that, as I read it—

Mr. RITTER. No, Mr. Speaker.

Mr. WILSON. Would you let me finish?

Mr. RITTER. You are not reading the amendment, Mr. Speaker.

Mr. WILSON. Well, maybe you could correct me where I am not reading the amendment. I just read it.

Mr. RITTER. On page 2 of the amendment, we are adding and we are inserting before you get to that part subsection (b), which says:

Departmental actions regarding temporary suspensions.—Immediately following notice of the temporary suspension under subsection (a), the department shall provide an opportunity, within the said 30 days, for a hearing to determine the length of the suspension, if any. Failure to respond or request a hearing shall constitute grounds for a permanent suspension.

I am simply telling the department, you are not going to have the discretion; we are not going to let you decide. We are telling you we want that license suspended if these things do not occur. That is all, and that is really all it does.

Mr. WILSON. But I still have a problem. If I go back to your amendment and I am the dealer—in a hypothetical case—and I committed one of those items on page 9 prescribed in here that would make me in violation of this bill, or act if it becomes an act, then your section on page 2 of your amendment says the department shall immediately temporarily suspend my license. Now, I got a notice in the mail; my license is suspended; I have to write them a letter and appeal that temporary suspension, but in the meantime I am suspended.

Mr. RITTER. No, Mr. Speaker. Now, come on. If you get a notice in the mail from the department under present circumstances because you have violated a law, your driving license, it says, is suspended effective, not 30 days ago. It is effective in a certain time in the future, Mr. Speaker. That is

all I am saying here - it is effective. The suspension becomes effective 30 days after the date that the department sends you the notice.

Mr. WILSON. I do not see that here.

Mr. RITTER. That is what the word "effective" means, effective 30 days from the date of the notice. I do not know what is so difficult about that.

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

PARLIAMENTARY INQUIRY

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

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

A point of parliamentary inquiry.

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

Mr. A. C. FOSTER. Is the gentleman, Mr. Ritter's amendment divisible? If it is, I would like to divide it after the final word "three" just prior to "Amend Sec. 4."

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Mrs. Doris Haupt and son John, and Mrs. Nancy Grimes and daughter Amy, who are the guests of Representative Merle Phillips from Northumberland.

CONSIDERATION OF HB 1654 CONTINUED

AMENDMENTS DIVIDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster. Did you accomplish anything with the sidebar conference?

Mr. A. C. FOSTER. I believe so, Mr. Speaker. If the amendment is divisible, I would like to divide the amendment immediately prior to "Amend Sec. 4 (Sec. 1374)." Then on the other side, I would like to divide the amendment after the words "of the Department of State." The substance of these divisions would allow us to vote separately on the 3 days versus 10 days, and vote separately on Mr. Ritter's proposal on suspension, and finally, hopefully to eliminate the final section of Mr. Ritter's amendment which we agree now is not necessary.

The SPEAKER pro tempore. If the Chair understands the gentleman, he wishes to vote on the amendment in three different parts.

Mr. A. C. FOSTER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The first part would be amending sections 1103, 1111, 1113, down to where it says "Amend Sec. 4." That would be the first part.

Mr. A. C. FOSTER. That would be correct, Mr. Speaker.

The SPEAKER pro tempore. The second part then would be that part of the amendment starting with section 1374, continuing over onto the second page where it says "Amend Sec. 6." That would be the second part of the amendment.

Mr. A. C. FOSTER. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The third part of the amendment would be section 7502 under section 6.

Mr. A. C. FOSTER. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The Chair agrees that the amendment is divisible at this time.

Mr. A. C. FOSTER. I would like to speak briefly on the division.

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

The question now to which the gentleman wishes to speak is on the first part of the amendment.

Mr. A. C. FOSTER. Yes, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what reason does the gentleman from Bucks, Mr. Wilson, rise?

Mr. WILSON. Parliamentary inquiry, Mr. Speaker.

Which part of the amendment are we now going to deal with?

The SPEAKER pro tempore. We are dealing with the first part of the amendment that pertains to sections 1103, 1111, 1113, down to the next sentence which says "Amend Sec. 4." We are dealing with that part of the amendment.

The gentleman from York, Mr. Foster, may continue.

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

I agree with what the gentleman, Mr. Ritter, is doing with respect to suspension, and I am sympathetic to what he is doing with respect to requiring dealers to remit promptly the sales tax revenue and applications; I am just fearful that 3 days is too short a period of time. Like Mr. Ritter, I am sick and tired of dealers sitting on applications and then having constituents call me on the premise that PennDOT (Pennsylvania Department of Transportation) is delaying the work. I do feel though that 3 days is a bit too short. I will be happy if they indeed send them in within the prescribed 10-day period. The abuse that I am concerned with is where they sit on them for 40 and 50 days and then send them in just prior to the expiry of the temp tag.

I think 10 days is adequate as the gentleman, Mr. Wilson, said, and I would oppose the portion of the Ritter amendment which requires remission within 3 days. I would ask for a negative vote on that portion of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I would remind the members—I know this is a little complicated at first—to vote "no" on this first section. This is the section that requires the money be remitted in 3 days.

PART I OF AMENDMENTS WITHDRAWN

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

Mr. RITTER. I kind of feel that maybe it is an idea that is a little bit ahead of its time, so reluctantly I am going to with-

draw that portion of the amendment, but I would certainly hope that the department, if they are listening, is going to get on the ball and start requiring dealers to do what it is they are supposed to do right now. So I will withdraw that first portion of the amendment, Mr. Speaker, but as I said, I am certainly going to keep an eye on them and I may very well offer it at some later date.

The SPEAKER pro tempore. The Chair understands the gentleman is withdrawing the first part of the amendment as it was divided. Is that correct?

Mr. RITTER. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The question recurs then on the second part of the amendments.

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

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

I rise to support the second section of the gentleman from Lehigh, Mr. Ritter's amendment. I think it is not at all inappropriate for the department to take precisely that action to send out a letter advising a dealer that they will be suspended within 30 days unless they clear themselves of certain charges placed against them. And during that 30-day period they will indeed have such a hearing, and if they are cleared, the suspension would not be effectuated; and if they are guilty, the suspension would then become mandatory. I think that is a reasonable approach, and in fact, Mr. Speaker, it is precisely what they do with operators' licenses at this point. If you as an individual operator are in violation, you are advised that you will be suspended within a 30-day period unless you respond to a departmental letter. I rise to support this section of the Ritter amendment and ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I agree to the second part of the amendments and urge a positive vote.

The SPEAKER pro tempore. The question recurs, will the House agree to the second part of the amendments, that part of the amendments which says "shall temporarily suspend, effective 30 days from date of notice, vehicle business or." The part which I just cited is that part of section 4, section 1374. There are nine paragraphs that deal with that section.

On the question,

Will the House agree to Part II of the amendments?

The following roll call was recorded:

YEAS—182

Alden	Dorr	Lloyd	Saurman
Anderson	Duffy	Lucyk	Serafini
Armstrong	Durham	McClatchy	Seventy
Arty	Evans	McMonagle	Showers
Barber	Fee	McVerry	Shupnik
Belardi	Fischer	Mackowski	Sieminski
Belfanti	Fleck	Madigan	Sirianni
Beloff	Foster, W. W.	Manmiller	Smith, B.
Berson	Foster, Jr., A.	Marmion	Smith, E. H.
Bittle	Fryer	Merry	Smith, L. E.
Blaum	Gallagher	Michlovic	Snyder
Borski	Gallen	Micozzie	Spencer
Bowser	Gamble	Miller	Spitz
Boyes	Gannon	Miscevich	Stairs
Brandt	Geist	Moehlmann	Steighner

Brown	George	Morris	Stevens
Burd	Gladeck	Mowery	Stewart
Burns	Grabowski	Mrkonic	Stuban
Caltagirone	Greenfield	Mullen	Swaim
Cappabianca	Greenwood	Murphy	Sweet
Cawley	Grieco	Noye	Swift
Cessar	Gruppo	O'Donnell	Taddonio
Cimini	Hagarty	Olasz	Taylor, E. Z.
Civera	Haluska	Oliver	Taylor, F. E.
Clark	Harper	Pendleton	Telek
Clymer	Hasay	Perzel	Tigue
Cochran	Hayes	Peterson	Trello
Cohen	Heiser	Petrarca	Van Horne
Colafella	Hoeffel	Petrone	Vroon
Cole	Honaman	Phillips	Wachob
Cordisco	Horgos	Piccola	Wambach
Cornell	Irvis	Pievsky	Wargo
Coslett	Itkin	Pistella	Wass
Cowell	Jackson	Pitts	Wenger
Cunningham	Johnson	Pott	Weston
DeMedio	Kennedy	Pratt	Wiggins
DeVerter	Klingaman	Pucciarelli	Williams, H.
DeWeese	Kowalshyn	Punt	Wilson
Daikeler	Kukovich	Rappaport	Wogan
Davies	Lashinger	Rasco	Wozniak
Dawida	Lehr	Reber	Wright, D. R.
Deal	Lescovitz	Richardson	Wright, J. L.
Dietz	Letterman	Rieger	Zwinkl
Dininni	Levi	Ritter	
Dombrowski	Levin	Rocks	Ryan,
Donatucci	Livengood	Rybak	Speaker

NAYS—4

Fargo	Gruitza	Hutchinson, A.	Laughlin
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NOT VOTING—9

Emerson	Kolter	Maiale	Williams, J. D.
Gray	McIntyre	Nahill	Wright, R. C.
Kanuck			

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

PART III OF AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. Now the third part of the amendments.

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

Mr. RITTER. Mr. Speaker, I withdraw the last portion of the amendment. It has apparently been put in by one of Mr. Wilson's earlier amendments.

The SPEAKER pro tempore. The gentleman, Mr. Ritter, withdraws the third part of the amendments. The Chair thanks the gentleman.

On the question,

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

Bill as amended was agreed to.

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

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

YEAS—186

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

NAYS—4

Fargo	Gruitza	Hasay	Laughlin
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NOT VOTING—5

Emerson	Kanuck	McIntyre	Maiale
Gray			

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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 1655, PN 2139**, entitled:

An Act amending the "Motor Vehicle Manufacturer's, Dealer's and Salesmen's License Act," approved September 9, 1965 (P. L. 499, No. 254), further providing for the powers and duties of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

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

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson, for amendments.

PARLIAMENTARY INQUIRY

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. **WILSON**. Mr. Speaker, point of parliamentary inquiry on the amendment.

The amendment was offered back in, I believe, November or December, and then this bill and the amendment were tabled. We had submitted the original copies of the amendment and the amendment had been circulated. I wonder about the protocol on the handling of that matter. We do not have the original; we did hand it in at that time.

The **SPEAKER** pro tempore. In answer to the gentleman's question, the bill was tabled on November 9; there were no amendments tabled with it; there is nothing in the record to show that there were any amendments with it at that time. So the gentleman's amendments may be offered at the present time.

Mr. **WILSON**. Well, I do not know what to tell the Speaker. We do have a copy of the amendments; they have been circulated; they are on the desks; 11/9 was the date, and it was submitted. May I ask for a brief recess to talk to the Chair?

The **SPEAKER** pro tempore. The House will be at ease.

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

Mr. **RITTER** offered the following amendment No. A4475:

Amend Sec. 1 (Sec. 5), page 2, line 4, by inserting brackets before and after "have the power to"

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

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

Mr. **RITTER**. Mr. Speaker, again, I think this is an agreed-to amendment, but what it does is it once again takes away the discretion of the department in terms of suspensions, that under certain conditions after the due process and the hearing procedure, the department shall suspend for violations of four or five enumerated areas. I would ask for support for the amendment.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. **WILSON**. Mr. Speaker, I agree to this amendment and urge a positive vote.

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

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—5

Beloff	Gray	McIntyre	Mullen
Emerson			

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

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

Mr. WILSON offered the following amendment No. A4426:

Amend Sec. 2, page 2, line 24, by striking out "January" and inserting

July

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, this amendment simply on page 2, line 24, changes the effective date from January 1, 1982, which has already gone, to July 1, 1982. I would urge its adoption.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—188

Alden	Evans	Lloyd	Saurman
Anderson	Fargo	Lucyk	Serafini
Armstrong	Fee	McClatchy	Seventy
Barber	Fischer	McMonagle	Showers
Belardi	Fleck	McVerry	Shupnik
Belfanti	Foster, W. W.	Mackowski	Sieminski
Beloff	Foster, Jr., A.	Madigan	Sirianni
Berson	Fryer	Maiale	Smith, B.
Bittle	Gallagher	Manmiller	Smith, E. H.
Blaum	Gallen	Marmion	Smith, L. E.
Borski	Gamble	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
Caltagirone	Grieco	Mowery	Suban
Cappabianca	Gruitza	Mrkonic	Swaim
Cawley	Gruppo	Murphy	Sweet
Cessar	Hagarty	Nahill	Swift
Cimini	Haluska	Noye	Taddonio
Civera	Harper	O'Donnell	Taylor, E. Z.
Clark	Hasay	Olasz	Taylor, F. E.
Clymer	Hayes	Oliver	Telek
Cochran	Heiser	Pendleton	Tigue
Cohen	Hoeffel	Perzel	Trello
Colafella	Honaman	Peterson	Van Horne
Cole	Horgos	Petrarca	Vroon
Cordisco	Hutchinson, A.	Petrone	Wachob
Coslett	Irviss	Phillips	Wambach
Cowell	Itkin	Piccola	Wargo
Cunningham	Jackson	Pievsky	Wass
DeMedio	Johnson	Pistella	Wenger
DeVerter	Kanuck	Pitts	Weston
DeWeese	Kennedy	Pott	Wiggins
Daikeler	Klingaman	Pratt	Williams, H.
Davies	Kolter	Pucciarelli	Williams, J. D.
Dawida	Kowalyszyn	Punt	Wilson
Deal	Kukovich	Rappaport	Wogan
Dietz	Lashinger	Rasco	Wozniak
Dininni	Laughlin	Reber	Wright, D. R.
Dombrowski	Lehr	Richardson	Wright, J. L.
Donatucci	Lescovitz	Rieger	Zwinkl
Dorr	Letterman	Ritter	
Duffy	Levi	Roeks	Ryan,
Durham	Levin	Rybak	Speaker
Emerson	Livengood		

NAYS—1

Cornell

NOT VOTING—6

Arty	Gray	Mullen	Wright, R. C.
Gannon	McIntyre		

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

The question was determined in the affirmative, and the amendment was 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 pro tempore. 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—190

Alden	Emerson	Livengood	Rybak
Anderson	Evans	Lloyd	Saurman
Armstrong	Fargo	Lucyk	Serafini
Arty	Fee	McClatchy	Seventy
Barber	Fischer	McMonagle	Showers
Belardi	Fleck	McVerry	Shupnik
Belfanti	Foster, W. W.	Mackowski	Sieminski
Berson	Foster, Jr., A.	Madigan	Sirianni
Bittle	Fryer	Maiale	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
Caltagirone	Greenfield	Morris	Stewart
Cappabianca	Greenwood	Mowery	Suban
Cawley	Grieco	Mrkonic	Swaim
Cessar	Gruitza	Mullen	Sweet
Cimini	Gruppo	Murphy	Swift
Civera	Hagarty	Nahill	Taddonio
Clark	Haluska	Noye	Taylor, E. Z.
Clymer	Harper	O'Donnell	Taylor, F. E.
Cochran	Hasay	Olasz	Telek
Cohen	Hayes	Oliver	Tigue
Colafella	Heiser	Pendleton	Trello
Cole	Hoeffel	Perzel	Van Horne
Cordisco	Honaman	Peterson	Vroon
Cornell	Horgos	Petrarca	Wachob
Coslett	Hutchinson, A.	Petrone	Wambach
Cowell	Irviss	Phillips	Wargo
Cunningham	Itkin	Piccola	Wass
DeMedio	Jackson	Pievsky	Wenger
DeVerter	Johnson	Pistella	Weston
DeWeese	Kanuck	Pitts	Wiggins
Daikeler	Kennedy	Pott	Williams, H.
Davies	Klingaman	Pratt	Wilson
Dawida	Kolter	Pucciarelli	Wogan
Deal	Kowalyszyn	Punt	Wozniak
Dietz	Kukovich	Rappaport	Wright, D. R.
Dininni	Lashinger	Rasco	Wright, J. L.
Dombrowski	Laughlin	Reber	Wright, R. C.
Donatucci	Lehr	Richardson	Zwinkl
Dorr	Lescovitz	Rieger	
Duffy	Letterman	Ritter	Ryan,

Durham	Levi	Rocks	Speaker
NAYS—0			
NOT VOTING—5			
Beloff	Levin	McIntyre	Williams, J. D.
Gray			
EXCUSED—5			
Frazier	Lewis	Manderino	Salvatore
Freind			

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 1656, PN 2140**, entitled:

An Act amending the "Motor Vehicle Sales Finance Act," approved June 28, 1947 (P. L. 1110, No. 476), providing for additional unlawful acts and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. RITTER offered the following amendment No. A4474:

Amend Sec. 1 (Sec. 10), page 2, line 6, by inserting brackets before and after "may" and inserting immediately thereafter shall

On the question,

Will the House agree to the amendment?

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

Mr. RITTER. Mr. Speaker, again this takes away the discretion and changes the word "may" to "shall" suspend. I would ask for support for the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I urge an affirmative vote on the Ritter amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

Alden	Emerson	Lloyd	Saurman
Anderson	Evans	Lucyk	Serafini
Armstrong	Fargo	McClatchy	Seventy
Arty	Fee	McMonagle	Showers
Barber	Fischer	McVerry	Shupnik
Belardi	Fleck	Mackowski	Sieminski
Belfanti	Foster, W. W.	Madigan	Sirianni
Beloff	Foster, Jr., A.	Maiale	Smith, B.
Berson	Fryer	Manmiller	Smith, E. H.
Bittle	Gallagher	Marmion	Smith, L. E.
Blaum	Gallen	Merry	Spencer
Borski	Gamble	Michlovic	Spitzer
Bowser	Gannon	Micozzie	Stairs
Boyes	Geist	Miller	Steighner
Brandt	George	Miscevich	Stevens
Brown	Gladeck	Moehlmann	Stewart
Burd	Grabowski	Morris	Stuban
Burns	Greenfield	Mowery	Swaim
Caltagirone	Greenwood	Mrkonic	

Cappabianca	Grieco	Mullen	Sweet
Cawley	Gruitza	Murphy	Swift
Cessar	Gruppo	Nahill	Taddonio
Cimini	Hagarty	Noye	Taylor, E. Z.
Civera	Haluska	O'Donnell	Taylor, F. E.
Clark	Harper	Olasz	Telek
Clymer	Hayes	Oliver	Tigue
Cochran	Heiser	Pendleton	Trello
Cohen	Hoeffel	Perzel	Van Horne
Colafella	Honaman	Peterson	Vroon
Cole	Horgos	Petrarca	Wachob
Cordisco	Hutchinson, A.	Petrone	Wambach
Cornell	Irvis	Phillips	Wargo
Coslett	Itkin	Piccola	Wass
Cowell	Jackson	Pievsky	Wenger
Cunningham	Johnson	Pistella	Weston
DeMedio	Kanuck	Pitts	Wiggins
DeVertter	Kennedy	Pott	Williams, H.
DeWeese	Klingaman	Pratt	Williams, J. D.
Daikeler	Kolter	Pucciarelli	Wilson
Davies	Kowalshyn	Punt	Wogan
Dawida	Kukovich	Rappaport	Wozniak
Deal	Lashinger	Rasco	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Richardson	Wright, R. C.
Dombrowski	Letterman	Rieger	Zwinkl
Donatucci	Levi	Ritter	
Dorr	Levin	Rocks	Ryan,
Duffy	Livengood	Rybak	Speaker
Durham			

NAYS—2

Hasay Laughlin

NOT VOTING—2

Gray McIntyre

EXCUSED—5

Frazier Lewis Manderino Salvatore
Freind

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

On the question,

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

Mr. WILSON offered the following amendment No. A4425:

Amend Sec. 2, page 2, line 19, by striking out "January" and inserting July

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, this amendment does the same as we did to HB 1655; it changes the effective date from January 1, 1982, to July 1, 1982. I would urge an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Alden	Emerson	Lloyd	Saurman
Anderson	Evans	Lucyk	Serafini
Armstrong	Fargo	McClatchy	Seventy
Arty	Fee	McMonagle	Showers

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

NAYS—0

NOT VOTING—3

Gamble	Gray	McIntyre	
Frazier	Lewis	Manderino	Salvatore
Freind			

EXCUSED—5

The question was determined in the affirmative, and the amendment was 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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—189

Alden	Durham	Livengood	Saurman
Anderson	Emerson	Lloyd	Serafini
Armstrong	Evans	Lucyk	Seventy
Arty	Fargo	McClatchy	Showers

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

NAYS—2

George	Wenger		

NOT VOTING—4

Gallagher	Gray	McIntyre	Mullen
Frazier	Lewis	Manderino	Salvatore
Freind			

EXCUSED—5

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 1658, PN 2141**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), making further provision for collection of tax on vehicles.

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

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

Mr. RITTER. Mr. Speaker, I am going to withdraw the amendments. I was going to offer them simply for the record, but I will withdraw the amendments. But Mr. Speaker, if I may just have leave for one minute.

The SPEAKER pro tempore. The gentleman is in order and may continue.

Mr. RITTER. Mr. Speaker, what the amendments would have done would have been to establish a bank account, that the department would open up a bank account in a bank that could be determined by the applicant for the sales tax license, and that applicant would then have been required to make deposits on a 3-day basis and they would immediately be credited to the Commonwealth. This Commonwealth would then realize the interest that those moneys would generate.

Mr. Speaker, the estimates are if we could do this for anyone who collects sales tax in an amount over \$1,000 or something a month, that this Commonwealth could realize approximately \$30,000,000 a year in interest. But, Mr. Speaker, since this bill only affects automobile dealers and does not affect the big retailers or anyone else, I am going to withdraw the amendment, but I would really ask that the administration take a good look at this concept. There are a lot of small business people in this Commonwealth who are depositing that money on a daily basis and they are living off the interest that they are collecting, which really ought to come to the credit of this Commonwealth. So, Mr. Speaker, I will withdraw the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. WILSON offered the following amendments No. A4214:

Amend Sec. 4 (Sec. 237), page 4, line 10, by inserting a bracket before "The"

Amend Sec. 4 (Sec. 237), page 4, line 11, by inserting a bracket after "Code" and inserting immediately thereafter the act of July 25, 1977 (P.L. 95, No. 35), known as the "Mobile Home Titling Act"

Amend Sec. 4 (Sec. 238), page 6, line 19, by inserting after "VEHICLES)"

or by the act of July 25, 1977 (P.L. 95, No. 35), known as the "Mobile Home Titling Act"

Amend Sec. 4 (Sec. 238), page 6, line 29, by striking out "OR" and inserting

and

Amend Sec. 4 (Sec. 238), page 7, line 26, by inserting after "PAYMENT"

to such a tax collector

Amend Sec. 4 (Sec. 238), page 8, lines 12 and 13, by striking out "CREDIT AND APPLY AGAINST THE TAX A DISCOUNT" and inserting

a commission

Amend Sec. 6, page 10, line 22, by striking out "January" and inserting July

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, this is generally a technical amendment. It also changes the effective date from January 1, 1982, to July 1, 1982, and it further defines the Mobile Home Titling Act. I would urge an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—2

Gray McIntyre

EXCUSED—5

Frazier Lewis Manderino Salvatore
Freind

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 pro tempore. 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 Mercer, Mr. Fargo.

Mr. FARGO. Mr. Speaker, would the gentleman, Mr. Wilson, stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman, Mr. Fargo, may continue.

Mr. FARGO. Mr. Speaker, I favor the concept of paying for services rendered as far as allowing a 1/2-percent commission for merchants who collect this tax, but I would like to know if there has been a fiscal note on this as to just what this is going to cause in a reduction in income to the Pennsylvania Department of Revenue.

Mr. WILSON. The total estimate we have is \$2 1/2 million per year.

Mr. FARGO. Is that \$2 1/2 million?

Mr. WILSON. Yes.

Mr. FARGO. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—187

Alden	Evans	Livengood	Rybak
Anderson	Fargo	Lloyd	Saurman
Armstrong	Fee	Lucyk	Serafini
Arty	Fischer	McClatchy	Seventy
Barber	Fleck	McMonagle	Showers
Belardi	Foster, W. W.	McVerry	Shupnik
Belfanti	Foster, Jr., A.	Mackowski	Sieminski
Beloff	Gallagher	Madigan	Sirianni
Bittle	Gallen	Maiale	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	Stevens
Burns	Greenwood	Moehlmann	Stewart
Caltagirone	Grieco	Morris	Stuban
Cappabianca	Gruitza	Mowery	Swaim
Cessar	Gruppo	Mrkonic	Sweet
Cimini	Hagarty	Mullen	Swift
Civera	Haluska	Murphy	Taddonio
Clark	Harper	Nahill	Taylor, E. Z.
Clymer	Hasay	Noye	Taylor, F. E.
Cochran	Hayes	O'Donnell	Telek
Cohen	Heiser	Olasz	Trello
Colafella	Hoefel	Oliver	Van Horne
Cole	Honaman	Pendleton	Vroon
Cordisco	Horgos	Perzel	Wachob
Cornell	Hutchinson, A.	Peterson	Wambach
Coslett	Irvis	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Cunningham	Jackson	Phillips	Wenger
DeMedio	Johnson	Piccola	Weston
DeVerter	Kanuck	Pievsky	Wiggins

DeWeese	Kennedy	Pistella	Williams, H.
Daikeler	Klingaman	Pitts	Williams, J. D.
Davies	Kolter	Pott	Wilson
Dawida	Kowalshyn	Pratt	Wogan
Deal	Kukovich	Pucciarelli	Wozniak
Dictz	Lashinger	Punt	Wright, D. R.
Dininni	Laughlin	Rasco	Wright, J. L.
Dombrowski	Lehr	Reber	Wright, R. C.
Donatucci	Lescovitz	Richardson	Zwikl
Dorr	Letterman	Rieger	
Duffy	Levi	Ritter	Ryan,
Durham	Levin	Rocks	Speaker
Emerson			

NAYS—5

Cawley	Rappaport	Steighner	Tigue
Fryer			

NOT VOTING—3

Berson	Gray	McIntyre
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EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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 1651, PN 1930**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), redefining the word "taxpayer"; providing for the suspension or revocation of licenses; changing certain filing dates and further providing for refunds.

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

Mr. WILSON offered the following amendments No. A5932:

Amend Sec. 3 (Sec. 253), page 4, lines 19 through 26, by striking out "If the" in line 19, all of lines 20 through 25 and "such petition." in line 26

Amend Sec. 5, page 6, lines 2 and 3, by striking out "1981, or if" in line 2, and all of line 3, and inserting 1982.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, this is again a technical amendment changing the effective date from 1981 to 1982, to bring it up to date a little bit.

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

The following roll call was recorded:

YEAS—190

Alden	Emerson	Lloyd	Saurman
Anderson	Evans	Lucyk	Serafini
Armstrong	Fargo	McClatchy	Seventy
Arty	Fee	McMonagle	Showers
Barber	Fischer	McVerry	Shupnik

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

NAYS—0

NOT VOTING—5

Belfanti	Hutchinson, A.	Livengood	McIntyre
Gray			

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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. POTT offered the following amendments No. A5958:

Amend Title, page 1, line 12, by striking out "and" and inserting a semicolon

Amend Title, page 1, line 12, by removing the period after "refunds" and inserting

; and for the prepayment of tax.

Amend Sec. 3, page 2, line 16, by striking out "Section 217" and inserting

Sections 217, 247

Amend Bill, page 4, by inserting between lines 12 and 13

Section 247. Prepayment of Tax.—[Whenever a] If any sale subject to tax pursuant to this article is wholly or partly on credit or if the vendor is forbidden by law or governmental regulation to

charge and collect the purchase price in advance of or at the time of delivery, the vendor shall prepay the tax as required by section 222 of this article, but in [such] either case if [the purchaser shall fail to pay to the vendor the total amount of the purchase price and the tax, and such amount is written off as uncollectible by the vendor, the vendor shall not be liable for such tax and shall be entitled to a credit or refund of such tax paid.] any portion of the purchase price of a sale subject to tax pursuant to this article is written off as uncollectible, the vendor shall be entitled within 3 years of the date the amount was written off to a credit which may be claimed on the vendor's regular returns, or a refund which may be filed pursuant to section 252 (other than the provisions of section 253 relating to the time for filing the petition) of this article, in an amount equal to the tax previously paid and remitted to the Commonwealth on that portion of the purchase price written off. If the purchase price is thereafter collected, in whole or in part, the tax attributable to the amount collected shall be [first applied to the payment of the entire tax portion of the bill, and shall be] remitted to the department by the vendor with the first return filed after such collection. [For any tax prepaid prior to the effective date of this article, credit may be claimed on any returns filed for the periods prior to the effective date of this article. Tax prepaid after the effective date of this article shall be subject to refund upon petition to the department under the provisions of section 252 of this article, filed within one hundred five days of the close of the fiscal year in which such accounts are written off.]

Amend Bill, page 6, lines 2 and 3, by striking out both of said lines and inserting

Section 5. (a) Except for the amendment to section 247, this act shall take effect July 1, 1982.

(b) The amendment to section 247 shall take effect July 1, 1983.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pott.

Mr. POTT. Thank you, Mr. Speaker.

This is amendment A5958. It is designed to permit vendors to reduce their sales tax liability by the amounts of bad debts which may be written off. Current law does not permit a recoup of a sales tax if a vendor is required to write off a bad debt. This merely provides equity. If a vendor cannot collect a sales tax from a customer and has to write off the bad debt, then the sales tax liability by the State is also forgiven.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I support the Pott amendment and urge an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

We also encourage an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

Alden	Emerson	Livengood	Saurman
Anderson	Evans	Lloyd	Serafini
Armstrong	Fargo	Lucyk	Seventy
Arty	Fee	McClatchy	Showers
Barber	Fischer	McMonagle	Shupnik
Belardi	Fleck	McVerry	Sieminski

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

NAYS—0

NOT VOTING—3

Gray	McIntyre	Olasz
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EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

On the question recurring,

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

Mr. POTT offered the following amendment No. A5965:

Amend Sec. 3 (Sec. 217), page 3, line 9, by inserting after "following]"
, except that where the final tax liability cannot be determined by the tenth day of the month succeeding the month with respect to which the return is made, an estimated return may be filed on or before the tenth day of the month succeeding the month with respect to which the return is made based on payment of not less than one hundred per cent of the tax liability for the same calendar month of the preceding year with respect to which the return is made and the final return shall be filed on or before the twenty-fifth day of the month succeeding the month with respect to which the return is made. No penalty or interest for any understatement of the tax liability shall be charged if this estimated tax

return procedure is utilized and the taxpayer shall not be entitled to any commissions as provided in section 227 of this act for amounts remitted after the tenth of the month

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pott.

Mr. POTT. Thank you, Mr. Speaker.

As drafted, the legislation provides for a speedup in the collection of the Pennsylvania sales tax. There are some organizations around the Commonwealth who have come to members of the General Assembly with complaints that it is entirely too fast on the speedup and their accounting system does not provide that rapid of an accumulation of sales tax data so that they are able to report as rapidly as required by the bill.

The amendment which I am offering is designed to speed up even further the cash flow, but to address some of the needs and concerns of those people with nonmechanized accounting systems.

What the amendment does is, if the 20th date cannot be met or the vendor does not intend to meet the 20th date, he is required to pay 100 percent of last year's sales tax liability for the comparable month on the 10th day of the month—not the 20th—the 10th day of the month with a final reconciliation due on the 25th day of the month.

I think the amendment is designed to speed up cash flow and is designed to address some of the concerns of those smaller businesses that do not have mechanized accounting systems. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

I am going to ask for a negative vote on this amendment.

You know, when we debated this bill in committee, we talked for several hours on trying to speed it up to 15 days, and I guess by mutual agreement we came up with 20 days. Now what the maker of the amendment is asking us to do is to grant these people an additional 5 days. I realize that he is asking for the initial payment to be made within 10 days, but then he is giving them an additional 5 days at the tail end.

Some of these sales taxes involve a lot of money, and what is going to happen is these people are all going to use Mr. Pott's amendment to take the full 25 days. If last year your sales were real low and you filed a low return and this year your sales are real high, you are going to take that extra 5 days to gather interest on this money and use this money any way you want to for that additional 5 days. I am going to ask for a negative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

Alden	Fee	McClatchy	Sieminski
Anderson	Fischer	McVerry	Sirianni
Arty	Fleck	Mackowski	Smith, B.
Belardi	Foster, W. W.	Madigan	Smith, E. H.
Bittle	Foster, Jr., A.	Manmiller	Smith, L. E.

Boyes	Gallen	Marmion	Snyder
Brandt	Gannon	Merry	Spencer
Burd	George	Micozzie	Spitz
Cessar	Gladeck	Miller	Stairs
Cimini	Greenfield	Moehlmann	Stevens
Civera	Greenwood	Mowery	Swift
Cochran	Grieco	Nahill	Taddonio
Cornell	Gruppo	Noye	Taylor, E. Z.
Coslett	Hagarty	Perzel	Telek
Cunningham	Hasay	Peterson	Vroon
DeMedio	Hayes	Phillips	Wenger
DeVerter	Heiser	Piccola	Weston
Daikeler	Honaman	Pitts	Wilson
Davies	Jackson	Pott	Wogan
Dietz	Johnson	Punt	Wright, J. L.
Dininni	Kennedy	Rasco	Wright, R. C.
Dorr	Klingaman	Reber	
Durham	Lehr	Saurman	Ryan,
Fargo	Levi	Serafini	Speaker

NAYS—95

Armstrong	Emerson	Lucyk	Rocks
Barber	Evans	McIntyre	Rybak
Belfanti	Fryer	McMonagle	Seventy
Blaum	Gallagher	Maiale	Showers
Borski	Gamble	Michlovic	Shupnik
Bowser	Grabowski	Miscevich	Steighner
Brown	Gray	Morris	Stewart
Burns	Gruitza	Mrkonic	Stuban
Caltagirone	Haluska	Mullen	Swaim
Cappabianca	Harper	Murphy	Sweet
Cawley	Hoeffel	O'Donnell	Taylor, F. E.
Clark	Horgos	Olasz	Tigue
Clymer	Hutchinson, A.	Oliver	Trello
Cohen	Irvis	Pendleton	Van Horne
Colafella	Itkin	Ptrarca	Wachob
Cole	Kolter	Petrone	Wambach
Cordisco	Kowalyshyn	Pievsy	Wargo
Cowell	Kukovich	Pistella	Wass
DeWeese	Lashingner	Pratt	Wiggins
Dawida	Laughlin	Pucciarelli	Williams, H.
Deal	Lescovitz	Rappaport	Wozniak
Dombrowski	Letterman	Richardson	Wright, D. R.
Donatucci	Livengood	Rieger	Zwinkl
Duffy	Lloyd	Ritter	

NOT VOTING—6

Beloff	Geist	Levin	Williams, J. D.
Berson	Kanuck		

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

On the question recurring,

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

Mr. FARGO offered the following amendments No. A4307:

Amend Title, page 1, lines 10 and 11, by striking out "providing for the suspension or revocation of licenses;"

Amend Bill, page 2, lines 4 through 15, by striking out all of said lines

Amend Sec. 3, page 2, line 16, by striking out "3" and inserting

2

Amend Sec. 3 (Sec. 217), page 2, line 22, by striking out the bracket before "last"

Amend Sec. 3 (Sec. 217), page 2, line 22, by striking out "twentieth"

Amend Sec. 3 (Sec. 217), page 3, line 3, by striking out "twentieth" and inserting

last business

Amend Sec. 3 (Sec. 217), page 3, line 11, by striking out the bracket before "(3)"

Amend Sec. 3 (Sec. 217), page 3, line 18, by striking out the bracket after "June."

Amend Sec. 4, page 5, line 27, by striking out "4" and inserting

3

Amend Sec. 5, page 6, line 2, by striking out "5" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

This amendment proposes to make two changes in HB 1651 which I feel are necessary to protect what I consider to be the biggest economic asset that Pennsylvania has, and that is their small businesses.

The first part of this amendment removes the language which would make it possible for the Department of Revenue to revoke the sales tax license of a merchant as it states in the bill for cause. This legislature many years ago enacted a sales tax to assist in paying for the State's operations. They decided at that time that the merchants should collect these sales taxes. For many of these merchants and especially for our small businesses, sales tax not only increases the selling price of the product but adds many unwelcome costs of collection and inconveniences of recordkeeping and government auditing. Included in that original legislation is a collection procedure which requires penalties, and they are backed by due process of law.

Now this bill proposes to give the department of our government the right to revoke that license to collect these taxes. I guess what I am asking is, what is the alternative? The merchant must fall if his license is revoked. Well, I asked one of the people in the reference section who had something to do with coming up with this bill, HB 1651, and his answer was, well, he can move his business to another State. Well, that is exactly what I do not want to happen. I acknowledge that there are collection problems with this tax. If it is felt that the revocation of a license to collect this tax is necessary, we have on the House calendar right now HB 182, which not only does this but also addresses the procedural problems of notification, hearings, penalties, and so forth, and HB 1651 does not do that.

The second part of this amendment would extend the filing date and the payment date to the 30th of the month following the month of collection of these taxes. Right now HB 1651 suggests that this be collected on the 20th of the month. Presently, under the present law, anyone filing these returns on a monthly basis can wait for 45 days. My amendment would move this up 15 days, from 45 days to 30 days. This bill cuts it in half and moves it from 45 days up to the 20th of the month.

As a public accountant, I have worked for the past 20 years with small business, and I recognize many of their problems.

One of the major problems is that of complying with the deadlines that are imposed by our government. I know that many small businesses are not able to close their books in the month until well past the halfway mark of that month. I also know that many of the really small businesses rely on outside bookkeeping firms to prepare their government forms, and this complicates and slows down the matter.

Under present regulations, in May of each year the merchants do have just 20 days in which to remit their taxes, and if you check with the Department of Revenue, you are going to find that it bears out the fact that there are many, many delinquencies at that particular time, which proves that it is a difficult problem for these small businesses.

I believe one should give every possible consideration to the problems of small business, and I respectfully submit that a vote against this amendment is a vote against Pennsylvania small business. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I must oppose this amendment. *It really destroys the intent of the entire bill.*

The collection of the sales tax in the Commonwealth of Pennsylvania is one of the worst records in the United States. Why? Simply, there is no penalty. We are putting in here a penalty to allow the department to remove their license to collect sales tax if in fact they are not sending it in on time.

We are collecting taxes, and I have a sheet here in front of me that shows the time of remission of these taxes. We give everybody the longest time in the United States to send their money in. Now, if you went out and you know what interest rates are today and how much you have to pay for money, you know what that is worth to the Commonwealth by letting that money out there in the flow, out there in the tube. That is what we are doing.

Currently we are collecting or requiring our money to be sent in on the 15th of the second month following the month of collection. That is 45 to 75 days they have our money. In this proposal we are saying you must remit the money on the 20th day of the month following the month of collection. It is entirely fair. We have met with all of industry and everybody under the sun, and they all agree that this is fair. They do not like to give up that money they have been holding of ours, but they would agree to this bill. I would urge a strong rejection of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

For the same reason I have stated on Mr. Pott's amendment, I think this one just goes a little further. I am going to ask for a negative vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Mr. Speaker, if we go back and try to analyze what we are asking the merchants and especially the small business merchants to do— If you just stop and think about whenever you go to the supermarket and buy a lot of grocery items and buy a few items that are taxable, that particular

merchant has to determine which ones are taxable—whenever you come up to check out—and make a computation of 6 percent on these taxable items and keep track of that for you entirely. Then whenever the time comes to actually remit this money and make sure that these things are all proven, at the same time of doing all these kinds of problems for the State, we are saying to them that you have got to speed up your process, *if you are a small business, and get everything ready by the 15th of the month to get that information in to us accurately by the 20th.*

Now, so far today I have also heard bill after bill passed that forces the small businessman and says to them, if you do not do these things—these five, six, seven, or eight things—that we are telling you to do, you are going to be penalized, and not for a small amount. We were not satisfied with \$50. In case someone sends in sales tax incorrectly on a car sale, we are going to increase it to \$100. We are not satisfied; we are going to make it mandatory. We are going to send them an automatic notice that they have their license suspended.

We are not taking into consideration the problems of the small businessman, and to give them 10 more days to the 30th of the month, which is when they do most of their accounting—that is when every other report has to be in, and that is when the report has to be in for your social securities that you have collected from your employers—that is the time that the small businessman is prepared to do this kind of thing. All we are asking here is 10 more days. To cut it back from that 45 days that we permitted them to 20 days is quite a cut. We are going back over half of that time. Sure they are using the money for a small period of time, but they are certainly paying for the use of that money. The 1-percent commission we give them is negligible.

I would support and hope that you will support this amendment for the small businesses.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Swift.

Mr. SWIFT. Thank you, Mr. Speaker.

I rise to urge my colleagues to support the Fargo amendment. I think Representative Fargo is on a very, very good point here. We have to realize that these businessmen have collected the taxes. *They are due the State. However, it is like the judge throwing the man into jail because he owes somebody a bill. If he throws him into jail, he no longer can work and therefore can never pay the bill. I think this is exactly the same circumstance.*

I think that we have to give the businessman every opportunity to pay that bill that he can get, and by just revoking the license and putting him out of business is not the way that we today should go about getting our money. I think the laws are on the books already today that give us the right to go and fine, to imprison, or to punish that individual who has fraudulently treated the State.

I think that Representative Fargo's amendment does a good thing here in not allowing us to take away that license. If we take it away, if the guy goes bankrupt, we would never get the money anyway. But if we put him out of business just by revoking his license, we will never get the money. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson, for the second time.

Mr. WILSON. Mr. Speaker, I do not think anybody is trying to put anybody out of business here, and I have got to point out again the fact that some 29 States collect their sales taxes before the 20th of the month, and I do not think that anybody who cannot get their taxes ready to send in by the 20th - 20 days after the end of the month - maybe they need a new accountant. I do not know. Maybe the accountant has too much work.

In any event, I think the merchants who have gone over this proposal have agreed that they can do it. They are not going to be put out of business, and we are going to pay the average that we are paying today, and we are just moving up our money. I would urge a negative vote.

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

Mr. RITTER. Mr. Speaker, I think the point that we need to bear in mind is that this is not money that the merchant is paying on some assessed valuation. It is not on some real estate taxes. This is money that he has already collected. When every person comes into that store, or whatever it is, and pays a sales tax, he has already paid the tax that is due this Commonwealth, and the merchant therefore, it seems to me, has no right to withhold that. That money does not belong to him. He already collected it. If he fails to send it in to the State, then he is using money that does not belong to him. We are not talking about that he anticipates that his real estate tax is going to be so much or he fails to pay that. That is another matter. This is actually money that he has already collected, sales tax money.

Mr. Speaker, I did not offer an amendment, for instance, to make the revocation or suspension mandatory in this instance. Again, the bill reads that after notice and hearing, the department may suspend or revoke their license. So we are not going to go grabbing somebody's license because he did not turn the return in in the 20 days. There may be some extenuating circumstances, and they will have the opportunity to come in and talk about that. But I just think that we are talking about money, and let us not overlook that fact. We are talking about money that your constituents and mine have already paid to that merchant. They have already paid the sales tax. The merchant is not paying it, so that is not his money to start with.

I would ask that we defeat the amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

I rise to support the Fargo amendment. Coming from a small community myself and having been a small-town merchant for 20 years, I realize the problems that are out there to the small businessman.

The small merchants who are fading away from so many of our communities who do struggle with our rules and regulations do not have the sophisticated accounting systems, do not have the people on board that the corporations do, and I think this bill with the Fargo amendment brings us 15 days

closer on collection. I think it is a step in the right direction, and I think it will not put an undue burden on our small merchants who today are in worse trouble than they have ever been in. I ask for a vote for the Fargo amendment.

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

Mr. VROON. Mr. Speaker, I am just as much concerned as anybody else in this House about the lot of the small businessman. In fact, I make it my point to do everything I possibly can to defend their interests. But I must say this, that small businessmen, all those who collect sales taxes, do get paid for doing that, and to ask them now to submit their returns by the 20th day of the month instead of the last day of the month is a mere difference of 10 days. They are accustomed to accounting for this, and I do not think a 10-day pushup is going to inconvenience them a great deal, and certainly I do not think that they are entitled to hold that money for those extra 10 days either.

This kind of legislation, Mr. Speaker, is very important to the State, because we lose all kinds of money by waiting too long for our taxes. The money is worth money to the State, and this whole package that we are involved with here today combined is worth about some \$81 million to the Commonwealth. I think this is one of the important parts of that package, and I urge rejection of this amendment.

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

The following roll call was recorded:

YEAS—103

Alden	Dietz	Lescovitz	Showers
Armstrong	Dininni	Levi	Sieminski
Arty	Dorr	Livengood	Sirianni
Belardi	Duffy	McClatchy	Smith, B.
Belfanti	Durham	McVerry	Smith, L. E.
Bowser	Fargo	Mackowski	Snyder
Boyes	Fischer	Madigan	Spencer
Brandt	Fleck	Manmiller	Spitz
Burd	Foster, W. W.	Marmion	Stairs
Cawley	Fryer	Merry	Stewart
Cessar	Gannon	Micozzie	Stuban
Cimini	Geist	Miscevich	Sweet
Civera	George	Morris	Swift
Clark	Gladeck	Mowery	Taddonio
Clymer	Grieco	Mullen	Taylor, E. Z.
Cochran	Gruppo	Noye	Taylor, F. E.
Colafella	Haluska	Olasz	Telek
Cordisco	Hasay	Perzel	Trello
Coslett	Hayes	Peterson	Van Horne
Cowell	Heiser	Piccola	Wachob
Cunningham	Honaman	Rappaport	Wenger
DeVerter	Jackson	Rasco	Weston
DeWeese	Johnson	Reber	Wogan
Daikeler	Kanuck	Saurman	Wozniak
Davies	Kennedy	Serafini	Wright, R. C.
Dawida	Klingaman	Seventy	

NAYS—88

Anderson	Gallagher	Lloyd	Punt
Barber	Gallen	Lucyk	Richardson
Beloff	Gamble	McMonagle	Rieger
Berson	Grabowski	Maiale	Ritter
Bittle	Greenfield	Michlovic	Rocks
Blaum	Greenwood	Miller	Rybak
Borski	Gruitza	Moehlmann	Shupnik
Brown	Hagarty	Mrkonic	Steighner
Burns	Harper	Murphy	Stevens

Caltagirone	Hoeffel	Nahill	Swaim
Cappabianca	Horgos	O'Donnell	Tigue
Cohen	Hutchinson, A.	Oliver	Vroon
Cole	Irvis	Pendleton	Wambach
Cornell	Itkin	Petrarca	Wargo
DeMedio	Kolter	Petrone	Wass
Deal	Kowalyszyn	Phillips	Wiggins
Dombrowski	Kukovich	Pievsky	Williams, H.
Donatucci	Lashinger	Pistella	Williams, J. D.
Emerson	Laughlin	Pitts	Wilson
Evans	Lehr	Pott	Wright, D. R.
Fee	Letterman	Pratt	Wright, J. L.
Foster, Jr., A.	Levin	Pucciarelli	Zwikel

NOT VOTING—4

Gray	Smith, E. H.
McIntyre	Ryan, Speaker

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

On the question recurring,

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

AMENDMENT A5965 RECONSIDERED

The SPEAKER pro tempore. It is moved by the gentleman from Allegheny, Mr. Pott, and seconded by the gentleman from Bucks, Mr. Wilson, that the amendment No. 5965, which was defeated on the 27th day of January, be reconsidered.

This is the Pott amendment that was defeated by a vote of 94 to 95.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—179

Alden	Fischer	Lucyk	Rybak
Arty	Fleck	McClatchy	Saurman
Barber	Foster, W. W.	McMonagle	Serafini
Belardi	Foster, Jr., A.	McVerry	Seventy
Belfanti	Fryer	Mackowski	Showers
Beloff	Gallagher	Majale	Shupnik
Berson	Gallen	Manmiller	Sieminski
Birtle	Gamble	Marmion	Sirianni
Blaum	Gannon	Merry	Smith, B.
Borski	Geist	Michlovic	Smith, E. H.
Bowser	Gladeck	Micozzie	Smith, L. E.
Boyes	Grabowski	Miller	Snyder
Brown	Greenfield	Miscevich	Spencer
Burd	Greenwood	Moehlmann	Spitz
Burns	Grieco	Morris	Stairs
Caltagirone	Gruitza	Mowery	Steighner
Cappabianca	Gruppo	Mrkonic	Stevens
Cawley	Hagarty	Mullen	Stewart
Cessar	Haluska	Murphy	Stuban
Cimini	Harper	Nahill	Swift
Civera	Hasay	Noye	Taddonio
Clark	Hayes	O'Donnell	Taylor, E. Z.
Clymer	Heiser	Olasz	Taylor, F. E.
Cohen	Hoeffel	Oliver	Tigue
Cole	Honaman	Pendleton	Trello
Cornell	Horgos	Perzel	Van Horne

Coslett	Hutchinson, A.	Peterson	Vroon
Cowell	Irvis	Petrarca	Wambach
Cunningham	Itkin	Petrone	Wargo
DeMedio	Jackson	Phillips	Wass
DeVerter	Johnson	Piccola	Wenger
DeWeese	Kanuck	Pievsky	Weston
Daikeler	Kennedy	Pistella	Wiggins
Davies	Klingaman	Pitts	Williams, H.
Dawida	Kowalyszyn	Pott	Williams, J. D.
Deal	Kukovich	Pratt	Wilson
Dietz	Lashinger	Pucciarelli	Wogan
Dininni	Laughlin	Punt	Wozniak
Dombrowski	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	Ryan, Speaker
Fargo	Lloyd	Rocks	
Fee			

NAYS—1

George

NOT VOTING—15

Anderson	Colafella	Kolter	Sweet
Armstrong	Cordisco	McIntyre	Telek
Brandt	Donatucci	Madigan	Wachob
Cochran	Gray	Swaim	

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A5965:

Amend Sec. 3 (Sec. 217), page 3, line 9, by inserting after "following]"

, except that where the final tax liability cannot be determined by the tenth day of the month succeeding the month with respect to which the return is made, an estimated return may be filed on or before the tenth day of the month succeeding the month with respect to which the return is made based on payment of not less than one hundred per cent of the tax liability for the same calendar month of the preceding year with respect to which the return is made and the final return shall be filed on or before the twenty-fifth day of the month succeeding the month with respect to which the return is made. No penalty or interest for any understatement of the tax liability shall be charged if this estimated tax return procedure is utilized and the taxpayer shall not be entitled to any commissions as provided in section 227 of this act for amounts remitted after the tenth of the month

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pott.

Mr. POTT. Thank you, Mr. Speaker.

Maybe all the members did not understand the concept that we were trying to put forth the last time we explained the amendment. This amendment was defeated by 94 to 95. What we are trying to do is expedite the system of sales tax collection in the Commonwealth. For those people with accounting systems who cannot file their sales tax returns and do not have

an accounting system that can provide the information to pay the sales tax return on its due date, we provide in this bill that they can file an estimated return on the 10th business day of the month. The amount that they must pay in must be 100 percent of last year's liability for the comparable month. If they are not able to meet that date, they will not get the discounts that are provided in other sections of the bill.

For those who voted negative, I would appreciate your reconsideration of the vote and recognize that we help smaller businesses in the Commonwealth and increase the cash flow for the Department of Revenue at the same time. Thank you.

The SPEAKER pro tempore. Does the gentleman from Erie, Mr. Dombrowski, wish to be recognized on the amendment?

Mr. DOMBROWSKI. Just briefly, Mr. Speaker, I am asking for a negative vote.

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

The following roll call was recorded:

YEAS—109

Alden	Foster, W. W.	Mackowski	Sieminski
Armstrong	Foster, Jr., A.	Madigan	Sirianni
Arty	Gallen	Manmiller	Smith, B.
Belardi	Gamble	Marmion	Smith, L. E.
Bittle	Gannon	Merry	Snyder
Boyes	Geist	Micozzie	Spencer
Brandt	George	Miller	Spitz
Burd	Gladeck	Miscevich	Stairs
Cessar	Greenwood	Moehlmann	Stevens
Cimini	Grieco	Mowery	Stewart
Civera	Gruppo	Nahill	Swift
Cochran	Hagarty	Noye	Taddonio
Colafella	Haluska	Olasz	Taylor, E. Z.
Cordisco	Hasay	Pendleton	Telek
Cornell	Hayes	Perzel	Trello
Coslett	Heiser	Peterson	Vroon
Cowell	Honaman	Petrone	Wass
Cunningham	Jackson	Phillips	Wenger
DeVerter	Johnson	Piccola	Weston
Daikeler	Kennedy	Pitts	Wilson
Davies	Klingaman	Pott	Wogan
Dietz	Lashingier	Punt	Wozniak
Dininni	Laughlin	Rasco	Wright, J. L.
Dorr	Lehr	Reber	Wright, R. C.
Durham	Levi	Saurman	
Fargo	Livengood	Serafini	Ryan,
Fischer	McClatchy	Seventy	Speaker
Fleck	McVerry	Shupnik	

NAYS—78

Anderson	Dombrowski	Lescovitz	Richardson
Barber	Donatucci	Letterman	Rieger
Belfanti	Duffy	Lloyd	Ritter
Berson	Emerson	Lucyk	Rocks
Blaum	Evans	McMonagle	Rybak
Borski	Fee	Maiale	Showers
Bowser	Fryer	Michlovic	Steighner
Brown	Gallagher	Morris	Suban
Burns	Grabowski	Mrkonic	Swaim
Caltagirone	Greenfield	Mullen	Taylor, F. E.
Cappabianca	Gruitza	Murphy	Tigue
Cawley	Harper	O'Donnell	Van Horne
Clark	Hoefel	Oliver	Wambach
Clymer	Horgos	Petrarca	Wargo
Cohen	Hutchinson, A.	Pievsky	Wiggins
Cole	Iris	Pistella	Williams, H.
DeMedio	Itkin	Pratt	Williams, J. D.
DeWeese	Kolter	Pucciarelli	Wright, D. R.
Dawida	Kowalyshyn	Rappaport	Zwikel

Deal	Kukovich		
NOT VOTING—8			
Beloff	Kanuck	McIntyre	Sweet
Gray	Levin	Smith, E. H.	Wachob
EXCUSED—5			
Frazier	Lewis	Manderino	Salvatore
Freind			

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

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

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I would move that HB 1651, PN 1930, be placed on the third consideration postponed calendar.

The SPEAKER pro tempore. It is moved by the gentleman from Bucks, Mr. Wilson, that HB 1651 be placed on the third consideration postponed calendar.

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

* * *

The House proceeded to third consideration of **HB 1674, PN 2167**, entitled:

An Act amending the "Pennsylvania Cigarette Tax Act," approved July 22, 1970 (P. L. 513, No. 178), defining warehouse operator and imposing license requirements, further defining "dealer" to include warehouse operators; deleting certain exemptions, imposing requirements and fees for certain transfers of licenses and changing penalties for operating without a license.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 1674 be recommended to the Committee on Finance.

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

* * *

The House proceeded to third consideration of **SB 1095, PN 1497**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing penalties for delivery of noncontrolled substances.

On the question,

Will the House agree to the bill on third consideration?

Mrs. ARTY offered the following amendments No. A5946:

Amend Sec. 1 (Sec. 13), page 2, lines 1 through 24, by striking out all of said lines and inserting

(35) (i) Except as otherwise provided by law, no person shall manufacture, process, package, distribute or sell a noncontrolled substance that has a stimulant or depressant effect on humans, other than a prescription drug, which, or the label or container of which, substantially resembles a specific controlled substance. In determining whether there has been a violation of this subclause, the following factors shall be considered:

(A) Whether the noncontrolled substance in its overall finished dosage appearance is substantially similar in size, shape, color and markings or lack thereof to a specific controlled substance.

(B) Whether the noncontrolled substance in its finished dosage form is packaged in a container which, or the labeling of which, bears markings or printed material substantially similar to that accompanying or containing a specific controlled substance.

(ii) Except as otherwise provided by law, no person shall knowingly distribute or sell a noncontrolled substance upon the express or implied representation that the substance is a controlled substance. In determining whether there has been a violation of this subclause, the following factors shall be considered:

(A) Whether the noncontrolled substance in its overall finished dosage appearance is substantially similar in size, shape, color and markings or lack thereof to a specific controlled substance.

(B) Whether the noncontrolled substance in its finished dosage form is packaged in a container which, or the labeling of which, bears markings or printed material substantially similar to that accompanying or containing a specific controlled substance.

(C) Whether the noncontrolled substance is packaged in a manner ordinarily used for the illegal delivery of a controlled substance.

(D) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance, considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell.

(E) Whether the consideration tendered in exchange for the noncontrolled substance approximates or exceeds the price at which the substance would sell upon illegal delivery were it actually the specific controlled substance it physically resembles.

(iii) Except as otherwise provided by law, no person shall knowingly distribute or sell a noncontrolled substance upon the express representation that the recipient, in turn, will be able to distribute or sell the substance as a controlled substance.

(iv) In any criminal prosecution brought under this clause, it shall not be a defense that the defendant believed the noncontrolled substance actually to be a controlled substance.

(v) The provisions of this clause shall not be applicable to:

(A) Law enforcement officers acting in the course and legitimate scope of their employment.

(B) Persons who manufacture, process, package, distribute or sell noncontrolled substances to licensed medical practitioners for use as placebos in the course of professional practice or research or for use in FDA approved investigational new drug trials.

(C) Licensed medical practitioners, pharmacists and other persons authorized to dispense or administer controlled substances and acting in the legitimate performance of their professional license pursuant to subclause (v)(B).

(D) A noncontrolled substance that was initially introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate.

Amend Sec. 1 (Sec. 13), page 2, line 26, by inserting after "violates"

any provisions of subclause (i) or (ii) or (iii) of

On the question,

Will the House agree to the amendments?

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

Mrs. ARTY. Thank you, Mr. Speaker.

For some time there has been a serious problem in Pennsylvania, that of trafficking in lookalike drugs. This consists of the manufacture and sale of otherwise lawful over-the-counter drugs in a form that closely resembles a certain well-known stimulant or a depressant substance that is usually available by prescription only. The prescription products are being copied in a manner so as to look like controlled substances. This means that they are strictly regulated by Federal and State law. The products resembling them have sometimes been controlled substance lookalikes. Although these lookalike drugs do not actually contain controlled substances, they do contain ingredients that are widely used in a great variety of over-the-counter cough and cold preparations. When properly taken in correct dosages and at appropriate intervals, these substances are safe and effective. However, the illicit distributors have created a serious health problem in at least two respects. First, the lookalikes are promoted for sale in massive quantities, obviously intended for redistribution into channels leading to abusive consumption, mainly by young people. Secondly, the potential for deception is so high that it raises the likelihood of serious illness or death if the abuser comes into contact with the actual controlled substance rather than the less potent lookalike.

There was in the Senate, introduced by the good Senator Corman, SB 1095, which was intended to end the illegal traffic of lookalike drugs in Pennsylvania. That bill came to the House Committee on Health and Welfare where it was amended. There was a discrepancy in the approach between the amended version that came from the House committee and the original bill as introduced by Senator Corman.

After a series of meetings and combining of resource and referral materials, Senator Corman and I have come upon a bill that is a model from the American Medical Association with some provisions that were not in the original bill, and I am introducing that, Mr. Speaker, as amendment 5946 to SB 1095 and ask that it be supported by the members of this body.

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Schuylkill, Mr. Klingaman.

Mr. KLINGAMAN. Thank you, Mr. Speaker.

The Committee on Health and Welfare has been struggling with the issue addressed by the Arty amendment ever since the committee met last November 25. So it is with a sense of satisfaction, and I suppose to some extent relief, that I urge acceptance of the Arty amendment. The issue of stopping the manufacture and distribution of noncontrolled drugs that are deliberately made to resemble controlled substances is very important and should be important to all of us.

Now, the Arty amendment represents a compromise that was accomplished after many, many weeks of very skillful staff investigation and study. It addresses every issue that was called to our attention. It adequately protects the legitimate pharmaceutical industry in the Commonwealth, which, incidentally, is a significant source of employment here in Pennsylvania, and it will protect the kids in the schoolyards from the fakers. I very strongly urge its acceptance. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Briefly on the Arty amendment, as probably many of you know and have read articles all across the State in the various newspapers, the area that I represent has become known as the caffeine capital of the world. Unfortunately, we have not been able to dry up that business completely, and that is what the Arty amendment is all about.

Mr. Klingaman's remarks are exactly correct. We have been working on this problem, myself at least, for about 2 years, and I think we have finally arrived at a piece of legislation that will in effect bring this illicit market under control. It is extremely important, especially as it impacts on our young people across this State and in other States. It is not confined to Pennsylvania, but Pennsylvania seems to have had the ability to proliferate distributors to an untold magnitude. I would hope that the members would support the amendment. Thank you, Mr. Speaker.

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

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

I likewise rise to support the Arty amendment. I am most appreciative that this compromise was effected so that this badly needed piece of legislation can indeed become law, and I strongly urge an affirmative vote.

The SPEAKER pro tempore. Does the gentleman from Centre, Mr. Cunningham, wish to speak on the amendment?

Mr. CUNNINGHAM. Mr. Speaker, I would just like to say that with Federal law enforcement authorities variously estimating that some 80 percent of all serious crime in this Commonwealth and in the United States is drug related, it is safe to say that there is no problem that is more grievously savaging our children than the drug problem, and the lookalike drug problem feeds right into that. This amendment is a very well balanced amendment that will give prosecutors the law enforcement tools they need to enforce the kinds of public policies we need to attack this problem, and I urge an affirmative vote.

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

The following roll call was recorded:

YEAS—188

Alden	Fargo	Lucy	Serafini
Anderson	Fee	McClatchy	Seventy
Armstrong	Fischer	McMonagle	Showers
Arty	Fleck	McVerry	Shupnik
Barber	Foster, W. W.	Mackowski	Sieminski
Belardi	Foster, Jr., A.	Madigan	Sirianni
Belfanti	Fryer	Maiale	Smith, B.

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

NAYS—1

Bittle

NOT VOTING—6

Brandt	Gannon	McIntyre	Micozzie
Brown	Gray		

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Brown.

Mr. BROWN. My "yes" button malfunctioned on amendment A5946. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, my switch did not operate properly on amendment A5946. I was voted in the negative and wish to be voted in the affirmative.

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

CONSIDERATION OF SB 1095 CONTINUED

On the question,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. 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

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

NAYS—0

NOT VOTING—3

Gannon	Gray	McIntyre
EXCUSED—5		
Frazier	Lewis	Manderino
Freind		Salvatore

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

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

* * *

The House proceeded to third consideration of **HB 1663, PN 1942**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the period allowed for temporary permits.

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

The SPEAKER pro tempore. At the time this bill was laid on the table, the amendment by Mr. George, amendment No. A3847, was pending.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. It is the understanding of the Chair that the gentleman from Clearfield, Mr. George, wishes to withdraw the amendment A3847 and at this time bring up for consideration amendment A4483.

Mr. GEORGE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. GEORGE offered the following amendments No. A4483:

Amend Title, page 1, line 2, by removing the period after "permits" and inserting
and providing for surveys of school bus loading zones.

Amend Bill, page 2, line 14, by striking out said line and inserting

Section 2. Title 75 is amended by adding a section to read:
§ 6115. Surveys of school bus loading zones.

At the request of any parent or guardian, the department shall conduct a survey of any school bus walking route to determine whether or not such route is hazardous and should have a loading zone. The survey should consider inclement weather or any circumstance which would alter the width of the roadway during the school year.

Section 3. This act shall take effect immediately.

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, it is true as the Speaker has suggested that we had worked on this amendment at the last part of the end of the summer session, and I was asked by many members to clarify and correct one word within this amendment. This we have done, but my main concern not only goes out to those whom we care to protect, which are children, but I am quite concerned and I am sure you will be when I relay to you my second concern, which is that unknown to the members of this body or the other body, it was the wisdom of the Bureau of Traffic Safety, the school bus division, to eliminate and remove the language inserted by this body many years ago. They took this on their own by merely advertising this transition in the Pennsylvania Bulletin. I am sure you all get the Bulletin and you diligently read it, but for some reason, none of us who sit here suspected that the body would do this to us, and what they did was they implied that no longer would any parent with a legitimate concern about the safety of a walking route be able to request a survey. Only the school district itself could do so. I ask you, why would that happen, because if the school district wanted the bus route placed there, they would not have to go to the hazardous route philosophy; they could merely put the bus route there.

So I ask you to do two things: I ask you to put back this language in the law, as some of you who came here before me insisted should be, and I ask you to give those people over at PennDOT a little bit of wakening up and tell them that when you want to change the law, you will do it and you will not allow them to do it through the Pennsylvania Bulletin. I ask you to okay this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I have to oppose the gentleman's amendment. Really this should be debated in the Transportation Committee. It should be under that type of thing, not under a fiscal note. But in any event, it says that the department shall conduct a survey when any parent or guardian walks in and asks for it. How many times are they going to have to do it? What recourse does the parent or guardian have if it is not done? The fiscal impact of this amendment; I just have no idea what it is going to cost the department to do this thing. I think that you are putting an undue burden on the department, that anybody just out of a whim can call up because they are ticked off on that particular snowy day and call for a survey. The department will have to do it. I think the gentleman has gone too far and urge a negative vote.

The SPEAKER pro tempore. Does the gentleman from Erie, Mr. Dombrowski, wish to speak on the amendment?

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

I rise to support the amendment offered by Representative George. For many years we have tried to get this kind of amendment into maybe what Representative Wilson would call a proper bill, but we have always lost the bill someplace down the line. I think this amendment has passed here a couple of times on the floor, but we never can seem to get it passed into law. No one knows how difficult it is to get the Department of Transportation to come in and check to see if it is a hazardous route. Very seldom do they take into consid-

eration that a child may only be 6 years old, and they make them walk a mile and a half to an elementary school. I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—155

Alden	Dombrowski	Lescovitz	Ritter
Armstrong	Donatucci	Letterman	Rocks
Arty	Duffy	Levi	Rybak
Barber	Durham	Levin	Saurman
Belardi	Emerson	Livengood	Serafini
Belfanti	Evans	Lloyd	Seventy
Beloff	Fee	Lucyk	Showers
Berson	Fischer	McMonagle	Shupnik
Bittle	Foster, W. W.	Madigan	Snyder
Blaum	Foster, Jr., A.	Maiale	Spitz
Borski	Fryer	Manmiller	Stairs
Bowser	Gallagher	Marmion	Steighner
Boyes	Gamble	Merry	Stevens
Brandt	Gannon	Michlovic	Stewart
Brown	Geist	Micozzie	Suban
Burd	George	Miller	Swaim
Burns	Grabowski	Miscevich	Sweet
Caltagirone	Greenfield	Morris	Swift
Cappabianca	Grieco	Mrkonic	Taylor, E. Z.
Cawley	Gruitza	Mullen	Taylor, F. E.
Cimini	Gruppo	Murphy	Telek
Civera	Haluska	O'Donnell	Tigue
Clark	Harper	Olasz	Trello
Cochran	Hasay	Oliver	Van Horne
Cohen	Heiser	Pendleton	Vroon
Colafella	Hoeffel	Perzel	Wachob
Cole	Honaman	Peterson	Wambach
Cordisco	Horgos	Petrarca	Wargo
Coslett	Hutchinson, A.	Petrone	Wass
Cowell	Irvis	Piccola	Weston
Cunningham	Itkin	Pievsky	Wiggins
DeMedio	Johnson	Pistella	Williams, H.
DeWeese	Kanuck	Pitts	Williams, J. D.
Daikeler	Kolter	Pratt	Wogan
Davies	Kowalshyn	Pucciarelli	Wozniak
Dawida	Kukovich	Punt	Wright, D. R.
Deal	Lashinger	Rappaport	Wright, R. C.
Dietz	Laughlin	Richardson	Zwinkl
Dininni	Lehr	Rieger	

NAYS—36

Anderson	Greenwood	Nahill	Smith, L. E.
Cessar	Hagarty	Noye	Spencer
Clymer	Hayes	Phillips	Taddonio
Cornell	Jackson	Pott	Wenger
DeVerter	Kennedy	Rasco	Wilson
Dorr	Klingaman	Reber	Wright, J. L.
Fargo	McClatchy	Sieminski	
Fleck	McVerry	Sirianni	Ryan,
Gallen	Mochlmann	Smith, B.	Speaker
Gladeck	Mowery		

NOT VOTING—4

Gray	McIntyre	Mackowski	Smith, E. H.
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EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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 pro tempore. 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?

MOTION TO RECOMMIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

With the addition of the previous amendment to the bill, I believe we are now faced with a serious fiscal impact in the bill, and for that reason I move that HB 1663 be recommitted to the Appropriations Committee for a fiscal note.

The SPEAKER pro tempore. The motion is to recommit the bill to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

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

Mr. GEORGE. Mr. Speaker, I fear that you might have to challenge my argument, but I am going to start until you stop me, because I want to tell my learned colleague that what you insist needs the attention of a fiscal note is already law. The team is there; the people are on the payroll; they are being paid; they just do not want to do anything. Now, if you do not want to spend any more money, fire those deadheads. Let us get on with this bill.

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Marmion.

Mr. MARMION. Thank you, Mr. Speaker.

I wish that my vote would be shown in the negative on the George amendment A4483 to HB 1663.

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

CONSIDERATION OF HB 1663 CONTINUED

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—67

Table listing names of those in the YEAS: Anderson, Bittle, Brandt, Burd, Cessar, Cochran, Coslett, Cunningham, DeVerter, Davies, Dietz, Greenwood, Gruppo, Hasay, Hayes, Heiser, Honaman, Jackson, Johnson, Kennedy, Klingaman, Lehr, Miller, Moehlmann, Mowery, Noye, Perzel, Peterson, Phillips, Piccola, Pott, Punt, Rasco, Smith, L. E., Spencer, Spitz, Stevens, Swift, Taddonio, Vroon, Wass, Wenger, Weston, Wilson.

Table listing names of those in the NAYS: Dininni, Dorr, Fargo, Fleck, Foster, W. W., Gallen, Geist, Levi, McClatchy, McVerry, Madigan, Manmiller, Marmion, Reber, Saurman, Sieminski, Sirianni, Smith, B., Smith, E. H., Wogan, Wright, J. L., Wright, R. C., Ryan, Speaker.

NAYS—125

Table listing names of those in the NAYS: Alden, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Blaum, Borski, Bowser, Boyes, Brown, Burns, Caltagirone, Cappabianca, Cawley, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisico, Cornell, Cowell, DeMedio, DeWeese, Daikeler, Dawida, Deal, Dombrowski, Donatucci, Duffy, Durham, Emerson, Evans, Fee, Fischer, Foster, Jr., A., Fryer, Gallagher, Gamble, Gannon, George, Gladeck, Grabowski, Gray, Greenfield, Grieco, Gruitza, Hagarty, Haluska, Harper, Hoeffel, Horgos, Hutchinson, A., Irvis, Itkin, Kanuck, Kolter, Kowalyshyn, Kukovich, Lashinger, Laughlin, Lescovitz, Letterman, Levin, Livengood, Lloyd, Lucyk, McMonagle, Maiale, Merry, Michlovic, Micozzie, Miscevic, Morris, Mrkonic, Mullen, Murphy, Nahill, O'Donnell, Olasz, Oliver, Pendleton, Petrarca, Petrone, Pievsky, Pistella, Pitts, Pratt, Pucciarelli, Rappaport, Richardson, Rieger, Ritter, Rocks, Rybak, Serafini, Seventy, Showers, Shupnik, Stairs, Steighner, Stewart, Stuban, Swaim, Sweet, Taylor, E. Z., Taylor, F. E., Telek, Tigie, Trello, Van Horne, Wachob, Wambach, Wargo, Wiggins, Williams, H., Williams, J. D., Wozniak, Wright, D. R., Zwikl.

NOT VOTING—3

Table listing names of those NOT VOTING: McIntyre, Mackowski, Snyder.

EXCUSED—5

Table listing names of those EXCUSED: Frazier, Freund, Lewis, Manderino, Salvatore.

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

On the question recurring, Shall the bill pass finally?

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

YEAS—188

Table listing names of those in the YEAS: Alden, Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Brown, Burd, Burns, Durham, Emerson, Evans, Fargo, Fee, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Levi, Levin, Livengood, Lloyd, Lucyk, McClatchy, McVerry, Mackowski, Madigan, Maiale, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Miscevic, Rocks, Rybak, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Smith, B., Smith, E. H., Snyder, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swaim.

Caltagirone	Gray	Moehlmann	Sweet
Cappabianca	Greenfield	Morris	Swift
Cawley	Grieco	Mowery	Taddonio
Cessar	Gruitza	Mrkonic	Taylor, E. Z.
Cimini	Gruppo	Mullen	Taylor, F. E.
Civera	Hagarty	Murphy	Telek
Clark	Haluska	Nahill	Tigue
Clymer	Harper	O'Donnell	Trello
Cochran	Hasay	Olasz	Van Horne
Cohen	Hayes	Oliver	Vroon
Colafella	Heiser	Pendleton	Wachob
Cole	Hoeffel	Perzel	Wambach
Cordisco	Honaman	Peterson	Wargo
Cornell	Horgos	Petrarca	Wass
Coslett	Hutchinson, A.	Petrone	Wenger
Cowell	Irvis	Phillips	Weston
Cunningham	Itkin	Piccola	Wiggins
DeMedio	Jackson	Pievsky	Williams, H.
DeVerter	Johnson	Pistella	Williams, J. D.
DeWeese	Kanuck	Pitts	Wilson
Daikeler	Kennedy	Pratt	Wogan
Davies	Klingaman	Pucciarelli	Wozniak
Dawida	Kolter	Punt	Wright, D. R.
Deal	Kowalshyn	Rappaport	Wright, J. L.
Dietz	Kukovich	Rasco	Wright, R. C.
Dininni	Lashingier	Reber	Zwikl
Dombrowski	Laughlin	Richardson	
Donatucci	Lehr	Rieger	Ryan,
Dorr	Lescovitz	Ritter	Speaker
Duffy	Letterman		

NAYS—6

Greenwood	Pott	Smith, L. E.	Spencer
Noye	Sirianni		

NOT VOTING—1

McIntyre

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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 pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, on the vote on the Arty amendment to SB 1095 I was out of my seat. Had I been in my seat, I would like the record to reflect I would have voted in the affirmative.

On final passage of SB 1095 I was away from my seat. Had I been in my seat, I would like the record to reflect I would have voted in the affirmative. Thank you, Mr. Speaker.

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

The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, on amendment No. A5946 to SB 1095, offered by the lady from Delaware, Mrs. Arty, my vote was incorrectly recorded in the negative. I would like the record to reflect that I would have voted in the affirmative, had it been correctly recorded.

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

HB 1599 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Misceovich, who moves that the vote by which HB 1599 passed this House on January 27, 1982, be reconsidered. The motion is seconded by the gentleman from Philadelphia, Mr. Cohen.

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

The following roll call was recorded:

YEAS—184

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

NAYS—0

NOT VOTING—11

Brandt	Grieco	Peterson	Rasco
Burd	Levi	Pott	Vroon
Cimini	McIntyre	Pratt	

EXCUSED—5

Frazier Lewis Manderino Salvatore
Freind

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

On the question recurring,
Shall the bill pass finally?

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

Mr. MISCEVICH. Thank you, Mr. Speaker.

Mr. Speaker, the reason we asked for a reconsideration on HB 1599 is I would like to read a little letter from one of my constituents—and I have had several—that would probably shed some light on why we are opposing this bill. The mother had written me a letter and said that her son had looked into the matter of going to the Armed Forces because he had a desire of going to a cooking and baking school. He could not afford to go to college, so he thought he would look into the Marines. He went down to talk to the recruiter, and the recruiter told him that if he enlisted before he was out of school, he would have no trouble going to this cooking and baking school. So the kid thought that he would consider the military.

From the day that he visited the recruiting office, the recruiting officer hounded him at home on the telephone and he also hounded the kid at school. He even went so far as to attend the kid's graduation from high school. An appointment was made by the recruiter with the mother because the kid was only 17, and the mother had to sign. The mother and father are divorced, and the kid lived with the mother, so the mother had to sign for him to go into the service.

The recruiter came to the parent's home and talked to the mother and she signed the papers. The recruiter promised verbally that he guaranteed this kid would go to cooking and baking school. After the kid signed the papers and he was sworn in, the recruiter asked him if he ever had any trouble with the police or any other records. The kid was in trouble one time when he was 13 years old. He was pushing a dirtbike along the highway, he was not riding the bike, but he was pushing it with the motor off and the police arrested him and fined him \$200. The recruiter told him because he had this fine on his record that he would not be able to attend this cooking and baking school. So he was assigned to go to the infantry, after he was promised to go to this cooking and baking school.

The mother had to go to Parris Island, South Carolina, to the kid's graduation, and she talked to the Commandant at the graduation exercises. The Commandant did have some compassion for the mother, because she was going to make some problems and have the kid taken out of the service, and the Commandant did see to it that the kid eventually went to cooking school. But had not the mother gone to the graduation, the kid would have never gone to the cooking school. The cooking and baking school is one school.

Another thing that transpired is, this kid was told that he would not have to go into the service until October of that

year. The recruiter hounded him so badly that he talked him into going. He came right after graduation the very next day and took the kid and put him in the service, the very next day, which was in June.

His mother wrote to me and I have several other constituents who have virtually the same complaint, and this is why I feel, along with some of the other complaints that I have already expressed, that we should not pass this kind of legislation here today. Thank you.

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

Mr. CUNNINGHAM. Mr. Speaker, I will just say briefly that I appreciate the gentleman's concerns, but lest there be any misunderstanding as regards this bill, we have built very, very careful protections into the bill to be sure that the final effect will be that students who do not wish to be contacted will have their names deleted, and everybody will benefit to the extent that the recruiters will not be wasting valuable taxpayers' money and time and resources contacting students who are simply not interested in military service.

There is something drastically wrong in the Commonwealth of Pennsylvania when nearly one-half of our school districts are refusing to cooperate with military recruiters in merely making available these lists. There is something very wrong in that, and I would urge you to help us correct that problem with an affirmative vote on this bill. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Cunningham, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates he will.

Mr. RITTER. Mr. Speaker, where in the bill does it indicate that the superintendent has to tell the student that the list will be turned over to military recruiters?

Mr. CUNNINGHAM. Mr. Speaker, that is implicit in the bill as a part of this legislative record. That has been stated repeatedly. I think it is very clear on the face of the bill.

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

Mr. Speaker, may I make a few comments?

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

Mr. RITTER. Mr. Speaker, while it may be implicit, it is not specific. All the bill says is that the school district shall notify the students in writing at the end of their junior year of the requirements imposed by subsection (a). And all subsection (a) says is, "Subject to the limitations of subsection (b)," which talks about notifying the student, "the superintendent of every public school district and the chief administrator of every private secondary school shall compile a list of senior students, both male and female, including home address and published telephone number who at the end of the respective academic year will graduate from the school system. The list shall be compiled within 45 calendar days of the effective date of this act and in succeeding years by the first day of the academic year in which the senior students will graduate," period. It has no reference whatsoever as to what the lists are going to be used for.

Mr. Speaker, if it would say that the notification to the student would indicate that the lists are going to be turned over to military recruiters, that is another matter, but it does not say that. As I said earlier, Mr. Speaker, many students might assume that the school district is going to turn those names over to prospective employers other than the military, and because of that they may not object. If it was specifically mentioned to them that it would be turned over to military recruiters, then I think they might have a better understanding of what the list is for, but this bill does not say that. It does not say a single, solitary word that the superintendent has to tell the kids that the list that he is going to compile may very well go to military recruiters, or to anyone else for that matter. It simply says, tell the student that you are going to compile a list of all the names of the kids who are going to graduate next year. That is what is so unfair about this bill, Mr. Speaker, and I would ask that we vote it down.

On the question recurring,
Shall the bill pass finally?

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

YEAS—113

Alden	Duffy	Klingaman	Serafini
Armstrong	Durham	Kowalshyn	Shupnik
Arty	Fargo	Kukovich	Sieminski
Belardi	Fee	Lescovitz	Sirianni
Belfanti	Fischer	Letterman	Smith, B.
Beloff	Foster, W. W.	Levi	Smith, L. E.
Bittle	Foster, Jr., A.	Levin	Spnyder
Blaum	Fryer	Livengood	Spencer
Bowser	Gallagher	McClatchy	Spitz
Boyes	Gallen	Mackowski	Stairs
Brandt	Gamble	Madigan	Steighner
Burns	Gannon	Manmiller	Stevens
Caltagirone	George	Merry	Stuban
Cawley	Gladeck	Miller	Taylor, F. E.
Cessar	Grabowski	Moehlmann	Telek
Cimini	Greenwood	Morris	Van Horne
Clymer	Grieco	Mowery	Vroon
Cochran	Gruppo	Mrkonic	Wambach
Cole	Haluska	Noye	Wargo
Coslett	Harper	Pendleton	Wass
Cunningham	Hasay	Perzel	Wenger
DeMedio	Hayes	Peterson	Weston
DeVerter	Honaman	Petrarca	Wogan
DeWeese	Horgos	Petrone	Wright, D. R.
Daikeler	Hutchinson, A.	Phillips	Wright, J. L.
Dawida	Irviss	Piccola	
Dininni	Jackson	Pitts	Ryan,
Dombrowski	Johnson	Rocks	Speaker
Dorr	Kanuck	Rybak	

NAYS—75

Anderson	Evans	Michlovic	Rieger
Barber	Fleck	Micozzie	Ritter
Berson	Geist	Miscevich	Saurman
Borski	Gray	Mullen	Seventy
Brown	Greenfield	Murphy	Showers
Burd	Gruitza	Nahill	Stewart
Cappabianca	Hagarty	O'Donnell	Swaim
Civera	Heiser	Olasz	Swift
Clark	Hoeffel	Oliver	Taddonio
Cohen	Itkin	Pievsky	Taylor, E. Z.
Colafella	Kennedy	Pistella	Tigue
Cordisco	Lashingier	Pott	Trello
Cornell	Laughlin	Pratt	Wiggins
Cowell	Lehr	Pucciarelli	Williams, H.
Davies	Lloyd	Punt	Williams, J. D.
Deal	Lucyk	Rappaport	Wozniak

Dietz	McMonagle	Rasco	Wright, R. C.
Donatucci	McVerry	Reber	Zwinkl
Emerson	Maiale	Richardson	

NOT VOTING—7

Kolter	Marmion	Sweet	Wilson
McIntyre	Smith, E. H.	Wachob	

EXCUSED—5

Frazier	Lewis	Manderino	Salvatore
Freind			

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

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Marmion.

Mr. MARMION. My switch did not function. I wish to be recorded in the affirmative on the vote on HB 1599.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 689, PN 2801 (Amended)

By Rep. SPENCER

An Act amending Title 49 (Mechanics' Liens) of the Pennsylvania Consolidated Statutes, adding provisions relating to mechanics' liens and making repeals.

JUDICIARY.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1334, PN 2791**, 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 AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 805, PN 1579**, and has appointed Senators O'CONNELL, JUBELIRER and ZEMPRELLI a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

ADJOURNMENT

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Mr. Speaker, I move that this House do now adjourn until Monday, February 1, 1982, at 1 p.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:34 p.m., e.s.t., the House adjourned.