

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, FEBRUARY 24, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 16

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. GEORGE E. ZEIDERS, chaplain of the House of Representatives and pastor of Stewartstown United Methodist Church, Stewartstown, Pennsylvania, offered the following prayer:

Let us pray:

Unto Thee, O God, we give thanks for the cycle of life, that cycle which draws us to Yourself and to each other. We do sense something of the mystery of being Your creation, yet we struggle for independence from You. We sense something of Your power, yet we seek to be powerful. You know us better than we know ourselves, and You also know our frailty. Help us in our weakness to be strong in You; in our haughtiness to find the true power of humility; in our strength and accomplishments to be very grateful. Now bless and be with these, Your servants, who heed the call to public service for the well-being of our Commonwealth and its citizens. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, February 23, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2246 By Representative D. R. WRIGHT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the dissemination of certain criminal records to military recruiters.

Referred to Committee on JUDICIARY, February 23, 1982.

No. 2247 By Representatives D. R. WRIGHT and STEIGHNER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further limiting the distance between fire apparatus and other vehicles.

Referred to Committee on TRANSPORTATION, February 23, 1982.

No. 2248 By Representatives BURNS and FREIND

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1368, No. 542), increasing the rate of interest charged for late payment of taxes.

Referred to Committee on LOCAL GOVERNMENT, February 23, 1982.

No. 2249 By Representatives A. K. HUTCHINSON, STAIRS and PETRARCA

An Act providing for a time limit within which a person may be brought to trial in a criminal matter.

Referred to Committee on JUDICIARY, February 23, 1982.

No. 2250 By Representatives A. K. HUTCHINSON, STAIRS and PETRARCA

An Act authorizing an extension of time within which a person may be brought to trial in a criminal matter.

Referred to Committee on JUDICIARY, February 23, 1982.

No. 2251 By Representatives PETRARCA, GRIECO, STAIRS, COLE, MANDERINO, STUBAN, LIVENGOOD, TELEK, MICOZZIE, CESSAR, OLASZ, DeMEDIO, SEVENTY, DUFFY, STEWART, COLAFELLA, KOLTER, COCHRAN, BOWSER, PENDLETON, MISCEVICH, LESCOVITZ, PETRONE, D. R. WRIGHT, HORGOS, DOMBROWSKI, CAPPABIANCA, DAVIES, LEHR, WASS, MACKOWSKI and ARMSTRONG

An Act providing for a Lands Management Commission within the Department of Agriculture; providing for the powers and duties and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 23, 1982.

No. 2252 By Representatives BROWN, PISTELLA, PRATT and BLAUM

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), providing for a reduction in premium rates for reduced driving.

Referred to Committee on INSURANCE, February 23, 1982.

No. 2253 By Representative BROWN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting vivisection.

Referred to Committee on JUDICIARY, February 23, 1982.

No. 2254 By Representative BROWN

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), prohibiting the use of steel traps in trapping animals.

Referred to Committee on GAME AND FISHERIES, February 23, 1982.

No. 2255 By Representatives PERZEL, WOGAN, BOYES, GANNON and MARMION

An Act amending the "Malt Beverage Tax Law," approved May 5, 1933 (P. L. 284, No. 104), extending the emergency malt or brewed beverage tax credits.

Referred to Committee on LIQUOR CONTROL, February 23, 1982.

No. 2256 By Representatives DURHAM, CIVERA, MICOZZIE, ARTY, R. C. WRIGHT, GANNON and SPITZ

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it illegal to manufacture, sell, possess or use certain bullets.

Referred to Committee on JUDICIARY, February 23, 1982.

No. 2257 By Representatives PICCOLA, MANMILLER and DININNI

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

Referred to Committee on EDUCATION, February 23, 1982.

No. 2258 By Representatives MILLER and CALTAGIRONE

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), providing for the abolition of jury commissioners.

Referred to Committee on LOCAL GOVERNMENT, February 23, 1982.

No. 2259 By Representatives ARTY, OLIVER, MICOZZIE, SPITZ, DURHAM, CIVERA and GANNON

An Act amending "The Clinical Laboratory Act," approved September 26, 1951 (P. L. 1539, No. 389), further regulating permits, unlawful conduct, billing and receipt of payment and penalties.

Referred to Committee on HEALTH AND WELFARE, February 23, 1982.

No. 2260 By Representatives SIRIANNI, MILLER, E. Z. TAYLOR, WARGO, KOWALYSHYN, LEHR, MRKONIC, COSLETT, RYBAK, FRAZIER, MORRIS, PUCCIARELLI, KOLTER, SERAFINI, LETTERMAN, SIEMINSKI and A. C. FOSTER, JR.

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting the recovery of certain revenues.

Referred to Committee on CONSUMER AFFAIRS, February 23, 1982.

No. 2261 By Representatives MAIALE, SALVATORE, O'DONNELL, BELOFF and WESTON

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, including first class cities within the act.

Referred to Committee on URBAN AFFAIRS, February 23, 1982.

No. 2262 By Representatives TADDONIO, McVERRY, MARMION, POTT, ITKIN and MILLER

An Act amending the "Mental Health and Mental Retardation Act of 1966," approved October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), providing for the purpose of the act.

Referred to Committee on HEALTH AND WELFARE, February 23, 1982.

No. 2263 By Representatives VROON, CAWLEY, HAYES, IRVIS, RYAN, BELARDI, SERAFINI, KUKOVICH, FARGO, LETTERMAN, SEVENTY, JACKSON, PUCCIARELLI, MADIGAN, MANDERINO, PIEVSKY, GREENFIELD, GAMBLE, WAMBACH, RITTER, RIEGER, PITTS, SALVATORE, CESSAR, TRELLO, McVERRY, GEORGE, GRUPPO, SIEMINSKI, DeVERTER, OLASZ, MRKONIC, PETRARCA, BITTLE, TELEK, LUCYK, STEWART, WESTON, BELFANTI, DeWEESE, GALLAGHER, COLE, MOWERY, CIMINI, J. L. WRIGHT, ARTY, TIGUE, COCHRAN, DAVIES, LEHR, DORR, REBER, DININNI, WENGER, MORRIS, PICCOLA, MANMILLER, JOHNSON, E. Z. TAYLOR, DUFFY, CAPPABIANCA, DOMBROWSKI, ANDERSON, PETERSON, SAURMAN, COLAFELLA, FEE, DeMEDIO, RAPPAPORT, DAIKELER, FRYER, SWIFT, HONAMAN, HEISER, PHILLIPS, COHEN, WOZNIAC, BOWSER, WARGO, BOYES, FISCHER, MERRY, LEVI, COSLETT, GEIST, JOHNSON, MACKOWSKI, W. W. FOSTER, SHOWERS, BELOFF,

MISCEVICH, FREIND, PETRONE, HORGOS, MRKONIC, KOLTER, WASS, PENDLETON, DEAL, CLYMER, GREENWOOD, E. Z. TAYLOR, BURNS, COWELL, KLINGAMAN, L. E. SMITH, HALUSKA, HARPER, CUNNINGHAM, ITKIN, DIETZ, LIVENGOOD, MOEHLMANN, FRAZIER, PERZEL, KOWALYSHYN, RYBAK, STEIGHNER, D. R. WRIGHT, LESCOVITZ, MARMION, ARMSTRONG, SIRIANNI, PISTELLA, MICHLOVIC, LAUGHLIN, STUBAN, NOYE, B. SMITH and PUNT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining arson.

Referred to Committee on JUDICIARY, February 23, 1982.

No. 2264 By Representatives VROON, CAWLEY, HAYES, IRVIS, RYAN, BELARDI, SERAFINI, KUKOVICH, FARGO, LETTERMAN, CESSAR, MANDERINO, PIEVSKY, SALVATORE, JACKSON, PITTS, GALLEN, CIMINI, GRIECO, TRELLO, McVERRY, GAMBLE, WAMBACH, RITTER, MADIGAN, GEORGE, LEVI, GRUPPO, SIEMINSKI, PETRARCA, DeVERTER, MRKONIC, TELEK, BITTLE, SEVENTY, WESTON, BELFANTI, OLASZ, DeWEESE, GALLAGHER, MOWERY, SHOWERS, DeMEDIO, FEE, COLE, PICCOLA, MANMILLER, JOHNSON, E. Z. TAYLOR, DAVIES, LEHR, ANDERSON, PETERSON, DORR, REBER, DININNI, WENGER, MORRIS, MARMION, SIRIANNI, PISTELLA, PETRONE, HORGOS, MRKONIC, DAIKELER, COCHRAN, MISCEVICH, FREIND, PERZEL, J. L. WRIGHT, HONAMAN, PHILLIPS, COHEN, WOZNIAK, HEISER, BOWSER, WARGO, BOYES, FISCHER, MERRY, COSLETT, GEIST, FRAZIER, MACKOWSKI, W. W. FOSTER, VAN HORNE, MICHLOVIC, LAUGHLIN, LUCYK, STEWART, WASS, PENDLETON, DEAL, COLAFELLA, DUFFY, LESCOVITZ, CLYMER, GREENWOOD, KLINGAMAN, TIGUE, SWIFT, BURNS, L. E. SMITH, STUBAN, KOWALYSHYN, RYBAK, HALUSKA, BELOFF, KOLTER, SAURMAN, HARPER, ITKIN, CUNNINGHAM, COWELL, STEIGHNER, D. R. WRIGHT, F. E. TAYLOR, LIVENGOOD, PUCCIARELLI, RIEGER, ARMSTRONG, DIETZ, MOEHLMANN, NOYE, B. SMITH and PUNT

An Act authorizing the use of anti-arson applications by the Insurance Commissioner; providing additional powers and duties for the Insurance Department and establishing a penalty.

Referred to Committee on JUDICIARY, February 23, 1982.

No. 2265 By Representatives VROON, KUKOVICH, HAYES, IRVIS, RYAN, BELARDI, SERAFINI, CAWLEY, FARGO, LETTERMAN, CESSAR, SEVENTY, MADIGAN, RITTER, WAMBACH, JACKSON, SALVATORE, PITTS, GALLEN, GRIECO, CUNNINGHAM, J. L. WRIGHT, PETRARCA, ARTY, GREENFIELD, GEORGE, LEVI, PICCOLA, MANMILLER, DeVERTER, JOHNSON, E. Z. TAYLOR, MRKONIC, GRUPPO, SIEMINSKI, BITTLE, TELEK, WESTON, BELFANTI, OLASZ, DeWEESE, GALLAGHER, SHOWERS, COLE, MOWERY, CIMINI, WASS, PENDLETON, DEAL, DAIKELER, DeMEDIO, FEE, RAPPAPORT, FRYER, HONAMAN, PHILLIPS, COHEN, WOZNIAK, BOWSER, WARGO, BOYES, FISCHER, MERRY, COSLETT, GEIST, MACKOWSKI, W. W. FOSTER, PETRONE, DAVIES, LEHR, ANDERSON, PETERSON, DORR, REBER, DININNI, WENGER, MORRIS, MARMION, SIRIANNI, VAN HORNE, HORGOS, MRKONIC, PISTELLA, MICHLOVIC, LAUGHLIN, LUCYK, STEWART, MISCEVICH, FREIND, COLAFELLA, COWELL, LESCOVITZ, FRAZIER, BELOFF, DUFFY, DIETZ, F. E. TAYLOR, CLYMER, GREENWOOD, KOLTER, BURNS, SWIFT, KLINGAMAN, L. E. SMITH, KOWALYSHYN, RYBAK, HALUSKA, WASS, SAURMAN, SIRIANNI, PERZEL, HARPER, ITKIN, LIVENGOOD, STUBAN, TIGUE, COCHRAN, STEIGHNER, D. R. WRIGHT, ARMSTRONG, MOEHLMANN, NOYE, B. SMITH, PUNT and JOHNSON

An Act providing for the imposition of certain liens on fire insurance policy proceeds to pay certain taxes and imposing powers and duties on the Insurance Commissioner.

Referred to Committee on JUDICIARY, February 23, 1982.

No. 2266 By Representatives KOLTER, A. C. FOSTER, JR., PETRARCA, CLARK, COLAFELLA, FRYER, LESCOVITZ and LAUGHLIN

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing certain persons to remove bodies from public thoroughfares.

Referred to Committee on LOCAL GOVERNMENT, February 23, 1982.

No. 2267 By Representatives PITTS, SPITZ and E. H. SMITH

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), revising restrictions for persons eligible for crime victim's compensation.

Referred to Committee on JUDICIARY, February 23, 1982.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 160 By Representatives MRKONIC, CESSAR, HAYES, OLASZ, SHUPNIK, WARGO, SALVATORE, DUFFY, SEVENTY, CALTAGIRONE, HORGOS, MISCEVICH, WOZNIAK, PISTELLA, PETERSON, LEVIN, FISCHER, LESCOVITZ, RASCO, DAWIDA, MURPHY, WASS, PUCCIARELLI, PETRARCA, F. E. TAYLOR, ITKIN, PENDLETON, BURNS, GRABOWSKI, RAPPAPORT, WACHOB, HALUSKA, McINTYRE, PUNT, MARMION, McVERRY, FLECK, DeWEESE, LLOYD, KOLTER, TELEK, HARPER, STEWART, MANMILLER, SIRIANNI, ARTY, COLE, MULLEN, MOWERY and POTT

House urges all persons recognize March 15 as "Hungarian Freedom Day."

Referred to Committee on RULES, February 23, 1982.

No. 161
(Concurrent) By Representatives BROWN, MORRIS, PISTELLA, WOZNIAK, PETRARCA, JOHNSON and ITKIN

General Assembly inform United States House of Representatives and Senate that they oppose use of United States technology, results of which further campaigns of terrorism in Libya and Palestine.

Referred to Committee on FEDERAL-STATE RELATIONS, February 23, 1982.

No. 162
(Concurrent) By Representatives BROWN and CAWLEY

General Assembly memorialize Federal Government turn from nuclear power and consider alternative source of energy.

Referred to Committee on FEDERAL-STATE RELATIONS, February 23, 1982.

No. 163 By Representatives BROWN and PRATT

House urges Federal Government enact legislation to provide tax credits to Metropolitan Edison Company ratepayers.

Referred to Committee on FEDERAL-STATE RELATIONS, February 23, 1982.

SENATE BILL FOR CONCURRENCE

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

SB 77, PN 1630

Referred to Committee on JUDICIARY, February 23, 1982.

LEAVES OF ABSENCE GRANTED

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

Mr. CESSAR. Thank you, Mr. Speaker.

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

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

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

Mr. FEE. Mr. Speaker, I request leaves of absence for the gentleman from Philadelphia, Mr. GREENFIELD, for today, and the gentleman from Philadelphia, Mr. EMERSON, for today.

The SPEAKER. Without objection, leaves will be granted. The Chair hears no objection.

STATEMENT BY MR. J. L. WRIGHT

TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

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

Mr. J. L. WRIGHT. Thank you, Mr. Speaker.

One hundred and fifty-four years ago today, February 24, 1828, Gen. Jacob Brown, a hero of the War of 1812 and a native of Pennsylvania, died. At the time of his death, he was Commanding General of the Army.

Brown, born on May 9, 1775, near Morrisville, Bucks County, performed most conspicuous service during the War of 1812 and was severely wounded twice in battle.

At the second attack upon Sackett's Harbor, New York, May 27, 1813, when the news of the approach of the British squadron reached there, Colonel Backus was in command. Gen. Jacob Brown was at his home, a few miles distant. He was notified and arrived before dawn of the 28th. He sent expresses in all directions to summon the militia to the field and fired guns to arouse the inhabitants. As rapidly as the militia came in, they were armed and sent to Horse Island, where it was expected the enemy would attempt to land. On the appearance of some American gunboats, the British squadron went out on the open lake. But when the enemy discovered the real weakness of the defenders, the squadron returned on the morning of the 29th and landed a large force on Horse Island.

The militia had been withdrawn from the island to the mainland and fled at the first fire of the invaders. This disgraceful conduct astonished General Brown, who rallied his

troops when he discovered the storehouses and a ship in flames, set on fire by Americans who believed their militia was in full retreat. This caused General Brown to redouble his exertions to rally the militia. He succeeded, and so turned the fortunes of the day in favor of his country.

When Sir George Prevost, mounted on a high stump, saw the rallying militia on his flank and rear, he believed them to be American reinforcements and sounded a retreat. For his conduct in the defense of Sackett's Harbor, Brown was made a brigadier in the United States Army.

General Brown made the only redeeming movement in Wilkinson's disgraceful expedition down the St. Lawrence River against Montreal in November 1813. Brown captured and held the post at the foot of the rapids, which movement permitted the union of the several armies, or the defeat would have been even more disastrous. He was severely wounded at the repulse of the British at Fort Erie, August 15, 1814.

Both parties prepared to renew the contest, and General Brown remained in command. On September 17 he stormed the attacking forces by a sortie from the fort and won a brilliant victory. This saved Fort Erie and the stores on the Niagara frontier.

For these heroic actions, Brown was presented with a gold medal by Congress, the freedom of the city of New York in a beautiful gold box, a sword by the Governor of New York, and a public banquet by the citizens of Philadelphia.

CALENDAR

BILL AGREED TO ON SECOND CONSIDERATION

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

HB 865, PN 2130.

MASTER ROLL CALL RECORDED

The SPEAKER. Members please report immediately to the floor of the House. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—192

Table listing names of members present: Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Fee, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Gray, Greenwood, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manniller, Marmion, Merry, Michlovic, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mowery, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Suban.

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

ADDITIONS—0

NOT VOTING—1

Cohen

EXCUSED—7

Table listing names of members excused: Alden, Emerson, Greenfield, Gruitza, Irvis, Lashing, Snyder.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2066, PN 2567, entitled:

An Act amending "The Dental Law," approved May 1, 1933 (P. L. 216, No. 76), prohibiting the licensing of certain dental students as dental hygienists.

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

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

The question is, shall the bill pass finally?

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

YEAS—186

Table listing names of members voting yeas: Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Borski, Bowser, Evans, Fargo, Fee, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Livengood, Lloyd, Lucyk, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Manderino, Manmiller, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E.

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

NAYS—3

Itkin Pistella Tigue
 NOT VOTING—4

Cohen Peterson Rappaport Sweet
 EXCUSED—7

Alden Greenfield Irvis Snyder
 Emerson Gruitza Lashinger

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 1671, PN 2099**, entitled:

An Act amending the act of July 11, 1980 (P. L. 643, No. 133), entitled "An act fixing the fees to be received by the prothonotary of Philadelphia County," further providing for the fee to commence or execute upon a Commonwealth tax lien.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. HAYES. Mr. Speaker, I move that HB 1671 be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 1675, PN 2145**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), redefining certain terms; providing for the time of filing employers' returns and making payments of taxes withheld; ***; imposing penalties on certain employers; providing for extensions of time and making editorial changes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. HAYES. Mr. Speaker, I move that HB 1675, PN 2145, be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 1604, PN 1870**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing that certain competition between individuals and the promotion of such competition be unlawful and providing specific penalties for certain activities related to such competition.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. HAYES. Mr. Speaker, I move that HB 1604 be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 1806, PN 2830**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for crimes against race, color, ancestry or national origin, creed or religion by prohibiting certain acts.

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

Mr. SALVATORE offered the following amendments No. A6399:

Amend Title, page 1, lines 2 through 4, by striking out "providing for crimes against race," in line 2, all of lines 3 and 4, and inserting

prohibiting institutional vandalism; ethnic intimidation and providing for certain related private rights of action.

Amend Sec. 1, page 1, line 9, by striking out "a section" and inserting sections

Amend Bill, page 1, lines 10 through 15; and page 2, lines 1 through 19, by striking out all of said lines on said pages and inserting

§ 2710. Ethnic intimidation.

(a) Offense defined.—A person commits the offense of ethnic intimidation if, by reason of the race, color, religion or national origin of another individual or group of individuals, he commits an offense under any other provision of this article (relating to offenses involving danger to the person) or under Chapter 33 (relating to arson, criminal mischief and other property destruction) or under section 3503 (relating to criminal trespass) with respect to such individual or one or more members of such group or to their property.

(b) Grading.—An offense under this section shall be classified as a misdemeanor of the third degree if the other offense is classified as a summary offense; otherwise an offense under this section shall be classified one degree higher in the classification specified in section 106 (relating to classes of offenses) than the classification of the other offense.

§ 3307. Institutional vandalism.

(a) Offenses defined.—A person commits the offense of institutional vandalism, if he knowingly desecrates, as defined in section 5509 (relating to desecration of venerated objects), vandalizes, defaces or otherwise damages:

(1) any church, synagogue or other facility or place used for religious worship or other religious purposes;

(2) any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;

(3) any school, educational facility or community center;

(4) the grounds adjacent to, and owned or occupied by any school, center or other facility specified in paragraph (1), (2) or (3); or

(5) any personal property located in any school, center or other facility specified in paragraph (1), (2) or (3).

(b) Grading.—An offense under this section is a felony of the third degree if the actor causes pecuniary loss in excess of \$5,000. Pecuniary loss includes the cost of repair or replacement of the property affected. Otherwise institutional vandalism is a misdemeanor of the second degree.

Section 2. (a) Any person who incurs injury to his person or damage or loss to his property as a result of conduct described in 18 Pa.C.S. § 2710 (relating to ethnic intimidation) or 18 Pa.C.S. § 3307 (relating to institutional vandalism) shall have a right of action against the actor for injunction, damages or other appropriate civil or equitable relief. In any such action the issue of whether the defendant engaged in the conduct alleged shall be determined according to the burden of proof used in other civil actions for similar relief.

(b) The plaintiff in an action under this section may recover:

(1) General and special damages, including damages for emotional distress.

(2) Punitive damages.

(3) Reasonable attorneys fees and costs.

Section 3. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. PISTELLA. Mr. Speaker, I do not have a copy of that amendment.

The SPEAKER. The amendment has been distributed.

The Chair recognizes the gentleman, Mr. Salvatore, and asks that he explain the amendment.

Mr. SALVATORE. He has a copy of it, Mr. Speaker.

What we did, Mr. Speaker, in order to strengthen the bill, we literally gutted the bill and amended the bill, we felt in keeping with the first amendment, to clarify ethnic intimidation instead of ethnic terrorism, and also what we did was grade the offenses.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I concur in the comments of Representative Salvatore. When the bill came before the Judiciary Committee, I had a problem with the first section, which I think might have infringed on the first amendment. But Mr. Salvatore, in junction with, I believe, the Anti-Defamation League, has come up with language embodied in this amendment which solves that problem.

I think it is a good amendment, and I would ask for a favorable vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

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

Dininni	Lescovitz	Rappaport	Wozniak
Dombrowski	Letterman	Rasco	Wright, D. R.
Donatucci	Levi	Reber	Wright, J. L.
Dorr	Levin	Richardson	Wright, R. C.
Duffy	Lewis	Rieger	Zwinkl
Durham	Livengood	Ritter	
Evans	Lloyd	Rocks	Ryan,
Fargo	Lucyk	Rybak	Speaker

NAYS—0

NOT VOTING—3

Cohen	DeWeese	Harper
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EXCUSED—7

Alden	Greenfield	Iris	Snyder
Emerson	Gruitza	Lashingner	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

Dombrowski	Lescovitz	Rasco	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Lewis	Ritter	Ryan,
Evans	Livengood	Rocks	Speaker

NAYS—1

Smith, E. H.

NOT VOTING—2

Cohen	Rappaport
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EXCUSED—7

Alden	Greenfield	Iris	Snyder
Emerson	Gruitza	Lashingner	

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

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. James Esterly and Clifford Hudson, here today as the guests of Representative Karl Boyes.

REMARKS ON VOTE

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

Mr. PETERSON. Thank you, Mr. Speaker.

After checking the voting record on HB 2066, I find my vote was not recorded. I would like to be recorded in the affirmative.

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 2213, PN 2849**, entitled:

An Act authorizing the Department of General Services, with the approval of the State Armory Board, the Department of Military Affairs and the Governor, to grant and convey to the City of Philadelphia an easement and right-of-way in and over certain land in the City of Philadelphia.

On the question,

Will the House agree to the bill on third consideration?

Mr. SALVATORE offered the following amendments No. A6460:

Amend Sec. 2, page 2, line 19, by striking out "feet" where it appears the first time and inserting minutes

Amend Sec. 2, page 2, line 29, by striking out "48" where it appears the last time and inserting

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

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

Mr. SALVATORE. Mr. Speaker, these amendments are technical in nature. All we are doing is striking out the word "feet" and inserting the word "minutes" and amending section 2, where we strike out "48" and put the number "49" in there.

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

The following roll call was recorded:

YEAS—190

Anderson	Fargo	McClatchy	Salvatore
Armstrong	Fee	McIntyre	Saurman
Arty	Fischer	McMonagle	Serafini
Barber	Fleck	McVerry	Seventy
Belardi	Foster, W. W.	Mackowski	Showers
Belfanti	Foster, Jr., A.	Madigan	Shupnik
Beloff	Frazier	Maiale	Sieminski
Berson	Freind	Manderino	Sirianni
Bittle	Fryer	Manmiller	Smith, B.
Blaum	Gallagher	Marmion	Smith, E. H.
Borski	Gallen	Merry	Smith, L. E.
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	Gray	Mowery	Stuban
Cappabianca	Greenwood	Mrkonic	Swaim
Cawley	Grieco	Mullen	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
Colafrella	Heiser	Pendleton	Trello
Cole	Hoeffel	Perzel	Van Horne
Cordisco	Honaman	Peterson	Vroon
Cornell	Horgos	Petrarca	Wachob
Coslett	Itkin	Petrone	Wambach
Cowell	Jackson	Phillips	Wargo
Cunningham	Johnson	Piccola	Wass
DeMedio	Kanuck	Pievsky	Wenger
DeVerter	Kennedy	Pistella	Weston
DeWeese	Klingaman	Pitts	Wiggins
Daikeler	Kolter	Pott	Williams, H.
Davies	Kowalshyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
Deal	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Rasco	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Richardson	Wright, R. C.
Dorr	Lewis	Rieger	Zwikel
Duffy	Livengood	Ritter	
Durham	Lloyd	Rocks	Ryan,
Evans	Lucyk	Rybak	Speaker

NAYS—0

NOT VOTING—3

Cohen	Hutchinson, A.	Levin
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EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashinger	

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—188

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

NAYS—0

NOT VOTING—5

Cohen Freind Lucyk Stuban
Cole

EXCUSED—7

Alden Greenfield Irvis Snyder
Emerson Gruitza Lashingier

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

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

REMARKS ON VOTE

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

Mr. FREIND. Mr. Speaker, I was so engrossed in an intriguing conversation with my colleagues that I did not vote on the last vote on HB 2213. Had I, I would have voted in the affirmative.

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 1766, PN 2093**, entitled:

An Act requiring retail motor vehicle service stations to have air pumps for the public and providing penalties and civil remedies.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 1766 be placed upon the table.

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

* * *

The House proceeded to third consideration of **SB 831, PN 1696**, entitled:

An Act providing for additional capital projects in Allegheny, Beaver, Berks, Clearfield, Lackawanna, Lawrence, Luzerne, Mercer and Washington Counties to be financed from the current revenues of the Motor License Fund.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that SB 831 be recommended to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to third consideration of **HB 1739, PN 2350**, entitled:

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), further providing for investment in fixed assets, purchase of acceptances, competing regulated lenders, deposits in savings banks, *** placing restrictions against a trust company holding its own stock; permitting a restricted number of trustees of a savings bank to serve as directors of trust companies; deleting certain restrictions on loans; and permitting conversion of mutual savings banks into stock savings banks.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 1739 be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 1568, PN 1830**, entitled:

An Act amending the "County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), further providing for the determination of simultaneous payments of salary and retirement allowance by increasing certain time spans.

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

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

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

YEAS—184

Anderson	Fischer	McIntyre	Saurman
Armstrong	Fleck	McMonagle	Serafini
Arty	Foster, W. W.	McVerry	Seventy
Barber	Foster, Jr., A.	Mackowski	Showers
Belardi	Frazier	Madigan	Shupnik
Belfanti	Freind	Maiale	Sieminski
Beloff	Fryer	Manderino	Sirianni
Berson	Gallagher	Manmiller	Smith, B.
Bittle	Gallen	Marmion	Smith, E. H.
Blaum	Gamble	Merry	Smith, L. E.
Borski	Gannon	Michlovic	Spencer
Bowser	Geist	Micozzie	Spitz

Boyes	George	Miller	Stairs
Brandt	Gladeck	Miscevich	Steighner
Burd	Grabowski	Moehlmann	Stevens
Burns	Gray	Morris	Stewart
Caltagirone	Greenwood	Mowery	Stuban
Cappabianca	Grieco	Mullen	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	Trello
Colafella	Hoeffel	Perzel	Van Horne
Cole	Honaman	Peterson	Vroon
Cordisco	Hutchinson, A.	Petrarca	Wachob
Cornell	Itkin	Phillips	Wambach
Coslett	Jackson	Piccola	Wargo
Cowell	Johnson	Pievsky	Wass
Cunningham	Kanuck	Pistella	Wenger
DeMedio	Kennedy	Pitts	Weston
DeVerter	Klingaman	Pott	Wiggins
Daikeler	Kolter	Pratt	Williams, H.
Davies	Kowalshyn	Pucciarelli	Williams, J. D.
Dawida	Kukovich	Punt	Wilson
Deal	Laughlin	Rappaport	Wogan
Dietz	Lehr	Rasco	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.
Dombrowski	Letterman	Richardson	Wright, J. L.
Donatucci	Levi	Rieger	Wright, R. C.
Dorr	Levin	Ritter	Zwinkl
Durham	Lewis	Rocks	
Evans	Livengood	Rybak	Ryan,
Fargo	Lucyk	Salvatore	Speaker
Fee	McClatchy		

NAYS—7

Brown	Horgos	Mrkonic	Tigue
DeWeese	Lloyd	Petrone	

NOT VOTING—2

Cohen	Duffy
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EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingier	

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

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

* * *

The House proceeded to third consideration of **SB 254, PN 1594**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for improvements in public parks, authorizing the establishment and maintenance of horse show rings in public parks, further providing for tax levies and making an editorial change.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that SB 254 be recommit-
ted to the Committee on Urban Affairs.

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

* * *

The House proceeded to third consideration of **SB 1011, PN 1190**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for further regulating the computation of minimum nonforfeiture benefits and cash surrender values required in life insurance policies.

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

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

The question is, shall the bill pass finally?

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

YEAS—188

Anderson	Fee	Lucyk	Saurman
Armstrong	Fischer	McClatchy	Serafini
Arty	Fleck	McIntyre	Seventy
Barber	Foster, W. W.	McMonagle	Showers
Belardi	Foster, Jr., A.	McVerry	Shupnik
Belfanti	Frazier	Mackowski	Sieminski
Berson	Freind	Madigan	Sirianni
Bittle	Fryer	Maiale	Smith, B.
Blaum	Gallagher	Manderino	Smith, E. H.
Borski	Gallen	Manmiller	Smith, L. E.
Bowser	Gamble	Marmion	Spencer
Boyes	Gannon	Merry	Spitz
Brandt	Geist	Michlovic	Stairs
Brown	George	Micozzie	Steighner
Burd	Gladeck	Miller	Stevens
Burns	Grabowski	Moehlmann	Stewart
Caltagirone	Gray	Morris	Stuban
Cappabianca	Greenwood	Mowery	Swaim
Cawley	Grieco	Mrkonic	Sweet
Cessar	Gruppo	Mullen	Swift
Cimini	Hagarty	Murphy	Taddonio
Civera	Haluska	Nahill	Taylor, E. Z.
Clark	Harper	Noye	Taylor, F. E.
Clymer	Hasay	Olasz	Telek
Cochran	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	Itkin	Phillips	Wargo
Cunningham	Jackson	Piccola	Wass
DeMedio	Johnson	Pievsky	Wenger
DeVerter	Kanuck	Pistella	Weston
DeWeese	Kennedy	Pitts	Wiggins
Daikeler	Klingaman	Pott	Williams, H.
Davies	Kolter	Pratt	Williams, J. D.
Dawida	Kowalshyn	Pucciarelli	Wilson
Deal	Kukovich	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	
Durham	Lewis	Rybak	Ryan,
Evans	Livengood	Salvatore	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—5

Beloff Cohen	Miscevich	O'Donnell	Rappaport
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EXCUSED—7

Alden Emerson	Greenfield Gruitza	Irvis Lashinger	Snyder
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

* * *

The House proceeded to third consideration of **SB 1012, PN 1471**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further regulating the computation of the reserve liability of life insurance policies and annuity contracts.

On the question,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC offered the following amendments No. A5759:

Amend Bill, page 26, by inserting between lines 12 and 13

Section 2. The initial and any subsequent changes in interest rates and mortality rates which the Insurance Commissioner proposes to approve pursuant to the amendments under this act, shall be reported to the General Assembly for approval or disapproved in the manner provided in the act of April 7, 1955 (P.L. 23, No. 8), known as the "Reorganization Act of 1955." No proposed change shall take effect following disapproval by the General Assembly.

Amend Sec. 2, page 26, line 13, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. NOYE. Mr. Speaker, this is the second bill this morning that has been called up for a vote where an amendment was just distributed this morning and our caucus had no knowledge of the amendment. Now, we do not mind the amendments, but we would like to have a little advance notice and have a chance to go over the amendments. I will let Mr. DeVerter, the sponsor of the bill, speak to this, but we would appreciate if we could— And we have some on our side, too, who do this. I would urge all members, please, when you have an amendment, please give it to us so the caucus has a chance to review it.

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

Mr. MICHLOVIC. I would just like to advise the majority caucus chairman that this amendment was introduced on

Monday, and the fact that it was distributed today is not of my doing. I gave you plenty of time to do it.

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

Mr. NOYE. In response to that, I would state that we had no knowledge of the amendment. I have no objection to your amendment. I am not saying that. I just would like to have the word that you have one so we can bring it up, and if you could provide us with a copy in advance, we would appreciate it.

The SPEAKER. The members of the House, when they have prepared amendments, as a matter of courtesy and also in order to allow this operation to run a little bit more smoothly, perhaps should take it upon themselves to distribute to the respective caucus chairmen copies of the amendment.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, amendment 5759 simply adds to SB 1012 a section which would require approval by the House through the administrative rules procedure that we use right now for administrative rules.

SB 1012 deals with information of a very technical nature in the insurance industry. It deals with changing mortality rates in the insurance business, and it allows the Insurance Commissioner to have the authority to make those changes. My amendment simply would require that those changes be posted on the House calendar for 30 days. If the House does not disapprove those changes, then they go into effect. I would ask all the members of the House to join me in this amendment. Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. Mr. Speaker, I rise to oppose this amendment.

The purpose of this bill is to provide for a floating interest rate both on policy loans and on the credit that each policyholder gets on an annuity basis in straight life insurance. It is tied to a long-term bond index. This bill was through committee. There was a lengthy discussion on this. This amendment was not proposed in committee. I assure at least this side of the aisle that we studied this whole problem in great detail and came to the conclusion that this is a proper bill. There is no problem with it, because the benefit to the policyholder is balanced; it is in balance to the benefit to the companies, and therefore it is a washout.

The purpose of coming back to the General Assembly for approval applies to administrative agencies. If we are going to say that every time private industry wants to change a price they have to come back here, we are going to be doing nothing but being a superministry of planning that has messed up the economies in Eastern Europe so badly. It just cannot be done, nor should we be doing it. We are going to be looking for so much work. We will be here 52 weeks a year, and we just do not need that.

Therefore, Mr. Speaker, I rise to oppose this amendment, and think it will be most harmful in the administrative

scheme. We have an Insurance Commissioner for this purpose, not the General Assembly. If we do not like the Insurance Commissioner, why, we will defeat the Governor who appointed him and get another Governor. That is the way it works. We are going to try to do that this year, but it has nothing to do with this bill. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge the members to defeat this amendment. The intent of the legislation is that we do not have to come back here every time the industry needs to change but rather place that within the confines of the Insurance Department.

First of all, I do not think there are probably too many of us here who have the knowledge that is necessary to ascertain what are the correct mortality tables. The mortality tables, quite frankly, are not changed that frequently, and it has been I do not know how many years, 50 years or more, since they were last changed.

This bill is designed to modernize this aspect of being able to provide our constituents with a product that they can afford without having to come back through this General Assembly for various changes on interest rates and mortality rates. I would appreciate a negative vote on the amendment. Thank you, Mr. Speaker.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

In response to the two previous gentlemen, let me just point out that the administrative rules notification that we oftentimes see on our calendars does not affect our workload at all. They are there. They are just a notification to us of administrative rules being changed. If we wish to do something about that, we have easy access to do it, so we are not going to be increasing our workload. In fact, this is information—I agree with the gentleman, Mr. DeVerter—it is information of a very technical nature, and that is all the more reason why we have to at least have some time to review this. And we are not going to review it. Our staffs or people in the employment of the House will be investigating, taking a look at it, and giving us a little time before these mortality rates go into effect.

I think those are all the reasons why we want to support the amendment. Right now we have to do it by legislative act. I am simply saying we ought to do it by a legislative veto, or by a lack of a veto we would then approve them. So I ask your support of the amendment. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, would either of the two former speakers who oppose the amendment answer one question of interrogation relative to the bill but does reflect on my concerns about the amendment?

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

Mr. DAVIES. Mr. Speaker, essentially, would there be a cap on the amount of interest charged existing in the bill as it is now since essentially it is a loan against your own money?

Mr. RAPPAPORT. Mr. Speaker, I understand the confusion of many members about how this works. To look at our own pension system, which is very similar to this, we get 4 percent on the money that we have in the State pension fund. We also only get credited with 4 percent on the annuity basis. That goes to the size of the annuity.

What is happening here is that the benefit to the policyholder will be at the higher interest rate as well as the loan rate. Therefore, it is balanced. All this does is tie that rate to the long-term bond index, which will give a realistic rate both for the policyholder to his benefit in terms of the size of his cash value and to the company. It is an equalization on both sides. If the company gets a benefit, the policyholder also gets the benefit of that increased interest rate in terms of the growth of his cash value. I do not know if I have made myself clear, Mr. Speaker.

Mr. DAVIES. Mr. Speaker, so then essentially there is no cap. It would be a floating process in which to some degree the market will set the rate. Is that correct?

Mr. RAPPAPORT. Mr. Speaker, the market will set the rate to a total degree. It will be set every year in the bill in accordance with the long-term bond index, commercial bonds, major corporate bonds. We had, of course, in recent years a tremendous fluctuation, but ordinarily that is a very conservative rate.

Mr. DAVIES. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—74

Barber	Evans	Lloyd	Rieger
Blaum	Fee	Lucyk	Ritter
Borski	Gallagher	McIntyre	Rocks
Brown	Gamble	McMonagle	Seventy
Caltagirone	George	Manderino	Steighner
Cappabianca	Grabowski	Michlovic	Stewart
Cawley	Gray	Miscevich	Swaim
Clark	Haluska	Morris	Sweet
Colafella	Harper	Mrkonic	Tigue
Cole	Hoeffel	Mullen	Trello
Cordisco	Horgos	Murphy	Van Horne
Cowell	Hutchinson, A.	O'Donnell	Wachob
DeMedio	Itkin	Olasz	Wargo
DeWeese	Kolter	Petrarca	Wiggins
Dawida	Kukovich	Petrone	Williams, H.
Deal	Laughlin	Pistella	Williams, J. D.
Dombrowski	Lescovitz	Pucciarelli	Wozniak
Donatucci	Letterman	Richardson	Zwilk
Duffy	Levin		

NAYS—116

Anderson	Foster, W. W.	Madigan	Shupnik
Armstrong	Foster, Jr., A.	Maiale	Sieminski
Arty	Frazier	Manmiller	Sirianni
Belardi	Freind	Marmion	Smith, B.
Belfanti	Fryer	Merry	Smith, E. H.
Berson	Gallen	Micozzie	Smith, L. E.
Bittle	Gannon	Miller	Spencer
Bowser	Geist	Moehlmann	Spitz
Boyes	Gladeck	Mowery	Stairs
Brandt	Greenwood	Nahill	Stevens
Burd	Grieco	Noye	Suban

Burns	Gruppo	Oliver	Swift
Cessar	Hagarty	Pendleton	Taddonio
Cimini	Hasay	Perzel	Taylor, E. Z.
Civera	Hayes	Peterson	Taylor, F. E.
Clymer	Heiser	Phillips	Telek
Cochran	Honaman	Piccola	Vroon
Cornell	Jackson	Pievsky	Wambach
Coslett	Johnson	Pitts	Wass
Cunningham	Kanuck	Pott	Wenger
DeVerter	Kennedy	Punt	Weston
Daikeler	Klingaman	Rappaport	Wogan
Davies	Kowalyszyn	Rasco	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Levi	Rybak	Wright, R. C.
Dorr	Lewis	Salvatore	Ryan, Speaker
Durham	Livengood	Saurman	
Fargo	McClatchy	Serafini	
Fischer	McVerry	Showers	
Fleck	Mackowski		

NOT VOTING—3

Beloff	Cohen	Pratt
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EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingner	

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

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

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

The question is, shall the bill pass finally?

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

YEAS—188

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

DeWeese	Kennedy	Pott	Wiggins
Daikeler	Klingaman	Pratt	Williams, H.
Davies	Kolter	Pucciarelli	Williams, J. D.
Dawida	Kowalyszyn	Punt	Wilson
Deal	Kukovich	Rappaport	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	Wilson	
Durham	Lewis	Rybak	Ryan, Speaker
Evans	Livengood	Salvatore	
Fargo	Lloyd		

NAYS—1

Michlovic

NOT VOTING—4

Beloff	Cohen	Merry	Micozzie
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EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingner	

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.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a distinguished visitor from Italy, Dr. Giuseppe Cassini and his wife Anna Maria, here today with Mario Mele of the Liquor Control Board. Dr. Cassini is the Italian Consul General to the State of Pennsylvania representing the Italian Government, here today as the guest of Thomas Petrone.

I hope that same enthusiasm is shown on March 17, even though you will not be in session, unless the Senate neglects to do their duty.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1713, PN 2861**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 1713 be recommended to the Committee on Game and Fisheries.

On the question,

Will the House agree to the motion?
Motion was agreed to.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Thank you, Mr. Speaker.

Many members would like to attend church services, and so I suggest that we recess at this time for the purpose of taking lunch and for those who want to attend church.

It will also be necessary for both caucuses to meet on bills which have been passed over temporarily but will be voted this afternoon, so I suggest that we recess at this time until the hour of 2:30 p.m. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

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

Mr. O'DONNELL. Mr. Speaker, there will be a Democratic caucus immediately. Please recess immediately to the caucus room. Thank you.

REPUBLICAN CAUCUS

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

Mr. NOYE. Mr. Speaker, the Republicans will caucus at 1:30 in the majority caucus room.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. There will be a brief meeting of the Rules Committee in my office at the call of the recess.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 942, PN 1700 (Amended)

By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limited Statewide police powers for municipal police officers and retaining certain immunities and benefits.

JUDICIARY.

RECESS

The SPEAKER. Without objection, this House will now stand in recess until 2:30 p.m. The Republicans will caucus at 1:30. The Democratic caucus will meet immediately. There will be an immediate meeting of the Rules Committee in the majority leader's office.

The Chair hears no objection to the declaration of the recess. This House is in recess.

AFTER RECESS

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

QUESTION OF INFORMATION

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

Mr. GRABOWSKI. Mr. Speaker, I was wondering if it would be possible to deviate from the voting schedule today to have another bill voted on, which apparently until today the Democrats did not caucus on. It is now caucused on, and what I am referring to is HB 1875, which is the capital budget bill for the Game Commission, which is of utmost importance that it be passed very soon. There is land acquisition involved.

The SPEAKER. Will the gentleman yield?

Might I suggest that the gentleman speak to the majority leader.

STATEMENT ON RESOLUTION TO BE INTRODUCED

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

Mr. COLE. Mr. Speaker, I have over on the bill clerk's desk a resolution that will honor firefighters and their ladies' auxiliary, making the second Sunday of Fire Prevention Week a day in their honor. Anybody who would like to be a cosponsor of the resolution, you may sign it over at the bill clerk's. Thank you.

CALENDAR RESUMED FINAL PASSAGE POSTPONED BILL CONSIDERED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. HAYES, the House resumed consideration on final passage of **HB 2036, PN 2586**, entitled:

An Act amending the "Secondary Mortgage Loan Act," approved December 12, 1980 (P. L. 1179, No. 219), changing the maximum rate of interest permitted to be charged by licensees.

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?

DECISION OF CHAIR REVERSED

The SPEAKER. Without objection, the Chair reverses its decision as to the bill having been agreed to on third consideration. The Chair hears none.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PISTELLA offered the following amendment No. A6398:

Amend Sec. 1 (Sec. 9), page 2, line 10, by striking out "1.85%" and inserting
1.66%

On the question,

Will the House agree to the amendment?

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment A6398 amends HB 2036 by changing the interest rate from 1.85 to 1.66. That would in fact decrease it to 19.5 percent per year.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle, on the question of the adoption of the Pistella amendment.

Mr. BITTLE. Mr. Speaker, I would ask the members of the House to oppose the Pistella amendment. I believe that for all practical purposes, reducing the rate to that amount would make the entire bill a nullity, because at an annual interest rate of 19.92, there really would be no one in the lending area who would seriously consider getting into the secondary mortgage business. The average cost of money to the companies making those loans in 1981 was 17.43 percent. To increase the interest rate to 19.92 percent would not induce anyone to get into the secondary mortgage business. In fact, I think the bill would be useless with that amendment inserted into it. I would ask everyone to oppose the amendment.

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

Mr. LAUGHLIN. Mr. Speaker, very briefly, as the members of the House are well aware, this legislation was brought up approximately a week or 10 days ago for a vote in this House and did not pass on either occasion on two considerations. I believe one of the reasons that it did not pass was because of the very high rate that is indicated in the bill presently. For that reason I would ask for an affirmative vote for Representative Pistella's amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella, for the second time.

Mr. PISTELLA. Thank you, Mr. Speaker.

I hope to make my remarks very brief and try to outline a little bit of the economic problem that we are dealing with.

HB 2036 is an attempt to increase the interest rate for the Secondary Mortgage Loan Act.

One of the previous speakers advocating the defeat of this particular amendment, Mr. Speaker, suggested that the individuals in the discount market and the secondary mortgage loan market were in fact borrowing money from large banks at an interest rate of approximately 17 percent over the course of the last fiscal year. That in fact is true. What you have is a situation where small or large secondary mortgage organizations must in fact borrow from larger banks at what is referred to as the prime interest rate. They in fact are actually borrowing from their competitors in trying to issue secondary mortgage loans. But there is something else that is taking place in this particular economic field, and that is the fact that many of the larger secondary mortgage loan companies are in fact capable and are doing the process of issuing their own

paper at an interest rate of approximately 14 1/2 to 15 percent, which is considerably lower than the prime interest rate that is being offered by banks. Let us make that point understood, because during the course of the presentation for HB 2036, I do not feel that that issue was adequately addressed.

Another point that I want to make is that when we are referring to secondary mortgage loans, we are actually referring to two types, some of which are collateralized and some of which are uncollateralized. There has been widespread usage of a home or piece of property for a secondary mortgage when going after a loan, and that is the collateral that is being covered. The unprotected ones are those where there is no collateralized mortgage.

I think that an effort to pass a piece of legislation with a considerably lower interest rate than what is being requested in this bill is sound monetary policy, and I think it is something that would be done to the benefit of both the institutions and the consumers of this Commonwealth. I urge the adoption of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle, for the second time.

Mr. BITTLE. Mr. Speaker, I believe that this bill has already been compromised substantially from the original intent when the legislation was first about to be introduced, and I believe this further deterioration of the lending limit would do nothing but make the bill a nullity. I do not think it would do anything for either the lending institutions or the consumers in this Commonwealth who desire to make secondary mortgage borrowings, because the money would not be available for those people. I would ask once again, Mr. Speaker, that the amendment be defeated.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I stand in opposition to this amendment. I have only pushed for this bill for one reason: I hate to see us lose any more jobs in the State of Pennsylvania. I hate to see us lose our CNI (corporate net income) taxes that we are losing because of this; closing down offices throughout the entire area. And if we look around at the other States surrounding us, 25 percent is the lowest that any one of those States has. I do not think that 22.2 percent is too high for this.

You must remember that this is also one of the few places that people can turn to without interfering with the first mortgage. They can get this money without it interfering with their first mortgage. It does not say you have to go in like you do at a bank and change everything over, so that you have to take the higher rate in order to get a little bit more money. I think this is necessary at this time for people who can really afford to do something. I would stand in opposition to it. Thank you.

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

Mr. RITTER. Mr. Speaker, I rise to support the amendment. I am sure many of us have either contacted or have been contacted by people in the business of lending second mort-

gages. When I spoke to several in my area, several of them said please do not mention my name or my company, but in all honesty we could support a lesser increase in the interest rate than what is presently in the bill. And they talked in terms of 19 to 20 percent interest, which is really what Mr. Pistella's amendment does.

It seems to me that if we start out with a lesser increase and find out over a period of time that perhaps that is not high enough, it seems to me it would be a lot better than to go to a 22- or 23-percent rate and find out that maybe it was too high. If the financial people whom I have spoken to—and they represent some of the larger financial institutions—indicate that they can live with a percentage rate in the neighborhood of 19 to 20 percent, then we ought to accept the Pistella amendment. On that basis, Mr. Speaker, I ask for support on the Pistella amendment.

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

The following roll call was recorded:

YEAS—71

Barber	Fee	Manderino	Smith, E. H.
Belardi	Fryer	Michlovic	Stairs
Belfanti	Gallagher	Miscevich	Steighner
Berson	Gamble	Mrkoncic	Stevens
Blaum	George	Mullen	Stuban
Bowser	Haluska	Murphy	Taylor, F. E.
Brown	Harper	O'Donnell	Tigue
Caltagirone	Hasay	Olasz	Trello
Cappabianca	Hoeffel	Oliver	Van Horne
Cawley	Horgos	Pievsky	Wachob
Cordisco	Itkin	Pistella	Wambach
Cowell	Kolter	Pratt	Wass
DeMedio	Kowalyszyn	Richardson	Wiggins
Dawida	Kukovich	Ritter	Williams, H.
Deal	Laughlin	Rybak	Williams, J. D.
Dombrowski	Lescovitz	Salvatore	Wright, D. R.
Duffy	Levin	Seventy	Zwikl
Evans	Lloyd	Sieminski	

NAYS—117

Anderson	Fargo	McClatchy	Reber
Armstrong	Fischer	McIntyre	Rieger
Arty	Fleck	McMonagle	Rocks
Beloff	Foster, W. W.	McVerry	Saurman
Bittle	Foster, Jr., A.	Mackowski	Serafini
Borski	Frazier	Madigan	Showers
Boyes	Freind	Maiale	Shupnik
Brandt	Gallen	Manmiller	Sirianni
Burd	Gannon	Marmion	Smith, B.
Burns	Geist	Merry	Smith, L. E.
Cessar	Gladeck	Micozzie	Spencer
Cimini	Grabowski	Miller	Spitz
Civera	Gray	Moehlmann	Stewart
Clark	Greenwood	Morris	Swaim
Clymer	Grieco	Mowery	Sweet
Cochran	Gruppo	Nahill	Swift
Colafella	Hagarty	Noye	Taddonio
Cole	Hayes	Pendleton	Telek
Cornell	Heiser	Perzel	Vroon
Coslett	Honaman	Peterson	Wargo
Cunningham	Hutchinson, A.	Petrarca	Wenger
DeVertter	Jackson	Petrone	Weston
DeWeese	Johnson	Phillips	Wilson
Daikeler	Kennedy	Piccola	Wozniak
Davies	Lehr	Pitts	Wright, J. L.
Dietz	Letterman	Pott	Wright, R. C.
Dininni	Levi	Pucciarelli	
Donatucci	Lewis	Punt	Ryan,
Dorr	Livengood	Rappaport	Speaker

Durham	Lucyk	Rasco	
NOT VOTING—5			
Cohen	Klingaman	Taylor, E. Z.	Wogan
Kanuck			

EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingier	

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?
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—118

Anderson	Fargo	McClatchy	Rieger
Armstrong	Fleck	McIntyre	Rocks
Arty	Foster, W. W.	McVerry	Salvatore
Belfanti	Foster, Jr., A.	Mackowski	Saurman
Beloff	Frazier	Madigan	Showers
Bittle	Fryer	Maiale	Sieminski
Borski	Gallen	Manmiller	Sirianni
Bowser	Gannon	Marmion	Smith, B.
Boyes	Geist	Merry	Smith, E. H.
Brandt	Gladeck	Miscevich	Smith, L. E.
Burd	Gray	Moehlmann	Spencer
Burns	Greenwood	Morris	Stewart
Caltagirone	Grieco	Mowery	Swaim
Cessar	Gruppo	Nahill	Sweet
Cimini	Hagarty	Noye	Swift
Clymer	Hasay	Pendleton	Taddonio
Cole	Hayes	Perzel	Taylor, E. Z.
Cornell	Heiser	Peterson	Van Horne
Coslett	Hoeffel	Petrarca	Vroon
Cowell	Honaman	Petrone	Wenger
Cunningham	Jackson	Phillips	Weston
DeVertter	Johnson	Piccola	Williams, H.
DeWeese	Kennedy	Pitts	Wilson
Daikeler	Lehr	Pott	Wogan
Davies	Letterman	Pratt	Wozniak
Dietz	Levi	Pucciarelli	Wright, D. R.
Dininni	Lewis	Punt	Wright, J. L.
Dombrowski	Livengood	Rappaport	
Donatucci	Lloyd	Rasco	Ryan,
Dorr	Lucyk	Reber	Speaker

NAYS—63

Barber	Gallagher	Michlovic	Steighner
Belardi	Gamble	Micozzie	Stevens
Blaum	George	Miller	Stuban
Brown	Grabowski	Mrkoncic	Taylor, F. E.
Cawley	Harper	Murphy	Telek
Civera	Horgos	O'Donnell	Tigue
Cochran	Hutchinson, A.	Olasz	Trello
Colafella	Itkin	Oliver	Wachob
DeMedio	Kolter	Pistella	Wambach
Dawida	Kowalyszyn	Richardson	Wargo
Deal	Kukovich	Ritter	Wass
Duffy	Laughlin	Rybak	Wiggins
Durham	Lescovitz	Serafini	Williams, J. D.
Evans	Levin	Seventy	Wright, R. C.
Fee	McMonagle	Shupnik	Zwikl
Fischer	Manderino	Spitz	

NOT VOTING—12

Berson	Cohen	Haluska	Mullen
Cappabianca	Cordisco	Kanuck	Pievsky
Clark	Freind	Klingaman	Stairs

EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingner	

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 SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, on page 16, HR 158, I respectfully suggest that we should call this resolution up today, because if we do not, it will be too late for us to address that possibly next week. I believe we should address that question this week. Thank you, Mr. Speaker.

REMARKS ON VOTES

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

Mr. HALUSKA. Mr. Speaker, my switch failed to operate on HB 2036. I would like to be recorded in the negative. Thank you.

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

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

Mr. PIEVSKY. Also on HB 2036, Mr. Speaker. Had I been in my seat, I would have voted in the negative.

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

The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Likewise, Mr. Speaker, on HB 2036 I would like to be recorded in the affirmative.

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

RESOLUTION ADOPTED

Mr. HORGOS called up **HR 158, PN 2892**, entitled:

House designate week of March 1-7 as Pennsylvania Prayer Week for Veterans who gave so much to our Nation.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

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

Bittle	Fryer	Manmiller	Smith, E. H.
Blaum	Gallagher	Marmion	Smith, L. E.
Borski	Gallen	Merry	Spencer
Bowser	Gamble	Michlovic	Spitz
Boyes	Gannon	Micozzie	Stairs
Brandt	Geist	Miller	Steighner
Brown	George	Miscevich	Stevens
Burd	Gladeck	Moehlmann	Stewart
Burns	Grabowski	Morris	Stuban
Caltagirone	Gray	Mowery	Swaim
Cappabianca	Greenwood	Mrkonic	Sweet
Cawley	Grieco	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
Colafella	Heiser	Pendleton	Van Horne
Cole	Hoefel	Perzel	Vroon
Cordisco	Honaman	Peterson	Wachob
Cornell	Horgos	Petrarca	Wambach
Coslett	Hutchinson, A.	Petrone	Wargo
Cowell	Itkin	Phillips	Wass
Cunningham	Jackson	Piccola	Wenger
DeMedio	Johnson	Pievsky	Weston
DeVerte	Kanuck	Pistella	Wiggins
DeWeese	Kennedy	Pitts	Williams, H.
Daikeler	Klingaman	Pott	Williams, J. D.
Davies	Kolter	Pratt	Wilson
Dawida	Kowalshyn	Pucciarelli	Wogan
Deal	Kukovich	Punt	Wozniak
Dietz	Laughlin	Rappaport	Wright, D. R.
Dininni	Lehr	Rasco	Wright, J. L.
Dombrowski	Lescovitz	Reber	Wright, R. C.
Donatucci	Letterman	Richardson	Zwikel
Dorr	Levi	Rieger	
Duffy	Levin	Ritter	Ryan,
Durham	Livengood	Rocks	Speaker
Evans	Lloyd	Rybak	

NAYS—1

Lewis

NOT VOTING—3

Cohen	McIntyre	Shupnik
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EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingner	

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Lewis.

Mrs. LEWIS. Mr. Speaker, I ask that the record reflect that my switch inadvertently voted in the negative on HR 158.

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 1875, PN 2893**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

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

On the question,
Will the House concur in Senate amendments?

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

Mr. NOYE. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to HB 1875.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—185

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

NAYS—0

NOT VOTING—8

Civera	Davies	Lehr	O'Donnell
Cohen	Freind	McIntyre	Sirianni

EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingier	

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

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

Mrs. TAYLOR. Mr. Speaker, had I been in my seat when the Pistella amendment 6398 was voted, I would have voted in the negative.

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

The Chair recognizes the gentleman from Schuylkill, Mr. Klingaman. For what purpose does the gentleman rise?

Mr. KLINGAMAN. Mr. Speaker, I find that on final passage of HB 2036, my vote was not recorded. I would like to be recorded in the affirmative.

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

QUESTION OF INFORMATION

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

Mr. MISCEVICH. Mr. Speaker, I was in my seat and I could not get out quickly enough. On page 16 you passed over HR 157. Would it be possible to take a vote on that today, please?

The SPEAKER. Would the gentleman consult with the majority leader?

Mr. MISCEVICH. Thank you.

DECISION OF CHAIR REVERSED

The SPEAKER. Without objection, the Chair withdraws its decision that HR 157 on page 16 was passed over without objection. The Chair hears none.

RESOLUTION ADOPTED

Mr. MISCEVICH called up **HR 157, PN 2878, entitled:**

House memorialize Congress to pass legislation prohibiting withholding of Federal funds for highway aid in the Commonwealth.

On the question,
Will the House adopt the resolution?

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

Mr. OLASZ. Mr. Speaker, I am wondering if there is a misprint on HR 157. I call to your attention that "The House of Representatives memorializes the Congress of the United States to pass legislation which would permit the withholding

of Federal funds....” We want “prohibit” inserted in there, do we not? Is there not a misprint on that, Mr. Speaker?

The SPEAKER. Is the gentleman calling to the House’s attention a misprint on the calendar or in the resolution itself?

Mr. OLASZ. The analysis, Mr. Speaker, on the calendar.

The SPEAKER. The Chair calls to the attention of the gentleman that he is correct that the short analysis on the calendar is incorrect. However, the House resolution itself is apparently in correct form.

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

The following roll call was recorded:

YEAS—186

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

NAYS—0

NOT VOTING—7

Cohen	Kanuck	Lewis	Smith, E. H.
Hagarty	Levin	McIntyre	

EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingier	

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

REMARKS ON VOTES

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

Mr. FREIND. Mr. Speaker, on final passage of HB 2036 my switch failed to operate because I did not push it. Had I pushed it, I would have voted in the affirmative.

The SPEAKER. The confession of the gentleman from Delaware County shall be spread upon the record.

The Chair recognizes the gentleman from Bucks, Mr. Cordisco.

Mr. CORDISCO. Mr. Speaker, on HB 2036, unlike Representative Freind, I did vote in the negative. However, it was not recorded. I wish that my remarks would be spread upon the record, please.

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

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1302, PN 2133; HB 1582, PN 1844; and HB 1601, PN 1867**, 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 1302, PN 2133

An Act amending “The First Class Township Code,” approved June 24, 1931 (P. L. 1206, No. 331), changing the rates for per diem for attendance of appointed township officers and employes at conferences, institutes and schools.

HB 1582, PN 1844

An Act amending “The Second Class Township Code,” approved May 1, 1933 (P. L. 103, No. 69), further providing for attendance at certain conferences, institutes and schools.

HB 1601, PN 1867

An Act amending “The Game Law,” approved June 3, 1937 (P. L. 1225, No. 316), further providing for open season for raccoons.

HB 1875, PN 2893

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

SB 16, PN 1673

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), entitled "State Highway Law," further providing for traffic control devices, and for permits to open driveways and highway occupancy.

BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 1671 on page 4 of today's calendar, HB 1675 on page 5 of today's calendar, HB 1604 on page 5 of today's calendar, HB 1766 on page 8, and HB 1739 on page 9 be removed from the table and placed on the active calendar.

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

REMARKS ON VOTES

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

Mr. DAVIES. Mr. Speaker, I have to admit to the same confession as one of the former members. I would like to be recorded in the affirmative on HB 1875, PN 2893.

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

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

Mr. EVANS. Yesterday I was recorded incorrectly on SB 1081, in the positive. I would like to be recorded in the negative.

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 2023**, **PN 2864**, entitled:

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, further providing for the filing of statements of financial interests for county and municipal offices.

On the question,
Will the House agree to the bill on third consideration?
Mr. FRYER offered the following amendments No. A6462:

Amend Sec. 1 (Sec. 4), page 2, line 7, by striking out "municipal" and inserting

city

Amend Sec. 1 (Sec. 4), page 2, line 11, by striking out "municipal" and inserting

city

Amend Sec. 1 (Sec. 4), page 2, line 29, by inserting brackets before and after "local" and inserting immediately thereafter

city

On the question,

Will the House agree to the amendments?

REMARKS ON VOTES

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

Mr. J. D. WILLIAMS. Mr. Speaker, yesterday on SB 1081 I was recorded in the affirmative. I would like to be recorded in the negative, please. Thank you.

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

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

Mr. RICHARDSON. Mr. Speaker, I would like recognition in relationship to SB 1081. I would like to speak on it. Yesterday I was recorded in the negative while attending a program in the rotunda. My switch was inoperative, and I was recorded in the affirmative. I would like to be recorded in the negative.

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

CONSIDERATION OF HB 2023 CONTINUED

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

Mr. FRYER. Mr. Speaker, HB 2023 before us is a fine bill as far as it goes, but it fails to address itself to what I regard as the real problem here. All this present bill does is attempt to lighten the workload of the State Ethics Commission, which is fine. Frankly, however, that is not one of my major concerns. The real problem is that qualified people are refusing to run for office in our smaller municipalities because of the financial disclosure provisions of the present law. Accordingly, I am today offering an amendment to this bill which would remove from the financial disclosure portion of the law candidates and elected officials in our boroughs, school districts, towns, and townships.

Now, please note, Mr. Speaker, that I am proposing no changes as to State officials nor as to county officials nor as to city officials nor as to appointed officials at any level. Nor am I seeking to remove anyone from the conflict of interest or other provisions of the law.

My point simply put is this, that it has been difficult enough in prior years to find reliable, hard-working, substantial men and women to run for local office. Now, when we tell them that they have to reveal their sources of income and the nature of their assets, it becomes virtually impossible to persuade them to offer themselves for public service. As a result, we have a lowering of the caliber of our local officials.

Few people who amount to anything are willing to do a financial striptease in the public square for the dubious honor of serving on a borough council or a school board or a board of township supervisors. And why should they? Corruption has always been illegal, and it will remain such. If someone is a crook, he is not going to sign a confession and send it to the Ethics Commission.

Mr. Speaker, I ask the members of the House to remove this bureaucratic crown of thorns from our smaller units of local government by adopting the amendment that is now before us. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

We have been involved in this debate on an ongoing basis since about 1978. When we voted almost unanimously at that time to include these officials, I think we did the right thing. In the last 3 or 4 years since we did that, I do not think we have created any undue hardship. I do not think statistically it can be borne out that a lot of good people are now not running for office because of this. On the contrary, I think we have helped the image of politics, State and local, in this Commonwealth by the passage of this act.

I think to water down the act now and to take out one whole classification of elected officials would be a mistake. I think it would cast a cloud over what we have done with the Ethics Act, and I also think that we should keep in mind that the vast majority of those officials, I do not think have a real problem with this act now. I think they are more in the habit of how simple it is to file this ethics statement. It is not unduly burdensome to them. We also have to keep in mind that even though they might not be receiving salaries or large amounts of money or any money at all for their job function, they do control and have more control over funding than we do. Our vote is diluted greatly because the chamber is so large, but there are many local officials who might have one-seventh or one-fifth or one-ninth of a vote over large sums of money.

I think we should vote against this amendment and maintain the integrity of the Ethics Act and the Ethics Commission.

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

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

Mr. Speaker, I would like to request consent of the offerer of the amendment to stand for interrogation.

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

Mr. H. WILLIAMS. Mr. Speaker, I am not clear on what your rationale or your reason is for excepting this category of public officials. Could you make that clear? What is the reason that these folks should be excepted from these provisions?

Mr. FRYER. Mr. Speaker, what we are trying to do is remove our local officials on the local level, who in many cases work for little or no salary. We find that in practice this Ethics Law with its financial disclosure has prevented a number of people from serving in local government. We are not making any changes on the county level, city level, or State level. We are merely addressing ourselves to the local officials. Many of us who are active in local government have found that it is difficult to get the caliber of people that we need on the local level, and it is primarily due to the financial disclosure requirements of the act.

Mr. H. WILLIAMS. Mr. Speaker, the question I have in my mind is, just because someone is local as compared to being State, is that a sound line of discrimination? I mean, just because it is a local official and we are State officials, what is the difference? What does the local aspect have to do with the requirements that we have here? Why should it not be for everybody?

Also while you are at it, you mentioned little or no money. Would it also apply to people, like on the city council in Philadelphia, who may make more money than we make here? Is it based on the amount of money or lack of money or just on the local aspect? I am not quite clear where your handle is, and therefore, I cannot get a feeling for what you are proposing, because I have a bias that if they are going to do this—which may be wrong in the first place—it ought to cover everybody. What really is your problem, over and above being local and over and above being that some people make little money and some people do not make any money? And I suppose there are some people making a lot of money who are in local situations and may be in a position, because of their position and power, to make a lot more money because of matters of this kind. If you could sort of answer that for me, please.

Mr. FRYER. Mr. Speaker, the thrust for this legislation was developed largely by the irregularities of a number of State officials, and it was felt that it is necessary to provide a better environment.

Now, Mr. Speaker, for anyone in this Commonwealth to follow the activities of the State legislature, it is more difficult than in our boroughs and our townships, because that level of government is very close to the people. It stands under the scrutiny of the townspeople, so to speak. I do not think, Mr. Speaker, that it is fair to equate, let us say, a State legislator with a salary of \$25,000 to a person who is acting as a school director at no pay, or to a councilman or a township supervisor at a very low return. To repeat, Mr. Speaker, it has reduced the caliber of people who are serving in local government. I hope I have answered the gentleman.

Mr. H. WILLIAMS. Well, maybe not, but you have given me a basis on which to make an observation, and I will be very brief about it.

There are any number, hundreds in fact, of school personnel, administrators who make far in excess of \$25,000 who think we here are a bunch of crooks and who want the law to apply to us. So I do not think that your monetary paucity observation has any basis in reality to it, Mr. Speaker. As a matter of fact, what is so strange about it in my experience is a lot of the so-called educated people who have these positions make a good salary, more than we make here, asking for more, put us under the political gun to get it, and pressure, and then think that we here really do not deserve \$25,000 and are required to disclose everything we can disclose. It is just so philosophically contradictory and I think politically inconsistent. It is almost like begging a question in local areas of people who say they should be exempt and will also advocate that we should be under scrutiny. What better scrutiny is there if the local people are going to look for them to go to the

records and look? That is what the scrutiny is for, so the people, whether they are local or State or otherwise, can see and therefore judge whether or not there may be a potential conflict of interest.

I just do not see that that concept can apply to me and be stretched not to include a same category of people. I just do not see it. And if I thought there was some rational thing, I would love to respond to it. But I feel personally sort of assaulted by a concept like that, if you want to discriminate based on no really objective improvable standards when we are talking about public scrutiny and the ability for the public disclosure.

Thank you for answering my question. I had an honest inquiry. I had a feeling - I just did not know - and my feeling remains the same. Thank you for your observation.

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

Mr. TRELLO. Mr. Speaker, I rise to echo the remarks of my colleague, Mr. Fryer. As a product of local government myself, and also a Democratic chairman in my community, I find it increasingly more and more difficult to find qualified candidates for local office, especially the school board. This past election was proof of it. With four seats vacant, we practically had to sit down and beg three men to fill the ticket. On both the Democratic and Republican sides, we found no candidates who were willing to run.

I can agree that with the salary that we get and the expenses that we get and the full-time position that we have, we should file, but a local elected official, remember, is a part-time elected official and must work for a living. The problem of filling out the forms and filing them with your county election bureau is a very, very difficult task when you work from 9 to 5 and the office is closed and so forth. I think our obligation here in Harrisburg is to make it easier to find qualified candidates in the grassroots political subdivisions that we have in our district to make our job easier for us.

I completely concur with the amendment of Lester Fryer and urge all my colleagues to give an affirmative vote on it. Thank you.

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

Mr. LEVI. Thank you, Mr. Speaker.

I rise to support this amendment. I feel very strongly that we overreacted in 1978 when we passed the bill. I think at the time we had some people in trouble in government, and we just covered the whole blanket. I think now we have had time to reflect since 1978, and there is no need to cover everybody under this particular act. The courts have seen fit to eliminate a good number of people under this act by a unilateral decision. We in this legislature have the right to eliminate a class of people from this legislation. I think it is proper.

A couple of years ago, I think every member of this legislature was a victim of a witch-hunt auditing our accounts to see how bad we were, and they found nothing of any serious consequence. And I think the same would be with local government. I think it is an unnecessary burden on our people, an unnecessary burden on our counties to keep these files forever

and a day, and I wholeheartedly support this amendment and hope every member would see fit and support this amendment on this final passage.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I think that the ladies and gentlemen of this House have to clearly recognize the intent of the amendment before us. The impact and the intent of the amendment before us that seeks to amend HB 2023 would be, for many purposes, to simply gut the Ethics Law that was enacted several years ago by the members of this House and the members of the Senate. I believe that was during the fall of 1977.

There have been several arguments introduced today about why this amendment ought to be adopted. I think that they are basically without merit, though. First of all, I think that we need to recognize that the Ethics Law and the provisions to file a financial statement were never intended to challenge the honesty or the integrity of public officials at any level. That language that exists in the current law was basically intended to reflect the public's right to know certain information, certain basic information about those who would seek to be or those who are public officials at various levels of government throughout this Commonwealth. It is the public's right to know. That is the issue. It should not be viewed as a challenge to any individual public official or any group of public officials with respect to their honesty or their integrity. The intent of the legislation, the intent of the law on the books, was simply to provide certain basic information to citizens, to voters, to taxpayers, across this Commonwealth, and that information ought to be provided, whether it is about somebody in this chamber or somebody in the many municipalities across this Commonwealth.

Secondly, I think that experience has shown us since 1977 that the language that was adopted into this law has not been particularly offensive. Some of the remarks or some of the concerns that were made on the floor of this House by different individuals at that time indicated that there were going to be massive resignations across this State and that there would be massive problems, and, in fact, that has not proven to be the case, and I think many public officials at all levels have indicated that the bill or the law turned out to be something far different than what they imagined and something far less than it had been presented to them as. A lot of people had the impression in the early days that they were going to have to declare all of their assets and declare total wealth, and as we know, that was not the language in the law and that has not been the case.

Thirdly, I think that we have to look at the language of this amendment and recognize how unfair it could be. The language in this amendment would require would-be public officials in cities to file financial statements, while those who would seek office in boroughs and municipalities would not have to. I can only look at our situation in Allegheny County, where outside of the city of Pittsburgh we have three other cities, and those three cities are far smaller populationwise than many of the boroughs and townships and home-rule

communities that we have throughout Allegheny County. We have some townships— We have a home-rule community of Penn Hills that in fact is almost as large as the legislative district that Representative Rasco represents. Is there much difference between Representative Rasco's requirement to file and the requirement that some people in that home-rule community file? I think not. In fact, the language as proposed in this amendment would be highly discriminatory.

Fourthly, I must observe that the amendment is not well drafted and in fact would not accomplish the purpose or what I perceive to be the purpose of the author of the amendment. If we adopt the Fryer amendment as it is written—that is amendment 6462—what we would have on page 1 of this bill is a continuing requirement that candidates for public office, except county and municipal offices, shall file a financial interest statement, and then, of course, the amendment that is offered by Mr. Fryer changes only the language on page 2 that determines where a statement must be filed and indicates that a petition for candidacy cannot be accepted until the statement has been filed. But the basic language that says a candidate must file, except those who seek county and municipal offices, would remain on page 1, but that is not really the point. That simply is a way of muddying the water even further. The basic point is that public officials or would-be public officials at all levels of government who seek election ought to be covered equally by the provisions of the Ethics Law.

This amendment that is before us would gut that law; it would be a basic retreat from what this legislature with broad public support adopted in 1977. It is the wrong direction. We ought not to adopt this amendment. I would urge its defeat.

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

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

I rise to support the amendment offered by the gentleman from Berks, Mr. Fryer, and I do so from having observed the local government scene for the past 3 1/2 years since the enactment of the Ethics Code. As I look around to see what manner of devious characters we have flushed out of the local political landscape, instead of flushing out crooks and cheats, other types of unsavory characters, I see good, wholesome people resigning. In one of my boroughs, we lost two councilmen of excellent caliber, the kind of fellows whom I would trust with my wallet and my checkbook any day, and both of them dropped out immediately upon adoption of the Ethics Code. When we lose men of this caliber, candidates of this caliber, something is wrong with our thinking, and I do not think we should be too proud to back up and say, we made a mistake by making this all-inclusive in 1978.

I would strongly urge support for the amendment so that we can do justice for those who serve with very little compensation in this Commonwealth. We get paid to take our guns to town, but our local officials do it for virtually nothing. I urge support for the amendment.

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

Mr. MACKOWSKI. Mr. Speaker, I also urge the endorsement and approval of the Fryer amendment. It seems to me that we have lost sight of economy in government when we publish forms that gather dust and are basically meaningless for the majority of our taxpayers. These things are filed, they have to be handled, there is cost involved that proves absolutely nothing. I also refer to the fact that there are some people who believe that the principle of invasion of their privacy has been challenged because of this, and although we do not, we could not prove numbers of how many good citizens could be available for government who are not, simply because they know of this type of invasion and will not run. I think in order to get intelligent people in local government, we must take away the barrier of that type of invasion and also limit the cost to our taxpayers.

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

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

Mr. RITTER. Mr. Speaker, I rise to oppose the amendment. I do so because frankly, when you take the word "municipality" out and just replace it with the word "city," and then say that there are a lot of local officials out there in those boroughs and townships who only receive a small amount of money and it is not fair to them, I want to point out to you that there are some townships in this Commonwealth that have a home rule, have a chief executive whom they pay a considerable salary to operate that township and they are elected to do that. You are going to exclude them from indicating any financial disclosure. There are boroughs and townships in this Commonwealth that have a lot more people in them than some of our smaller, third-class cities. We do not seem to be concerned about those city council people who will get a minimal salary for doing a job. We are saying, that is okay; you come from a city; you ought to file financial disclosure statements. Do not be misled by that. It seems to me if you are going to do something, maybe you ought to do it on the basis of salary, but again bear in mind that there are townships in this Commonwealth that have gone to home rule, and they do pay that chief executive a considerable amount of money. They pay their treasurers in those townships a considerable amount of money. Do you not think it is fair to the taxpayers to know what the financial interest is of those individuals?

I think, Mr. Speaker, on that basis we ought to reject the amendment and keep the status quo.

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

Mr. FRYER. Mr. Speaker, we have here before us a question which some members of the House have stated to you that the ethics bill is working great. I went through this emotional debate before when we first imposed this, and, Mr. Speaker, I was almost trampled to death by the white horses that were being ridden that day about those who stood up and said, we must clean this effect. Mr. Speaker, I do not know of one law that is going to make a corrupt man into an honest person. But we have laws which are against conflict of interest and the other matters.

What we people are saying is that this huge army of volunteers that we have out working in local government, working for little or no dollars, we are saying to them, we want to know more about what you have and what your family has. Now, in a small town, a small township, all you have done is provide a little conversation for the Monday morning wash line. Did you know that Harry had this? Did you know that Harry had that? What these people are saying to you, people who are being asked to serve in local government, they are saying, do not bother; you want me to take a job that pays nothing, and yet you want to reveal, you want to pry into my private life. I think that is wrong. We are lowering the caliber of the people who are serving.

Let us end this blizzard of statements that are being flurried about all in the interest that we are going to make honest people out of the corrupt ones. They deserve better than this, this army of volunteers. Mr. Speaker, I ask for an affirmative vote on the amendment. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair at this time would like to welcome to the hall of the House Mr. Robert Derry, here today as the guest of Representatives Wass and L. E. Smith.

CONSIDERATION OF HB 2023 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, for the second time on the subject.

Mr. COWELL. Thank you, Mr. Speaker.

Just very briefly, I would remind the members of the House of the content of the financial statement that really is the subject of this debate. I think that most of us have filed or are about to file a report, and so this information comes quickly to mind.

The argument has been used that the financial statement is a tool with which one pries into the private lives of individuals. I do not think that any of us has really found that to be the case. The information is quite basic. And again, as I said earlier, the voters in our respective districts, the taxpayers in any community have a right to know certain basic information about their public officials or would-be public officials. That information basically takes the form of knowing who is the employer of or who might be the employers of that candidate. It takes the form of knowing what kind of stock, in terms of just the names of companies—not how much stock, but the names of companies—of stock held by that individual. It takes the form of knowing what kind of real estate transactions involving government entities that individual would-be candidate might have been involved with during the past year.

It is that basic kind of information. It is not prying into anyone's private life, if that person wants to be a public official. It gives to the voters, it gives to the taxpayers in all of our communities basic information with which they can make a decision about whether we have conflicts of interest or potential conflicts of interest. It does not say that somebody is dishonest or lacks integrity. It simply provides basic information

that voters ought to have access to as they go to the polls to judge candidates on election day.

I would urge again that we defeat this amendment; that we not retreat from the good Ethics Law that we have in this State; that we not take this action which would very much be in a form of gutting the Ethics Law that we currently have on the books.

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

Mr. GANNON. Mr. Speaker, may I interrogate the sponsor of the amendment?

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

Mr. GANNON. Would this amendment exclude officials of first-class townships?

Mr. FRYER. It would, Mr. Speaker.

Mr. GANNON. If they were home rule, would it also apply?

Mr. FRYER. Yes, it would, Mr. Speaker.

Mr. GANNON. Thank you.

Mr. Speaker, may I make a remark?

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

Mr. GANNON. Mr. Speaker, that brings us to an interesting situation where the officials of the largest township in the United States, Upper Darby Township, which is a first-class home-rule township, would not be required to file an ethics statement. Yet the officials of the city of Chester, which is a third-class city, would be required to do so. I think that is a contradiction, Mr. Speaker.

I think the General Assembly did the right thing when they originally passed this bill, that is the ethics legislation, to include local officials, and we would do the wrong thing today if we adopted this amendment. I think we should require ethics reporting on the basis of public responsibility and not salary.

Additionally, Mr. Speaker, government has to be ethical and has to be right from top to bottom, and the only way we can keep it right from top to bottom is to keep the law as it is.

One final comment, Mr. Speaker. One of the greatest scandals that is going on in this country today is at the local level in one of the States out in the West, where dozens and dozens of local officials are being indicted as a result of misfeasance in office. I believe that at the local level is the greatest opportunity for unethical and improper conduct. Therefore, I urge the rejection of the Fryer amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes for the second time on the question, the gentleman from York, Mr. Foster.

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

As the Good Book says, by their fruits so shall ye know them. I would challenge the opponents of the amendment to come forth and say how many crooks and unsavory characters have been ferreted out in their municipalities or mine or any others by the passage of the act. We lost a lot of good men through this. Now, I would just like to see someone tell me

how many baddies we flushed out from under the rocks. I urge support for the amendment.

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

Mr. NOYE. Thank you, Mr. Speaker.

I rise to support the gentleman's amendment. We, a few years ago, created an act that I think what has happened since really points out the total farce of what we tried to do. There is no question that when we passed the act, we thought we were responding to what the public wanted and what was in the best interest of the public. What we have done is created a hodgepodge with the help of the courts to make what I think is a very unenforceable law and a law that really has made a mockery out of what we have attempted to do.

The courts have come along, they have taken the judges out. Then they put them in; then they take them out. Then they come along and they take the school board members out. Now they put them back in. Then they took out the solicitors to the municipalities. People do not know who is covered under the act and who is not covered under the act. They do not know who files forms, where they file forms, and in other words, they do not even care. How many people have ever called and asked you where they can find a certain person's financial disclosure form? They do not know, and they do not care. We have created a mountain of paperwork for somebody to fill file cabinets full of paper that is totally worthless.

Now, another point is, and it has been mentioned by a couple people here, they think that it has had an effect at the local level. Well, when you come from a rural area, I can tell you that it has had a tremendous impact. You look at any primary ballots and you will find vacancy after vacancy, and you ask why; because they do not want to fill out paperwork, not because they do not want to divulge certain information. They just do not want to go through the hassle of constantly having to report to somebody things that really are inconsequential.

The points have been made over and over and over. The law is being applied unevenly across the Commonwealth by the courts. I think we better go back to square 1 and start looking at the situation. Maybe there are certain things that we should do, but the act that we passed several years ago is not doing it. As one member who is opposed to the amendment pointed out, there are hundreds and hundreds of local officials being arrested for one violation or another or indicted.

The fact that local officials are getting into trouble and being arrested points out the fallacy of the law we passed. If it was going to solve that problem, we would not have this going on. I urge you to support the gentleman's amendment.

The SPEAKER. Does the gentleman from Westmoreland, Mr. Kukovich, desire recognition?

Mr. KUKOVICH. Yes, Mr. Speaker. I changed my mind after hearing some of the other comments.

Mr. Speaker, I think it is important that we keep in mind the symbolic effect that this act has had in the State of Pennsylvania. Now, I have seen no great hue and cry to repeal or dilute the Ethics Act in this State. I do not think any of us believe that it was a panacea to solve all the problems of cor-

ruption in the State. That was never the intention. I also do not think that those people who rose to the microphone and said that the caliber of candidates has been lessened can support that. I do not think there is any qualitative way that we can say that the caliber of candidates is better or worse. Even if we could, what other factors led to that? I know of people who have used the Ethics Act as an excuse not to run or to get out of office, and that was not the real intent. So there is no way we can really judge.

But I would submit to you, if this was a major problem throughout the Commonwealth, rather than sticking an amendment on here that we saw for the first time today, we should introduce a bill, have hearings, try to make an intelligent decision as to whether this has created a problem for local governments. I suggest it has not, but even if it has, we should go about it the proper way instead of this shortcut, because this is important legislation, and it is legislation which has for the first time in over 40 years when we enacted it in 1978 given this State some semblance of integrity, at least helped somewhat, if only on a symbolic level. That has been an addition to the integrity of this State, and to dilute it now with this amendment would be a grievous error. I would ask for a "no" vote, Mr. Speaker.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

While I cannot speak for the whole State, I can describe for you an incident that happened in my district, and I would like to accept the challenge of Representative Foster when he asked for us to provide some evidence of the value of this in addressing some problems of corruption or potential conflict of interest. Just 2 weeks ago, citizens in one of my townships discovered that one of their officials had a conflict of interest. They discovered that through the financial interest statement and then followed up with research and investigatory work and learned that there was indeed a conflict of interest with this individual. He had been in debt to a company for a certain amount of money, and he voted on a zoning change where that company was involved. The entire community was upset by that zoning change, yet he continued to press and voted on it. After the conflict of interest was discovered, the company withdrew its request for the rezoning change, and, in fact, the community has settled down. Those citizens are now pursuing, through the Ethics Commission, the removal of that public official. I say that is an instance where this law has worked, and I ask everybody to reject this amendment. Thank you.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief, but listening to the arguments, both pro and con, on this amendment, it seems to me that if you listen to the proponents of the amendment say that the paperwork is useless, then the logical extension of that would be to do away with anyone filing an ethics statement. In fact, the ethics statement does not list one's assets, merely names of those places or businesses, et cetera, from which they receive

money. Now, if anyone is not honorable enough to disclose from where they receive funds—not how much, mind you, but where—that is no excuse not to run for public office. It is a flimsy excuse, and it seems to me the only people who would not want to list this are people who are trying to hide something. Thank you, Mr. Speaker.

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

Mr. GALEN. Mr. Speaker, Representative Spencer came across an editorial in the Washington Post, part of which should be read into the record. It is on the whole area of disclosure, but it says, "...at some point that obligation becomes little more than...an embarrassment to the affected officials—one that doesn't save the taxpayer a single cent or a single scandal and that may end up costing him the service of" some "good officials who have had it."

Additionally, it says, "At a minimum the situation could use some inspection. When the moralists...get through filling out all those forms and taking all those vows...and rules they created require, they could do worse than to consider whether some of that stuff isn't worthless, falsely reassuring and, in its ultimate effect on government," very "bad."

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

The SPEAKER. Does the gentleman from Allegheny, Mr. Gamble, desire recognition?

Mr. GAMBLE. Mr. Speaker, yes.

I rise in support of the amendment. The opponents of this bill, I am sure, stand up for good government, but it is interesting to see that most of the opponents never served in local government, never served as a committee chairman or a committee person who had to pick a slate in a small community. I say that this is a detriment to good government at the local level, especially in small municipalities, because we cannot get qualified people. I give that to you firsthand, we cannot get business people or qualified people to run for these offices that pay nothing, when they have to hang out their family laundry, something that can be kicked around in the local laundry or in the local barbershop or wherever. There is no rhyme or reason why public servants at the local level should have to do that, and we are eliminating some awfully good people.

There was one case here out of literally thousands and thousands of people who do reveal their financial statement, do reveal their finances. One case was brought forth here today by my colleague, Tom Michlovic. That is out of thousands and thousands of local elected officials. That does not make a case. Vote for the Fryer amendment.

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

Mr. RICHARDSON. Yes, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, what is good for the goose is good for the gander, and it would seem to me that if we are going to move this government at all, the principal position would be to say that everyone who is going to file a report should in fact file that report regardless of whether it is

a local person who wants to run or regardless of whether it is a State person who wants to run. If all of us have to be exposed to giving a report disclosing all of our assets, then it means that everyone should. It seems to me that those proponents who are in favor of this amendment are only saying that there should be some exemptions for some people. I believe that if that is correct, then those persons should not in fact run. It seems to me that we have to protect the integrity of those persons in this Commonwealth, and I advise everyone to vote "no" on the Fryer amendment.

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

The following roll call was recorded:

YEAS—60

Anderson	Fargo	Livengood	Punt
Armstrong	Foster, Jr., A.	McClatchy	Rieger
Bittle	Fryer	McIntyre	Saurman
Borski	Gallen	Mackowski	Sirianni
Brandt	Gamble	Madigan	Smith, B.
Clark	George	Merry	Smith, E. H.
Cochran	Grabowski	Miller	Smith, L. E.
Colafella	Haluska	Miscevich	Spencer
Cole	Honaman	Mochlmann	Swaim
DeVerter	Hutchinson, A.	Nahill	Swift
Daikeler	Jackson	Noye	Trello
Davies	Kennedy	Olasz	Vroon
Donatucci	Lescovitz	Peterson	Wenger
Dorr	Letterman	Petrarca	Williams, H.
Duffy	Levi	Phillips	Wright, D. R.

NAYS—129

Arty	Fischer	Maiale	Showers
Barber	Fleck	Manderino	Shupnik
Belardi	Foster, W. W.	Manmiller	Sieminski
Belfanti	Frazier	Marmion	Spitz
Berson	Freind	Michlovic	Stairs
Blaum	Gallagher	Micozzie	Steighner
Bowser	Gannon	Morris	Stevens
Boyes	Geist	Mowery	Stewart
Brown	Gladeck	Mrkonic	Stuban
Burd	Gray	Mullen	Sweet
Burns	Greenwood	Murphy	Taddonio
Caltagirone	Grieco	O'Donnell	Taylor, E. Z.
Cappabianca	Gruppo	Oliver	Taylor, F. E.
Cawley	Hagarty	Pendleton	Telek
Cessar	Harper	Perzel	Tigue
Cimini	Hasay	Petrone	Van Horne
Civera	Hayes	Piccola	Wachob
Clymer	Heiser	Pievsky	Wambach
Cordisco	Hoeffel	Pistella	Wargo
Cornell	Horgos	Pitts	Wass
Coslett	Itkin	Pott	Weston
Cowell	Johnson	Pratt	Wiggins
Cunningham	Klingaman	Pucciarelli	Williams, J. D.
DeMedio	Kolter	Rappaport	Wilson
DeWeese	Kowalyshyn	Rasco	Wogan
Dawida	Kukovich	Reber	Wozniak
Deal	Laughlin	Richardson	Wright, J. L.
Dietz	Lehr	Ritter	Wright, R. C.
Dininni	Levin	Rocks	Zwikl
Dombrowski	Lloyd	Rybak	
Durham	Lucyk	Salvatore	Ryan,
Evans	McMonagle	Serafini	Speaker
Fee	McVerry	Seventy	

NOT VOTING—4

Behoff	Cohen	Kanuck	Lewis
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EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingner	

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DAVIES offered the following amendments No. A6507:

Amend Title, page 1, line 8, by inserting after "interests" by members of the judiciary or other judicial officers and

Amend Bill, page 1, lines 12 through 17, by striking out all of said lines and inserting

Section 1. Subsection (e) of section 3, act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, is reenacted to read:

Section 3. Restricted activities.

(e) No former official or public employee shall represent a person, with or without compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.

Section 2. Section 4 of the act is reenacted and amended to read:

Section 4. Statement of financial interests required to be filed.

(a) Each public employee employed by the Commonwealth shall file a statement of financial interests for the preceding calendar year with the department, agency or bureau in which he is employed no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Any other public employee shall file a statement of financial interests with the governing authority of the political subdivision by which he is employed no later than May 1 of each year that he holds such a position and of the year after he leaves such a position.

Amend Sec. 1 (Sec. 4), page 2, line 18, by striking out all of said line and inserting

(c) Each candidate for public office nominated by a public official or governmental body and subject to confirmation by a public official or governmental body shall file a statement of financial interests for the preceding calendar year with the commission and with the official or body that is vested with the power of confirmation at least ten days before the official or body shall approve or reject the nomination.

Amend Bill, page 3, lines 5 and 6, by striking out both of said lines and inserting

(f) All statements of financial interest filed pursuant to the provisions of this act shall be made available for public inspection and copying during regular office hours.

Section 3. Section 5 of the act is reenacted to read:

Section 5. Statement of financial interests.

(a) The statement of financial interests filed pursuant to this act shall be on a form prescribed by the commission and shall be signed under penalty of perjury by the person required to file the statement.

(b) The statement shall include the following information for the prior calendar year with regard to the person required to file the statement and the members of his immediate family.

(1) The name, address and position of the person required to file the statement.

(2) The occupations or professions of the person required to file the statement and those of his immediate family.

(3) Any direct or indirect interest in any real estate which was sold or leased to the Commonwealth, any of its agencies or political subdivisions; purchased or leased from the Commonwealth, any of its agencies or political subdivisions; or which was the subject of any condemnation proceedings by the Commonwealth, any of its agencies or political subdivisions.

(4) The name and address of each creditor to whom is owed in excess of \$5,000 and the interest rate thereon. However, loans or credit extended between members of the immediate family and mortgages securing real property which is the principal residence of the person filing or of his spouse shall not be included.

(5) The name and address of any person who is the direct or indirect source of income totalling in the aggregate \$500 or more. However, this provision shall not be construed to require the divulgence of confidential information protected by statute or existing professional codes of ethics.

(6) The name and address of any person from whom a gift or gifts valued in the aggregate at \$200 or more were received, and the value and the circumstances of each gift. However, this provision shall not be applicable to gifts received from the individual's spouse, parents, parents by marriage, siblings, children or grandchildren.

(7) The source of any honorarium received which is in excess of \$100.

(8) Any office, directorship or employment of any nature whatsoever in any business entity.

(9) Any financial interest in any legal entity engaged in business for profit.

(c) The statement of financial interest need not include specific amounts for any of the items required to be listed.

Section 4. The General Assembly of the Commonwealth of Pennsylvania, fully aware of the impact and effect of the decision of the Supreme Court of the Commonwealth of Pennsylvania in *Wajert v State Ethics Commission* (491Pa.255) and the decisions of the Commonwealth Court in *Kremer v State Ethics Commission et al.* (56 Commonwealth Ct. 160) and *Ballou v State Ethics Commission et al.* (56 Commonwealth Ct. 240), declares that it is the intent of the General Assembly that the provisions of the act of October 4, 1978 (P.L.883, No.170) shall apply to all members of the judiciary, other judicial officers and solicitors.

Section 5. This act shall take effect January 1, 1983.

On the question,

Will the House agree to the amendments?

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

Mr. DAVIES. Thank you, Mr. Speaker.

This is a very simple amendment that would put back into the act the members of the judiciary and judicial officers, as well as on the last page of it, it would put in those solicitors and those appointees in those active roles within all of the judiciary of the Commonwealth. That, of course, would be taking effect as of January 1983. That is notwithstanding those decisions made by the Supreme Court already and the Commonwealth Court. Those are stated that we take cognizance of that fact and only want to reaffirm that this body intended that those courts be included in it, and it so names those officials.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—169

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

NAYS—16

Barber	Kowalyszyn	Richardson	Wiggins
Deaf	McVerry	Rybak	Williams, H.
Evans	Manderino	Sweet	Williams, J. D.
Fischer	Pott	Vroon	Wright, R. C.

NOT VOTING—8

Beloff	Harper	Levin	McIntyre
Cohen	Kanuck	Lewis	Pitts

EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingner	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—187

Anderson	Fee	McClatchy	Saurman
Armstrong	Fischer	McMonagle	Serafini
Arty	Fleck	McVerry	Seventy
Barber	Foster, W. W.	Mackowski	Showers
Belardi	Foster, Jr., A.	Madigan	Shupnik
Belfanti	Frazier	Maiale	Sieminski
Berson	Freind	Manderino	Sirianni
Bittle	Fryer	Manmiller	Smith, B.
Blaum	Gallagher	Marmion	Smith, E. H.
Borski	Gallen	Merry	Smith, L. E.
Bowser	Gamble	Michlovic	Spencer
Boyes	Gannon	Micozzie	Spitz
Brandt	Geist	Miller	Stairs
Brown	George	Miscevich	Steighner
Burd	Gladeck	Mochlmann	Stevens
Burns	Grabowski	Morris	Stewart
Caltagirone	Gray	Mowery	Stuban
Cappabianca	Greenwood	Mrkoncic	Swaim
Cawley	Grieco	Mullen	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
Colafella	Heiser	Pendleton	Trello
Cole	Hoeffel	Perzel	Van Horne
Cordisco	Honaman	Peterson	Vroon
Cornell	Horgos	Petrarca	Wachob
Coslett	Hutchinson, A.	Petrone	Wambach
Cowell	Itkin	Phillips	Wargo
Cunningham	Jackson	Piccola	Wass
DeMedio	Johnson	Pievsky	Wenger
DeVerter	Kanuck	Pistella	Weston
DeWeese	Kennedy	Pott	Wiggins
Daikeler	Klingaman	Pratt	Williams, H.
Davies	Kowalyszyn	Pucciarelli	Williams, J. D.
Dawida	Kukovich	Punt	Wilson
Deal	Laughlin	Rappaport	Wogan
Dietz	Lehr	Rasco	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.
Dombrowski	Letterman	Richardson	Wright, J. L.
Donatucci	Levi	Rieger	Wright, R. C.
Dorr	Levin	Ritter	Zwinkl
Duffy	Livengood	Rocks	
Durham	Lloyd	Rybak	Ryan,
Evans	Lucyk	Salvatore	Speaker
Fargo			

NAYS—0

NOT VOTING—6

Beloff	Kolter	McIntyre	Pitts
Cohen	Lewis		

EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingner	

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

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

REMARKS ON VOTE

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

Mr. DEAL. Mr. Speaker, yesterday I was recorded in the affirmative for SB 1081. I wish to have my vote recorded in the negative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 918, PN 1311**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments No. A6450:

Amend Title, page 1, line 1, by striking out "Titles 24 (Education) and 71" and inserting
Title 71

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

Amend Title, page 1, lines 3 and 4, by striking out "and the" in line 3 and all of line 4

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 20, by striking out all of said lines on said pages

Amend Sec. 2, page 2, line 21, by striking out "2." and inserting

1.

Amend Sec. 2, page 2, line 21, by inserting after "71"
, act of November 25, 1970 (P.L.707, No.230),
known as the Pennsylvania Consolidated
Statutes,

Amend Sec. 3, page 3, line 22, by striking out "3." and inserting

2.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the subject matter of SB 918 is the placing of additional members on the State Employees' Retirement Board and also on the Public School Employees' Retirement Board. In amending the two sections of the law necessary to make this change, we are actually amending two different sections of the Consolidated Statutes of Pennsylvania in the same bill.

There is some thought, Mr. Speaker, and I join with those who have the thought, that to have more than one section or chapter of the Consolidated Statutes of Pennsylvania in the same bill violates the constitutional provision that allows the bill to deal with one subject matter. Therefore, I am taking the bill, Mr. Speaker, and removing from it the Public School Employees' Retirement Board so far as that chapter being amended in the Consolidated Statutes. A separate bill has been prepared to accomplish that placement of additional people on the board in the Public School Employees' Retirement Board, and anyone interested in sponsoring that bill, we

have it here, but we feel that we should separate the issues so that we do not violate the Constitution.

I ask for adoption of the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I urge support of the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—185

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

NAYS—2

Sieminski

Wilson

NOT VOTING—6

Beloff
Cohen

Haluska
Lewis

McIntyre

Pitts

EXCUSED—7

Alden
Emerson

Greenfield
Gruitza

Irvs
Lashingier

Snyder

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—179

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

NAYS—6

- | | | | |
|---------|-----------|-----------|---------|
| Dininni | Manmiller | Smith, B. | Wambach |
| Fargo | Piccola | | |

NOT VOTING—8

- | | | | |
|-----------|-----------------|----------|-------|
| Armstrong | Cohen | Pitts | Spitz |
| Beloff | Foster, Jr., A. | Sirianni | Swaim |

EXCUSED—7

- | | | | |
|---------|------------|------------|--------|
| Alden | Greenfield | Irvis | Snyder |
| Emerson | Gruitza | Lashingner | |

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 **SB 1102, PN 1689**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as reenacted and amended, "Senior Citizens Property Tax or Rent Rebate and Older Persons Inflation Needs Act," increasing eligibility under the property tax or rent rebate and inflation dividend; adjusting rebate and dividend schedule; increasing the maximum rebate; and providing for transportation assistance grants and grants to area agencies on aging for services to older persons.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A6475:

Amend Sec. 1 (Sec. 4), page 4, lines 17 through 22, by striking out all of said lines and inserting

\$ 0 - \$ 4,999	100%
5,000 - 5,499	90
5,500 - 5,999	80
6,000 - 6,499	70
6,500 - 6,999	60
7,000 - 7,499	50
7,500 - 7,999	40
8,000 - 8,499	30
8,500 - 8,999	20
9,000 - 11,999	10

Amend Sec. 1 (Sec. 4), page 5, lines 9 through 12, by striking out all of said lines

On the question,

Will the House agree to the amendments?

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman from York, Mr. Anderson, come to the rostrum for the purpose of temporarily presiding?

CONSIDERATION OF SB 1102 CONTINUED

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

Mr. LLOYD. Thank you, Mr. Speaker.

This amendment is intended to correct a problem which I think exists and which I have outlined in a memo which is on each member's desk.

Essentially, under existing law, every change in an income bracket—in other words, when a senior citizen is up against the top of a particular income bracket and earns that \$1 to go into the next bracket—costs that senior citizen 10 percent of the rebate that he gets. Under the bill as it is before us, however, Mr. Speaker, because of the fact that the income brackets have been widened, the penalty is 20 percent. Mr. Speaker, that puts a tremendous burden on the senior citizen and a tremendous disincentive to try to earn that extra dollar.

Secondly, and probably more importantly, Mr. Speaker, for everyone who would, because of the newspaper articles and the statements of many people, be expecting to receive an increase in his rent or property tax rebate, this would attempt to assure that that expectation would come true. Because the problem, Mr. Speaker, if you look at my memo, is that those people who are between \$5,000 and \$5,499 of household income, those people between \$6,000 and \$6,499, \$7,000 and \$7,499, \$8,000 and \$8,499, would receive under this bill exactly the same percentage of their taxes or exactly the same percentage of their rent as they do at the present time. So this part of the bill would be of no help to them at all unless they are receiving the maximum, and a very, very small number of these people are receiving the maximum, Mr. Speaker.

This amendment therefore would attempt to assure that all needy senior citizens would share in the money which is available to take care of their property tax and rent needs.

Mr. Speaker, the second part of the amendment is designed to assure those who are concerned about the projections of the lottery surplus that there will in fact be enough money to pay for it, and it deletes the \$41-million section of the bill which pays for the one-time \$100 bonus. Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE
(JOHN HOPE ANDERSON) IN THE CHAIR
PARLIAMENTARY INQUIRY**

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

Mr. PISTELLA. I wish to raise a parliamentary inquiry, Mr. Speaker.

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

Mr. PISTELLA. I would like to know if the Lloyd amendment is in fact divisible, and would suggest that it be divided between that portion of the amendment defining the incomes and the percentages and the last two lines.

**THE SPEAKER (MATTHEW J. RYAN)
IN THE CHAIR**

CONSIDERATION OF SB 1102 CONTINUED

The SPEAKER. The Chair is of the opinion that the amendment is divisible. Would the gentleman state in what manner he would like it divided?

AMENDMENTS DIVIDED

Mr. PISTELLA. Yes, Mr. Speaker.

I would like to have the amendment divided so that the first vote that would be cast would be upon that portion dealing with the income scale and the percentage of return, and the last two lines would be the second portion of the amendment.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is the amendment offered by the gentleman, Mr. Lloyd, as divided upon motion of the gentleman, Mr. Pistella.

The first vote on the Lloyd amendment will cover that portion of the amendment that begins, "Amend Sec. 1," down to and including "9,000 - 11,999" with the number "10" underlined next to it.

On the question of the amendment as divided, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Just to reiterate very briefly, the first part of the amendment seeks to correct what I think was probably an oversight in putting together the table, and it would seek to assure that all needy senior citizens would in fact share in the increased rent and property tax rebate. I urge an affirmative vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, we have just begun to witness last-minute tinkering. I believe that SB 1102 should pass as it is currently before this House of Representatives, and I would oppose the gentleman's 12th-hour tinkering. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Lloyd, for the second time on the question.

Mr. LLOYD. Mr. Speaker, just to set the record straight, this amendment was drafted last week to a prior printer's number and I was ready to introduce it on Monday, and then I understood that the bill had been amended in committee and we had to get it redrafted. So I apologize to the gentleman if he is unaware of the fact that it was done before. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. My reference was not to that. My reference was the fact that a great deal of research on the part of a lot of people has gone into the present provisions of SB 1102. It is for that reason I say the gentleman is tinkering in the 12th hour. Thank you.

The SPEAKER. We certainly do not want that to happen.

The Chair recognizes the minority whip.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment that is offered by the gentleman, Mr. Lloyd. I think he has analyzed that not all persons would receive an increase, even though it seems we are increasing both the dollar amount, which is the top limit that anyone can receive, and we are also raising the

eligibility from the \$9,999 to \$11,999. We pay in rebates, Mr. Speaker, 20 percent, not of the \$500 or \$400 which we give in rebates as a top rebate, but the percentage applies to the tax that is paid. So someone is either going to get 10, 20, 30, 40, or 50 percent of the tax that they pay back as a reimbursement, with \$500 as a top limit.

I think Mr. Lloyd has picked out a very desirable amendment. He has offered the same. I do not think we ought to call it last-minute tinkering when we are looking at a bill that I see is on its first day before the House of Representatives, had to endure some parliamentary maneuvering even to get it on its third consideration calendar today. This is the first time that anyone had an opportunity to offer an amendment.

If you want to defeat the amendment, let us defeat it on its merits. Let us not decide beforehand that we are going to defeat all amendments because we want to rush something through the House. Mr. Lloyd does not want to delay this legislation; those of us who are going to vote for the amendment do not want to delay this legislation. What we do want to do is have a chance to have our input to every important piece of legislation that comes before this House, and Mr. Lloyd is doing that in the form of offering an amendment which I think is a very desirable amendment, at least in its first part. I would ask members to support the amendment. Thank you, Mr. Speaker.

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

Mr. MILLER. Thank you, Mr. Speaker.

I assure you my intent is not the least bit dilatory in holding up the vote. There is a social policy issue we all ought to consider.

This particular member was privileged to work in the early days of the property program, the rent program, indeed was privileged to draft the scale on which the rebate last session was approved. There was a policy deliberation across the aisle on each of those negotiations when we developed these scales, and that policy decision from your side of the aisle, which we generally accepted in each of those programmed debates, was this: With limited dollars in the program—and we all know we are dealing with limited dollars; that is why the fight is so difficult today—what is the justification to broaden the scale and dollar-for-dollar lessen the relief we are giving the hardcore fixed-income folks? For those folks who are down in the \$6,000 level and the widow who is trying to hold her home, you are lessening the percentage of dollars she gets back, because as the distinguished minority whip pointed out, we are trying to concentrate our dollars among those who have the least spendable income.

I do not stand here as a Republican now, but I stand here as the socialist in terms of looking at the application of dollars and where they are needed the most. You may laugh, but those were the policy discussions we made in each level of committee debates over the 10 years of this history, and each time this legislature has had the courage and the wisdom to concentrate our dollars in the low end of the scale.

If you think it is a joke, look at the printouts that are available from the levels of income that are reported by exist-

ing recipients of this program, and look at where the dollars are concentrated. They are not up here in the \$12,000 income. I know that is not a high income, but those who need the dollar benefit the most are those folks who are locked into those low incomes. Look at the list, look at the widows on \$3,200 or less of social security, and do not tell me that spreading a few dollars across the high end is a finer benefit to the citizens of this State. Concentrate your dollars where they are needed the most. I recommend the defeat of this amendment. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, I am not sure if Mr. Lloyd can be recognized again to speak for himself. If he has used his allotment, I would like to make a comment. May I yield to Mr. Lloyd?

The SPEAKER. The gentleman, Mr. Lloyd, has been recognized twice on the subject.

The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Well, Mr. Speaker, may I interrogate Mr. Lloyd?

The SPEAKER. Will the gentleman, Mr. Cowell, yield?

The Chair recognizes the gentleman from Somerset, Mr. Lloyd, rather than go through that exercise.

Mr. LLOYD. Thank you, Mr. Speaker.

I do not entirely understand what the gentleman, Mr. Miller, was trying to say, because my amendment does not take any dollars away from anybody at the lower end of the scale or at the upper end of the scale. In fact, it either keeps exactly the same percentage which the bill already provides, or increases the percentage by 10 percent.

Secondly, Mr. Speaker, the gentleman was talking about those people down around the \$6,000 level, and indeed under this bill, without my amendment, a family with a household income of between \$6,000 and \$6,499 under existing law gets 60 percent and under this bill gets 60 percent. Under this bill a family with an income between \$5,000 and \$5,499 gets 80 percent, just exactly what he gets under existing law. The same problem exists for people between \$7,000 and \$7,499, and \$8,000 and \$8,499.

What I want to do is to give all of those people, including the people the gentleman, Mr. Miller, was concerned about in the \$6,000 range, a benefit from this bill by giving them an additional 10 percent and restoring what is essentially the existing law, which has the various brackets carry with them a 10-percent differential in the amount of rebate that one gets and not 20 percent as under the bill.

In addition, Mr. Speaker, the suggestion was made that somehow this is a last-minute attempt to do something. Let the record reflect that about 2 or 3 weeks ago I had the gentleman, Mr. Michael Myers, and the gentleman, Mr. Mervyn Harris, in my office to discuss this very problem, and when I raised the question about the drop of 20 percent from one bracket to the next, the gentleman, Mr. Myers, said, gee, that is a good point; I am not quite sure why we did that. So I was led to believe that, A, the administration had notice of what I intended to do; B, that there had been no fine-tuned determi-

nation; and C, I was told today that the gentleman, Mr. Harris, was lobbying some members on my side of the aisle earlier this week and knew what was in the amendment before it was even filed. So I would just like the record to be clear as to what happened.

I would also like the record to be clear on the point that Mr. Miller makes. He may disagree, but the fact of the matter is that my amendment does not reduce the percentage that the bill would give to anybody, and it does not reduce the percentage that existing law gives to anybody. In fact, everybody would get an increase under my amendment. Thank you, Mr. Speaker.

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

Mr. MILLER. Again, Mr. Speaker, I thank you. It is in no attempt to be dilatory, but the gentleman, Mr. Lloyd, I hope, would appreciate that percentages when zeroed for the amount of dollars available may indeed mean an additional dollar or two per bracket. But it makes no difference. You are spreading the dollars available over a larger bracket and you are not concentrating your dollars on the low end of the scale, and that has been the key element of debate as this program has gone through its legislative history.

This General Assembly is perfectly privileged to adopt the Lloyd amendment and change that direction, but there is a difference between the percentage factor that is applied and the actual dollars that the individual will receive when you look at the amount of dollars this General Assembly has available via the vehicle SB 1102. There is a very distinct difference. There is a difference in the amount of eligible claimants and the category that they will wind up in based on those income figures. Whenever you bring more people into a program with X amount of dollars, no matter how you change the percentages, you will necessarily lessen the number of dollars available to a given client within that scale. It is mathematical logic. I thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I think that the gentleman, Mr. Miller, and the gentleman, Mr. Lloyd, and I are probably on the same wavelength as to who ought to be helped most by our property tax and rent rebate program. I think Mr. Miller misunderstands the changes that are being made. We are not, by this amendment, Mr. Speaker, redistributing the same money. This amendment will cost \$4.1 million more.

The two top brackets, the \$8,500 to \$8,999 and the \$9,000 to \$11,999, are not helped one iota by this amendment. It is those incomes below that, down to the last two of the smaller incomes, the \$0 to \$4,500 and the \$4,500 to \$5,000. Those bottom two and the top two are not touched. The 20-percent deviations are changed to 10-percent deviations in between, and it costs us \$4.1 million more than the bill would cost without this amendment.

We are not robbing from one class and giving to the other necessarily; at least I do not view it that way. I think we ought to be concentrating our aid to those people whom you described as those who ought to be the recipients of the aid

from the Lottery Fund. I think that there is a different perception of whether the Lloyd amendment does this or not. I believe that it does. You do not believe that it does from your understanding.

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

The following roll call was recorded:

YEAS—102

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

NAYS—88

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

NOT VOTING—3

Cohen	Weston	Wogan
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EXCUSED—7

Alden	Greenfield	Irvs	Snyder
Emerson	Gruitza	Lashingier	

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

The SPEAKER. The question before the House is the second portion of the amendment as divided by the motion of the gentleman, Mr. Pistella; that is, Lloyd amendment A6475, the last two lines of the said amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

This amendment deletes the one shot \$100 bonus which would be paid out to everyone. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I do not believe we should be doing that, and I oppose the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I am sure the gentleman, Mr. Lloyd, had included this as part of his amendment in an attempt to pay for, over the next several years, the amendment that he offered. I think that the Lottery Fund in its projections is strong enough to do both. I would ask that we oppose this part of the amendment.

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

Mr. DeVERTER. Mr. Speaker, I am not sure of the direction we are headed in here at the moment on the second part of this amendment.

It seems to me that somebody wants to keep the \$100 dividend, but Mr. Lloyd has already spent that by the adoption of the first part of his amendment. Now, what we are in effect saying is that if we defeat his amendment now, the second part of his amendment, we now have a \$41-million deficiency, which I do not know where it is going to come from. Now, apparently the minority whip's figures on the lottery projections are a lot different than those of us on this side who follow that issue. If you in fact now do not support the Lloyd amendment to delete that \$100—and I am not saying to the members which way to vote, but you ought to be cognizant of the fact that you are going to create a \$41-million problem. We are the ones who are going to have to resolve that \$41 million. I think for the benefit of those who may have some qualms about this at the moment, perhaps we ought to defeat it.

PART II OF AMENDMENTS WITHDRAWN

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

Mr. LLOYD. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state it.

Mr. LLOYD. In view of the opposition of the majority leader and the opposition of the minority whip and the requests from people on both sides of the aisle, it is obvious that this amendment is going to be defeated. If it is in order, I move to withdraw it.

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

Mr. PISTELLA. Am I to understand, Mr. Speaker, that the inquiry is only for the second portion of the amendment?

The SPEAKER. That is correct. That is the Chair's understanding.

Mr. LLOYD. That is correct. The second part of the amendment.

The SPEAKER. The gentleman, Mr. Lloyd, requests that the second part of the Lloyd amendment, being A6475 as divided by the gentleman, Mr. Pistella, be withdrawn. The Chair hears no objection.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. At this time the Chair would interrupt the proceedings of the House to take up a privileged condolence resolution.

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

Mr. WOZNIAK. I offer the following condolence resolution.

The SPEAKER. The clerk will read the resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES
HARRISBURG, PA
OFFICE OF THE CHIEF CLERK
RESOLUTION

WHEREAS, Patrick A. Gleason, a former member of the Pennsylvania House of Representatives, passed away February 17, 1982 at the age of forty-seven; and

WHEREAS, Educated at Georgetown University and Georgetown University Law Center, Mr. Gleason was a partner in the law firm of Gleason, Gleason, Gleason, DiFrancesco, Shahade and Markovitz and was a member of Cambria County and Pennsylvania Bar Associations. His long and distinguished career as a public servant includes service as a solicitor for the City of Johnstown; member of the Johnstown Housing Development Corporation; solicitor for Cambria Industrial Development Authority; member of the Mayor's Advisory Committee; and member of the board of directors of Mercy Hospital; and

WHEREAS, Mr. Gleason served with distinction as a member of the Pennsylvania House of Representatives from 1970 until 1976 when he became a Republican nominee for auditor general. During his tenure in the House, Mr. Gleason gained notoriety as chairman of the House Select Committee to Investigate State Contract Practices, the controversial committee which conducted hearings for approximately one year and became known as the Gleason committee. He also served on the games and fisheries, federal-state relations, and state government committees and was a member of the policy committee of the House Republican Caucus; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of a dedicated, distinguished and honorable public servant, Patrick A. Gleason; extends its heartfelt condolences to his wife, Louise A. Gleason and children, Helen, Peter and Kathleen; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Louise A. Gleason, 1128 Confer Avenue, Johnstown, Pennsylvania.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable John Wozniak, and adopted by the House of Representatives the 22nd day of February 1982.

Matthew J. Ryan
Speaker
ATTEST:

John J. Zubeck
Chief Clerk

On the question,
Will the House adopt the resolution?

The SPEAKER.—On the question of the adoption of the resolution, those in favor will rise and remain standing as a further mark of respect for a deceased colleague.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

DEMOCRATIC CAUCUS

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

Mr. PIEVSKY. Mr. Speaker, we would like to request a 20-minute or half-hour caucus on Mr. Gallagher's amendment. I spoke to the majority leader about it, and whatever time he wants to give us will be greatly appreciated, Mr. Speaker.

The SPEAKER. Will the majority leader advise the Chair as to his thoughts on the request for a 20-minute to a half-hour caucus by the minority?

Mr. HAYES. That will be fine.

The SPEAKER. Without objection, this House will stand in recess until 5:45. Will the Democratic members kindly report immediately to their caucus room.

Is the majority leader requesting a caucus on the part of the majority?

Mr. HAYES. No, Mr. Speaker.

The SPEAKER. It is the intention of the Chair to take care of some matters that are peculiar to the operation of the House. There will be no votes until 5:45.

BILLS SIGNED BY SPEAKER

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

SB 1011, PN 1190

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for further regulating the computation of minimum nonforfeiture benefits and cash surrender values required in life insurance policies.

SB 1012, PN 1471

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further regulating the computation of the reserve liability of life insurance policies and annuity contracts.

SB 1081, PN 1515

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the imposition of certain mandatory sentences.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1969, PN 2901**, 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.

REPORT OF COMMITTEE ON COMMITTEES

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

Mr. ANDERSON. Mr. Speaker, I submit the following report of the Committee on Committees.

The following report was read:

SUPPLEMENTAL REPORT OF COMMITTEE ON COMMITTEES

In the House of Representatives, February 23, 1982
RESOLVED, That Frances Weston, 173rd District, Philadelphia County, is hereby elected a member of the Insurance Committee vice M. Joseph Rocks resigned.

John Hope Anderson
Chairman, and others

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

RECESS

The SPEAKER. Without objection, this House will stand in recess until 5:45. The Chair hears no objection.

AFTER RECESS

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

CONSIDERATION OF SB 1102 RESUMED

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

Mr. MANDERINO offered the following amendment No. A6534:

Amend Sec. 1 (Sec. 4), page 5, lines 11 and 12, by striking out "one hundred dollars (\$100)" and inserting "two hundred dollars (\$200)"

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

The SPEAKER. The Chair recognizes the minority whip.
Mr. MANDERINO. Mr. Speaker, the amendment that I offer addresses itself to that part of SB 1102 which speaks to an additional inflation dividend of \$100. Mr. Speaker, the program of the lottery which will pay for all of the initiatives

which we find in this particular legislation, the Lottery Fund, is strong enough in the surpluses that we have been given as estimated by the Revenue Department to pay for an inflation dividend this year of \$200. All of the initiatives that are presently in the bill are estimated to cost some 49 millions of dollars. The anticipated lottery funds that are available are \$106 million. The inflation dividend portion is worth about \$41 million. So, Mr. Speaker, even doubling the inflation dividend, we would still end up with a \$16-million surplus in the Lottery Fund this year. Projected for the next 5 years, we would end up with an \$87-million surplus in 1982-83, and a similar surplus, \$80 million, in 1983-84, and in 1984-85, between those 2 years, an additional \$120 million in surplus. Mr. Speaker, the fund is strong enough, in the projections given to us by the Revenue Department and those who analyze the cost of the additional \$100 inflation dividend.

Mr. Speaker, we have had a very severe winter. We have had fuel costs to senior citizens that are near unbearable. We have had increases in costs in heating homes, in paying for those necessities of life that persons on fixed incomes have very much difficulty in paying. Mr. Speaker, we are talking about helping just those people whose income is below the eligibility level that we have defined for rent rebate and for tax rebate. Mr. Speaker, we are not talking about wealthy individuals whom we are trying to help.

At this time, since the Lottery Fund, especially in recent months, has shown tremendous increases in revenues and profits, Mr. Speaker, I think that we can afford to send out the \$200 amount, and I ask each member of the House to vote in the affirmative so that we can, as we have done in the past, send benefits to senior citizens commensurate with what the Lottery Fund will allow us to send, and it certainly will allow us to send this increase in addition to those other increases that the bill provides for. Mr. Speaker, I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. A couple of years ago when we considered the concept of the inflation dividend, persons on that side of the aisle debated against it. Now tonight it is better than anything invented since chewing gum, but the gentleman, Mr. Manderino, and the whole series of amendments which are being offered by persons on the other side of the aisle remind me of the young child who is studying the new math. We all know that the child studying new math is not doing so well, and I suggest when you get your calculators out, all of these amendments are not going to figure out so well in terms of what is actually available. If you want to hold out a lot of false hopes and just write campaign brochures and talk to people back in some of those Aging offices who do not have to balance budgets, you just vote for the whole schmeer, but if you want to do something that is responsible, you do not take one amendment at a time which has been written within the last few hours or a couple of days at best and try to fund a program.

I believe that the senior citizens who taught many on that side of the aisle how to read and write would laugh at your arithmetic tonight. I oppose the amendment.

The SPEAKER. Does the minority whip desire recognition? The Chair recognizes the gentleman.

Mr. MANDERINO. Mr. Speaker, I stood at this microphone a few years ago and proposed that we move from \$200 in rent rebate and tax rebate to \$400, a doubling of the program, and there were persons on the floor of the House who said my figures were laughable. My figures were adopted; the fund was sound.

Mr. Speaker, my figures are sound today. I am not manufacturing figures. I am working with the surplus that the Revenue Department has given us. I am working with the official estimates that I believe are correct. We can afford to spend \$200 in the inflation dividend. Now, we cannot afford to do that and all the other things that other members may propose, but to the best of my knowledge, each one of the amendments that will be proposed on this side of the aisle will in some manner balance the revenues by taking out certain areas of increase to pay for whatever is being proposed. In this particular amendment there is no necessity to delete any of the initiatives in SB 1102, because there is enough money in the Lottery Fund to pay for those initiatives and also to pay a \$200 bonus this year.

Mr. Speaker, the \$100 bonus that is proposed is not a bonus that can be paid ad infinitum. That is why it is proposed as a 1-year bonus. Mr. Speaker, I am simply saying, as a 1-year bonus we can afford to send out \$200, and this is the time that the senior citizens need the money. We are experiencing a recession that none of us will dispute exists, affects lives, hurts people on fixed incomes. The money is there in the Lottery Fund. Our purpose in the Lottery Fund creation was to provide benefits to senior citizens. We propose to send them those benefits that we know the fund has generated, and we ask that the senior citizen additional inflation dividend be increased in this bill to \$200 and an affirmative vote be cast.

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

Mr. MILLER. I thank the Speaker.

Mr. Speaker, I have no qualms with the philosophical giveaway statements of the distinguished minority whip, but I would ask the gentleman to stand for a brief point of interrogation.

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

Mr. MILLER. Mr. Speaker, in the gentleman's remarks, he broached the very simple supposition to all of us that we have the money; let us spend it on a straight dividend.

I would like the gentleman to respond to a series of questions that have to deal with the general concept of how we funnel our available dollars to senior programs, and the first question is, sir: If we now expend these available revenues, what will be his position, and the position advanced to this General Assembly through his floor leadership slot, with respect to increased local Triple A (Area Agency on Aging) grants, a hot issue among senior citizens, one which they understand?

Mr. MANDERINO. Mr. Speaker, it is my understanding that the bill already provides for an expenditure of money in that area. I have not deleted those funds.

Mr. MILLER. I am well aware the gentleman has not deleted them, but perhaps my question more pointedly to the gentleman, Mr. Speaker, is this: With respect to the many issues that have been advanced to all members of this General Assembly from local Triple A's, issues that may surface this evening with respect to pharmaceutical assistance, housing assistance, transportation assistance in the rural areas, are we, sir, now foregoing all those options simply by a one-shot bonus to any individual who is going to qualify? Is that the best form of public policy of addressing our senior issues? I think not.

Mr. MANDERINO. Mr. Speaker, I would have welcomed the chance to vote on prescription drug programs. The order of amendments was decided by the Parliamentarian, not by my desire.

Mr. MILLER. Mr. Speaker, perhaps my questioning is not direct enough. Sir, are we to forego all of the other options that this General Assembly has opened to it on a one-chance giveaway that is not predicated on eligibility scales, that is simply \$100 for everyone eligible and now your \$200, and not address those specific programming needs, foreclose those options during our budget considerations? Is that the position you are taking today?

Mr. MANDERINO. Mr. Speaker, I am taking the position that SB 1102 is moving at this time. I did not promise the senior citizens of this Commonwealth that we were going to address posthaste the proper application of the lottery surplus and to get them money as quickly as possible. That promise was made by a gentleman named Thornburgh. I did not promise that. Unfortunately, he chose to take a program that this General Assembly enacted long before he was here, has updated from time to time, to make it look like he was going to be doing something new in this year.

Mr. Speaker, the senior citizens in my area are expecting that SB 1102 pass. It has been a promise made to them. I do not want to delay the passage of SB 1102. I did not hear the suggestion from the majority party that we delay the passage of SB 1102 so that we might consider all the options. What I did see before us was the option being given to us to accept a program that was espoused as the best program to increase aid to citizens of this Commonwealth through the Lottery Fund who were eligible as being aged and being within the income category, and I simply tacked onto that what I think that this General Assembly can afford, because the lottery surplus is larger than is necessary to pay for the provisions of SB 1102 as it stands.

Now, what the Governor is proposing is that some of these surpluses be used to pay for General Fund obligations that three times running this General Assembly has refused to pay for when it made its budget under the Thornburgh administration. For the fourth time, the budget requests this General Assembly to take lottery funds and pay what has ordinarily been a General Fund obligation. Mr. Speaker, I am saying to you the money is available for senior citizen benefits. We are going to get it back to the senior citizens in a very efficient manner. There will not be a lot of overhead. You simply send each one of them a check for \$100. I am saying you send them

a check for \$200. The fund remains sound. All programs that have been provided in SB 1102 remain intact with the additional program of changing the inflation dividend to \$200, and I think with the severe winter we have had, fuel costs, recession costs, utility costs, that the inflation dividend is justified to be doubled.

Mr. MILLER. Mr. Speaker, the eloquent trial lawyer who has just addressed this chamber has certainly clouded the question presented. The question presented was not the philosophy of the current Thornburgh administration, for, in fact, he chooses to double it. The question presented was not whether or not this assembly may foreclose those options before a budget is considered, because we all know those options are here to be debated. But the gentleman has closed the door on the very policy debates that have grown and nurtured the programs that we are here debating this evening.

Each one of these senior citizens programs has been policy debated across the aisle and jointly conceived, because partisanship does not enter into the issue when seniors cannot pay their electric bills. We know it has been a hard winter. They know it has been a hard winter. But the policy issue that has surfaced this evening with the gentleman's retorts and responses is that the door is closed to future policy deliberations. It is closed to the issue as far as we are concerned of rural transportation, of rising medical costs, of medicare debates and Pennsycaid debates, as we debate them in this General Assembly. It is closed. Why must we foreclose those options for the sake of a one-shot giveaway that as we stand here today we are not entirely certain that the fund can handle in the first place? It makes no sense to close those options.

While we can jointly agree that the \$100 bonus is a viable alternative and fiscally possible, let us not close the options on the remaining fund. That lottery may not be as good a year from now. It may not be as good next quarter. We jumped into the hysteria of positive revenue numbers, and we are projecting them over fiscal years. It is poor policy planning when we consider we are distributing the most limited source of dollars available to seniors.

Remember, Mr. Speaker, we are beginning to broach the subject matter of no General Fund dollars available, and to expend the Lottery Fund moneys we have under a bonus program that looks great in the mind's eye of the government is putting the cart before the horse. Seniors have other issues of programming in their Triple A's that need to be addressed, and I would suggest we reject this amendment at this time as a pause and a reflection and look at those other programs before we spend it all. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, it is extremely difficult to come to this microphone tonight at this late hour after a very long day and try to put into perspective all the numbers that are continually cascading down upon all of us. And I guess it looks rather attractive to many members that we can afford, perhaps, to put another \$100 into the bonus inflation dividend, but I for one, as I listen to my older citizens back home, have a feeling

that perhaps if we do this, they will begin to rely on a bonus each and every year. Now, perhaps we will be able to do that and perhaps we will not. They have come to rely on their tax and their rental rebate check, and they have come to rely on that check, that inflation dividend check, that they receive in December and January. We felt, with the figures that we have, that perhaps we could provide them in a one-shot situation a \$100 bonus for this particular year. But I am telling you, as we go down the road and they come to expect that bonus, I do not know what you are going to do when you get down 3, 4, 5 years from now, even using the projected figures of the Lottery Fund from the Department of Revenue, their figures, and you are looking at a deficit, because that seems to be the way we are compelled to move in this General Assembly sometimes, that what looks attractive now we can keep in force forever, and that may well not be the case. Then what do we do? Where do we turn at that point?

I think that it is prudent and really our responsibility to make a little wiser decision tonight and remain with the \$100 bonus that has been proposed. If down the road in another year there is the availability of funds, then perhaps we can provide it again, but to hold out a false hope of doing what Mr. Manderino suggests tonight, I think, is really a dereliction of our duty and our responsibility to the people we represent here. I know it is going to be very difficult for many members not to vote for Mr. Manderino's amendment, but quite frankly, I am willing to go back and face that constituency and tell them that I am not going to hold out a false promise to them, and I think many of you ought to feel the same way. I would urge a negative vote on the amendment, Mr. Speaker. Thank you.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

I rise to support the Manderino amendment, and I do so for several reasons. I would like to say that I think first of all we are living in some very parallel times, one where people in the Commonwealth of Pennsylvania and particularly in our legislative districts have to decide whether or not to heat or eat, and senior citizens were also left with that burden. Number two, during a period of time when we see an administration as the Thornburgh administration which says to us that they are concerned with senior citizens, it is ironic that it comes in the wake of a political year on his reelection and that they want to throw out a \$100 bonus to make it seem as though there is some major concern for the senior citizens in the Commonwealth. I feel that the Manderino amendment speaks to where the real commitment would actually really be, that instead of giving \$100 when you have fuel bills and you have food bills that are astronomical, that here they would have an opportunity to deal with their medical bills and deal with maybe some of the fuel and food expenses that they do have at this particular time.

It seems to me that we are only playing with ourselves when we do not deal with the fact that people are in fact in serious trouble. There is an attempt here on behalf of this amendment to ask those legislators in this House to really, really deal with

the problems affecting those poor citizens in the Commonwealth whom we call our senior citizens. Why, some of us may fall into that same category one day, and if you know anything about fixed income and you know how tough and rough it really is, then it would seem to me that the Manderino amendment would be the amendment to support.

In conclusion, Mr. Speaker, it would seem to me that there are so many things that have happened over this past year, with one of the roughest winters that we have been faced with, colds and other sicknesses and other illnesses that have plagued our senior citizens, and here they are being told that we have a Lottery Fund that has money available and will leave some \$40-some million left in that fund, which certainly would not bring a hardship to that fund. It seems to me to be an inconsistency if we do not in fact support the Manderino amendment.

I think that there is a time when we all must look toward the future, and if there is a real commitment from the Thornburgh administration to deal with the problems of senior citizens as opposed to just a one-time shot of \$100, then perhaps maybe this particular time of giving \$200, maybe in a nonpolitical year like next year, maybe to also give that same \$200 would be a way to deal with it. But I do not think that we are being fooled at all by what is being done, and I think that citizens in this Commonwealth, particularly our senior citizens, are going to be watching very readily.

Those who have already spoken on the bill have indicated that they understand the hardships and they realize how tough it really is but that we should not try to raise the limit that is being raised here from \$100 to \$200. I say, what about that senior citizen who has a medical bill that costs him \$100 a week anyway in medical expenses, or in the food that costs him a large amount of money, or in the expenses that they have to travel in transportation, even though they are supposed to receive a reduction in terms of expenses that are allotted them to travel on the public transportation that is provided across the Commonwealth?

Senior citizens to me are individuals who have in fact proven that they could live as long as they have lived, and at least they have some wisdom and knowledge and understanding about some of the problems or else they would not have been able to get there at all. It seems to me that we are doing an injustice when we turn our backs on those very same citizens who have already paid their dues and have dedicated themselves to society, and now we want to hold them hostage. I think it is unfair, and I think that giving them \$200 would certainly be a mandate of responsibility on behalf of the members of this House of Representatives. I urge the adoption of the Manderino amendment.

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

Mr. TRELLO. Mr. Speaker, I rise to support the Manderino amendment. There have been some statements here, what is going to happen 2 or 3 years from now when we cannot pay the \$200? You know, there are many things that I plan with my family. If there is money in the budget, we do it; if there is no money in the budget, we do not do it. What is to

say that the \$100 will not be available 3 or 4 years from now? What will the administration do? They will cut that out. So if we are going to have to cut out \$100, we might as well cut out \$200.

You ought to take a walk in some of the supermarkets in western Pennsylvania where I live, my district, where the unemployment is just out of sight. You watch the senior citizen who walks in the store with a big coat on on a summer day, and the reason why they have that big coat on is because they have to steal something to eat. Now, let me tell you, if we have \$200 to give out this fiscal year, then let us give it and worry about 4 or 5 years from now when it comes. Cross that bridge when we get to it. If you do not vote for this \$200, then your heart is not out to the people who really need it, the pioneers who built this great country of ours. Let us go out and do something for them for a change. Thank you.

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

The following roll call was recorded:

YEAS—104

Barber	Frazier	McMonagle	Seventy
Belardi	Fryer	Maiale	Showers
Belfanti	Gallagher	Manderino	Shupnik
Beloff	Gamble	Michlovic	Stairs
Berson	George	Miscevich	Steighner
Blaum	Grabowski	Morris	Stewart
Borski	Gray	Mrkonic	Stuban
Brown	Greenwood	Mullen	Swaim
Caltagirone	Haluska	Murphy	Sweet
Cappabianca	Harper	O'Donnell	Taylor, E. Z.
Cawley	Hoeffel	Olasz	Taylor, F. E.
Clark	Horgos	Oliver	Telek
Colafella	Hutchinson, A.	Pendleton	Tigue
Cole	Itkin	Petrarca	Trello
Cordisco	Kolter	Petrone	Van Horne
Cowell	Kowalshyn	Pievsky	Wachob
DeMedio	Kukovich	Pistella	Wambach
DeWeese	Laughlin	Pratt	Wargo
Dawida	Lehr	Pucciarelli	Wass
Deal	Lescovitz	Rasco	Wiggins
Dombrowski	Letterman	Richardson	Williams, H.
Donatucci	Levin	Rieger	Williams, J. D.
Duffy	Livengood	Ritter	Wilson
Evans	Lloyd	Rocks	Wozniak
Fee	Lucyk	Rybak	Wright, D. R.
Fischer	McIntyre	Serafini	Zwinkl

NAYS—84

Anderson	Dorr	Levi	Reber
Armstrong	Durham	Lewis	Salvatore
Arty	Fargo	McClatchy	Saurman
Bittle	Fleck	McVerry	Sieminski
Bowser	Foster, W. W.	Mackowski	Sirianni
Boyes	Foster, Jr., A.	Madigan	Smith, B.
Brandt	Gallen	Manmiller	Smith, E. H.
Burd	Gannon	Marmion	Smith, L. E.
Burns	Geist	Merry	Spencer
Cessar	Gladeck	Micozzie	Stevens
Cimini	Grieco	Miller	Swift
Civera	Gruppo	Moehlmann	Taddonio
Clymer	Hagarty	Mowery	Vroon
Cochran	Hasay	Nahill	Wenger
Cornell	Hayes	Noye	Weston
Coslett	Heiser	Perzel	Wogan
Cunningham	Honaman	Peterson	Wright, J. L.
DeVerter	Jackson	Phillips	Wright, R. C.
Daikeler	Johnson	Piccola	
Davies	Kanuck	Pott	Ryan,
Dietz	Kennedy	Punt	Speaker

Dininni	Klingaman		
NOT VOTING—5			
Cohen	Pitts	Rappaport	Spitz
Freind			
EXCUSED—7			
Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingner	

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?

Mr. GALLAGHER offered the following amendments No. A6524:

Amend Title, page 1, line 10, by striking out "and" and inserting

establishing a pharmaceutical assistance plan for the elderly;

Amend Sec. 1, page 1, line 20, by inserting after "amended" and clauses are added to section 3

Amend Sec. 1 (Title), page 2, line 5, by inserting before "providing"
providing for pharmaceutical assistance for the elderly;

Amend Sec. 1 (Sec. 2), page 2, line 16, by inserting after "living"
, medical and health

Amend Sec. 1 (Sec. 2), page 2, line 27, by inserting after "provide"
pharmaceutical assistance and

Amend Sec. 1 (Sec. 3), page 3, by inserting between lines 24 and 25

(10) "Eligible claimant" means any resident of the Commonwealth sixty-five years of age and over, whose annual income is less than the maximum annual income, and who is not otherwise qualified for public assistance under the act of June 13, 1967 (P.L. 31, No. 21), known as the "Public Welfare Code."

(11) "Income" means all income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except medicare benefits), all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal or any State Government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first five thousand dollars (\$5,000) of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars (\$300), but shall not include surplus food or other relief in kind supplied by a government agency or property tax rebate.

(12) "Maximum annual income" means annual income as determined by the department. Such amount shall not exceed seven thousand five hundred dollars (\$7,500) in the case of single persons nor nine thousand dollars (\$9,000) in the case of the combined annual income of married persons.

(13) "Pharmacy" means any pharmacy licensed by the Commonwealth

(14) "Program" means the program of a prescription plan for the aging as established by this act.

Amend Sec. 1 (Sec. 4), page 4, line 26, by striking out the bracket before "Household"

Amend Sec. 1 (Sec. 4), page 5, lines 1 through 12, by striking out the bracket after "15" in line 1 and all of lines 2 through 12

Amend Sec. 2, page 6, by inserting between lines 6 and 7

Section 6.1. Payments Under Program.—The program shall consist of payments to pharmacies on behalf of eligible claimants for the average wholesale cost or the usual and customary fee, whichever is lower of legend drugs, insulin, insulin syringes and insulin needles which exceed four dollars (\$4) copayment per prescription paid by each eligible claimant. In no case shall the State be charged more than the price of the drug at the particular pharmacy on the date of the sale. For the purpose of this act, the eligible claimant shall be liable to pay the difference between the brand name drug and the generically equivalent drug as approved under the provisions of the act of November 24, 1976 (P.L. 1163, No. 259), referred to as the Generic Equivalent Drug Law. Only the physician may prescribe a nongeneric medication.

Section 6.2. Coordination of Benefits.—Any otherwise eligible claimant whose prescription drug costs are covered in part by any other plan of assistance or insurance may be required to receive reduced assistance under the provisions of this act at the discretion of the department.

Section 6.3. Payment System.—The department shall by regulation establish a system for determining eligibility, including provisions for submission of proof of actual and anticipated income, and evidence of complete or partial coverage of prescription drug costs by any other assistance or insurance plans and a system of payments to eligible pharmacies. In lieu of a payment system the department may contract for the establishment of such a system, if such a contract would be economically advantageous to the Commonwealth. A fee shall be paid to pharmacists which will vary according to the services provided. The highest amount should go to those pharmacists who maintain adequate records, advise users of possible medicinal conflicts and provide emergency service. This variable rate for services shall be included in the specifications requesting proposals to administer the plan. Experimental drugs are to be excluded from the program. The company administering the plan shall be required to keep records that include generic and nongeneric use both by pharmacy and by the individual, refill orders and control drug frequency. Prescriptions, the total cost of which are four dollars (\$4) or less, shall be processed in the same manner as other prescriptions even though the State is not required to pay. The administering company shall not charge for these prescriptions.

Section 6.4. Regulations on Eligibility and Abuse.—The department shall adopt regulations relating to the determination of eligibility of prospective claimants and the determination and elimination of program abuse. The department shall have the power to declare ineligible any claimant who abuses or misuses the established prescription plan.

Section 6.5. Duplication of Benefits Prohibited.—No person eligible for prescription benefits under any other private, State or Federal program of medical insurance or assistance which duplicate the benefits available under this act shall be eligible hereunder to the extent of such duplication.

Section 6.6. Penalties.—Any person who submits a false or fraudulent claim under this act, or who aids or abets another in the submission of a false or fraudulent claim, or who is eligible under a private, State or Federal program for prescription assistance and who claims or receives duplicative benefits hereunder or who otherwise violates any provision of this act, shall be guilty of a misdemeanor of the third degree.

Amend Sec. 4, page 7, lines 11 and 12, by striking out all of said lines and inserting

Section 4. (a) This act shall take effect immediately and apply to all rebates for the calendar year 1981.

(b) Sections 6.1 through 6.6 shall continue in effect after June 30, 1984 unless the Secretary of Budget and Administration,

the Chairman of the Senate Appropriations Committee and the Chairman of the House Appropriations Committee certify jointly that adequate funds are not available for administration of the program.

On the question,

Will the House agree to the amendments?

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

Mr. GALLAGHER. Thank you, Mr. Speaker.

Mr. Speaker, the amendment just offered does several things. It creates in the lottery bill, SB 1102, the opportunity for a prescription card for our senior citizens who are 65 years or older and are residents of Pennsylvania. They would pay a \$4 copay toward the cost of any given prescription. There is no limit on the prescriptions. The income requirements would be up to \$7,500 for a single person and up to \$9,000 for a married couple. The prescription drugs covered would include all legend drugs, insulin, insulin syringes, insulin needles, and any persons whose prescription drugs are wholly covered by another plan of assistance or insurance program would not be eligible for the proposed program. The program would be paid out of the State Lottery Fund revenues and be run by the Department of Revenue, and this would not necessitate any increase of any type on the department.

Mr. Speaker, the amendment, very importantly to the members of the General Assembly, would strike out the amendment that was just adopted. It would take out the \$200 1-year shot to the senior citizens who are a part of the program; that is, the ones who are in the program now as of 1980. That is not 1981-82; that is 1980. So this amendment would delete the \$200, not just the \$100, and it would provide the senior citizens with a prescription card so they can provide themselves with the medication they need.

Mr. Speaker, the fund was questioned as to the financial stability over the years. Back in May, the Department of Aging informed us that they were about some \$1.6 million at that time, in May, but some dramatic happening came about in November. The Department of Revenue has informed us that the surplus in the Lottery Fund is over \$300 million. So, Mr. Speaker, if this amendment is adopted, with everything else that was in the bill - the money for the Department of Aging, the rural transportation, the existing rental and tax rebates - there would still be more than enough money to provide for the prescription card method. This would give us until 1983-84, the end of the fiscal year, a surplus of \$16 million, so it would not bankrupt the Lottery Fund.

What we would be doing in the one section that we delete is to put back into this fund \$82 million from removing the \$200 rebate, which would put us well in order to provide and pay for this fund, because this year it would cost for a prescription card \$42 million for 1982-83 and for next year, 1983-84, \$79 million. So there would be ample money left over, and when we are finished in 1983-84, we would have a \$16-million surplus.

Mr. Speaker, at the tail end of the amendment it makes it very clear that there is a sunset section, that if the Secretary of Budget and Administration, the chairman of the Senate

Appropriations, and the chairman of the House Appropriations Committee certify that adequate funds are not available for the administration of this program, then the program will be stopped completely. So there is a safeguard there that it will not run over and put the Lottery Fund in bankruptcy or run it out of business.

So these are the highlights of the amendment, but it is most important that we should understand that the \$200 rebate will be used completely within a month at the most to pay for the fuel and the utilities that are owed now. But later on, they are still going to have that prescription problem. They are still going to have the insulin problem. They are still going to have arthritis, and they are going to have the high-blood-pressure medication problems that they will all have, most of them 65 and older. They are the ones who have been telling us back in my county and all over other places of this Commonwealth that they are in dire need of this. They would rather have it this way rather than having \$100 or \$200 as a rebate bonus for 1 year and then still not have enough money to pay for their medication.

So, Mr. Speaker, I urge the members to consider this very seriously, that this is a better method of distributing the surplus that exists in the Lottery Fund and that we adopt this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I wonder if the mathematician from Bucks County would please stand for interrogation - Mr. Gallagher.

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

Mr. HAYES. They are all about the same, but I would prefer Gallagher.

Mr. GALLAGHER. Ready and able at any time, Mr. Speaker.

Mr. HAYES. Mr. Speaker, did you fashion your plan after any other plan that may be existing in this Nation?

Mr. GALLAGHER. Existing in this Nation? That is a tough question. It is something similar to New Jersey—

Mr. HAYES. Well, either you do know or you do not know.

Mr. GALLAGHER. Teacher, I mean, Mr. Majority Leader—I have to wait until my sidelines calm down here.

Yes; I do know that there is another plan in the United States, and is it similar to one in the Nation? Yes; it is very similar to New Jersey, very similar to New Jersey. Not exactly like it, it is not identical, but it is similar to New Jersey, which is very near to me. It is right across the river. I live right across the river from New Jersey. That is why a lot of my senior citizens are concerned, because New Jersey has it; why does Pennsylvania not have it? We have a bigger lottery; why do we not have it? They want the money. They look for a prescription card, because they would rather get it just like their friends over in New Jersey. So, yes, Mr. Speaker, it is not identical, but it is similar to New Jersey.

Mr. HAYES. How is it different, Mr. Speaker?

Mr. GALLAGHER. How does it differ? They have different eligibilities. They have different income levels that they prescribe that we do not over here. This is fashioned to our

income level here in Pennsylvania and tied into our tax rebate system rather than New Jersey. They do not have a tax rebate system as far as I know.

Mr. HAYES. Can you be any more specific than that?

Mr. GALLAGHER. No, I cannot, Mr. Speaker. I am as specific as I can be.

Mr. HAYES. How many prescriptions a year do they allow in New Jersey?

POINT OF ORDER

Mr. MANDERINO. Mr. Speaker, a point of order.

Mr. Speaker, the question before the House is the Gallagher amendment, not the plan in New Jersey.

The SPEAKER. The gentleman, Mr. Manderino, is correct. The question before the House is the Gallagher amendment A6524 to SB 1102. On that question, the Chair recognizes the gentleman, Mr. Gallagher.

Mr. GALLAGHER. Sometimes when the majority leader asks a question, he is pretty quick with his feet and tongue, and it takes me a little more to understand what you are asking so I can give you the right answer, a more plausible answer.

As far as I know, New Jersey has no limitation on their prescriptions, as far as I know. I do not know that they have any except that their limitation would be on the amount of money that they have appropriated for the program. That is the best I can give you, Mr. Speaker.

Mr. HAYES. In your amendment, Mr. Speaker, you talk about an eligible claimant being someone who is not otherwise qualified for public assistance. You mean public assistance, I presume, and not medical assistance? I mean, if you have it in your amendment, I am assuming that you mean in fact to say public assistance.

Mr. GALLAGHER. It says there, we are using the word "income." It means any income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employed, alimony, support money, cash, public assistance and relief, gross amounts of any pensions, et cetera, but it goes on further that if you should be receiving medicaid benefits, you would not be eligible. It does spell that out. We do speak of public assistance and relief as a matter of income, but we also preclude those senior citizens who happen to have a prescription-paid card from another retirement group or from the Commonwealth of Pennsylvania, the Department of Welfare. If they have a medicaid card or a Federal card, they would not be eligible, and if they had one in their retirement fund, they would not be eligible.

Mr. HAYES. How many of those ineligible are there in Pennsylvania, Mr. Speaker?

Mr. GALLAGHER. There are 93,000 in Pennsylvania.

Mr. HAYES. How many?

Mr. GALLAGHER. Ninety-three thousand.

Mr. HAYES. Let me ask you another question.

How many persons will be eligible after you discount those whom you are declaring as ineligible?

Mr. GALLAGHER. We figure it is around—

Mr. HAYES. Around?

Mr. GALLAGHER. Around, about, somewhere near—you know, I am not a math man like you are, Sam—but it is between 780,000 to 800,000 people in Pennsylvania.

Mr. HAYES. Since this plan closely parallels the New Jersey plan, I presume then you have some capability of estimating how many employees it will take to administer your program. Could you please tell us whether or not you have that figure?

Mr. GALLAGHER. You are talking about how many people or how many dollars?

Mr. HAYES. People to administer the program, bureaucrat-type people.

Mr. GALLAGHER. Between 70 and 90 people at the outset. I do not think we are going to need 90, but it would have to be between 70 and 90 people.

Mr. HAYES. How many people are in the Department of Aging at the present time? Do you know?

Mr. GALLAGHER. One hundred and three. How is that? Pretty precise.

Mr. HAYES. The Department of Aging tells me that they have 91 employees, but maybe your staff assistant knows better than they do.

So are you telling us that you are going to double the number of bureaucrats?

Mr. GALLAGHER. No. Sam, I think you know the answer.

The SPEAKER. The gentleman will yield.

The gentleman well knows that questions should be addressed to the Chair, and the Chair is not Sam, yet.

Mr. GALLAGHER. Mr. Speaker, I apologize for not recognizing that you are Matthew.

Mr. Speaker, I think that Sam is making the same mistake I am. Mr. Speaker, the majority leader is making the same mistake I am, that he is directing questions to me that he knows the answer to already. He is the majority leader. He knows that they have 103 on their complement. I do not know that they have not filled all complete vacancies, so you probably know that better than I do, in the Department of Aging.

Mr. HAYES. Mr. Speaker, would you repeat again how many persons you told me would be necessary to administer your program, as fashioned after New Jersey?

Mr. GALLAGHER. Well, I would think it would be between 70 and 90. I am not sure of that. I do not think it would go as high as 90, Mr. Speaker, but I think that under the Governor's expertise in management, he would be able to make sure that the Secretary of the Department of Aging would be able to have the 90-some people already employed handle this themselves without hiring more. Let us not drag something out of the air, Mr. Speaker.

You know full well that if the department is just cranking up—it just started about a year ago—maybe this would be better work for them to handle than what they are doing right now.

Mr. HAYES. Mr. Speaker, under your program would it be necessary to establish a system of payment and reimbursements?

Mr. GALLAGHER. Yes, it would, Mr. Speaker.

Mr. HAYES. Mr. Speaker, under your program would it be necessary to establish a program of utilization review?

Mr. GALLAGHER. Yes, it would, Mr. Speaker.

Mr. HAYES. Mr. Speaker, would it require the establishment of a monitoring system to handle abuse and fraud?

Mr. GALLAGHER. Yes, it would, Mr. Speaker.

Mr. HAYES. And you are going to stand here before this House of Representatives, Mr. Speaker, and tell us and expect us to believe, and expect the taxpayers of this Commonwealth to believe, and the senior citizens to believe, that those 91 persons who are currently in the Department of Aging, who are already responsible for a whole host of other things, that those same 91 people are going to do all those things that you have just acknowledged as necessary in order to implement your program?

Mr. GALLAGHER. No, Mr. Speaker, I do not expect them to do it all. I expect the Secretary of Revenue to be handling some of it. I expect the Department of Aging to be doing it. I expect the Auditor General to be auditing the vouchers. I expect the State Treasurer to be doing something similar to what he normally does in distribution of funds. So I do not expect a whole host of 100 or 300 or 500 new employees to hauncho this program.

I think we have adequate protection in the system right now through the Auditor General, the Attorney General, the State Treasurer, and the Secretary of Revenue, to be able to handle this without this facade that you are putting up here, Mr. Speaker. I think you are trying to throw out some kind of smoke to say that this is terrible because we are going to create a new bureaucracy. We are not; we are just trying to give the senior citizens an opportunity to have a prescription card, and we expect them to be honest and true. We do not expect them to be false about that.

Mr. HAYES. Mr. Speaker, it may interest you to know that your program, which is fashioned under the New Jersey program—if, in fact, New Jersey is any model at all, and you by your own admission said that your amendment models their program—

Mr. GALLAGHER. Pardon me, Mr. Speaker. I did not say it models it. I said it is very similar, but it is not identical. It is not a model of it. Please do not use words from your mouth to mine.

Mr. HAYES. You by your own admission said that this amendment is very similar to the program in New Jersey, and they have found it necessary to hire 100 staff persons to administer their program—

Mr. GALLAGHER. No, Mr. Speaker, I did not say that. I did not say they hired 100 people.

Mr. HAYES. I am reporting to you, Mr. Speaker, as to what the case history is in New Jersey.

Mr. GALLAGHER. Mr. Speaker, you might know it better than I do. I did not know that they hired an additional 100 people. I did not say they did. I said this is similar to theirs only in the fact that they have a prescription card for the senior citizens.

Mr. HAYES. Mr. Speaker, I would appreciate it, sir, if I could make my point without any interruptions from the gentleman from Bucks.

The SPEAKER. In the course of interrogation, the purpose of it is to solicit information. If either of the gentlemen have the information, they should make a statement for the record. Neither gentleman should interrupt the other in either the asking of the question or the giving of the answer.

The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I would share with the members of this House of Representatives that the program in New Jersey as we have studied it and found it to be, there are over 282,000 claimants in the State of New Jersey. In order to handle that caseload, they have found it necessary, just to determine program eligibility, to hire an additional 100 people.

Now, Mr. Gallagher, through interrogation, has acknowledged that there are hundreds of thousands more in Pennsylvania than in New Jersey, by the parameters of his amendment. Now, I am confident that we can manage the program better in Pennsylvania than in New Jersey. I am not sure that the gentleman, Mr. Gallagher, would admit that, only maybe in the narrowest sense of getting us to adopt his amendment today, and on another day he will be up telling us how badly this Governor manages things. But I am confident that this Governor and his administration could probably do as good, if not better, than New Jersey.

Even given all of that skilled management, does it not seem to reasonable men and women that it is going to certainly need more employees than the current complement of 91? Are we going to be able to do it with just 100 more, as New Jersey, even though they have maybe only one-third as many claimants under their program as Mr. Gallagher would have under his program? I think that that is a very real question, and I respectfully suggest that as we listened to the gentleman from Bucks tapdance, first he said he needed 70 to 90—not knowing for sure—new employees; then he said we did not need any new employees. I respectfully suggest he does not know what the similar program in New Jersey requires—he could not give us that answer—and I respectfully suggest that he does not know that here either. He would have the senior citizens of Pennsylvania believe; by his letters and campaign brochures, that he knows, but in fact he does not know.

Mr. Speaker, I would like to ask the gentleman another question.

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

Mr. HAYES. Mr. Speaker, in your amendment on page 3, you have language that says that a fee shall be paid to pharmacists which will vary—a fee—according to the services provided. The highest amount should go to those pharmacies—should go to those pharmacies—who maintain adequate records, advise users of possible medicinal conflicts. Would the gentleman elaborate as to what he means by that glib, general language?

Mr. GALLAGHER. Mr. Speaker, in answer to the majority leader, I think you understand the language that says that a

fee shall be paid to the pharmacist which will vary according to the services provided—I think you understand English—and that the highest amount should go to those pharmacists who maintain adequate records—that means those who adequately submit the proper forms; that is all; I think that is all it means—advise users of possible medicinal conflicts and provide emergency services. That is part of it. That is the language that is known to most people in the United States. It is the English language. It is our number one language in the United States. I understand it. I do not know whether you understand it.

First of all, the Department of Revenue is to be running this, and in your previous statement you kept on talking about New Jersey, New Jersey, New Jersey. This is not the New Jersey model. There is nothing in here about New Jersey. This is about the Commonwealth of Pennsylvania, Department of Revenue, which is going to handle this.

With a Governor like we have in Pennsylvania, Governor Thornburgh, a Governor who has told us he can do more with less, I do not see that he wants to be hiring more people. I am not asking him to hire more people. He can do more with less, and we are saying that with this kind of money—\$42 million to handle this program this year—part of that \$42 million is for the servicing of it as well as the paying of it. So you are not going to run into additional money for new employees. And with a Governor who knows how to do more with less, I am sure he will be able to handle this more than handsomely and make it look great in Pennsylvania. His name is still going to be on that bill when he signs it, and he will be saying, look, senior citizens, I am giving you a prescription card. And he will give the first one out himself and say this is the number one for the year.

Mr. HAYES. Mr. Speaker, his last refrain was going back again to New Jersey, and I respectfully suggest that my question to him did not have anything to do with New Jersey. It had to do with his language, not New Jersey's language.

What do you mean, Mr. Speaker, when you say the highest amount should go to those pharmacists? Do you mean, in fact, it by law must, or maybe are you just kind of letting that up to somebody else? What do you mean, it should go?

Mr. GALLAGHER. Just what it says, it should go. "Should" does not mean shall or may. It says it should. You understand that.

Mr. HAYES. Mr. Speaker, I believe the point has been made. The gentleman has at best a sloppily drafted amendment.

It is obvious, Mr. Speaker, that a few moments ago the gentleman voted for a \$200 amendment; now he wants to take that back. Mr. Lloyd came here a couple of hours ago and offered an amendment that did something all of a sudden. Even in his first term his mathematics told him that in order to juggle it that way, you should probably do something about that \$100 bonus, but, of course, we had some walking of the aisles and said no, that is all right; we will just keep dickering around with this bill; we will not worry about the arithmetic. Then Mr. Manderino came on the floor with yet another amendment to do \$200 and everything else, and now Mr.

Gallagher is coming in here with another amendment. He takes away that \$200 amendment he voted for and puts something else in.

A few hours ago I said we are going to experience today a lot of dickering around, and I respectfully suggest that that is what the gentleman, Mr. Gallagher, is doing. If we are going to do something with regard to prescriptions—

POINT OF ORDER

The SPEAKER. Will the gentleman yield?

For what purpose does the gentleman from Philadelphia, Mr. Evans, rise?

Mr. EVANS. I rise because I think that this is supposed to be—

The SPEAKER. Does the gentleman have a point of order?

Mr. EVANS. Yes, I do.

The SPEAKER. The gentleman will state his point of order.

Mr. EVANS. I am very concerned, Mr. Speaker, that the majority leader is not properly conducting a debate, and I would ask that you require him to stick to the debate of the issue.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

The point has been made. Mr. Gallagher's amendment is one of a list of amendments which are just being flashed about here today. Take your calculators home tonight and add it all up. Take it down to the senior citizens center where that math teacher goes for his or her activity in his or her retired years, Mr. Gallagher, and sit down with that person. That person can teach you some arithmetic, and the rest of those who are following your lead tonight. Thank you.

Mr. GALLAGHER. Mr. Speaker, could I interrogate the majority leader?

The SPEAKER. The Chair recognizes the gentleman, Mr. Gallagher, for the second time on the question, who desires to interrogate the majority leader. The gentleman may proceed.

Mr. GALLAGHER. Thank you, Mr. Speaker.

Mr. Majority Leader, do you recognize that there is a surplus of over \$300 million in this fund?

Mr. HAYES. I am not sure you are right about that.

Mr. GALLAGHER. Oh, do you not know?

Mr. HAYES. I said I am not sure you are right about that.

Mr. GALLAGHER. Mr. Speaker, do you know exactly how much?

Mr. HAYES. I am not sure whether you are right or not.

Mr. GALLAGHER. The question was not whether I am right or not, Mr. Speaker. The question was, do you know what the surplus is in the Lottery Fund?

Mr. HAYES. I am going to calculate all of your amendments after we are done today, Mr. Speaker. I will reserve my comment until another day, and then take your calculator down to the senior citizen center and talk to them about it.

Mr. GALLAGHER. Mr. Speaker, the question to the majority leader was, again, do you know what the surplus is in the Lottery Fund as of now?

The SPEAKER. The gentleman has answered the question, evidently, to the best of the information that he has available to him. If the gentleman, Mr. Gallagher, knows the answer, he should state it himself.

Mr. GALLAGHER. Well, Mr. Speaker, I have had a problem with the majority leader in interrogation and debate. He questions whether I know and tries to chastise me for not paying attention and having a sloppy amendment, when he is the majority leader of the House and should surely know what the surplus is in the Lottery Fund. He chastises this amendment in saying that we are dancing around with different kinds of amendments, dancing from one position to another. I am sure he knows how much SB 1102 costs right now, without the most recent amendment just adopted. Then he would criticize that this amendment goes far askew on that amount. It is obvious that the majority leader was trying to make a lot of smoke here to shoot down any consideration for a prescription card for the senior citizens. The money is there, Mr. Speaker. Thank you for allowing me to try to interrogate the majority leader.

Now, Mr. Speaker, on the amendment for the last time—

The SPEAKER. Will the gentleman yield.

Let us see if we can get this back on track. The Chair recognizes the gentleman, Mr. Gallagher, and requests that the gentleman, Mr. Gallagher, and all others confine their remarks to the amendments that are before the House.

Mr. GALLAGHER. Thank you, Mr. Speaker.

For the last time on the amendment, there is a surplus of over \$300 million in the Lottery Fund. With what the Governor proposed in SB 1102, it costs \$228,304,000. The surplus amount that would be needed for this amendment would cost \$72 million for this fiscal year and \$79 million for the next fiscal year, and would leave us with a surplus of \$16 million at the end of the fiscal year 1983-84. These are precise, exact, honest figures, most of them coming from the Department of Aging and from the Department of Revenue. So I ask the members to consider that and not the charade that your majority leader was trying to create there. The money is there; the senior citizens are out there waiting for their prescription cards, so let us stop playing games with each other and our verbal assault on each other and vote for the amendment. Thank you, Mr. Speaker.

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

Mr. COWELL. Would Mr. Gallagher consent to some additional interrogation, please?

The SPEAKER. The gentleman from Bucks, Mr. Gallagher, indicates he will stand for interrogation. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to repeat the questions that have already been discussed, but there are a couple of issues I would like some clarification on.

First of all, Mr. Speaker, am I correct in assuming that what we are really being asked to do with your amendment is to choose between one of two additional benefits for senior citizens? We are being asked to choose between the \$200

check, which is currently in the language of the bill following the Manderino amendment, or to choose the pharmaceutical program which you are proposing as a part of your amendment.

Mr. GALLAGHER. That is absolutely correct, Mr. Speaker.

Mr. COWELL. Thank you.

Can we correctly assume that regardless of which program we choose, the beginning pool of eligibilities anyway is the same? It is going to be those people who have an annual income, under SB 1102, of \$11,999 or less. Then you further define those who may or may not be eligible for the pharmaceutical program. Is that correct?

Mr. GALLAGHER. Yes; we do set the age first, 65-plus, and then we set the limits for single and for married couples.

Mr. COWELL. So the pharmaceutical program would find as eligible recipients some of the people, but not all of the people, who would be eligible for the \$200 check. Is that correct?

Mr. GALLAGHER. That is correct.

Mr. COWELL. Am I correct in hearing, during your debate with the majority leader, that the cost of the \$200 check program would be approximately \$82 million for this current fiscal year?

Mr. GALLAGHER. Seventy-two million dollars.

Mr. COWELL. Not the pharmaceutical program; we are talking about the check program, the \$200. Is that about \$82 million?

Mr. GALLAGHER. That would be \$82 million.

Mr. COWELL. And am I correct in hearing what you said about your own amendment, and that is the cost would be \$72 million for the first year for the pharmaceutical program?

Mr. GALLAGHER. That is correct. It would be \$72 million for the first year for the pharmaceutical.

Mr. COWELL. Can you comment about the arguments that were made by the minority whip earlier in defense of the \$200 check proposal, compared to the \$100 check proposal, when the argument was made about the dire winter that we have just gone through and the need to get cash into the hands of folks immediately? Why did you join with a lot of us in supporting that amendment, but at the same time now in your amendment you seem to be taking that out of this legislation?

Mr. GALLAGHER. Well, Mr. Speaker, Mr. Manderino and I are different kinds of people, and we both have different thoughts. His thoughts were on getting the cash out to the people so they could pay their debts and for their needs. My concept is that they need the prescription card to pay for their medicine, and this is a better method, in my mind, to provide for that.

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

Mr. Speaker, can we also agree that the information that our Appropriations staff people gave us was that the administrative costs of the pharmaceutical program would be approximately 8 percent, and that 8 percent of the \$72-million program would total about \$5.6 million?

Mr. GALLAGHER. That is correct.

Mr. COWELL. And, if my math is correct, that means for this first year then, there would be pharmaceutical benefits actually given to senior citizens totaling about \$66.4 million. Would that be correct?

Mr. GALLAGHER. That is a fairly good mathematical equation that you have spoken about.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, if I might make some remarks then. I appreciate the interrogation.

The SPEAKER. The gentleman is in order and may proceed. The question before the House is the Gallagher amendment A6524.

Mr. COWELL. Thank you, Mr. Speaker.

I wanted to make sure that all of us, particularly myself, clearly understood the options that are being posed for us. We have had some debates about what the real surplus is in the Lottery Fund, and we can quarrel back and forth about what the actual number of dollars might be, but that is not really relevant at this moment. At this moment the key issue is that we have posed for us two different programs: one, the \$200 check program on the one hand; on the other hand there is an alternative, the pharmaceutical program. And it has been agreed that regardless of what the surplus is, there are sufficient dollars in the lottery program to provide for either one of those two programs. What we need to do now as we vote on this amendment is to choose one or the other.

Somewhat reluctantly, I am going to have to take issue with the amendment that has been offered by my colleague from Bucks County, because I think that the arguments today rest with the language in SB 1102 as it currently stands following the Manderino amendment. I think it is a rather simple argument. On the one hand, if we pass SB 1102 with current language, with the Manderino amendment, the \$200 check, we will very shortly send \$200 checks out to many senior citizens, all eligible senior citizens who meet the definitions as defined in SB 1102. That is \$200 that they would be receiving, and that would total \$82 million of benefits that would actually go to senior citizens. On the other hand, if we accept the amendment that is currently before us, we will not send those checks, and we will not send \$82 million out to senior citizens. Instead, we will, in the short run, send them a plastic card, and in the long run, during the duration of this first fiscal year, we will actually send to those senior citizens some \$66.4 million of pharmaceutical benefits—Mr. Gallagher and I seem to agree to that figure—while spending another \$5.5 million of senior citizen moneys to administer that program, money that otherwise could have gone out in checks or in some form directly to senior citizens as cash grants.

I for one think that the responsible thing for us to do today is to adopt SB 1102 as it currently stands, perhaps with some additional amendments that might be offered later on, but not with the pharmaceutical program. I think that the senior citizens in this Commonwealth would prefer that we send them a full \$82 million in checks, dollars that they can use as they see fit, dollars that will be available to them to help meet some of the consequences of this dire winter that we just had explained to us earlier when a majority of us agreed to raise that \$100

figure to \$200. I think it is far better to send them the full \$82 million, rather than to send them a plastic card and tell them we are going to spend a portion of that \$82 million on pharmaceutical benefits for some of them. We are going to spend only \$66 million of that \$82 million on pharmaceutical benefits for some of them, while eating up another \$5.5 million on the administrative costs of this program for some of them.

The message that I have had most clearly communicated to me from seniors in my legislative district during the past several weeks, as we talked about the lottery program and the prospects of SB 1102, is, do not do to our lottery program what people in Washington have done to the social security program. Do not make it such a hodgepodge that we are not sure from year to year that our benefits will really be there.

I think the responsible thing for us to do is to keep the program simple—and we can do that with SB 1102 in its current form—and to send actual cash out to those people, because they know best how to use it. I have a lot of confidence in them. I think all of us do. They can best make the decisions how to use those checks. The program would be more efficient. We would not waste money on administration, and keep in mind we would send them \$82 million in cash benefits rather than \$66 million in pharmaceutical benefits over an extended period of time. I would ask that we defeat the Gallagher amendment.

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

Mr. DEAL. Mr. Speaker, I would like to speak in support of the Gallagher amendment.

I had thought that Scrooge was a Christmas fable, but then I sit here today and listen to my colleagues cry out against giving senior citizens some kind of support. Mr. Speaker, if senior citizens cannot come to the Pennsylvania State Legislature for support in their senior years, then tell me where are they to go? It disturbs me when you stand and sit here and say that it would be easier for us, it would be less cumbersome, it would be less bothersome if we would just give them \$100 or \$200 at one shot and get rid of them. When we talk about \$100, we are talking about 60 cents a day or double that. Is this how you want to pay tribute to senior citizens, people who made it possible that we might sit here and enjoy prescription cards, but then say to those older people who have given so much to make America what it is, do not get sick, do not have to go to the drugstore? How many of you have had to go out lately and pay for a prescription? How many of you have? Some of us tend to have short memories.

I understand that the administration would not like to be bothered, but somehow I believe that we are our brother's keeper. And I believe that people who elected us felt that they would put some kind of trust in our hand, and they look forward to us making sure that somewhere in this society one might be able to move on to a senior age gracefully.

I hate to think that we would sit here and say to senior citizens, it is just too bad that you are on fixed incomes, that your rents are too high, and all of the other things that have happened, but we are not going to make sure that you can allow to be sick. It is a terrible thing in the system when we say to

senior citizens, it is too bad you have gotten old, and you ought not be sick and you ought not have to go and get prescriptions, and we do not plan to do anything about it. But since you have gotten old, and since you are sick and your rents are high and you cannot afford to buy heat for your place, we will give you \$100, we will give you \$200 and forget about it. I think that is a sad, sad state of affairs.

Mr. Speaker, I know some of us have all kinds of commitments, but let us move on with this business and let us take care of our senior citizens. Let us let the whole world know that here in Pennsylvania we respect our senior citizens and we want them to look forward to praying that God will sustain them with grace until they reach those senior years, and that we will honor them by making sure that should they be befallen with a sickness, we will make sure that they have adequate care and a prescription card.

Mr. Speaker, thank you for allowing me to pay tribute to all those who have made it possible that I might be here, and I hope you join with me in giving that recognition. Thank you.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

I wonder if the gentleman—and I see he is occupied on the phone—would stand for a brief question, sir.

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

Mr. DeVERTER. Mr. Speaker, in your amendment on page 2, I note that you delete—and I would ask the Parliamentarian for a ruling then on a point of parliamentary inquiry—the \$100 or \$200, whichever it is to be, but not only do you do that, sir; you also eliminate the increase that is planned for the regular inflation dividend check that normally goes out at the end of the year. Now, I do not know whether that is your intent, sir, and I may be reading something wrong, but if you will look on page 2 of your amendment, you remove the bracket before "Household" at the bottom of page 4 in the bill and the bracket after "15" at the top of page 5 in the bill and then go on to say, "...by striking out the bracket after '15' in line 1 and all of lines 2 through 12," which includes the increased dividend that was contemplated that our older citizens would receive normally in the December-January period. Is that your intent, sir?

Mr. GALLAGHER. No, Mr. Speaker. Do you have the Gallagher-Borski amendment 6524?

Mr. DeVERTER. I have the amendment that is marked 6524, sir.

Mr. GALLAGHER. Right. Fine. If you had a copy of the bill, you would see what we do is take the brackets around the words "Household Income" —

Mr. DeVERTER. You strike those out?

Mr. GALLAGHER. No. We take the bracket away.

Mr. DeVERTER. You strike the bracket out?

Mr. GALLAGHER. Take the bracket out. That means that language stays in there.

Mr. DeVERTER. That is correct.

Mr. GALLAGHER. It stays in at the amount on the bottom of page 4—

Mr. DeVERTER. Which is the amount then they currently receive.

Mr. GALLAGHER. That is correct.

Mr. DeVERTER. And that then would be what would go in if this bill were to become law. With your amendment in its entirety means that then all of the rest of the lines, lines 2 through 12, which includes the increase for the regular inflation dividend check, along with the \$100 or \$200, whichever it is going to be—well, it will not be either if your amendment succeeds—and we are back to ground zero. So you have replaced any increase in that inflation dividend check.

Mr. GALLAGHER. No, it does not go back to ground zero. It just maintains the program as it is today, taking out the bonus and the \$35 to \$75 dividend increase by striking out those brackets.

Mr. DeVERTER. Thank you.

Mr. GALLAGHER. We will leave that intact as it was when it was first drafted.

Mr. DeVERTER. Well, I do not know whether that was your intent or not, but I think the members of this General Assembly ought to know that we will remain at the same level that is currently in law for the regular inflation dividend check. Everyone has focused his attention on whether you remove the \$100 or \$200 bonus.

PARLIAMENTARY INQUIRY

Mr. DeVERTER. I would at this time, Mr. Speaker, ask a point of parliamentary inquiry.

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

Mr. DeVERTER. If Mr. Gallagher's amendment does go in as it is presently constituted, will it in fact remove all of that language that I have just discussed with the sponsor of the amendment as well as I suspect it is now a \$200 bonus because of Mr. Manderino's amendment going in? Is that correct, sir?

The SPEAKER. In response to the gentleman, it is the opinion of the Chair, if the gentleman would look to his bill, that the effect of the Gallagher amendment would be to leave in all of the materials on page 4—that is, the last four or five lines of the questions that you addressed—and the first line of page 5. That area from line 2 to line 12 would be deleted. So that portion that deals with the household income and then the next column dealing with the dividend would be deleted, as well as the \$100 inflation dividend as printed and as further amended by Mr. Manderino to \$200; that, too, would be deleted.

Mr. DeVERTER. Thank you, Mr. Speaker.

May I make a further statement; please?

The SPEAKER. The gentleman is in order.

Mr. DeVERTER. Mr. Speaker, many of you made perhaps light of the majority leader's comments relative to the drafting of this amendment, and I have seen other deficiencies in the amendment that, if we are going to address this issue, ought to be addressed, but not in this fashion.

I would like to further comment on a matter that was brought up by the majority leader and which was made light

of perhaps. I have in my possession—and I do not know how many other members may have—a position paper on a proposed State pharmaceutical assistance program for the elderly in this Commonwealth.

I realize it is late, Mr. Speaker, but I think this is far, far too important a subject matter for us to just gloss over lightly and not really pay full attention to. We are kind of acting as a committee of the whole here, and I am afraid we could in our zeal to help our older citizens provide other problems that we are not attuned to at this moment.

In this position paper, it indicates— And Mr. Gallagher has graciously admitted that in fact his legislation is similar to that of a New Jersey plan. But in his statistical endeavors to come up with the proper figures, apparently that was not applied accurately in Pennsylvania, and I must say these are only estimates, that there are 282,000 people receiving the pharmaceutical program in that State. In fact, 100 additional people have had to be hired just for the program eligibility aspects of that program. Now, if we were to apply that to the people in the Commonwealth, and knowing the numbers that we presently have of 948,000 eligibles, and we remove the medical assistance recipients in that category, and we take an 80-percent utilization rate of the remainder that are eligible, we come up with about 651,000 people who would be eligible in our Commonwealth for this pharmaceutical program. Now, to do that just for the program eligibility requirements and placing under each of those persons a caseload of 2,821 claimants, we need to hire 231 persons just for the program eligibility aspects of the pharmaceutical program that is advanced here tonight. That does not include those individuals who would be needed to establish a system of payment and reimbursements, establish a utilization review system, and set up a monitoring system to handle abuse and fraud.

I know there is strong feeling running here in the House tonight to do something in this regard, but I am assured by the Secretary of Aging in an earlier conversation I had with him today that they are continuing to pursue a viable program in this area, and, quite frankly, I am willing to rely on their expertise and their knowledge and ability to develop something that we can, in a very bipartisan way, support without crippling the contents that are contained in SB 1102. I would respectfully ask the members tonight not to cripple this piece of legislation and to please defeat the Gallagher amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, on the question of the adoption of the Gallagher amendment.

Mr. RITTER. Mr. Speaker, I rise to support the Gallagher amendment. I want to point out a couple of things that have occurred in the debate, and it is the Department of Revenue, Mr. Speaker, that will administer this program, and the Department of Revenue has most of the figures that we are talking about already, because we are talking about people who have filed their returns for the rent rebate or their property tax rebate indicating income, the sources of the income. They have other provisions over there to gather information on income, on the special tax provision forms, so I am not

convinced at all that we are going to have to hire that many people to administer the program. I think the reason why, perhaps, New Jersey had to do it is I do not believe they have a rent or property tax rebate program to begin with, so they had to start all over and get a brand new program going.

Mr. Speaker, we are talking now about money that senior citizens have not received. They have not gotten the \$100 bonus yet; they have not gotten the \$200 bonus yet. Even if we did give them that, once and done, this year and that is it, we are talking now about that they are still going to get the inflation dividend even under the Gallagher amendment—and incidentally, my mother is still waiting to get the \$95 inflation dividend—but that is all they are going to get. They are still going to get that under the Gallagher amendment.

And then there is a further provision that we are talking about a maximum amount of income, and the Department of Revenue will determine that maximum amount, as long as it does not exceed \$7,500 for single and \$9,000 for married, so that if in fact we are running short of money, the Department of Revenue can lower the maximum amount of income for somebody to be eligible. The Area Agencies for the Aging's money is still in the program. We are not taking that out. Some people said earlier that they heard that we are going to remove that. That is not being removed. The transportation assistance money is still in the program.

Mr. Speaker, there is a provision for the Department of Revenue to contract the payment service if they find it is more advantageous economically for the Commonwealth. Perhaps they could use the same company that administers our own paid prescription program. We have a system already in place.

And finally, Mr. Speaker, one of the headlines in this morning's paper says that President Reagan wants to provide \$1 billion in additional aid to Caribbean countries. Frankly, if we can find \$1 billion of taxpayers' money in this country to help foreign countries, it seems to me we ought to be able to find enough money in this Commonwealth to help our senior citizens. I ask support for the Gallagher amendment.

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

Mr. ITKIN. Mr. Speaker, would Mr. Gallagher consent to interrogation?

The SPEAKER. Does the gentleman, Mr. Gallagher, consent to interrogation? The gentleman indicates he will. The gentleman, Mr. Itkin, may proceed.

Mr. GALLAGHER. Always ready, Mr. Speaker, at any time.

The SPEAKER. We were not sure then, because you were being interviewed, and that is why the gentleman asked.

Mr. ITKIN. Mr. Speaker, according to your amendment, it would appear that individuals who are over 65, if they are living by themselves and making under \$7,500 from all totaled sources of income, would qualify for this program, or if they were married, the entire family income would be \$9,000. Would all people under those maximum dollars qualify for this program?

Mr. GALLAGHER. The question is, would all people under those categories qualify?

Mr. ITKIN. Yes.

Mr. GALLAGHER. Unless they are on public assistance, getting a medicaid card, or have another retirement group prescription card from their retirement fund, then that is in the amendment that they would be excluded, those who might already have a prescription card from the company they retired from, for example, or they are on public assistance or in a medicaid area of public assistance.

Mr. ITKIN. Well, obviously then, if a person's income is under \$4,500 or approximately \$4,500, he would then qualify for medical assistance. Or if he were married, then the family income would qualify them for medical assistance under \$6,000. So, therefore, the program would not really benefit anybody under \$4,500 being single or under \$6,000 being married. So, therefore, as I look at this amendment, I see it being limited only to those persons, single, whose income is above \$4,500 and under \$7,500, and if they are married, whose family incomes are between \$6,000 and \$9,000.

Mr. GALLAGHER. Mr. Speaker, to answer you, there is an estimate of about 112,000 people who would not be eligible because of medicaid eligibility. There would be about 30,000 who are already in a coinsured program, so that the total that would not apply would be about 157,000 out of an estimate of close to 900,000 people in Pennsylvania. That might help you with your concerns.

Mr. ITKIN. Mr. Speaker, how many thousands would not qualify?

Mr. GALLAGHER. There would be about, roughly, together with those who already have copay cards themselves, plus those who are on medicaid, it would be a total of about 157,000 in Pennsylvania out of the 900,000 who are in that age level.

Mr. ITKIN. With the Manderino amendment as passed already, those people who are making under \$4,500 if single or \$6,000 if they are married or if they had copay and were at low income, who qualify for this program under other circumstances, they would then lose the \$200, because they would be the recipients now of the \$200. Is that correct? Am I interpreting it properly?

Mr. GALLAGHER. Well, Mr. Speaker, this amendment deletes the \$200 rebate for everybody.

Mr. ITKIN. Okay. So right now somebody who is of very low income making under \$4,500 who is on medical assistance, we have just given them, by the prior amendment, \$200 additional cash to carry them through. Now, if your amendment passes, then they will not receive the \$200, but other individuals in higher income levels will get a paid prescription program?

Mr. GALLAGHER. Mr. Speaker, the amendment on page 2 says very clearly, "Maximum annual income" means annual income as determined by the department. Such amount shall not exceed seven thousand five hundred dollars (\$7,500) in the case of single persons.... Shall not exceed \$7,500. In other words, if they are under \$7,500, they are eligible if single, and it continues on with \$9,000 in the case of a combined annual income of a married person. So the maximum is \$9,000. It is not a minimum; it is a maximum. If

they are under \$9,000 total income between the spouses, married couple, they would be eligible for the prescription card, as long as they are not getting any other copay on their own from their retirement or they are getting a medicaid card from the Department of Welfare. They would be eligible. Those people under \$9,000 who are married and those people under \$7,500 who are single would be eligible, and those in the lower level that you were talking about would be eligible as long as they are not receiving any other type of prescription card or copay prescription card. Does that satisfy your problem?

Mr. ITKIN. Yes. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a statement now.

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

Mr. ITKIN. Mr. Speaker, it appears by the interrogation that just preceded that the only people who will benefit by this program are people in a very narrow income category anywhere ranging from \$4,500 to \$7,500 if they are single and \$6,000 to \$9,000 if they are married. The people who will not benefit are the ones who fall in an income category below that, the most truly needy. By the prior amendment and by Mr. Gallagher's own admission, there are 157,000 people who fall into the exclusion category who make incomes less than those who would qualify for this program. If you take the 157,000 people and you multiply them by the \$200 that we have just given them by the Manderino amendment, you are now transferring \$31.4 million that you have just granted to the most needy of our society in Pennsylvania and transferring it up to a higher income level.

Mr. Speaker, I just do not think, in view of what Mr. Manderino said about the severity of this year, of the winter and the fuel costs and what is going on in Washington in the cuts in grants and eligibilities, that we ought to go ahead and take away what we have just given, the \$31.4 million to this category of people, and move it to another class of people. Mr. Speaker, I would appreciate that we vote in the negative on this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I wonder if the gentleman from Bucks, Mr. Gallagher, would submit to further interrogation?

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

Mr. HAYES. Mr. Speaker, on page 2 of your amendment, section 6.3, the payment system, you say that the department shall by regulation establish a system for determining eligibility, including the provisions—and you mention many—to include evidence of complete or partial coverage of prescription drug costs by any other assistance or insurance plans. Are you saying in your amendment that if by chance a senior citizen has a prescription plan of some other sort, it is possible by regulation that that person would not be eligible under your amendment?

Mr. GALLAGHER. Mr. Speaker, what we are trying to do is make sure that—God forbid that they have two prescription cards that they are eligible for from this Commonwealth, and if they upon retirement from their company have a full

prescription card, it would not be necessary for them to have double prescription cards. That is what we are trying to identify.

There are those who are now on the senior-citizen level who have medicaid cards because of their income. All we did was set the maximum, \$7,500 for a single and \$9,000 for a couple. That is the maximum that their income would be. Anything above that, they would not get a prescription card, and those who have identical prescription cards already in place, there is no need for them to have two. That is what we are trying to establish by this language.

Mr. HAYES. Mr. Speaker, you may be trying to establish that, but your language would not preclude the Department of Aging or whatever to promulgate rules and regulations that would preclude someone who is on some other insurance program from participating in your program.

Mr. GALLAGHER. Well, Mr. Speaker, I do not think you want them to participate when they have their own program or to have a double dip. We are trying to keep double dips out of welfare. I do not think you want to open up the door for a double dip here.

Mr. HAYES. That might be true, Mr. Speaker, but the point I am trying to make is this: You are trying to tell the members of this House of Representatives that all kinds of people are going to benefit from this, but there are all kinds of people who are not going to benefit from this. They would benefit from an inflation dividend; they do benefit from property tax and rent rebates; they would benefit from the bonus program, but, Mr. Speaker, under your program, one after another, you have cut their legs off. A further reason why we should vote "no," poorly drawn amendment.

Mr. GALLAGHER. Mr. Speaker, I never cut anybody's leg off. I wish you would use some gentlemanly language once in a while when you debate with me.

Mr. HAYES. Then you reduce their senior citizen benefits.

Mr. GALLAGHER. Well, just do not be so crass with your language, Mr. Speaker.

Mr. HAYES. I would prefer the record to show that Mr. Gallagher, the gentleman from Bucks, did eliminate some people from senior citizen benefits.

Mr. GALLAGHER. Mr. Speaker, I am not trying to knock anybody off—

The SPEAKER. The Chair recognizes the gentleman, Mr. Gallagher, and cautions both gentlemen, the question before the House is the amendment offered by the gentleman, Mr. Gallagher, to SB 1102. I would ask all participants in the debate to restrict their remarks to the adoption or the rejection of the amendment.

On the amendment, the Chair recognizes the gentleman, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I first want to apologize for my behavior, but every time I did rise to this microphone when I was asked to be interrogated—and I continued the interrogation; I never sat down—I never tried to cause anybody any other personal anguish by some dilly-dallying language adjectives towards that person.

What I was trying to do is establish a prescription program for the senior citizens. We are setting the maximum level of income for singles and the maximum level of income for married couples. We are trying to establish that there will be no double-dipping, that if they have a prescription card already, they will not be eligible. We do establish that. I said that many times, that what we are trying to do is to take the money that is here and use it properly for those who need it, and the senior citizens need the prescription card.

Mr. Speaker, I ask again for the support of the amendment, and I hope this is the last time we have to discuss this. Thank you.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I always try to be brief, but the senior citizens for a number of years have been trying to establish a pharmaceutical assistance program. In fact, they have lobbied the Capitol; they have lobbied their Representatives. They are in need of assistance in a pharmaceutical program.

I was just thinking about the teachers and the legislators, and we earn \$25,000 a year, and a lot of us extra incomes. We have a \$1 prescription, and I do not see why we cannot support the senior citizens. In fact, they should have a \$1 prescription, not a \$3 or \$4 or \$5 or \$8. I ask for your affirmative vote on the Gallagher amendment.

Another thing: I made a survey, and 9 out of 10 senior citizens are on some sort of medication. Medication is very expensive. Some senior citizens on fixed incomes cannot buy food for a balanced diet much less pay for their prescriptions. Senior citizens need help. They have been waiting for the Lottery Fund to be able to afford these prescriptions for them, so let us vote for this amendment. Thank you.

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

Mr. DAVIES. Mr. Speaker, would Mr. Gallagher consent to just a few questions of brief interrogation?

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

Mr. DAVIES. Mr. Speaker, would DMSO (dimethylsulfoxide) be one of the approved drugs, and the THC (tetrahydrocannabinol) tablets and the treatment of marijuana for the eyes be approved programs under this plan?

Mr. GALLAGHER. Mr. Speaker, that is up to the department to establish.

Mr. DAVIES. No, it is not, Mr. Speaker.

Mr. GALLAGHER. Pardon me; wait a minute; just a minute. Will you let me finish? I think you and I, Mr. Speaker, can handle this very easily.

Mr. Speaker, the department is going to handle this, and in the amendment it says very clearly, "Experimental drugs are to be excluded from the program," experimental drugs.

Mr. DAVIES. All right. Mr. Speaker, if you got the \$200 cash, would they be accessible to you as an individual with that money in Pennsylvania as it now exists?

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

Mr. DAVIES. They would be, sir, so you are going to delimit some 36 experimental drugs that have not been approved by the Federal Drug Administration. They would be banned on the list and, therefore, would not be available under your particular program.

Now, Mr. Speaker, would Lasix as a generic be available?

Mr. GALLAGHER. Pardon me, Mr. Speaker?

Mr. DAVIES. Would Lasix be available?

Mr. GALLAGHER. Mr. Speaker, I am not familiar with the word "Lasix."

Mr. DAVIES. Well, Mr. Speaker, for your information, it would be. The drug would be available, and under certain blood conditions that individuals would have, if it is given in a generic form, it can be and has been fatal in the United States.

This amendment is fraught with fault, and if it would be responsible for the death of one senior citizen or the mistreatment of one senior citizen, I cannot vote for it, and that is one reason why I cannot support this legislation. Thank you.

The SPEAKER. Does the gentleman, Mr. Saurman, desire recognition?

Mr. SAURMAN. Yes, Mr. Speaker.

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

Mr. SAURMAN. The debate has certainly been long and it has been difficult at times to hear, but I think that the issue that is being debated today is extremely important.

I was particularly impressed with the presentation of Representative Cowell. As I understood it, there was a comparison of two plans which cost approximately the same amount of money. He indicated that in the one case, the senior citizens themselves would have an option of how to spend the money. In the other case, a good bit of the money that would be appropriated would be spent for administration, and the way that that money could be used would be only for pharmaceuticals. However, that was on a 1-year basis or a 1-year comparison.

Mr. Speaker, this program of pharmaceutical assistance is one that will be repeated year after year with increasing costs. We are increasing the benefits to senior citizens from lottery funds. The surplus that made all this possible was created over a number of years. Now we are going to reduce the accumulation of that surplus and put into it the expenditure of a large sum of money, and I do not believe that that fund will be able to support it, and I have not heard anyone speak to the issue of how that funding will be provided in the future. I think that to act in this fashion on this amendment in a positive way would be to act in an irresponsible way. Thank you.

REMARKS SUBMITTED FOR THE RECORD

Mr. PERZEL submitted the following remarks for the Legislative Journal:

Mr. Speaker, from the time I was elected in 1978, one of the prime goals I have tried to achieve in the General Assembly has been that of a prescription plan for the senior citizens of our State.

I, today, would have supported such a plan and, indeed, would have been very pleased to vote for such a plan if there were enough money available to carry that plan from today through a minimum period of five years. But the plans that I have seen so far, even at a \$4.00 co-pay level, would mean a deficit in the Lottery Fund of well over \$200 million by the years 1986-87.

I believe that I was also sent here to be a responsible person and find it very difficult to try and convince people that I am trying to be responsible when voting on programs that would leave deficits in the hundreds of millions of dollars.

However, I would like to say that it is high time enough that we stop fooling around with small-time benefits and get working on a program that will give the elderly citizens of our Commonwealth what they really want—a prescription plan.

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

The following roll call was recorded:

YEAS—71

Barber	Donatucci	McMonagle	Seventy
Belfanti	Duffy	Manderino	Shupnik
Beloff	Evans	Miscevich	Spitz
Berson	Fee	Mrkonic	Steighner
Blaum	Gallagher	Mullen	Swaim
Borski	George	O'Donnell	Taylor, F. E.
Brown	Gray	Olasz	Telek
Caltagirone	Harper	Oliver	Tigue
Civera	Horgos	Petrarca	Trello
Clark	Kanuck	Petrone	Wambach
Cochran	Kolter	Pievsy	Wargo
Colafella	Kowalshyn	Pratt	Wass
Cordisco	Laughlin	Pucciarelli	Wiggins
DeMedio	Lehr	Richardson	Williams, H.
DeWeese	Lescovitz	Rieger	Williams, J. D.
Dawida	Letterman	Ritter	Wright, D. R.
Deal	Livengood	Rocks	Zwinkl
Dombrowski	Lucyk	Rybak	

NAYS—111

Anderson	Foster, W. W.	Lloyd	Salvatore
Armstrong	Foster, Jr., A.	McClatchy	Saurman
Belardi	Frazier	McVerry	Serafini
Bittle	Fryer	Mackowski	Showers
Bowser	Gallen	Madigan	Sieminski
Boyes	Gamble	Manmiller	Sirianni
Brandt	Gannon	Marmion	Smith, B.
Burd	Geist	Merry	Smith, E. H.
Burns	Gladeck	Michlovic	Smith, L. E.
Cappabianca	Grabowski	Micozzie	Spencer
Cawley	Greenwood	Miller	Stairs
Cessar	Grieco	Moehlmann	Stevens
Cimini	Gruppo	Morris	Stewart
Clymer	Hagarty	Mowery	Stuban
Cole	Haluska	Murphy	Sweet
Cornell	Hasay	Nahill	Swift
Coslett	Hayes	Noye	Taddonio
Cowell	Heiser	Pendleton	Taylor, E. Z.
Cunningham	Hoeffel	Perzel	Van Horne
DeVerter	Honaman	Peterson	Vyoon
Daikeler	Itkin	Phillips	Wachob
Davies	Jackson	Piccola	Wenger
Dietz	Johnson	Pistella	Weston
Diminni	Kennedy	Pitts	Wozniak
Dorr	Klingaman	Pott	Wright, R. C.
Durham	Kukovich	Punt	
Fargo	Levi	Rasco	Ryan,
Fischer	Lewis	Reber	Speaker
Fleck			

NOT VOTING—11

Arty	Hutchinson, A.	Maiale	Wogan
Cohen	Levin	Rappaport	Wright, J. L.
Freind	McIntyre	Wilson	

EXCUSED—7

Alden	Greenfield	Irvs	Snyder
Emerson	Gruitza	Lashingar	

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?

Mr. MANDERINO offered the following amendment No. A6508:

Amend Sec. 1 (Sec. 4), page 5, line 12, by inserting after "dividend."

The additional inflation dividend payment shall be mailed in the same envelope as the application form for claiming a 1981 property tax or rent rebate.

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

**THE SPEAKER PRO TEMPORE
(JOHN HOPE ANDERSON) IN THE CHAIR
CONSIDERATION OF SB 1102 CONTINUED**

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment deals with the additional inflation dividend that today we pegged at \$200 by the support of my earlier amendment. This amendment simply says that the additional dividend will be sent to the senior citizens who are eligible by enclosing the same with the application form for the 1981 property tax or rent rebate.

Now, the procedure of the Department of Revenue is that each person who received a tax or rent rebate form last year—and those are the people who will be eligible for this additional dividend—has a form mailed to them. I am simply saying, let us save some money. Let us get it out quickly, because I know that the department intends to get the forms out quickly. Let us simply put them in the same envelope and mail the additional dividend back with the form for the next filing that the senior citizens are waiting for and looking for.

Mr. Speaker, we did a calculation some time ago on what it would cost to make a separate mailing. A separate mailing to the number of people involved in this kind of program could run well into \$380,000 or less, depending upon the way it is calculated in man-hours and which postage is used.

Mr. Speaker, to save the Lottery Fund money, to get the checks out there quickly, I ask for adoption of the amendment.

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

Mr. HAYES. Thank you, Mr. Speaker.

The gentleman, I believe, has two amendments, both dealing with the mailing of the bonus checks and the new

forms. If I may stray for just a moment, I believe that the other amendment would best address this problem rather than the one that is being considered most immediately, and I would join him in support of that amendment. I would have to oppose him as far as this particular one is concerned, because after a study as to what it would cost to send them together, it would in fact, just in terms of postage, cost more money than it would to send them separately, as currently being proposed by the Department of Aging and the Department of Revenue.

By using U.S. Postal figures, they advise us that to mail both of these pieces of paper together, it would cost over \$22,000 more that way than if you mail them in separate containers. On the basis of that, I do not believe that we should adopt this particular amendment. The prospective amendment to be offered by the gentleman, I would join with him in supporting that, but on this one, I would have to oppose it based upon the increased postage costs.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, our estimates of postage costs do not parallel what the majority leader has indicated. We have indicated that our study shows it will be 4 to 5 cents cheaper per item that goes out if it were combined. The forms presently are sent out at a third-class rate. Checks must go out at a first-class rate. If the two were combined, the form and the check, it would go out at a first-class rate so that they would be properly forwarded when they are nondeliverable.

Mr. Speaker, our estimate would show that because of the cost, not only of postage—not only of postage, Mr. Speaker—but of the man-hours to place the product for delivery within the envelope, the addressing of the envelope, the placing of return addresses on the envelope, the man-hours needed in delivering the same to postal deposit points, Mr. Speaker, it would certainly be cheaper to do it in one mailing.

I would ask for an affirmative vote because the overall cost is cheaper and we are talking about dissipating lottery funds.

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

Mr. HAYES. You do not only have the actual cost of postage, but you also have the presorting according to ZIP codes and that also adds into the cost. Again, I would say that we must ask that there be a negative vote on this and in its stead accept the prospective amendment to be offered by the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—93

Barber	Fischer	McIntyre	Ritter
Belfanti	Fryer	McMonagle	Rocks
Beloff	Gallagher	Maiale	Rybak
Berson	Gamble	Manderino	Seventy
Blaum	George	Michlovic	Showers
Borski	Grabowski	Miscevich	Shupnik
Brown	Gray	Morris	Steighner
Caltagirone	Haluska	Mrkonic	Stewart
Cappabianca	Harper	Mullen	Suban

Cawley	Hoeffel	Murphy	Swaim
Clark	Horgos	O'Donnell	Sweet
Colafella	Hutchinson, A.	Olasz	Taylor, F. E.
Cole	Itkin	Oliver	Tigue
Cordisco	Kolter	Pendleton	Trello
Cowell	Kowalyszyn	Petrarca	Van Horne
DeMedio	Kukovich	Petrone	Wambach
DeWeese	Laughlin	Pievsky	Wargo
Dawida	Lescovitz	Pistella	Wiggins
Deal	Letterman	Pratt	Williams, H.
Dombrowski	Levin	Pucciarelli	Williams, J. D.
Donatucci	Livengood	Rappaport	Wozniak
Duffy	Lloyd	Richardson	Wright, D. R.
Evans	Lucyk	Rieger	Zwikel
Fee			

NAYS—97

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

NOT VOTING—3

Cohen	Freind	Wachob
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EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingier	

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. MANDERINO offered the following amendment No. A6516:

Amend Sec. 1 (Sec. 4), page 5, line 12, by inserting after "dividend."

The additional inflation dividend payment shall be mailed no later than the mailing of the application form for claiming a 1981 property tax or rent rebate.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment speaks to the exact same question that the last amendment spoke to. It simply reads that the additional inflation dividend payment

shall be mailed no later than the mailing of the application form for claiming a 1981 property tax or rent rebate, so we expect those to go out in 4 to 6 weeks. We are simply saying that they should mail the extra inflation dividend check at least within that time period.

Mr. Speaker, let me point out that the department, if it finds that my figures are correct that it is cheaper to mail them both in the same envelope, this amendment would still allow them to do it but not necessarily direct them to.

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

Mr. HAYES. I believe that this particular amendment is the proper way to address all the policy questions brought to bear on this particular aspect of the legislation, and I would support the gentleman's amendment.

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

The following roll call was recorded:

YEAS—189

Anderson	Fargo	Lucyk	Saurman
Armstrong	Fee	McClatchy	Serafini
Arty	Fischer	McMonagle	Seventy
Barber	Fleck	McVerry	Showers
Belardi	Foster, W. W.	Mackowski	Shupnik
Belfanti	Foster, Jr., A.	Madigan	Sieminski
Beloff	Frazier	Maiale	Sirianni
Berson	Freind	Manderino	Smith, B.
Bittle	Fryer	Manmiller	Smith, E. H.
Blaum	Gallagher	Marmion	Smith, L. E.
Borski	Gallen	Merry	Spencer
Bowser	Gamble	Michlovic	Spitz
Boyes	Gannon	Micozzie	Stairs
Brandt	Geist	Miller	Steighner
Brown	George	Miscevich	Stevens
Burd	Gladeck	Moehmann	Stewart
Burns	Grabowski	Morris	Stuban
Caltagirone	Gray	Mowery	Swaim
Cappabianca	Greenwood	Mrkonic	Sweet
Cawley	Grieco	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
Colafella	Heiser	Pendleton	Van Horne
Cole	Hoeffel	Perzel	Vroon
Cordisco	Honaman	Peterson	Wachob
Cornell	Horgos	Petrarca	Wambach
Coslett	Itkin	Petrone	Wargo
Cowell	Jackson	Phillips	Wass
Cunningham	Johnson	Piccola	Wenger
DeMedio	Kanuck	Pievsky	Weston
DeVerter	Kennedy	Pistella	Wiggins
DeWeese	Klingaman	Pitts	Williams, H.
Daikeler	Kolter	Pott	Williams, J. D.
Davies	Kowalyshyn	Pratt	Wilson
Dawida	Kukovich	Pucciarelli	Wogan
Deal	Laughlin	Punt	Wozniak
Dietz	Lehr	Rasco	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Dombrowski	Letterman	Richardson	Wright, R. C.
Donatucci	Levi	Rieger	Zwilk
Dorr	Levin	Ritter	
Duffy	Lewis	Rocks	Ryan,
Durham	Livengood	Rybak	Speaker
Evans	Lloyd	Salvatore	

NAYS—0

NOT VOTING—4

Cohen Hutchinson, A. McIntyre Rappaport
EXCUSED—7

Alden Greenfield Irvis Snyder
Emerson Gruitza Lashingier

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

REMARKS ON VOTE

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

Mrs. ARTY. Thank you, Mr. Speaker.

On the Gallagher amendment A6524 my vote did not record, sir, and I would like it to be a matter of record that I would have voted in the negative.

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

CONSIDERATION OF SB 1102 CONTINUED

On the question recurring,

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

Mr. MISCEVICH offered the following amendments No. A6478:

Amend Sec. 2 (Sec. 11.5), page 6, line 17, by striking out "four" and inserting

three

Amend Sec. 2 (Sec. 11.5), page 6, line 18, by striking out "\$4,100,000" and inserting

(\$3,100,000

Amend Sec. 2 (Sec. 11.5), page 6, line 25, by striking out "TWO MILLION FIFTY" and inserting

one million five hundred fifty

Amend Sec. 2 (Sec. 11.5), page 6, line 26, by striking out "TWO MILLION FIFTY" and inserting

one million five hundred fifty

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

Section 11.6. For the fiscal year 1982-1983 one million dollars (\$1,000,000) is hereby appropriated from the Lottery Fund to the Department of Aging for equipment grants for meals on wheels programs operated by area service agencies provided that the equipment for which the grant is made is manufactured and assembled within the United States.

On the question,

Will the House agree to the amendments?

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

Mr. MISCEVICH. Mr. Speaker, I would just like to make a brief comment. I am not taking any money away or putting any money into the bill; I am just redistributing the funds. I am taking \$1 million out of the \$4.1 million for the transportation section of it and sticking it into meals on wheels. There is no transportation per se for the delivery of meals to the homebound people. Now, these people are shut in. These

people never get out. They do not get to ride the buses or the transportation that we pay for.

Out of 37 kitchens that are operating in Allegheny County, for example, there are only two vehicles in the whole county that can deliver meals. The rest of them are all volunteers. They are having difficulty in getting people to use their vehicles with the price of insurance and gasoline, so I am asking that we start a program whereby they can buy a vehicle that is at least 2 years old—no older than 2 years old—and it would be operated by the area service agencies. The vehicle would have to be an American-made vehicle or assembled in this country so they can deliver these meals.

Now, most of the people get two meals a day. They get a hot meal and a cold meal. Most of their meals are paid for at a minimal rate, anywhere from \$7.50 a week for 10 meals, Monday through Friday, to a maximum of \$13.50 for 10 meals. Some people pay nothing. Some people pay 50 cents for a meal. It depends on your ability to pay.

Now, also included in the meals on wheels program are crippled people. They are not necessarily senior citizens, but the crippled people are included in this, and the kitchen does supply the food to the crippled people. It does not come out of the Area Agency on Aging food, although they do deliver it with the vehicles from the Area Agency on Aging. I am asking everybody's support so that we can get these meals delivered to the people.

Now, they do not necessarily have to buy a vehicle. They could buy these containers that do keep the hot meals hot, and they could buy coolers that keep the cold liquids cold, and other kitchen equipment, as long as it is manufactured or assembled in the United States.

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

Mr. HAYES. Mr. Speaker, I would ask all the Representatives to understand very clearly, if they would, please, exactly what this amendment does. It does not provide food; it provides that \$1 million be taken away from senior citizen transportation for equipment grants. It does not provide any more food for them. Of course, food is provided for our senior citizens under the Older Americans Act. But this is an equipment amendment, and in order to get \$1 million, the gentleman's amendment would take it away from transportation services, services which get the older citizens to the doctor, to the shopping centers, or wherever their transportation routes may take them, and I really do not think that we should be taking transportation money away for equipment grants.

This amendment does not provide any food. This is an equipment-grant amendment, and I would ask the members to oppose the amendment in favor of keeping the transportation moneys in place. Thank you, Mr. Speaker.

AMENDMENTS DIVIDED

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

Mr. ITKIN. Mr. Speaker, could we divide the amendment?

The SPEAKER pro tempore. What are the suggestions of the gentleman as to dividing the amendment?

Mr. ITKIN. Mr. Speaker, I would like to divide the amendment into two parts. The first part would go from the top of the amendment down to and ending with "one million five hundred fifty," and the second part would start with "Amend Bill, page 7, by inserting between lines 7 and 8," and continue to the conclusion of the amendment.

The SPEAKER pro tempore. In the opinion of the Chair, the amendment is divisible.

Mr. ITKIN. Mr. Speaker, then I would make a motion to divide the amendment.

The SPEAKER pro tempore. A motion to divide the amendment is not necessary.

The amendment to be voted upon would be the amendment starting at the top of the page, and the last words would be "one million five hundred fifty." That would be the first amendment.

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

Mr. RITTER. Mr. Speaker, so I understand what we are doing, are we voting now on the first part of the amendment?

The SPEAKER pro tempore. We are now voting on the first part of the amendment. That is correct.

Mr. RITTER. Which in effect strikes out \$4 million and inserts \$3 million, et cetera?

The SPEAKER pro tempore. That is right.

Mr. RITTER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, the reason why I have requested dividing the amendment is obvious. I certainly do not wish to take away the \$4.1 million that I think is very much needed by our Area Agencies on the Aging for vans and other vehicles. I understand very well the problems that these agencies have been facing with reduced Federal support for the purchase of these vehicles, and I would not like to see that \$4.1 million reduced. Therefore, I would request that the members of the House reject the first part of the amendment, or that the sponsor of the amendment withdraw that particular part of his amendment.

I do, however, believe, in view of what has been stated today about what is in the Lottery Fund, that there is ample money to provide for this additional support for the meals on wheels program. I would like to point out to the members of the House that this is strictly a 1-year special grant of \$1 million for this purpose, and the lottery certainly has sufficient moneys. We are talking about \$80 million and \$16 million left over, and if we do this, we will have \$19 million left over, \$27 million left over. There will be excess money in the fund to support this additional, one-time grant. I would appreciate it if you would vote "no" on the first half and support the special grant of \$1 million to support our meals on wheels program. It is a very, very vital and important program to a very needy sector of our society. Thank you, Mr. Speaker.

PART I OF AMENDMENTS WITHDRAWN

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

Mr. MISCEVICH. Mr. Speaker, I would wish to withdraw the first part of that amendment and vote on the second part so that we can establish a grant for the meals on wheels program.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair hears no objection, and the first part of the amendment is withdrawn.

The question recurs, will the House agree to the amendment as divided, the second part which starts on the lower part of the page with "Amend Bill, page 7, by inserting between lines 7 and 8," and the rest of the paragraph.

The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

This is a much better way to handle this question, and I would urge support of the second half of the gentleman's amendment.

On the question,

Will the House agree to Part II of the amendments?

The following roll call was recorded:

YEAS—188

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

NAYS—2

Fleck Pott

NOT VOTING—3

Arty Cohen McIntyre
EXCUSED—7

Alden Greenfield Irvis Snyder
Emerson Gruitza Lashingier

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

THE SPEAKER (MATTHEW J. RYAN)
IN THE CHAIR

CONSIDERATION OF SB 1102 CONTINUED

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?

REMARKS ON VOTE

The SPEAKER. Does the lady from Delaware, Mrs. Arty, desire recognition?

Mrs. ARTY. Yes, Mr. Speaker. The switch did not work again, and on the Miscevich amendment A6478, I wish to be recorded as having voted in the affirmative.

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

CONSIDERATION OF SB 1102 CONTINUED

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—192

Anderson	Fee	McClatchy	Salvatore
Armstrong	Fischer	McIntyre	Saurman
Arty	Fleck	McMonagle	Serafini
Barber	Foster, W. W.	McVerry	Seventy
Belardi	Foster, Jr., A.	Mackowski	Showers
Belfanti	Frazier	Madigan	Shupnik
Beloff	Freind	Maiale	Sieminski
Berson	Fryer	Manderino	Sirianni
Bittle	Gallagher	Manmiller	Smith, B.
Blaum	Gallen	Marmion	Smith, E. H.
Borski	Gamble	Merry	Smith, L. E.
Bowser	Gannon	Michlovic	Spencer
Boyes	Geist	Micozzie	Spitz
Brandt	George	Miller	Stairs
Brown	Gladeck	Miscevich	Steighner
Burd	Grabowski	Moehlmann	Stevens
Burns	Gray	Morris	Stewart
Caltagirone	Greenwood	Mowery	Stuban
Cappabianca	Grieco	Mrkonic	Swaim
Cawley	Gruppo	Mullen	Sweet
Cessar	Hagarty	Murphy	Swift
Cimini	Haluska	Nahill	Taddonio
Civera	Harper	Noye	Taylor, E. Z.

Clark	Hasay	O'Donnell	Taylor, F. E.
Clymer	Hayes	Olasz	Telek
Cochran	Heiser	Oliver	Tigue
Colafella	Hoeffel	Pendleton	Trello
Cole	Honaman	Perzel	Van Horne
Cordisco	Horgos	Peterson	Vroon
Cornell	Hutchinson, A.	Petrarca	Wachob
Coslett	Itkin	Petrone	Wambach
Cowell	Jackson	Phillips	Wargo
Cunningham	Johnson	Piccola	Wass
DeMedio	Kanuck	Pievsky	Wenger
DeVerter	Kennedy	Pistella	Weston
DeWeese	Klingaman	Pitts	Wiggins
Daikeler	Kolter	Pott	Williams, H.
Davies	Kowalyszyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
Deal	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Rasco	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Richardson	Wright, R. C.
Dorr	Levin	Rieger	Zwinkl
Duffy	Lewis	Ritter	
Durham	Livengood	Rocks	Ryan,
Evans	Lloyd	Rybak	Speaker
Fargo	Lucyk		

NAYS—0

NOT VOTING—1

Cohen

EXCUSED—7

Alden	Greenfield	Irvis	Snyder
Emerson	Gruitza	Lashingier	

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.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The members will please remain on the floor for a moment for several important announcements.

The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

The Senate has not yet taken action on congressional reapportionment. I do not see any good purpose in our coming back here tomorrow at our regularly designated time and taking up other matters which are currently on the calendar. Those matters can wait until Monday. But it is important for us to stand at the ready in the event the Senate of Pennsylvania does return to us a plan for congressional reapportionment.

I would ask the Representatives to listen to newscasts as to the progress being made in the Senate of Pennsylvania. If very, very late this evening the Senate of Pennsylvania passes a plan, we will return to session tomorrow, but not at our regular, designated time. I realize some of you may have travel plans that will take you some distance from Harrisburg this evening, and so I would be more than happy to provide ample travel time back, if in fact the Senate does pass a plan.

It would be my recommendation, Mr. Speaker, that we at this time plan on returning at 1 p.m. tomorrow afternoon if the Senate passes a plan. For our planning purposes, please plan on being back to session tomorrow at 1 p.m., if the Senate passes a plan at some very late hour this evening.

Mr. Speaker, I move that this House, after we have completed all of our business, adjourn at the call of the Chair.

The SPEAKER. For what purpose does the gentleman from Beaver, Mr. Laughlin, rise?

Mr. LAUGHLIN. Mr. Speaker, just to ask the majority leader to reconsider that time. We are leaving here at 9 o'clock and we are going to get home at 2 o'clock in the morning, and you are asking us to come back at 1 o'clock, Mr. Majority Leader. Could you not make it 3?

The SPEAKER. It is the understanding of the Chair that the motion to adjourn will be made subject to the recall of the Chair. If the majority leader requests, the Chair would intend to call the House back into session at 3 p.m. tomorrow afternoon in the event the Senate tonight, tonight, passes a redistricting plan. The Chair interrogates the majority leader and asks him what his pleasure is should the Senate pass a plan tomorrow.

Mr. HAYES. If the Senate passes a plan sometime during the daylight hours tomorrow, the House will return to session on Friday at 1 p.m. We will have more than sufficient time to get back Friday at 1 p.m. But for tomorrow's purposes, I am more than agreeable to return to session at 3 p.m.

The SPEAKER. The Chair, for the benefit of the Chair and for the benefit of the members, will restate the Chair's understanding.

We will adjourn to the call of the Chair. In the event the Senate tonight passes a redistricting plan, it is the Chair's intention to call the members back in at 3 p.m. tomorrow. In the event during tomorrow's session the Senate should pass a redistricting plan, the Chair will call the House back into session at 1 p.m. on Friday.

The Chair recognizes the gentleman, Mr. DeVerter.

Mr. DeVERTER. I would only as the weatherman of the House caution the members that there has been a freezing rain falling on most of the roads, and I understand the turnpike is extremely glazed. If you are traveling home tonight, I would caution you to use extreme caution, because apparently it is pretty bad in a lot of sections of the State.

The SPEAKER. The Chair thanks the gentleman.

REPORT FROM RULES COMMITTEE

BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. 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, and I so move:

HB 548;
HB 731;
HB 2083;
HB 2097;

HB 2210;
HB 2211;
HB 2212; and
SB 439.

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

**BILLS REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER. 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 2189; and
SB 1224.

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

RESOLUTION REPORTED FROM COMMITTEE

HR 160, PN 2911

By Rep. HAYES

House urges all persons recognize March 15 as "Hungarian Freedom Day."

RULES.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

ADJOURNMENT

The SPEAKER. Without objection, this House will stand adjourned at the call of the Chair, it being understood that if the Senate does not pass their redistricting plan today or Thursday, this House will reconvene in accordance with the concurrent resolution adopted on Tuesday, February 23, 1982, calling for us to reconvene on Monday, March 1, 1982, unless sooner recalled by the Speaker. The Chair hears no objection.

At 9:10 p.m., e.s.t., the House adjourned.