

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 23, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 21

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. DEAN E. RUPE, chaplain of the House of Representatives and pastor of Holy Communion Lutheran Church, Yeagertown, Pennsylvania, offered the following prayer:

Dear God of life and love, present in the wind and in the silence, present in the mountains and in the valleys, present at the altar and on the street, we humbly cry out for Your presence now in this place of government.

Even as You granted astronauts Jack Lousman and Gordon Fullerton a safe lift-off in the space shuttle Columbia on Monday, March 22, 1982, may our lives be lifted above those hindrances which today would keep us from fulfilling Your divine will and our holy destiny. We pray that our efforts will have the kind of dedication and commitment that has always inspired others to new levels of discovery and better life for all.

We pray for our President, Ronald Reagan, and our Governor, Richard Thornburgh. May they have good health of body, soundness of mind, and hearts that seek for justice, equality, and peace for all mankind.

Stir us now, O Lord, from easy contentment; enlighten our darkness; and by Your spirit continue to save us for Your service. In Jesus' name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, March 22, 1982, will be postponed until printed. The Chair hears no objection.

STATEMENT BY MR. MICOZZIE

TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

The SPEAKER. The Chair at this time recognizes the gentleman from Delaware, Mr. Micozzie.

Mr. MICOZZIE. This day in history 283 years ago, March 23, 1699, marked the birth in Delaware County of the world's greatest natural botanist, John Bartram.

In 1728 he bought a piece of land at Gray's Ferry, where he built an estate and was able to pursue his studious habits, his reputation spreading abroad until correspondence was solicited by the leading botanists of the Old World. It was here that Bartram established the noted "Botanical Gardens."

Dr. Benjamin Franklin was his earnest friend and constantly urged Bartram to authorship. His fame had so extended that in 1765 King George III appointed him botanist to the King.

He transmitted both his talents and tastes to his son William, and their joint labors during a period of nearly 100 years were the most valuable contributions that this country has made to the science in whose behalf they were devoted.

Bartram began to travel in 1742 in search of botanical specimens. The result of these travels was the publication of two very delightful books by this earliest of American botanists.

In 1751 he published his work "Observations on the Inhabitants, Climate, Soil, Divers Productions, Animals, etc., made in his travels from Pennsylvania to Onondaga, Oswego, and Lake Ontario." In 1766 appeared "An Account of East Florida, by William Stork, with a Journal kept by John Bartram of Philadelphia, upon a journey from St. Augustine, Fla., up the River St. John's."

He also contributed numerous papers to the Philosophical Transactions from 1740 to 1763. Bartram was the first in this country to form a botanical garden, which is situated in West Philadelphia, near Fifty-fourth Street and Woodland Avenue. The city assumed control of this property in 1891.

Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today the 62d Legislative District Advisory Board, seated in the balcony, here today as the guests of Representative Paul Wass, of Indiana County.

LEAVE 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 today for the lady from Montgomery, Mrs. LEWIS.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, who advises the Chair that there are no requests for minority leaves of absence.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2338** By Representatives MILLER and CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for jury selection commissions.

Referred to Committee on LOCAL GOVERNMENT, March 22, 1982.

**No. 2339** By Representative McCLATCHY

An Act amending the act of December 18, 1980 (P. L. 1252, No. 228), entitled "A supplement to the act of October 6, 1980 (P. L. 784, No. 145), entitled 'An act providing for the capital budget for the fiscal year 1980-1981,' itemizing public improvement and furniture and equipment projects,\*\*\*; providing for the adoption of capital projects to be financed from current revenues of the Boating Fund and Fish Fund and making an appropriation," increasing a project.

Referred to Committee on APPROPRIATIONS, March 22, 1982.

**No. 2340** By Representative McCLATCHY

An Act amending the act of July 20, 1968 (P. L. 652, No. 220), entitled "An act amending the act of March 31, 1949 (P. L. 372, No. 14), entitled 'An act to promote the welfare of the people of the Commonwealth; creating The General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix fees, rentals, and charges for the use thereof;\*\*\*' empowering the Authority to construct and acquire projects for certain State-related universities;\*\*\*\*' removing a Department of Justice project and substituting projects for the Bureau of Correction.

Referred to Committee on APPROPRIATIONS, March 22, 1982.

**No. 2341** By Representative McCLATCHY

An Act providing for the capital budget for the fiscal year 1982-1983.

Referred to Committee on APPROPRIATIONS, March 22, 1982.

**No. 2342** By Representatives HOFFFEL, MANDERINO, LASHINGER, PIEVSKY, HAGARTY and GLADECK

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for attendant care services for certain persons.

Referred to Committee on HEALTH AND WELFARE, March 22, 1982.

**No. 2343** By Representative GLADECK

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare and the Governor to grant an easement on a tract of land in East Norriton Township, Montgomery County to Phillip Giovinco for a sanitary sewer line.

Referred to Committee on STATE GOVERNMENT, March 22, 1982.

**No. 2344** By Representatives GEIST and MURPHY

An Act authorizing the Pennsylvania Milrite Council and the Pennsylvania Science and Engineering Foundation to solicit proposals and make grants to certain organizations to create jobs in applied technologies and making an appropriation.

Referred to Committee on BUSINESS AND COMMERCE, March 22, 1982.

**No. 2345** By Representatives GEIST, PHILLIPS, SALVATORE, McVERRY, HAGARTY, NOYE, DAVIES, MILLER, FARGO, RITTER, SIRIANNI, MORRIS, MADIGAN, JOHNSON, ITKIN, BOYES and KOWALYSHYN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the identification of a driver of a vehicle.

Referred to Committee on TRANSPORTATION, March 22, 1982.

**No. 2346** By Representatives FRYER, GALLEN, DUFFY, LEVI, PETRONE, SHOWERS, GAMBLE, CAWLEY and BRANDT

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships," approved April 29, 1937 (P. L. 487, No. 115), further providing for cancellation or suspension of registration.

Referred to Committee on STATE GOVERNMENT, March 22, 1982.

**No. 2347** By Representatives LASHINGER, CORNELL, MRKONIC, FREIND, D. R. WRIGHT, HASAY, MILLER, STEVENS, NOYE, PISTELLA, POTT, NAHILL, VROON, HOFFFEL, GRIECO, RASCO, J. L. WRIGHT, PUCCIARELLI, WOGAN, ARTY, FRAZIER, CIMINI, SWAIM, COLAFELLA, GALLAGHER, O'DONNELL, KOWALYSHYN, GAMBLE and McVERRY

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), changing the definition of "age."

Referred to Committee on HEALTH AND WELFARE, March 22, 1982.

**No. 2348** By Representatives LASHINGER, CORNELL, GREENWOOD, KOWALYSHYN, KUKOVICH,

SAURMAN, MORRIS, ARTY, HOFFEL,  
MAIALE and SALVATORE

An Act regulating Life Care Facilities.

Referred to Committee on HEALTH AND WELFARE,  
March 22, 1982.

### QUESTIONS OF PERSONAL PRIVILEGE

The SPEAKER. For what purpose does the gentleman from Northumberland, Mr. Belfanti, rise?

Mr. BELFANTI. Point of personal privilege.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. BELFANTI. Mr. Speaker, yesterday I was on the floor at 1 o'clock. However, I had to leave prior to the master roll being taken, as I had to appear in Commonwealth Court about 1:45. I would like the record to reflect that I was in session.

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

For what purpose does the gentleman from Philadelphia, Mr. Hardy Williams, rise?

Mr. H. WILLIAMS. Mr. Speaker, I rise to request that I be recorded as being in legislative session yesterday, in that I was at my office on legislative business when the master roll was called.

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

### 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:

**SB 942, PN 1700.**

\* \* \*

The House proceeded to second consideration of **HB 1764, PN 2974**, entitled:

An Act amending the "County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), providing for credit for former employees of school districts.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that HB 1764 be recommitted to the Committee on Appropriations for an actuarial note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

**HB 2084, PN 2598.**

\* \* \*

The House proceeded to second consideration of **HB 2126, PN 3037**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting a tax on admissions to areas rented for camping purposes.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that HB 2126 be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

**HB 2189, PN 2813; HB 2191, PN 2815; HB 2226, PN 2879; HB 2273, PN 2950; HB 2274, PN 2951; SB 1110, PN 1715; SB 1122, PN 1739; SB 1224, PN 1490; and SB 1251, PN 1645.**

\* \* \*

The House proceeded to second consideration of **HB 2127, PN 3005**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the maximum purchase price per acre the commission may pay for land.

On the question,

Will the House agree to the bill on second consideration?

#### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that HB 2127 be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

The House proceeded to second consideration of **SB 1198, PN 1735**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further providing for deer-proof and elk-proof fences.

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

#### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that SB 1198 be recommitted to the Committee on Appropriations for a fiscal note.

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

#### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

**SB 1205, PN 1460; and SB 1272, PN 1578.**

\* \* \*

The House proceeded to second consideration of **HB 327, PN 3035**, entitled:

An Act prohibiting the cutting, digging, removal, transportation or sale within this Commonwealth for any purpose of Christmas trees, \*\*\* and providing a penalty.

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

#### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 327 be recommitted to the Committee on Appropriations for a fiscal note.

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

#### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

**HB 2167, PN 3038.**

\* \* \*

The House proceeded to second consideration of **HB 2251, PN 3039**, entitled:

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

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

#### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 2251 be recommitted to the Committee on Appropriations for a fiscal note.

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

#### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

**HB 2046, PN 2505; HB 2101, PN 3036; and SB 18, PN 1744.**

\* \* \*

The House proceeded to second consideration of **SB 195, PN 1046**, entitled:

An Act amending the act of June 30, 1965 (P. L. 153, No. 103), entitled "Delaware Valley Urban Area Compact," providing for the appointment of legislative members to the commission.

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

#### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that SB 195 be recommitted to the Committee on Appropriations for a fiscal note.

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

#### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

**SB 1108, PN 1745.**



**LEAVE OF ABSENCE CANCELED**

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

Mr. RAPPAPORT. Mr. Speaker, I ask that my name be removed from the leave of absence list which was granted yesterday for the week.

The SPEAKER. Without objection, the request is granted. The Chair hears none.

**MASTER ROLL CALL RECORDED**

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

The following roll call was recorded:

**PRESENT—196**

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—4**

Emerson                  Lewis                  Stevens                  Wiggins

**WELCOME**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Olasz of Allegheny County, Dan and Emma Bugel of West Mifflin.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 731, PN 780**, entitled:

An Act authorizing the Commonwealth to impose certain requirements on all municipalities in the Commonwealth prior to the issuance of municipal street vendor licenses or permits.

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?

For what purpose does the gentleman from Philadelphia, Mr. Richardson, rise?

Mr. RICHARDSON. If my understanding is correct, Mr. Speaker, this may be the street vendor bill, and I would like to speak on it.

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

Mr. RICHARDSON. I would like to interrogate the prime sponsor of this bill, Mr. Speaker.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Perzel, consent to interrogation on HB 731, PN 780? The gentleman indicates he will stand for interrogation. The gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. Mr. Speaker, could you tell the members of the General Assembly and myself exactly what is to be gained by HB 731?

Mr. PERZEL. Mr. Speaker, it is my understanding that many of the street vendors in the Commonwealth of Pennsylvania are not paying any sales tax whatsoever. This bill would simply ask them to bring in their canceled checks or their canceled money order receipts and show that they have made payment of their sales tax throughout the Commonwealth. That is it.

Mr. RICHARDSON. Does this not go into, Mr. Speaker, the definition of what a street vendor is and also a penalty provided for those persons who in fact do not bring their information into the necessary person provided under this bill? I was asking, under this bill is it not a fact that there is some penalty for not bringing in this information - the receipt, the canceled check, or other information?

Mr. PERZEL. Right now under the bill there are no penalties, but I had drafted up in Reference Bureau penalties, if you did not bring in the information, which I had intended to introduce in the Senate.

Mr. RICHARDSON. You are saying that at this present moment there is no information in this bill that would deal with penalties, at this present time?

Mr. PERZEL. No, there is not.

Mr. RICHARDSON. Okay.

The other question, Mr. Speaker, I have concerns the fact that presently in the city of Philadelphia— It is my understanding that this bill gears itself to all persons across the Commonwealth of Pennsylvania who may be street vendors.

Mr. PERZEL. Any municipality that has a licensing procedure for street vendors, yes.

Mr. RICHARDSON. Okay.

Is it not a fact, Mr. Speaker, that in the city of Philadelphia, if you in fact sell wares, that you have a mercantile license? Is that not registered? Is that not a fact, Mr. Speaker?

Mr. PERZEL. Mr. Speaker, if I could just have a few moments, I have two amendments drafted to this piece of legislation on my desk down in the office which would address several of the questions you have brought up.

Mr. RICHARDSON. So is it my understanding then, Mr. Speaker, that this bill is going to be passed over temporarily until such amendments are brought before the House of Representatives?

Mr. PERZEL. That should only take about 5 minutes, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, is it your understanding then that since the gentleman, Mr. Perzel, has amendments, that you are going to pass over this piece of legislation until such time as the amendments can be before the members?

The SPEAKER. Is the gentleman from Philadelphia County, Mr. Perzel, requesting that this bill be held over?

Mr. PERZEL. If we could just hold it over for 5 minutes, Mr. Speaker. I have sent someone to pick up the amendments right now.

**BILL TABLED**

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

Mr. PERZEL. Mr. Speaker, I move that HB 731 be placed upon the table.

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

**WELCOMES**

The SPEAKER. The Chair is pleased to welcome to the hall of the House Mrs. Elizabeth Willard, here today as the guest of Representative Donald Dorr of York County.

The Chair is pleased to welcome to the hall of the House today students and faculty of the Close-Up program of the

Delaware County High School System, both public and archdiocesan, here today as the guests of the Speaker and the Delaware County delegation.

The Chair is pleased to welcome to the hall of the House today the Franklin County Council of Republican Women, here today as the guests of Representatives Bittle and Punt. It is my understanding that Representative Bittle will be on his very best behavior today as his mother is a member of that group.

The Chair is also pleased to welcome to the hall of the House today Mr. and Mrs. Frank Smith and Mr. and Mrs. Dave Barndt and their son John, They are here today as the guests of Representative Saurman of Montgomery County.

The Chair is pleased to welcome to the hall of the House today the principal, teachers, and pupils from the Valley Forge Christian Academy, here today as the guests of Representative Vroon of Chester County.

**BILLS ON THIRD CONSIDERATION CONTINUED**

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?

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, who offers the following amendment which the clerk will read.

Mr. LAUGHLIN. Mr. Speaker, I had spoken to Mr. Wilson previously, the prime sponsor of the bill, and because of a misunderstanding with the legislative office upstairs, I am going to withdraw the amendment out of consideration for Mr. Wilson's position that he feels that the bill would be stripped of all of the significance that he had put in. So I will withdraw the amendment, Mr. Speaker.

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

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

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

**YEAS—189**

Alden	Durham	Levi	Ritter
Anderson	Fargo	Levin	Rocks
Armstrong	Fee	Livengood	Rybak
Arty	Fischer	Lloyd	Salvatore
Barber	Fleck	Lucyk	Saurman
Belardi	Foster, W. W.	McClatchy	Serafini
Belfanti	Foster, Jr., A.	McIntyre	Seventy
Beloff	Frazier	McMonagle	Showers
Berson	Freind	McVerry	Shupnik
Bittle	Fryer	Mackowski	Sieminski
Blaum	Gallagher	Madigan	Sirianni

Borski	Gallen	Maiale	Smith, B.
Bowser	Gamble	Manderino	Smith, F. H.
Boyes	Gannon	Manmiller	Smith, I. E.
Brandt	Geist	Marmion	Snyder
Brown	George	Merry	Spencer
Burd	Gladeck	Michlovic	Spitz
Burns	Grabowski	Micozzie	Stairs
Caltagirone	Gray	Miller	Steighner
Cappabianca	Greenfield	Miscevich	Stewart
Cawley	Greenwood	Mochlmann	Stuban
Cessar	Grieco	Morris	Swaim
Cimini	Gruitza	Mowery	Sweet
Civera	Gruppo	Mrkonic	Swift
Clark	Hagarty	Mullen	Taddonio
Clymer	Haluska	Murphy	Taylor, E. Z.
Cochran	Hasay	Nahill	Taylor, F. E.
Cohen	Hayes	Noye	Telek
Colafella	Heiser	Olasz	Tigue
Cole	Hoeffel	Oliver	Trello
Cordisco	Honaman	Pendleton	Van Horne
Cornell	Horgos	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wachob
Cowell	Irvis	Petrarca	Wambach
Cunningham	Itkin	Petrone	Wargo
DeMedio	Jackson	Phillips	Wass
DeVertter	Johnson	Piccola	Wenger
DeWeese	Kanuck	Pievsky	Wilson
Daikeler	Kennedy	Pistella	Wogan
Davies	Klingama	Pitts	Wozniak
Dawida	Kolter	Pott	Wright, D. R.
Deal	Kowalshyn	Pratt	Wright, J. L.
Dietz	Kukovich	Pucciarelli	Wright, R. C.
Dininni	Lashingner	Punt	Zwinkl
Dombrowski	Laughlin	Rappaport	
Donatucci	Lehr	Rasco	Ryan,
Dorr	Lescovitz	Reber	Speaker
Duffy	Letterman	Rieger	

NAYS—5

Evans	O'Donnell	Richardson	Williams, H.
Harper			

NOT VOTING—2

Weston	Williams, J. D.
--------	-----------------

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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 1766, PN 2093**, entitled:

An Act requiring 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?

Mr. PISTELLA offered the following amendments No. A6269 for Mr. MISCEVICH:

Amend Title, page 1, line 1, by inserting after "Requiring" certain

Amend Sec. 1, page 2, line 3, by striking out "dealer" and inserting owner

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

Amend Sec. 2, page 2, line 11, by striking out "dealer" and inserting owner

Amend Sec. 2, page 2, line 12, by striking out "dealer" and inserting owner

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

Amend Sec. 2, page 2, line 16, by striking out "person, firm or" and inserting major oil refining or distributing

Amend Sec. 3, page 2, line 21, by striking out "dealer" and inserting owner

Amend Sec. 4, page 2, line 30, by striking out "dealer" and inserting owner

On the question,

Will the House agree to the amendments?

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I am offering this amendment on behalf of Mr. Miscevich. This is 6269.

What is taking place with the addition of this amendment is that the language pertaining to dealers and individuals or firms who own or are entitled to own gas stations is now being transferred to the owner or the major oil refinery or distributor. So the responsibility for the installation and the maintenance of air pumps in gasoline stations will not fall upon the individual person who runs or operates or manages that particular gas station but upon the individual or group who owns the dealership. I would encourage your support for this amendment. Thank you.

The SPEAKER. The question before the House is the amendment titled in the name of the gentleman from Allegheny, Mr. Miscevich.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—173

Anderson	Durham	Levin	Ritter
Armstrong	Evans	Livengood	Rocks
Arty	Fee	Lloyd	Rybak
Bärber	Fischer	Lucyk	Salvatore
Belardi	Foster, W. W.	McClatchy	Saurman
Bellanti	Foster, Jr., A.	McIntyre	Serafini
Beloff	Freind	McMonagle	Seventy
Berson	Fryer	McVerry	Showers
Bittle	Gallagher	Mackowski	Shupnik
Blaum	Gamble	Madigan	Sieminski
Borski	Gannon	Maiale	Sirianni
Bowser	Geist	Marmion	Smith, B.
Boyes	George	Merry	Smith, E. H.
Brandt	Gladeck	Michlovic	Smith, L. E.
Brown	Grabowski	Micozzie	Snyder
Burd	Gray	Miller	Stairs
Caltagirone	Greenfield	Miscevich	Steighner
Cappabianca	Grieco	Morris	Stewart
Cawley	Gruitza	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Swaim
Cimini	Hagarty	Mullen	Sweet
Civera	Haluska	Murphy	Swift
Clark	Harper	Nahill	Taylor, E. Z.

Clymer	Hasay	Noye	Taylor, F. E.
Cochran	Hayes	O'Donnell	Telek
Cohen	Heiser	Olasz	Tigue
Colafella	Hoeffel	Oliver	Trello
Cole	Honaman	Pendleton	Van Horne
Cordisco	Horgos	Perzel	Vroon
Cornell	Hutchinson, A.	Peterson	Wachob
Coslett	Itkin	Petrarca	Wambach
Cowell	Johnson	Petrone	Wargo
Cunningham	Kennedy	Phillips	Wass
DeMedio	Klingaman	Pievsky	Wenger
DeVerter	Kolter	Pistella	Weston
DeWeese	Kowalyszyn	Pott	Williams, H.
Daikeler	Kukovich	Pratt	Wilson
Davies	Lashinger	Pucciarelli	Wogan
Dawida	Laughlin	Punt	Wozniak
Deal	Lehr	Rappaport	Wright, D. R.
Dombrowski	Lescovitz	Rasco	Wright, J. L.
Donatucci	Letterman	Richardson	Wright, R. C.
Dorr	Levi	Rieger	Zwilk
Duffy			

NAYS—18

Alden	Fleck	Moehlmann	Spitz
Burns	Gallen	Piccola	Taddonio
Dietz	Greenwood	Pitts	
Dininni	Jackson	Reber	Ryan,
Fargo	Manmiller	Spencer	Speaker

NOT VOTING—5

Frazier	Kanuck	Manderino	Williams, J. D.
Irvis			

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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?

Mrs. HARPER offered the following amendments No. A5579:

Amend Title, page 1, line 1, by inserting after "have" full service line and

Amend Sec. 1, page 1, lines 6 through 18; page 2, lines 1 through 4, by striking out all of said lines on said pages and inserting

Section 1. Definitions.—The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Full service line." An area where fuel is provided for patrons by employees of the retail service station dealer and such employees will check, voluntarily or on request, the oil, water and battery and wash the windshield of the vehicle.

"Retail service station dealer." Any person, firm or corporation maintaining a place of business where motor vehicle fuel is sold and delivered into the tanks of motor vehicles, whether or not motor vehicles are serviced or another business is conducted on the premises.

Amend Sec. 2, page 2, line 6, by striking out "(a)"

Amend Sec. 2, page 2, lines 15 through 19, by striking out all of said lines and inserting

Section 3. Full service line.—Every retail service station dealer shall make available to the public a full service line to accommodate the handicapped and persons who cannot service their vehicle. Such full service line shall be available for public use at all times when the station is open for business. Should any pump in the full service line become inoperable, the dealer shall exercise due diligence to repair or replace the pump.

Amend Sec. 3, page 2, line 20, by striking out "3." and inserting

4.

Amend Sec. 4, page 2, line 27, by striking out "4." and inserting

5.

Amend Sec. 5, page 3, line 4, by striking out "5." and inserting

6.

On the question,

Will the House agree to the amendments?

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

Mrs. HARPER. Thank you, Mr. Speaker.

Excuse my voice, Mr. Speaker; I have a cold this morning.

I have a very important amendment that will require a full-service line in every retail service station. Each station shall make available to the public a full-service line to accommodate the handicapped and persons who cannot serve their vehicles. Such full-service line shall be available for public use at all times when the station is open for business. Should any pump in the full-service line become inoperable, the dealer shall exercise due diligence to repair or replace the pump.

This amendment will not only create a job for someone in each filling station, but it will help the handicapped and people who cannot wait on themselves.

I know I drove seven blocks looking for a filling station last month to get service, and of course, when I arrived the station had changed to serve-yourself only. The operator in the booth complained to me that he certainly would like to have someone there to serve the public and serve people who cannot serve themselves. Thank you, Mr. Speaker.

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

Mr. DININNI. Would the lady from Philadelphia consent to interrogation, please?

The SPEAKER. The lady, Mrs. Harper, indicates she will stand for interrogation. The gentleman, Mr. Dininni, may proceed.

Mr. DININNI. In your amendment you are saying all stations that are serving to the public?

Mrs. HARPER. Yes. I am asking for just one service line. You can have three or four self-service lines, but I am asking for one line that will be available to serve the handicapped and women and people who cannot serve themselves.

Mr. DININNI. Do you have a number of service areas in this Commonwealth such as 7-Eleven stores which only have one line, two pumps?

Mrs. HARPER. Practically every station in Philadelphia has only self-service lines.

Mr. DININNI. That is in Philadelphia.

Mrs. HARPER. And in other parts of the State where I have traveled, you have to travel for miles and miles to get to a filling station where they provide service.

Mr. DININNI. Mr. Speaker, I have no objections to your amendment applying to a service station where there is more than one line, but in my interpretation of your amendment this would apply to anyone serving gasoline.

Mrs. HARPER. No, no. Well, each service station should provide service for people who cannot serve themselves.

Mr. DININNI. This is still my point.

Mrs. HARPER. Where there is one station with one pump, I am quite certain that they would provide service.

Mr. DININNI. Well, all of your 7-Elevens are strictly self-service, and all of the 7-Elevens that I run into only have the two or maybe three pumps, one line, and my interpretation of your amendment would force them into having a full-service line for the handicapped.

Mrs. HARPER. Well, they should have a full-service line, one person there to serve the handicapped and to serve people who cannot serve themselves. This will provide a job for someone. This is most important. People are willing to pay a few pennies more for service and create a job for someone. That is why this amendment is so important.

Mr. DININNI. All I wanted to do was call to the attention of the members of this House what the amendment really does. Thank you.

Mrs. HARPER. That is right. It requires service for people, and people are willing to pay for that service.

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

Mr. LEVIN. Thank you, Mr. Speaker.

I would hope the members would pay very close attention to the amendment. I have to oppose the amendment. I think that while it sounds very good, because we want in fact to have service for our constituents, the effect will be exactly the opposite. The problem is that in many of these communities the only stations that are staying open are the self-service stations. To require in fact that they have the kind of service that you are asking for here will, in my view, drive them out of those neighborhoods where we are trying to have people have an attempt to have a gas station. So I think it will have the opposite effect of what the sponsor wants, and I therefore have to oppose it.

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

Mr. A. C. FOSTER. Mr. Speaker, as I look first at the bill and now at the amendment, I am just rather amazed at what we are attempting to do in view of the fact that as a member of the Local Government Commission, we have embarked upon a study of mandates in this Commonwealth, and you will be amazed when you see the results of that study. You will find out that we have imposed on the people of this Commonwealth some 9,000 State mandates that intrude into every area of people's lives, and as I look at this amendment and bill, I just see another series of mandates being imposed.

### MOTION TO RECOMMIT

Mr. A. C. FOSTER. Now, I happen to have enough faith in the system that we have in this country that private enterprise is going to provide facilities for the most part, and for those few individuals who do not choose to install such facilities, they are going to suffer at the cash register, and I think the remedy is right there. I cannot believe that we are going to

further impose more mandates at a time when we are trying to reduce the number of mandates upon the people of the Commonwealth, and with that, Mr. Speaker, I move that the bill be recommitted to the Committee on Finance.

The SPEAKER. The question before the House is the motion of the gentleman from York, Mr. Foster, that HB 1766, together with amendments, be recommitted to the Committee on Finance.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the lady, Mrs. Harper.

Mrs. HARPER. I oppose that motion to recommit. It is about time that we think about going back to giving service and creating jobs. Everything today is geared toward big business, one man taking all of the money. It is just not fair. In my neighborhood there are five filling stations that employed five—

The SPEAKER. Will the lady yield?

The question before the House is the question raised by the gentleman, Mr. Foster, that the bill be recommitted to the Committee on Finance. The lady should restrict her remarks to that question, not the merits of the bill.

Mrs. HARPER. I oppose that motion to recommit. We need this bill; we need service; we need jobs. Thank you.

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

Mr. LEVIN. Mr. Speaker, the motion to recommit to Finance is obviously an attempt solely to kill the bill. It is not an attempt to get additional information. The bill itself is as simple a little bill as you will ever see on this floor. It simply requires that air—it does not even require that it be free—be available at self-service stations as it is at regular service stations. It is not a major imposition on any gas station.

The SPEAKER. Will the gentleman yield, and restrict his remarks, please, to the question before the House.

Mr. LEVIN. Thank you, Mr. Speaker.

I have to oppose a recommitment which is intended to prevent us from voting on a bill. It is not intended to do anything that a recommitment is designed to do. It is not intended to give us additional information. It is not intended for additional study. It is simply preventing us from having a vote. If Mr. Foster is opposed to this bill, he certainly has a right to oppose it on the floor, to speak against it, to vote against it, and to lobby against it. Let us have the chance at it, Mr. Speaker. I hope you will not send the bill back.

The SPEAKER. Does the gentleman from Delaware, Mr. Gannon, desire recognition on the question of recommitment?

Mr. GANNON. Yes. Mr. Speaker, I support the motion to recommit. I think the question should be studied as to what the impact of this type of legislation would be on those rural areas—I drive through them on my way to Harrisburg—where you have a combination grocery store and what loosely would be called a service station, which is probably owned by a little Mom and Pop operation, and I just think we should study the impact on thousands of these types of facilities across the State.

As to making the requirement that they have an air pump, I think this would be an additional cost that they just cannot bear at this time. I think we should look at that question, Mr. Speaker.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

I oppose the motion to recommit, and, buddy, there are no more Mom and Pop gas stations. They are all owned by the big boys pushing everybody out of business, and it is about time that we vote for this kind of legislation. If you think they are Mom and Pops that took the air pumps out of the stations, you are nuts; it is not them. They are just pushing everybody out of business, and I am telling you right now, this is one of the best pieces of legislation there is on this floor.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This motion should be adopted, and I would like to speak in favor of it.

These mandates that are contained in this bill and in the amendment that was proposed by Mrs. Harper impose costs. They impose costs on the gas station owners, and by passing through those costs to the consumer, they are being imposed upon everybody in Pennsylvania.

We complained when gas prices went up, and in order to make gasoline more inexpensive in response to consumer demands, the self-service lines were created. Now the gas prices are starting to come down, and we are just going to step in and impose more costs on the consumers of this State, and we are going to force those prices back up. That relates to the issue in the Finance Committee which I think the Finance Committee should study. I support the recommitment motion.

### POINT OF ORDER

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

Mr. H. WILLIAMS. A point of order, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Williams, will state his point of order.

Mr. H. WILLIAMS. Mr. Speaker, on the motion, everyone is talking on the merits of the bill, which ought to be spoken on when the bill comes up. The issue is whether the bill should come up. I would like to move the previous question so we can dispose of that or, in the alternative, ask the Speaker if he would limit the people in their remarks on the bill. I do not think that people should be cutting down the bill before we get to it, if we are going to get to it.

The SPEAKER. The Chair is inclined to agree with the gentleman, Mr. Williams, that the debate has strayed from the question, which is that of recommitment.

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

Mr. A. C. FOSTER. Just very simply, Mr. Speaker, the stations that do not provide such service do so for various reasons, because of vandalism—

The SPEAKER. Will the gentleman yield.

The question before the House is on the gentleman's motion for recommitment. Kindly restrict your remarks to that question.

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

I urge a vote for recommitment.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter, on the question of recommitment.

Mr. KOLTER. Mr. Speaker, HB 1766 when in committee was quite controversial. However, the members of the committee felt it should rise or fall by the vote of the membership of this House. I so feel that it should rise or fall, too, by the vote of this House. I would urge a "no" vote on recommitment.

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

The following roll call was recorded:

#### YEAS—85

Alden	Fargo	Levi	Serafini
Anderson	Fleck	McClatchy	Sieminski
Armstrong	Foster, W. W.	Mackowski	Sirianni
Arty	Foster, Jr., A.	Madigan	Smith, B.
Belardi	Frazier	Manmiller	Smith, E. H.
Bittle	Freind	Marmion	Smith, L. E.
Brandt	Gallen	Merry	Snyder
Burd	Gannon	Miller	Spencer
Burns	Greenwood	Moehlmann	Spitz
Cimini	Grieco	Mowery	Swift
Civera	Gruppo	Nahill	Vroon
Clymer	Hasay	Noye	Wass
Cornell	Hayes	Perzel	Wenger
Coslett	Heiser	Peterson	Weston
Cunningham	Honaman	Phillips	Wilson
DeVerter	Jackson	Piccola	Wogan
Daikeler	Johnson	Pitts	Wright, D. R.
Davies	Kanuck	Punt	Wright, J. L.
Dietz	Kennedy	Rasco	
Dininni	Klingaman	Reber	Ryan,
Dorr	Lashinger	Salvatore	Speaker
Durham	Lehr	Saurman	

#### NAYS—111

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

NOT VOTING—0

EXCUSED—4

Emerson          Lewis                  Stevens              Wiggins

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

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

The following roll call was recorded:

YEAS—52

Arty	Donatucci	Kukovich	Petrone
Barber	Evans	Livengood	Pievsky
Belardi	Fee	Maiale	Pistella
Belfanti	Gallagher	Manderino	Pott
Berson	George	Michlovic	Richardson
Burns	Grabowski	Miscevich	Ritter
Cawley	Gray	Mrkonic	Rocks
Clark	Greenfield	Mullen	Rybak
Cohen	Harper	O'Donnell	Serafini
DeMedio	Horgos	Olasz	Seventy
DeWeese	Hutchinson, A.	Oliver	Trello
Dawida	Irvic	Pendleton	Wilson
Deal	Kolter	Petrarca	Wright, R. C.

NAYS—142

Alden	Fischer	Levin	Smith, B.
Anderson	Fleck	Lloyd	Smith, E. H.
Armstrong	Foster, W. W.	Lucyk	Smith, L. E.
Beloff	Foster, Jr., A.	McClatchy	Snyder
Bittle	Frazier	McIntyre	Spencer
Blaum	Freind	McVerry	Spitz
Borski	Fryer	Mackowski	Stairs
Bowser	Gallen	Madigan	Steighner
Boys	Gamble	Manmiller	Stewart
Brandt	Gannon	Marmion	Stuban
Brown	Geist	Merry	Swaim
Burd	Gladeck	Micozzie	Sweet
Caltagirone	Greenwood	Miller	Swift
Cappabianca	Grieco	Moehlmann	Taddonio
Cessar	Gruitza	Morris	Taylor, E. Z.
Cimini	Gruppo	Mowery	Taylor, F. E.
Civera	Hagarty	Murphy	Telek
Clymer	Haluska	Nahill	Tiguc
Cochran	Hasay	Noye	Van Horne
Colafella	Hayes	Perzel	Vroon
Cole	Heiser	Peterson	Wachob
Cordisco	Hoeffel	Phillips	Wambach
Cornell	Honaman	Piccola	Wargo
Coslett	Itkin	Pitts	Wass
Cowell	Jackson	Pratt	Wenger
Cunningham	Johnson	Pucciarelli	Weston
DeVertter	Kanuck	Punt	Williams, H.
Daikeler	Kennedy	Rappaport	Williams, J. D.
Davies	Klingaman	Rasco	Wogan
Dietz	Kowalshyn	Reber	Wozniak
Dininni	Lashingner	Rieger	Wright, D. R.
Dombrowski	Laughlin	Salvatore	Wright, J. L.
Dorr	Lehr	Saurman	Zwikl
Duffy	Lescovitz	Showers	
Durham	Letterman	Shupnik	Ryan,
Fargo	Levi	Sieminski	Speaker

NOT VOTING—2

McMonagle          Sirianni

EXCUSED—4

Emerson          Lewis                  Stevens              Wiggins

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

WELCOMES

The SPEAKER. The Chair is pleased at this time to welcome to the hall of the House a group from North Philadelphia, Our Lady of Consolation Senior Citizens, here today as the guests of Representative Fran Weston.

The Chair is also pleased to welcome to the hall of the House today a group of 20 members of the adult education class of the Wilson School District, here today with their faculty members, here as the guests of Representative John Davies of Berks County.

CONSIDERATION OF HB 1766 CONTINUED

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

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George, who offers the following amendment which the clerk will read.

Mr. GEORGE. Mr. Speaker, I have been advised by the majority chairman of the Transportation Committee that the amendment I had prepared probably would be best served if we would apply it to a bill in title 75, and since we are addressing a new act, you might decide that it would not be in the same place. Since there is a bill right below it, I will put it in that, Mr. Speaker. Thank you.

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. George, withdraws his amendment. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I feel that this bill really requires a "yes" vote. I know that if you go out in the country and you are going along and you try to get air today, this does not say that they cannot charge you for air or anything else, but if they want to call themselves a service station, they should at least be required to have the facilities for a person to get air. If you do not, you are in bad trouble. Did you ever try to use one of those foot-pump or hand-pump things that they have? It takes you about an hour to pump up a tire enough to even move. I have those kinds of little things because I travel in the mountains a lot, so I have one that you hook into your lighter, and that runs the pump to pump up the tire. It barely gets me out of the mountain when I have to use it.

I do not see anything wrong with people having a compressor in a gasoline station. Someone said that there was too much stealing and too much vandalism. That is a very simple

thing to solve. All they have to do is take the air hose in at night and they will not have that problem.

I feel that this is an absolute necessity. We are not talking about Mom and Pop stores anymore. What we are talking about is oil companies that drive Mom and Pop out of business and put in single service. They eliminate people from working; they eliminate everything. They have it down to a science where you get no windshield washing done; you get nothing as far as the service station. It is a shame that they even call themselves service stations. I really feel that we must vote "yes" on this bill, and I would ask everybody to do so. Thank you.

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

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

This is my bill, and it is a strange thing because it is one of the very rare bills that I can honestly say originated on this floor purely because of a constituent's experience and not because of something that I looked for. A constituent came to me in Philadelphia one day, who was active in politics, and complained bitterly that in the community he lived in only the self-service stations were open at night and that none of them provided air. He found one evening when he had a leaking radial tire, as he went from community to community, that he could not get air as his tire went down. He felt that that was an outrage and it was something that could be solved promptly by this legislature. It is not the service station operators. It is not the Mom and Pop operators who deny their constituents air. We know that. It is the grocery stores that have a gas pump out front that charge less and are driving the regular service stations out of business that are refusing to provide even an air pump.

No one is requiring that they leave it in operation when their operations are closed, and there is not even a provision in the bill requiring that it be free. If they were to choose—in answer to Mr. Foster's concern about cost on business—if they were to choose to charge a quarter by having a slot in the machine as some of them do, there is nothing in this bill to prevent them from doing that. I am simply asking that they provide the public with a service which is essential for the public's safety. I think that in good judgment this bill, which is a rather simple one, should pass, and I hope you will support it.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Would the gentleman, Mr. Levin, consent to interrogation?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I am confused based on your comments in support of the bill on final passage and the prior Miscovich amendment. My confusion is that I do not really understand to whom this bill is going to apply. So, Mr. Speaker, if you would, would this bill require an independently owned gas station to have air pumps?

Mr. LEVIN. Yes. It would provide all service stations, in its original form, to have an air pump when it is open and operating. I would answer by saying I know of no service station that services cars that does not have it. I only know of the grocery store operations that do not have it.

Mr. LLOYD. Well, then, Mr. Speaker, you are saying that the effect of this bill as amended by the Miscovich amendment is not to apply it solely to gas stations owned by major oil companies?

Mr. LEVIN. I must say I missed Mr. Miscovich's amendment, and I cannot tell you what it did. You would have to ask Mr. Miscovich first. Would you direct the question to him as to what he believes his amendment did to the bill?

The SPEAKER. The Chair recognizes the alter ego of the gentleman, Mr. Miscovich, the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I offered the amendment for Mr. Miscovich, and I have to be perfectly honest with you; I have no idea what it does.

The SPEAKER. But he is 100 percent for it.

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

Mr. LEVIN. Well, I must say that I was not on the floor when the Miscovich amendment was offered, which was the problem, and I did not hear it being offered. I am looking at it now for the first time, and it appears that it is an attempt to remove the independent sole station. It appears that that is what he has done, but I am not confident that that is what he has done. I did not hear the discussion. I am now informed that there was no discussion on it when it occurred, which is a tribute to Mr. Pistella's persuasive powers.

Mr. Speaker, would it be in order to make a motion to revert to the prior printer's number? Would that accomplish reverting to PN 2093 with that amendment, or will it be necessary to reconsider the Miscovich amendment?

The SPEAKER. It is the Chair's opinion that it would be necessary to reconsider the Miscovich amendment in order to remove it from the bill prior to final passage.

Mr. LEVIN. Well, then I would like to file such a motion and ask that that be run right now.

The SPEAKER. The gentleman, Mr. Levin, should see either the majority or minority leader to get the appropriate form.

For what purpose does the gentleman from Allegheny, Mr. Marmion, rise?

Mr. MARMION. Mr. Speaker, in view of the new evidence presented by Mr. Pistella, I suggest that this bill go back to the Transportation Committee to find out exactly what the bill does say or intend.

The SPEAKER. The Chair had advised the gentleman, Mr. Levin, that the Chair would give him time to submit the reconsideration motion.



**BILL TABLED**

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

Mr. LEVIN. Mr. Speaker, could we pass over the bill until I could read this amendment and see whether it is necessary to reconsider it?

The SPEAKER. The Chair recognizes the gentleman, Mr. Levin, who moves that HB 1766 be placed on the table, together with amendments, temporarily.

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

**WELCOME**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today members and guests of the Hanover Area Chamber of Commerce, here today as the guests of Representative Dorr of York County.

**REQUEST FOR RECESS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I suggest that we take lunch at this time and return at 2 p.m. with all of our amendments and what we want to do.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority chairman of the Appropriations Committee, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I would like to call a meeting of the Appropriations Committee immediately on the recess. That will be just a few minutes in the House Appropriations room, 245.

**CONSUMER AFFAIRS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Taddonio, for the purpose of making an announcement.

Mr. TADDONIO. Mr. Speaker, I would like to call a meeting of the Consumer Affairs Committee immediately at the call of the recess in the rear of the House.

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

**HB 2178, PN 2784** By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs in certain civil and criminal matters.

**JUDICIARY.**

**HB 2180, PN 2786** By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the number of judges of the Commonwealth Court and providing for their appointment.

**JUDICIARY.**

**SB 577, PN 1139** (Unanimous)

By Rep. KLINGAMAN

An Act amending the act of August 31, 1955 (P. L. 531, No. 131), entitled "Pennsylvania Athletic Code," further providing for the age of participants in certain amateur athletic contests.

**HEALTH AND WELFARE.****RECESS**

The SPEAKER. Without objection, this House will stand in recess until 2 p.m. The Chair hears no objection.

**AFTER RECESS**

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

**BILL REREPORTED FROM COMMITTEE**

**HB 1652, PN 2166** By Rep. McCLATCHY

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

**APPROPRIATIONS.****REPORT OF COMMITTEE OF CONFERENCE PRESENTED**

Mr. HAYES presented the Report of the Committee of Conference on **HB 720, PN 3051**.

**SENATE MESSAGE****REPORT OF COMMITTEE OF CONFERENCE RECOMMITTED**

The clerk of the Senate, being introduced, informed that the Senate has recommitted to Committee of Conference **SB 277, PN 1733**.

**SENATE MESSAGE****CONFERENCE COMMITTEE APPOINTMENT**

Senate of Pennsylvania

Date: March 3, 1982

To: Honorable Mark C. Corrigan

From: Senator Henry G. Hager  
President Pro Tempore

Subject: Conference Committee on Senate Bill 1102

Please be advised that Senator J. William Lincoln has resigned as a member of the Conference Committee on Senate Bill 1102, and that upon Senator Zemprelli's recommendation, I hereby appoint Senator James R. Lloyd, Jr., in his stead.

cc: Honorable Edward P. Zemprelli  
Honorable J. William Lincoln  
Honorable James R. Lloyd, Jr.  
Honorable John D. Hopper

**SENATE MESSAGE**

**HOUSE AMENDMENTS  
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 1102, PN 1709**, and has appointed Senators HOPPER, LOEPER and LLOYD a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

**SENATE MESSAGE**

**ADJOURNMENT RESOLUTION  
FOR CONCURRENCE**

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

In the Senate, March 22, 1982

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 29, 1982 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, March 29, 1982 unless sooner recalled by the Speaker of the House of Representatives.

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

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

**BILL SIGNED BY SPEAKER**

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

**SB 306, PN 1736**

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), entitled "Goods and Services Installment Sales Act," further providing for applicability of the act, for the contents of contracts, for a certain notice of claims or defenses, for judgments, for service charges and certain fees and eliminating the duty of the Department of Banking to supply rate charts to retail sellers and finance agencies.

**CALENDAR RESUMED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 433, PN 838**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation of traffic-control signals.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. GEORGE offered the following amendments No. A4758:

Amend Title, page 1, line 3, by removing the period after "signals" and inserting  
and providing for the processing fee in lieu of registration for certain persons.

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 1901(c)(16) of Title 75, act of November 25, 1970 (P.L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 1901. Exemption of entities and vehicles from fees.

\*\*\*

(c) Processing fee in lieu of registration fee.—No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of \$10 to cover the costs of processing for issuing or renewing the registration:

\*\*\*

(16) Any person who is retired and receiving social security or other pension and whose total income does not exceed [\$7,500] \$8,999 per year. Unless the retired person is physically or mentally incapable of driving the vehicle, the retired person shall be the principal driver of the vehicle but may from time to time authorize another person to drive the vehicle in his or her stead.

\*\*\*

Section 2. Title 75 is amended by adding a section to read:  
Amend Sec. 2, page 2, line 17, by striking out "2" and inserting

3

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment proposes to do is to raise the income eligibility on the \$10 reduced license fee to those senior citizens who I feel are having such a difficult time today, and we must all feel that way because we raised the income eligibility on the senior citizens' lottery program. This amendment attends to the matter that \$7,500 is just simply too low, and it raises the eligibility income to \$8,999 or \$9,000. I believe that all of us will support this amendment. Thank you very much.

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

The following roll call was recorded:

**YEAS—184**

Anderson	Fischer	Lloyd	Salvatore
Armstrong	Fleck	Lucyk	Saurman
Arty	Foster, Jr., A.	McClatchy	Serafini
Belardi	Frazier	McMonagle	Seventy
Belfanti	Freind	McVerry	Showers
Berson	Fryer	Mackowski	Shupnik
Bittle	Gallagher	Madigan	Sieminski
Blaum	Gallen	Maiale	Sirianni
Borski	Gamble	Manderino	Smith, B.
Bowser	Gannon	Manmiller	Smith, E. H.
Boyes	Geist	Marmion	Smith, L. E.
Brandt	George	Merry	Snyder
Brown	Gladeck	Michlovic	Spencer
Burd	Grabowski	Micozzie	Spitz

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

NAYS—0

NOT VOTING—12

Alden	Deal	Johnson	Pistella
Barber	Evans	McIntyre	Richardson
Beloff	Foster, W. W.	Phillips	Williams, J. D.

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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 RECOMMITTED**

The SPEAKER. For what purpose does the gentleman from McKean, Mr. Mackowski, rise?

Mr. MACKOWSKI. Mr. Speaker, I would like to make a motion that this bill be sent to Appropriations for a fiscal note. I think we are dealing with a great deal of money, not only because of Mr. George's amendment, but the cost is not clearly spelled out in the bill as to what it will cost the municipal governments as well as the State. I think, as I recall the number of red and green lights that I pass through on the trip down here, there are many, many of them, and it must be a very costly and expensive thing to have these things programmed. Consequently, I move that the bill be recommitted to Appropriations.

The SPEAKER. The question before the House is the motion of the gentleman that SB 433 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

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

Mr. GEORGE. Mr. Speaker, I oppose the motion to recommit for the simple reason that I have in my hand the fiscal note on that bill, and if that gentleman was really interested in doing something with this legislation, he would have asked me. I have it. If the gentleman and the Speaker would permit me, I would read it. I went to the Republican side of the Appropriations Committee and obtained this before I put the bill in, and I withheld that bill for 3 weeks pending that, so I will leave it up to the speaker whether he wants to withdraw his motion.

The SPEAKER. A point of clarification for the Speaker, Mr. George.

Is the gentleman advising the Chair that he has a fiscal note for the gentleman's amendment or for the bill?

Mr. GEORGE. For the gentleman's amendment.

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

Mr. MACKOWSKI. Mr. Speaker, I am talking about the bill. I am not concerned necessarily with his amendment. I was not aware of that, but I do think there is a large impact on municipal government cost. Here we are mandating another cost at local levels, and we are also involving our own State highway department to expend money. I think we should have a clear understanding of what this bill would really cost the taxpayers of the State of Pennsylvania.

The SPEAKER. Does the gentleman, Mr. George, seek recognition?

Mr. GEORGE. Please, Mr. Speaker.

The SPEAKER. The gentleman is in order on the question of recommittal.

Mr. GEORGE. Mr. Speaker, the only fiscal implication, I would daresay, would be on the amendment that we all most heartily agreed upon. The bill came out of committee. If in fact a fiscal note was needed, the fiscal note would have been asked for before it came out of each and every committee. Therefore, the only fiscal impact, I daresay, alludes to the amendment that was just acceptable, and therefore we need no fiscal note on the rest of the bill.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Mackowski.

On that question, does the gentleman from York, Mr. Foster, desire recognition?

Mr. A. C. FOSTER. Yes, Mr. Speaker, just to reiterate that Mr. Mackowski and I are concerned about the fiscal impact of the mandating of flashing traffic signals and the conversion of such signals in the various municipalities. We were not inquiring about the fiscal note for Mr. George's amendment, and it was our intention to ask that the bill be recommitted from the start for the purpose of such a fiscal note, before we mandate one other item such as this upon local governments.

The SPEAKER. On the question, does the gentleman from Luzerne, Mr. Coslett, desire recognition?

Mr. COSLETT. Yes, Mr. Speaker.

I also rise in support of Mr. Mackowski's motion to recom- mit this bill. I have numerous letters from my municipalities in the district I serve, and there is going to be quite a financial burden on the municipalities, so I ask for recommittal. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Berks, Mr. Davies, desire recognition?

Mr. DAVIES. Yes, Mr. Speaker. The only thing that I would add to it is that in any fiscal note they also take into consideration any potential loss of revenue, that the conserva- tion feature of this would also tend to affect our revenue status as far as the Commonwealth is concerned.

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

The following roll call was recorded:

YEAS—102

Anderson	Dorr	Lashingner	Ritter
Armstrong	Durham	Lehr	Salvatore
Arty	Fargo	Levi	Saurman
Belardi	Fischer	Lloyd	Serafini
Berson	Foster, W. W.	Lucyk	Showers
Bittle	Foster, Jr., A.	McClatchy	Sieminski
Bowser	Gallen	Mackowski	Sirianni
Boyes	Gamble	Madigan	Smith, B.
Brandt	Gannon	Manmiller	Smith, E. H.
Burd	Geist	Marmion	Smith, L. E.
Cawley	Gladeck	Merry	Snyder
Cessar	Grabowski	Miller	Spencer
Cimini	Grieco	Moehlmann	Stairs
Clymer	Gruppo	Morris	Swift
Cochran	Hagarty	Mowery	Taylor, E. Z.
Cohen	Haluska	Nahill	Telek
Cornell	Harper	Noye	Vroon
Coslett	Hasay	Perzel	Wambach
Cowell	Hayes	Peterson	Wass
Cunningham	Heiser	Phillips	Wenger
DeVerter	Honaman	Piccola	Weston
DeWeese	Jackson	Pievsky	Wogan
Daikeler	Johnson	Punt	Wright, J. L.
Davies	Kennedy	Rappaport	
Dietz	Klingaman	Rasco	Ryan,
Dininni	Kowalyszyn	Reber	Speaker

NAYS—82

Barber	Frazier	McVerry	Rocks
Belfanti	Fryer	Maiale	Rybak
Beloff	Gallagher	Manderino	Seventy
Blaum	George	Michlovic	Shupnik
Borski	Gray	Miscevich	Steighner
Brown	Greenfield	Mrkonic	Stewart
Burns	Greenwood	Mullen	Stuban
Caltagirone	Gruitza	Murphy	Swaim
Cappabianca	Hoeffel	O'Donnell	Sweet
Clark	Horgos	Olasz	Taylor, F. E.
Colafella	Hutchinson, A.	Oliver	Tigue
Cole	Irvis	Pendleton	Trello
Cordisco	Kanuck	Petrarca	Van Horne
DeMedio	Kolter	Petrone	Wachob
Dawida	Kukovich	Pistella	Wargo
Deal	Laughlin	Pott	Williams, H.
Dombrowski	Lescovitz	Pratt	Wilson
Donatucci	Letterman	Pucciarelli	Wozniak
Duffy	Levin	Richardson	Wright, D. R.
Fee	Livengood	Rieger	Zwiki
Fleck	McMonagle		

NOT VOTING—12

Alden	Freind	Micozzie	Taddonio
Civera	Itkin	Pitts	Williams, J. D.
Evans	McIntyre	Spitz	Wright, R. C.

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Northumberland, Mr. Phillips, rise?

Mr. PHILLIPS. On the George amendment to SB 433, A4758, I was not in my seat. 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 **SB 144, PN 1408**, entitled:

An Act designating a portion of the Lehigh River as a compo- nent of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; providing for cooperation, limitation of liability and regulation of river recreational usage and authorizing the expenditure of moneys.

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 dif- ferent 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	Fischer	Livengood	Rocks
Armstrong	Fleck	Lloyd	Rybak
Arty	Foster, W. W.	Lucyk	Salvatore
Barber	Foster, Jr., A.	McClatchy	Saurman
Belardi	Frazier	McMonagle	Serafini
Belfanti	Fryer	McVerry	Seventy
Beloff	Gallagher	Mackowski	Showers
Berson	Gallen	Madigan	Shupnik
Bittle	Gamble	Maiale	Sieminski
Blaum	Gannon	Manderino	Sirianni
Borski	Geist	Manmiller	Smith, B.
Bowser	George	Marmion	Smith, E. H.
Boyes	Gladeck	Merry	Smith, L. E.
Brandt	Grabowski	Michlovic	Snyder
Brown	Gray	Micozzie	Spencer
Burd	Greenfield	Miller	Spitz
Burns	Greenwood	Miscevich	Stairs
Caltagirone	Grieco	Moehlmann	Steighner
Cappabianca	Gruitza	Morris	Stewart
Cawley	Gruppo	Mowery	Stuban
Cessar	Hagarty	Mrkonic	Swaim
Cimini	Haluska	Mullen	Swift
Clark	Harper	Murphy	Taddonio
Clymer	Hasay	Nahill	Taylor, E. Z.
Cochran	Hayes	Noye	Taylor, F. E.

Cohen	Heiser	O'Donnell	Telek
Colafrilla	Hoeffel	Olasz	Tigue
Cole	Honaman	Oliver	Trello
Cordisco	Horgos	Pendleton	Van Horne
Cornell	Hutchinson, A.	Perzel	Vroon
Coslett	Irviss	Peterson	Wachob
Cowell	Itkin	Petrarca	Wambach
Cunningham	Jackson	Petrone	Wargo
DeMedio	Johnson	Phillips	Wass
DeVerter	Kanuck	Piccola	Wenger
DeWeese	Kennedy	Pievsky	Weston
Daikeler	Klingaman	Pistella	Williams, H.
Davies	Kolter	Pitts	Wilson
Dawida	Kowalshyn	Pott	Wogan
Dietz	Kukovich	Pratt	Wozniak
Dininni	Lashingner	Pucciarelli	Wright, D. R.
Dombrowski	Laughlin	Punt	Wright, J. L.
Donatucci	Lehr	Rappaport	Wright, R. C.
Dorr	Lescovitz	Rasco	Zwinkl
Duffy	Letterman	Reber	
Durham	Levi	Rieger	Ryan,
Fargo	Levin	Ritter	Speaker
Fee			

NAYS—0

NOT VOTING—9

Alden	Evans	McIntyre	Sweet
Civera	Freind	Richardson	Williams, J. D.
Deal			

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **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:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for physical therapy services.

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

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

Mr. POTT. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

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—189

Alden	Fargo	Levin	Rybak
Anderson	Fee	Livengood	Salvatore
Armstrong	Fischer	Lloyd	Saurman
Arty	Fleck	Lucyk	Serafini

Barber	Foster, Jr., A.	McClatchy	Seventy
Belardi	Frazier	McMonagle	Showers
Belfanti	Freind	McVerry	Shupnik
Beloff	Fryer	Mackowski	Sieminski
Berson	Gallagher	Madigan	Sirianni
Bittle	Gallen	Maiale	Smith, B.
Blaum	Gamble	Manderino	Smith, E. H.
Borski	Gannon	Manmiller	Smith, L. E.
Bowser	Geist	Marmion	Snyder
Boyes	George	Merry	Spencer
Brandt	Gladeck	Michlovic	Spitz
Brown	Grabowski	Micozzie	Stairs
Burd	Gray	Miller	Steighner
Burns	Greenfield	Miscevich	Stewart
Caltagirone	Greenwood	Moehlmann	Stuban
Cappabianca	Grieco	Morris	Swaim
Cawley	Gruitza	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
Cohen	Heiser	Olasz	Trello
Colafrilla	Hoeffel	Oliver	Van Horne
Cole	Honaman	Pendleton	Vroon
Cordisco	Horgos	Perzel	Wachob
Cornell	Hutchinson, A.	Peterson	Wambach
Coslett	Irviss	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Cunningham	Jackson	Phillips	Wenger
DeMedio	Johnson	Piccola	Weston
DeVerter	Kanuck	Pievsky	Williams, H.
DeWeese	Kennedy	Pistella	Wilson
Daikeler	Klingaman	Pitts	Wogan
Davies	Kolter	Pott	Wozniak
Dawida	Kowalshyn	Pratt	Wright, D. R.
Dietz	Kukovich	Pucciarelli	Wright, J. L.
Dininni	Lashingner	Punt	Wright, R. C.
Dombrowski	Laughlin	Rasco	Zwinkl
Donatucci	Lehr	Reber	
Dorr	Lescovitz	Rieger	Ryan,
Duffy	Letterman	Ritter	Speaker
Durham	Levi	Rocks	

NAYS—1

Rappaport

NOT VOTING—6

Deal	Foster, W. W.	Richardson	Williams, J. D.
Evans	McIntyre		

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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.

The SPEAKER. The Chair would once again remind the members of the inconvenience caused to the rest of the members when a person intending to amend a bill does not have his amendments prepared on time, which includes having deposited a set with the amendment clerk for reprinting and distribution.

CONSIDERATION OF HB 731 RESUMED  
BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 731, PN 780, 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.

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. PERZEL offered the following amendments No. A6757:

Amend Sec. 3, page 2, line 30, by removing the period after "payment" and inserting  
; penalties.

Amend Sec. 3, page 3, line 1, by inserting before "Ninety"  
(a)

Amend Sec. 3, page 3, by inserting between lines 11 and 12  
(b) Any person including a city official, who commits any offense involving false, forged or unauthorized proof of payment of sales tax, commits a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of \$500.

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

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

Mr. PERZEL. Mr. Speaker, this amendment simply provides for penalties for anyone who would show false identification to a local municipality or one of its agents saying that the payment of the sales tax was made when in actuality it had not been made. It just provides penalties.

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

The following roll call was recorded:

YEAS—182

Anderson	Fargo	Letterman	Ritter
Armstrong	Fee	Levi	Rocks
Arty	Fischer	Levin	Rybak
Barber	Fleck	Livengood	Salvatore
Belardi	Foster, W. W.	Lloyd	Saurman
Belfanti	Foster, Jr., A.	Lucy	Serafini
Beloff	Frazier	McClatchy	Seventy
Berson	Freind	McMonagle	Showers
Bittle	Fryer	McVerry	Shupnik
Blaum	Gallagher	Mackowski	Sieminski
Borski	Gallen	Madigan	Sirianni
Bowser	Gamble	Maiale	Smith, B.
Boyes	Gannon	Manderino	Smith, E. H.
Brandt	Geist	Manmiller	Smith, L. E.
Brown	George	Marmion	Snyder
Burd	Gladeck	Merry	Spencer
Burns	Grabowski	Michlovic	Spitz
Caltagirone	Gray	Micozzie	Stairs

Cappabianca	Greenfield	Miller	Steighner
Cawley	Greenwood	Miscevich	Stewart
Cessar	Grieco	Moehlmann	Stuban
Cimini	Gruitza	Morris	Sweet
Civera	Gruppo	Mowery	Swift
Clark	Hagarty	Mrkonjic	Taddonio
Clymer	Haluska	Mullen	Taylor, E. Z.
Cochran	Hasay	Murphy	Taylor, F. E.
Cohen	Hayes	Nahill	Telek
Colafella	Heiser	Noye	Tigue
Cole	Hoeffel	O'Donnell	Trello
Cordisco	Honaman	Olasz	Van Horne
Cornell	Horgos	Pendleton	Vroon
Coslett	Hutchinson, A.	Perzel	Wachob
Cowell	Irviss	Peterson	Wambach
Cunningham	Itkin	Petrarca	Wargo
DeMedio	Jackson	Petrone	Wass
DeVerter	Johnson	Phillips	Wenger
DeWeese	Kanuck	Piccola	Weston
Daikeler	Kennedy	Pievsky	Wilson
Davies	Klingaman	Pistella	Wogan
Dawida	Kolter	Pitts	Wozniak
Dietz	Kowalyszyn	Pratt	Wright, D. R.
Dininni	Kukovich	Punt	Wright, J. L.
Dombrowski	Lashinger	Rappaport	Zwilk
Dorr	Laughlin	Rasco	
Duffy	Lehr	Reber	Ryan,
Durham	Lescovitz	Rieger	Speaker

NAYS—9

Deal	Oliver	Richardson	Williams, H.
Donatucci	Pucciarelli	Swaim	Wright, R. C.
Harper			

NOT VOTING—5

Alden	McIntyre	Pott	Williams, J. D.
Evans			

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

Mr. PERZEL offered the following amendments No. A6756:

Amend Bill, page 3, by inserting between lines 20 and 21 Section 5. Nontaxable sales.

If a street vendor sells nontaxable items he shall keep accurate records relating to the sale of nontaxable items and shall submit said records to the department upon request together with an affidavit certifying the accuracy of the records. The affidavit need not be acknowledged.

Amend Section 5, page 3, line 21, by striking out "5" and inserting

6

Amend Sec. 6, page 4, line 1, by striking out "6" and inserting

7

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

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

Mr. PERZEL. Mr. Speaker, this amendment just applies to street vendors who sell nontaxable items. All it asks is that they keep a record, and if the department were to ask for the record, they would have to show it. That is all it does.

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

The following roll call was recorded:

YEAS—184

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

NAYS—4

Clark	Duffy	Hutchinson, A.	Taddonio
-------	-------	----------------	----------

NOT VOTING—8

Alden	Evans	Irvis	Pievsky
Berson	Hoeffel	McIntyre	Williams, J. D.

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. DUFFY. Thank you, Mr. Speaker.

I would like to ask Mr. Perzel a question or two.

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

Mr. DUFFY. I realize what you are trying to get to with this bill, Mr. Speaker, but would this cover people who are selling Avon products and all the different types of cosmetic lines that come from house to house?

Mr. PERZEL. This covers people who would have a municipal street vending license from a local municipality. If they do not have the license, the department will not have a record of them.

Mr. DUFFY. Well, most people when they go into a community to sell products from door to door, which I imagine you might consider Avon products sales ladies like this and these various other people who sell cosmetics and home improvements and things like that, when they go into a community, they may get a license and they may not. But does this cover them in the way of sales tax and things like this? Are they covered, in other words?

Mr. PERZEL. If they are collecting the Pennsylvania sales tax, this would require them to pay it into the treasury, if that is what you are asking.

Mr. DUFFY. That is correct.

Now how about if a man goes in and sells roofing or siding and this is not covered; they do not collect any sales tax and it is not covered in this field. Are they supposed to go ahead and keep records and submit them to the proper authorities? And I know they do this, because when they file their taxes and everything else, why, they submit these records to the proper authorities. Are they covered if they do not collect any sales tax?

Mr. PERZEL. If they do not collect the sales tax?

Mr. DUFFY. Right. It is not due under what they sell.

Mr. PERZEL. I just put an amendment into the bill for nontaxable items. All they would have to do is keep a record of what they sold, as any businessman would, and if the department would ask to see the record, they would have to show the department the record.

Mr. DUFFY. All right. Now, they would not be covered then under this bill. They would have to keep their records, and they would have to submit them at the proper time if they were asked for them. Is that correct, under the amendment you put into the bill?

Mr. PERZEL. Yes.

Mr. DUFFY. All right. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate Mr. Perzel?

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

Mr. WASS. Mr. Speaker, I have a concern, coming from the rural area, about the farm market, where the man is

selling sweet corn or vegetables. Does this impact on that particular individual?

Mr. PERZEL. Mr. Speaker, if you are selling something that is nontaxable—and food is nontaxable—all it is saying is that you keep a daily record of your sales, and I am sure everybody has a record of how much they sold in a day. And if the department were to ask for the record, all they would have to say is this is how much we sold, and that would be the end of it. No, they would not.

Mr. WASS. And how long must he keep that record, or who will call on him?

Mr. PERZEL. The Department of Revenue, if they were to ask for the records; it would be them.

Mr. WASS. And how long must he have that record? Is there a designated time?

Mr. PERZEL. Well, the standard time for keeping tax records, as far as I understand, is about 7 years.

Mr. WASS. Thank you.

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

Mr. EVANS. Mr. Speaker, I would rise to oppose HB 731, primarily because in the Urban Affairs Committee we had an awful lot of discussion on this particular piece of legislation, and in regards to the city of Philadelphia as it was brought up by my colleague from Philadelphia, it was expressed that he was trying to achieve a certain goal. I had expressed during those committee hearings that I thought that this goal could be achieved in terms that the Department of Revenue and the license and inspection office in the city of Philadelphia could achieve this together without legislation.

Here I think this legislation is unneeded and untimely. I would hope that we would understand in days when we are trying to not legislate every single item, that you would look at HB 731 as one of those types of items that is really unnecessary, particularly concerning the city of Philadelphia. And I expressed to my colleague that I would hope that he could have brought together the Department of Revenue as well as the office of licenses and inspection and achieve the goal that he was attempting to achieve without trying to set up some type of legislative intent. I would ask my colleagues to defeat HB 731. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—173

Armstrong	Fee	Lloyd	Salvatore
Arty	Fischer	Lucy	Serafini
Barber	Fleck	McClatchy	Seventy
Belardi	Foster, W. W.	McMonagle	Showers
Belfanti	Foster, Jr., A.	McVerry	Shupnik
Beloff	Frazier	Mackowski	Sieminski
Berson	Freind	Madigan	Sirianni
Bittle	Fryer	Maiale	Smith, B.
Blaum	Gallagher	Manderino	Smith, E. H.
Borski	Gamble	Manmiller	Smith, L. E.
Bowser	Gannon	Marmion	Snyder
Boyes	Geist	Merry	Spencer
Brandt	George	Michlovic	Spitz
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miller	Steighner

Burns	Gray	Moehlmann	Stewart
Caltagirone	Greenfield	Morris	Stuban
Cappabianca	Greenwood	Mrkonic	Swaim
Cawley	Grieco	Mullen	Sweet
Cessar	Gruitza	Murphy	Swift
Cimini	Gruppo	Nahill	Taddonio
Civera	Hagarty	Noye	Taylor, E. Z.
Clark	Hasay	O'Donnell	Taylor, F. E.
Clymer	Hayes	Olasz	Telek
Cochran	Heiser	Pendleton	Tigue
Cohen	Hoeffel	Perzel	Trello
Colafella	Honaman	Peterson	Van Horne
Cole	Horgos	Petrarca	Vroon
Cordisco	Hutchinson, A.	Petrone	Wachob
Cornell	Irvis	Phillips	Wambach
Coslett	Itkin	Piccola	Wargo
Cowell	Jackson	Pievsky	Wass
Cunningham	Johnson	Pistella	Wenger
DeMedio	Kanuck	Pitts	Weston
DeVerter	Kennedy	Pott	Wilson
DeWeese	Klingaman	Pratt	Wogan
Daikeler	Kowalshyn	Pucciarelli	Wozniak
Dietz	Lashinger	Punt	Wright, D. R.
Dininni	Laughlin	Rappaport	Wright, J. L.
Dombrowski	Lescovitz	Reber	Zwilk
Donatucci	Letterman	Rieger	
Dorr	Levi	Ritter	Ryan,
Durham	Levin	Rocks	Speaker
Fargo	Livengood	Rybak	

NAYS—19

Anderson	Evans	Lehr	Richardson
Davies	Gallen	Miscevich	Saurman
Dawida	Haluska	Mowery	Williams, H.
Deal	Harper	Oliver	Wright, R. C.
Duffy	Kukovich	Rasco	

NOT VOTING—4

Alden	Kolter	McIntyre	Williams, J. D.
-------	--------	----------	-----------------

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1815, PN 2740**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for general powers and duties of the board of school directors in each district.

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

Mr. SWEET offered the following amendments No. A6417:

Amend Title, page 1, line 5, by inserting after "thereto," " further providing for the election of officers in second, third, and fourth class school districts and  
Amend Bill, page 2, by inserting between lines 4 and 5  
Section 1. Section 404, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended December 14, 1967 (P.L.837, No.363), is amended to read:



Section 404. Districts Second, Third and Fourth Class Permanent Organization; Election of Officers.—In each school district of the second, third and fourth class, the school directors shall effect a permanent organization by electing, during the first week of December, from their members, a president and vice-president, each to serve for one year, and shall annually, during the month of May, elect a treasurer to serve for one year, beginning the first day of July following such election, and shall, during the month of May, one thousand nine hundred and fifty-three, and every four years thereafter, elect a secretary for a term of four years, beginning the first day of July following such election. The treasurer may be any corporation duly qualified and legally authorized to transact a fiduciary business in the Commonwealth. Vacancies in the office of secretary shall be filled for the unexpired term. In school districts of the second class the secretary and treasurer shall not be members of the board. In districts of the third and fourth class they may be members of the board. The same person shall not hold at the same time more than one of the offices of president, vice-president, secretary or treasurer of any board of school directors.

The affirmative vote of a majority of all the members of the board of school directors in every school district, duly recorded, showing how each member voted, shall be required in order to take any action pursuant to this section.

No superintendent, assistant superintendent, supervising principal, or teacher shall serve, either temporarily or permanently, as an officer of the school board by which he is employed.

Amend Sec. 1, page 2, line 5, by striking out "1" and inserting

2

Amend Sec. 1, page 2, lines 5 and 6, by striking out "ACT OF MARCH 10, 1949 (P.L. 30, NO. 14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," " and inserting of the act

Amend Sec. 2, page 4, line 6, 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 Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, the effect of this amendment is to insure that when school boards elect their officers at reorganization meetings, they do so in a public fashion. There have been some school boards around the State that I think have received bad advice from their solicitors and have been told that they can vote for the president of the school board and other officers on reorganization day without doing so in a public and open fashion. I think that is a loophole in the School Code, and I think it ought to be one that is plugged. This amendment is intended to do that. I would ask for an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—192

Armstrong	Fee	Livengood	Rybak
Arty	Fischer	Lloyd	Salvatore
Barber	Fleck	Lucyk	Saurman
Belardi	Foster, W. W.	McClatchy	Serafini
Belfanti	Foster, Jr., A.	McMonagle	Seventy
Beloff	Frazier	McVerry	Showers
Berson	Freind	Mackowski	Shupnik

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

NAYS—1

Anderson

NOT VOTING—3

Alden McIntyre Nahill

EXCUSED—4

Emerson Lewis Stevens Wiggins

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

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

Mr. LASHINGER offered the following amendments No. A6390:

Amend Sec. 1 (Sec. 1310), page 3, line 11, by striking out "THE BOARD OF SCHOOL DIRECTORS, NOTWITHSTANDING" and inserting

Notwithstanding

Amend Sec. 1 (Sec. 1310), page 3, line 12, by inserting after "law,"

the board of school directors of any school district in which a private children and youth agency which operates a day treatment program under approval from the Pennsylvania Department of Public Welfare is located,

Amend Sec. 1 (Sec. 1310), page 3, lines 15 through 17, by striking out "a private children and youth agency which operates" in line 15, all of line 16 and "Department of Public Welfare." in line 17 and inserting

such an agency.  
Amend Sec. 1 (Sec. 1310), page 3, line 19, by striking out "be documented" and inserting

document  
Amend Sec. 1 (Sec. 1310), page 3, line 20, by striking out "normal" and inserting regular

Amend Sec. 1 (Sec. 1310), page 3, line 21, by removing the period after "reasons" and inserting  
: Provided, however, That nothing contained in this section shall be construed to alter or limit the educational rights of exceptional children.

Amend Sec. 1 (Sec. 1310), page 3, line 23, by striking out "of the child," and inserting  
in which such private children and youth agency is located,

Amend Sec. 1 (Sec. 1310), page 3, lines 26 through 29, by striking out "The school district shall not" in line 26, all of lines 27 and 28 and "similar costs." in line 29

Amend Sec. 1 (Sec. 1310), page 3, line 30, by striking out "sending"

Amend Sec. 1 (Sec. 1310), page 4, line 1, by inserting after "district"  
of residence

Amend Sec. 1 (Sec. 1310), page 4, line 1, by striking out "purchasing"

Amend Sec. 1 (Sec. 1310), page 4, line 1, by removing the period after "district" and inserting  
in which the private children and youth agency is located.

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

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, amendment 6390 is introduced to rectify a number of concerns that members of the House Education Committee and the general membership have brought to our attention. The major share of the amendment is more of a style change or a grammatical change as regards the definition of "board of school directors," which was the language originally used in the legislation. However, the substantive aspects of the amendment are, one, to provide that we are not tampering with the exceptional children category. That is at the bottom of the first page of the amendment. We give that guarantee. And we use further clarifying language that when we talk about the district that is going to pick up the cost for this day treatment, we are talking about the district of residence, and we just clarify that language. So more than anything, it is a style change and clarification. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—190

Anderson	Fargo	Levin	Rocks
Armstrong	Fee	Livengood	Rybak
Arty	Fischer	Lloyd	Salvatore
Barber	Fleck	Lucyk	Saurman
Belardi	Foster, Jr., A.	McClatchy	Serafini
Belfanti	Frazier	McMonagle	Seventy
Berson	Freind	McVerry	Showers
Bittle	Fryer	Mackowski	Shupnik
Blaum	Gallagher	Madigan	Sieminski
Borski	Gallen	Maiale	Sirianni

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

NAYS—0

NOT VOTING—6

Alden	Foster, W. W.	Moehlmann	Williams, J. D.
Beloff	McIntyre		

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

Mr. COWELL offered the following amendment No. A6010:

Amend Sec. 2, page 4, line 6, by striking out "in 60 days" and inserting  
July 1, 1982

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

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is being introduced at the request of a number of school districts. It changes only the effective date of the bill from 60 days after adoption to July 1, 1982. It insures there would be no fiscal impact on school districts for the current fiscal year.

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

Mr. LASHINGER. Mr. Speaker, I would urge the membership to support the amendment.

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

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—8

Alden	Cohen	Greenfield	Vroon
Beloff	Gray	McIntyre	Weston

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. O'DONNELL. Will Mr. Lashinger consent to interrogation?

The SPEAKER. The gentleman, Mr. Lashinger, indicates he will stand for interrogation. The gentleman, Mr. O'Donnell, may proceed.

Mr. O'DONNELL. Mr. Speaker, your amendment I think clarifies the bill, but I have a question on page 3 concerning sections (b) and (c).

Section (b) empowers a board of school directors to make a contract for the instruction of children. Is that the school board of the district of the child's residence or is that the school board of the district where the child is at the day program?

Mr. LASHINGER. I think it is fair to say, Mr. Speaker, that the amendment would make it the district where the institution is located, the institution where the child is being served. That is what we are talking about; that is who would contract for the services.

Mr. O'DONNELL. Okay.

In section (c), the board of school directors that is referred to there that picks up the tab for the service is the board of the child's residence, if that can be ascertained. Is that right?

Mr. LASHINGER. That is correct.

Mr. O'DONNELL. Thank you, Mr. Speaker.

Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. O'DONNELL. Mr. Speaker, I would like to call your attention to two points that have just been brought out by Mr. Lashinger. What you have in this bill is an opportunity for a board of school directors to make a contract for the education of children who are essentially not their children, the costs to be picked up by the school district where the children live. Now, this is a solution, but not a very good one, to a problem that we have in counties in southeastern Pennsylvania where children who live in one county may be receiving a day treatment program as a result of a referral from the court system or otherwise, and in the course of that day treatment, there may be an educational component. The educational component may not be in any way synonymous with the education they would have received if they were going to school back home.

The educational component now under this bill may be provided by that other school district. That is fairly logical until you get to the point that the price within the maximum tuition rate will be decided by two parties, neither of whom is paying the bill. The school district and the program out in the other county, not the county of residence, will decide on what the costs shall be to be paid by the school district in the county where the child came from. The potential for the shift of an

enormous financial burden, which in Philadelphia County would be in excess of \$2 million, is thus presented by this bill.

I think that there is a very real problem that we have to deal with with children crossing county lines for program purposes, but the way to respond to that problem is not to leave that price to be paid solely in the discretion, solely in the hands, of people who will not have to pay the bill. I urge you to vote "no" on the bill. Thank you.

#### MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair requests the gentleman from York, Mr. Anderson, to preside temporarily.

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

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, point of parliamentary inquiry.

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

Mr. COWELL. Mr. Speaker, do we have a fiscal note on HB 1815?

The SPEAKER pro tempore. The gentleman, Mr. Lashinger, states that we do not have a fiscal note.

Mr. COWELL. If I may pursue the point of parliamentary inquiry then, Mr. Speaker, it is my understanding that the rules of the House would require a fiscal note to be prepared for a bill of this sort that might reasonably have a fiscal impact on certain school districts of the Commonwealth. Would that be correct?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger, who seems willing to respond to the gentleman, Mr. Cowell.

Mr. LASHINGER. Yes, Mr. Speaker, thank you.

In response to Mr. Cowell, there is not an overall fiscal impact to the Commonwealth. We are talking about a transfer of funds between school districts when they contract for these services. We would not do a fiscal note estimating the impact on the 500-and-some-odd school districts in the Commonwealth unless it had an overall impact.

Mr. COWELL. Well, then may I interrogate the sponsor of the bill, Mr. Speaker?

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation.

Mr. COWELL. Mr. Speaker, could you indicate if any analysis has been prepared by your office or by anyone else that might suggest what fiscal impact might occur for any of the school districts of the Commonwealth or all of them collectively? I ask because there is concern about just how this in fact would work and what the implications might be for some of the larger school districts of the State.

Mr. LASHINGER. Mr. Speaker, we have not done any printout or any cost runs on what the estimates would be. I

can only say that during a lengthy debate in committee on this matter, everyone has overestimated, I think, the overall impact. In fact, they have read things into the legislation that are not there.

We have a total capacity in the day treatment programs in the Commonwealth of 1,037 students, pretty well distributed geographically across the Commonwealth. In fact, I would say that in the geographic distribution, maybe that major share really is limited to the southeastern region and not necessarily in the western part of the State. That is all I can give you at this point.

Mr. COWELL. Mr. Speaker, could you describe for us who is paying the bills for students enrolled in those programs now?

Mr. LASHINGER. That has been the problem. Unless we resolve this, right now we continue to be at loggerheads with DPW (Department of Public Welfare) on this policy as to whether they would pay for the educational component of these children and youth programs. It has not, to date, been resolved. Most of the day treatment centers are living on borrowed time for the balance of this fiscal year, waiting for a final word from the Department of Public Welfare on this. We attempted to work with the Departments of Education and Welfare to solve this problem administratively. We have had no success, and that is why we have had to resort to this legislation.

Mr. COWELL. Do I understand correctly, Mr. Speaker, that some people have argued that the Department of Public Welfare ought to be paying the bill?

Mr. LASHINGER. That is a fair assessment.

Mr. COWELL. And do I also read the legislation correctly to understand that rather than the Department of Welfare being asked to pay the bill, the financial responsibility has been shifted to local school districts, particularly those districts where these facilities exist?

Mr. LASHINGER. That is correct.

Mr. COWELL. And is there a particular reason, Mr. Speaker, why a decision was made to really absolve the Department of Public Welfare of any responsibility and shift the legal responsibility for payment to those districts where the facilities exist?

Mr. LASHINGER. I agree with Mr. Cowell. I know where you are going with that debate. I agree with you. Ideally it would be my hope that we could have worked this out with the Department of Public Welfare.

If you remember back in 1979, a few of the legislators from different parts of the State who had these court-adjudicated delinquents in specific schools adopted legislation to take care of those residential treatment programs, because we had a similar problem. We thought we could work it out administratively with both departments, Education and Welfare.

We continue—we who are interested in this end of youth services—to insist with the department that they are responsible; this is a continuum of care, that education and social services are all one package and not to be separated as they would hope to separate. As we experience this ongoing battle for dollars or turf battles between the various departments in

the Commonwealth, we continue to experience these problems. Again, ideally I would like to go back and resolve it administratively, but we have been attempting to do that for the balance of this year.

Mr. COWELL. Mr. Speaker, a final question. I understand the need to work it out legislatively because we have not been able to resolve it administratively. Why can we not work it out legislatively by replacing that language that gives the financial responsibility to the school districts and instead give that responsibility to the Department of Public Welfare?

Mr. LASHINGER. Well, Mr. Speaker, I think we are giving that responsibility to the school districts. In fact, your initial question was, are we doing that in the legislation?

Mr. COWELL. No. I am asking why can we not give it to Public Welfare instead of those school districts, and do so with this legislation with an appropriate amendment?

Mr. LASHINGER. I think this will sound absurd, but even with the legislative mandate, we will continue to battle the department on distributing those moneys to these respective schools.

We encountered the same exact problem with the five or six Act 148 residential schools that we legislated for some 2 years ago. We had to go this way because of the same identical problem. I do not think Secretary Scanlon and Secretary O'Bannon have both gone public with this and discussed this issue, and neither agrees as to who is to assume the responsibility for the total package.

Mr. COWELL. And so, Mr. Speaker, is your response that rather than go through the hassle with the department and rather than risk even them ignoring a legislative mandate, we simply choose to put the burden on the local school districts? Is that the approach we are using?

Mr. LASHINGER. Well, I think it is partly compatible with the philosophy today and I think it would receive a lot of favor from the membership to simply allow school districts as HB 1815 does, and HB 1816 allows intermediate units, to purchase these instructional services for their children, for their students, and I think that is what it is. It is sort of a local option-type concept that yes, school district, you can go out and if you have a child whom you do not have the particular program for who is court adjudicated, then you can contract for these services with your dollars—understand that it is going to be basic instructional subsidy money—contract for these services with these schools, with these day treatment programs. I think that is compatible with the philosophy that seems to be prevailing today.

Mr. COWELL. But, Mr. Speaker, rather than telling the school district through HB 1815 that you can purchase these services for your children, as you put it, you have really suggested that the bill is going to be paid by those school districts where the facilities are rather than by those school districts where the children actually reside.

Mr. LASHINGER. I am sorry. Could you repeat that, Mr. Speaker?

Mr. COWELL. Did I not understand you to explain to Representative O'Donnell earlier that rather than actually a school district going out and purchasing a service for their

children, what we are really doing with this legislation is saying, if you happen to have a facility in your school district, that school district will pay, but it will not necessarily be the school district that is the place of residence of the youngster?

The SPEAKER pro tempore. For what reason does the lady from Susquehanna, Miss Sirianni, rise?

Miss SIRIANNI. Mr. Speaker, may I ask a question regarding this bill to clarify something?

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Cowell, has the floor. Did you wish to address a question to Mr. Cowell?

Miss SIRIANNI. I would like to ask him a question, Mr. Speaker.

The SPEAKER pro tempore. The Chair will recognize the lady as soon as the gentlemen are through.

Mr. COWELL. Mr. Speaker, I would be happy to respond to questions after I have had a chance to ask mine, so I may get some information that I can share with the lady, Miss Sirianni. Otherwise, she may care to listen to our interrogation, but I would like to continue mine.

I had finished the question, and I was awaiting a response from Representative Lashinger.

The SPEAKER pro tempore. The gentleman, I understand, is through with his interrogation?

Mr. COWELL. No. I had finished a question, and I was awaiting a response from Representative Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I guess what again—Practically, when you look at this whole picture pragmatically, what Mr. O'Donnell says is true, but in terms of the needs of these children, there will be districts like the Philadelphia School District, because of this battle for these basic instructional subsidy dollars, to keep them in the district, to keep their staff of teachers employed at this point, not to farm out those children to other day treatment centers, keep the program going in the school. I do not think that they will refer these children to day treatment programs. That is why that language.

I think the bottom line here and the interest that we have at heart is that of the child. It is a known quantity that these day treatment programs are working; in fact, they are more cost efficient than some of the residential treatment programs—I know we are not talking about that issue right now—but more cost efficient than some of the residential treatment programs that we have on line, and we know for a fact that some districts for these hard-to-deal-with, troubled delinquents do not have programs but yet will still keep these children in the school district for other reasons, and you know those reasons, and that is why the amendment. I understand what Mr. O'Donnell is saying. If you consider the children that we are talking about, though, who deserve to be in these programs, they are the people who will suffer if you listen to the O'Donnell argument. They will not make referrals that should be made.

Mr. COWELL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, may I interrogate Mr. Lashinger?

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. The lady may proceed.

Miss SIRIANNI. Mr. Speaker, does the money follow the child?

Mr. LASHINGER. I am sorry. I did not hear the lady.

Miss SIRIANNI. Does the money follow the child in your bill?

Mr. LASHINGER. Yes, it does, Mr. Speaker.

Miss SIRIANNI. Well, is that not what it should do, follow the child? Why should the district that is not educating the child get the money? Should the district that is educating the child not have the money?

Mr. LASHINGER. To clarify for the lady, I think she is misunderstanding what we have been saying. The money will follow the child. When the respective school district contracts for this service with a Sleighton School or St. Michael's, which you have in your district, the money then will be deducted from that respective school district, the district of residence, from their—

Miss SIRIANNI. But your bill covers it so that it follows the child?

Mr. LASHINGER. It does. It is very explicit.

Miss SIRIANNI. Well, is that not the way it should be?

Mr. LASHINGER. That is my impression. I think that is what the majority of the members of the House would like to see. That is why we drafted it that way.

Miss SIRIANNI. Thank you.

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

Mr. MILLER. Thank you, Mr. Speaker.

Will the gentleman, Mr. Lashinger, stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman from Lancaster may proceed.

Mr. MILLER. Mr. Speaker, I am somewhat interested in the art of the language in section (b), page 3, of the bill, and I might stand to pose my question, Mr. Speaker, and it is this: Currently, under our children and youth agency programming, county by county, courts may place a juvenile in a given institution where basic instruction is a requirement of the institution, and those under DPW language and terms and conditions have traditionally been paid for out of DPW funds, number one.

And number two, the State has traditionally made the accommodation of permitting a home school district in the area of that DPW treatment center the option of collecting on a straight per WADM (weighted average daily membership) basis under their normal school subsidy reimbursement, reimbursement for educating those children. There is one good example I am familiar with, and that is George Junior Republic out in western Pennsylvania, wherein the Grove City School District receives a traditional WADM support. In none of those examples, particularly the George Junior example, do the home school districts of those children pay the bill.

Under the language of your amendment, would it be the option of the Department of Public Welfare to bill back those home school districts for the charges applied to the education of the children that originally came from that school district of residence?

Mr. LASHINGER. Before I answer the gentleman's question, could he clarify— Are you talking about instructional services? When you say "charges," I just want to be clear before I answer that you are not talking about other charges, transportation charges.

Mr. MILLER. Yes, sir. I have read, Mr. Speaker, the language of the bill which excludes extraneous charges, but I must get to the heart of the introductory language, which is rather vague, in my opinion, and it suggests only day treatment, and my question was framed around the day treatment aspect.

Will the home school district be now billed? The art of the language says "may" and indicates to all of us who are concerned with school costs that it is an option for the home school district, but is it, sir, the intent of DPW to go ahead and directly bill home school districts for any service that it feels is appropriate under the current court order for a given child? It either is or it is not. This is not a complicated bill.

Mr. LASHINGER. That was the intent, Mr. Speaker.

Mr. MILLER. Thank you, Mr. Speaker.

I stand to make remarks on the bill.

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

Mr. MILLER. Mr. Speaker, as the gentleman, Mr. O'Donnell, pointed out, there is a rub in this legislation. Two parties will be establishing a service and a billing to be submitted to a third party, and that is your home school district, for a service that the court has ordered and for a further service that DPW has heretofore provided and the Department of Education has fairly reimbursed under their reimbursement schedules when a home school district is indeed providing basic instructional subsidy.

It, sir, remains a back door into the coffers of our public school treasuries at a time when local tax revenues are waning, when State subsidies are waning, and I recommend very earnestly to this chamber that we take pause with this piece of legislation, either return it to committee, if someone is so moved to make that move, or reject it here and now on the House floor. We cannot and should not permit our local school districts to be once again the victims of artful language which suggests on its surface they may in their own discretion pay a bill when indeed we may fully expect the Department of Public Welfare to bill them for services that they have neither any control over in terms of quality education or in terms of total cost.

I earnestly request this chamber to reject the language of the bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the Chair understand that the gentleman made a motion to recommit?

Mr. MILLER. Mr. Speaker, I am recommending a "no" vote. If there is sentiment for recommitment, that need come from elsewhere. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, just to clarify a few points. I could go through the list of the 20 day treatment centers and make an emotional appeal to a large share of the members in the House and say what would happen if the funding is not changed for these day treatment programs. If you are not aware—and it does become a complicated area, and I know Representative Miller and others have worked in it for a number of years—these children whom we are talking about are generally the delinquent children whom the districts are, one, not equipped to deal with; two, really not willing to deal with; and three, really not prepared for financially, because of the added cost in dealing with this type of child and also because of the disruptive nature and the impact that this child has on other children in the classroom.

So what will happen in your respective districts or those where you have these day treatment programs where these 1,000-some-odd students are currently functioning at, someone is going to have to absorb the cost. It appears the counties will ultimately end up with this cost; your respective county commissioners or county supervisors will end up with these costs. They have already told us that they will not absorb the costs, and as a result, the day treatment programs throughout Pennsylvania will be in financial jeopardy and most likely end up closing. So the problem that Representative O'Donnell and Representative Miller talked about will come back to haunt us. The school districts will not want these children back. While they say that they probably can handle them, or they have a classroom for these court-adjudicated delinquents, they will not want these children back in. What happens to these children then, they continue to float out there until we come back and arrive at some solution.

It is sad that we have been brought to our knees. Administratively the program was functioning quite well up until this point, until the Department of Education and DPW got into this turf battle. It was also clear in Act 148 of 1976—and Representative Miller was a part of that debate—that we were talking about not just residential treatment programs for these children; we were clearly talking about day treatment programs. Well, administratively again, DPW has come back and said, you were not talking about day treatment programs. If you look at the act, I think it is pretty clear that we were talking about all services for court-adjudicated delinquents. So it is a high priority. If you have the interest of these children at heart, you have to make this a high-priority item.

Again, the argument about the districts, that we are unfairly burdening the districts, it is their responsibility. These are their children. They are not another district's children; they do not belong to the State as a whole; they belong in one individual district in the Commonwealth, and that district should have the responsibility despite the problems of contracting for services and the problems that that will create, because it gives the ability to the school where the child is located—it might not be the district of residence at the time—but it gives that ability to that school to contract for the ser-

vices. I understand how awkward that is for some school districts and I understand the problems it might create, but the interest of the children that we are talking about outweighs that.

It surprises me that we are talking about—and I do not think we are talking about excessive costs. I continue to hear about the excessive costs. What excessive costs? They are the most cost-efficient programs that we have going in the Commonwealth today. Look at the schools. Look at the programs that they run. Look at the way they run them. They are good programs. They are proven; they are efficient, and they are doing things that the public schools cannot do.

With that, Mr. Speaker, I would ask the House to support HB 1815.

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

Mr. MILLER. Thank you, Mr. Speaker.

The gentleman, Mr. Lashinger, makes excellent points. Day treatment programs for basic education are successful in this Commonwealth. They are cost efficient. There is no qualm with that argument. Where I take umbrage as a member of this chamber with the proposal you have before you today is very simply in the critical aspect of who makes the decision and how much is it going to cost for one critical reason.

Under Act 148 day treatment programs are permitted and are indeed encouraged, and it remains the responsibility of this Commonwealth to assume its fair share of that funding. What is not the time to pursue right now is the concept that we should throw the entire bill to the local school district because now the Department of Public Welfare does not have the wherewithal to provide that funding. Those, sir, are policy debates that need be made in this chamber on the merits of day treatment programs for basic education and not on the demerits and the specific demerits of the local effort of public schools, because that local effort is a measure of the real estate taxes that are paid out there and a measure of the nuisance taxes that are paid that we all hear about.

We begin to cloud the two issues. Where does the money come from, and who has the responsibility for setting up the programs? To continue to mandate specific services onto our public education system at a time when funds are tight everywhere, when indeed we now have a mechanism to mandate funding, we can fund day-care basic treatment and basic education programs in the local school districts if that is the will of our local courts and the will of our local school districts and the will of us collectively through our support funding of Act 148. That decision is ours to make. Why give it up and pass it on by default to school directors who will have to pick up a bill that they neither have incurred in the decisionmaking process of educational soundness of that program nor have incurred in terms of their traditional obligations as public educators.

It is a tough issue, but the way to not solve it is to throw it carte blanche at the public school director who still, Mr. Speaker, is working for free. He will work for free for those day-care treatment programs if indeed the State meets its responsibility. But when the State fails to, he is going to ask

that key question: Where is the funding that ought to be coming for the child who needs special programming? I thank you, Mr. Speaker, and earnestly encourage a negative vote on the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I hesitated to comment, and I want to clarify a couple things.

One, what Mr. Miller is saying is absolutely correct and what we said at the outset of the debate with Representative O'Donnell is that I wish we could. And you are absolutely correct that Act 148 is clear; it is explicit. I think we should not even be addressing the funding problem. But if you go over to DPW, or if you talk to the day treatment schools and find out what is happening from a practical standpoint, they are not being reimbursed. If we could wave a magic wand, if Representative Miller, Representative O'Donnell, some others could work it out with the department, then we would be much happier and we would not be forcing this legislation on the membership today. It is critical. They are not being reimbursed despite what Representative Miller said. I agree with what he said. Theoretically he is correct; practically speaking he is wrong.

One other issue, Mr. Speaker. There is a safety net in here. Mr. Speaker, for those who have the bill in front of them, there is the type of language— Representative Miller talked about foisting a new burden on the local school district. If you do look at that subsection that he talked about on page 3, we were very careful in adding language that said before the board of school directors purchases educational service for a specific child, it must be documented that the child cannot receive appropriate educational services in a normal classroom setting because of behavioral or psychological reasons, and we added other refining language later in the amendment. That is the safety net feature. I think that is the direction that the chamber would like to see us move with any amendments to the Public School Code.

I agree with you. There is a potential for some new cost to that district. We are still giving them, though, in this amendment, some new added decisionmaking power that they can find that appropriate program in their respective school districts, and then resolve the whole problem and not have to farm the child out to a day treatment program. So I think the safety net language—for loss of a better phrase—is in there and it is the kind of language that the members would be looking for in this type of legislation. With that, Mr. Speaker, I would continue to ask for the support for HB 1815. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—13

Bittle	Heiser	Reber	Ryan,
Civera	Lashinger	Saurman	Speaker
Gallen	McClatchy	Smith, L. E.	
Gannon	Micozzie	Spencer	

NAYS—179

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

NOT VOTING—4

Alden	Kanuck	McIntyre	Morris
-------	--------	----------	--------

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

The SPEAKER. The Chair thanks the gentleman from York, Mr. Anderson, for temporarily presiding.

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1816, PN 2741**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for institutions with day-treatment programs.



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

**BILL RECOMMITTED**

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

Mr. LASHINGER. Mr. Speaker, I move that HB 1816, PN 2741, be recommitted to the Committee on Education.

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?  
Mr. DORR offered the following amendments No. A6644:

Amend Title, page 1, line 10, by inserting after "penalties," " excluding auxiliaries of volunteer firemen's organizations and certain organizations of high school students from the sales tax for education,

Amend Bill, page 1, by inserting between lines 20 and 21

Section 1. Clause (10) of section 204, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," is amended to read:

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

\*\*\*

(10) The sale at retail to or use by (i) any charitable organization, volunteer firemen's organization or any auxiliary of a volunteer firemen's organization, any organization the purpose of which is the teaching of high school students the principles of the American free enterprise system or any organization the purpose of which is the promotion of the appreciation of and education in American History and good citizenship, or nonprofit educational institution, or (ii) a religious organization for religious purposes of tangible personal property or services: Provided, however, That the exclusion of this clause shall not apply with respect to any tangible personal property or services used in any unrelated trade or business carried on by such organization or institution or with respect to any materials, supplies and equipment used in the construction, reconstruction, remodeling, repairs and maintenance of any real estate, except materials and supplies when purchased by such organizations or institutions for routine maintenance and repairs.

\*\*\*

Amend Sec. 1, page 1, line 21, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 22 and 23, by striking out " act of March 4, 1971 (P.L.6, No.2), known as the" in line 22 and all of line 23 and inserting

of the act,

Amend Sec. 2, page 4, line 12, by striking out "2" and inserting

3

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

4

Amend Sec. 4, page 9, line 9, by striking out "4" and inserting

5

Amend Sec. 5, page 10, line 1, by striking out "5" and inserting

6

Amend Sec. 6, page 12, line 7, by striking out "6" and inserting

7

Amend Sec. 7, page 12, line 30, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 5, by striking out "8" and inserting

9

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

10

Amend Sec. 10, page 13, line 22, by striking out "10" and inserting

11

Amend Sec. 11, page 22, line 28, by striking out "11" and inserting

12

Amend Sec. 12, page 23, line 10, by striking out "12" and inserting

13

Amend Sec. 13, page 24, line 7, by striking out "13" and inserting

14

Amend Sec. 14, page 24, line 25, by striking out "14" and inserting

15

Amend Sec. 15, page 25, line 28, by striking out "15" and inserting

16

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

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

Mr. DORR. Mr. Speaker, the amendment proposed would exempt from the sales tax the following three nonprofit types of groups: first, auxiliaries of volunteer fire companies; second, junior achievement organizations and those organizations which are similar in character; and third, organizations such as the Daughters of the American Revolution.

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

Mr. WILSON. Would the gentleman consent to interrogation, please?

The SPEAKER. The gentleman, Mr. Dorr, indicates he will consent to interrogation. The gentleman may proceed.

Mr. WILSON. Mr. Speaker, would you tell me what the fiscal impact is? I was unable to get any estimate from Revenue on your amendment.

Mr. DORR. So was I, Mr. Speaker.

I cannot imagine that the amendment would have any serious or even substantial impact on revenues. The organizations involved— Frankly, there are very few volunteer fire auxiliaries that are not already, for a practical matter,

exempted. The fact is that there is selective enforcement of the technicality that auxiliaries are not, as I said, technically the volunteer fire company and therefore are not technically covered by the law today, but in fact the Revenue Department collects very little sales tax from auxiliary fire companies.

The other two organizations are so minor in character in terms of their purchases on an annual basis that I cannot imagine it would have any substantial impact.

Mr. WILSON. In the commotion when you introduced your amendment, did I hear you say—and this puzzled me, too, in reading it—that any organization the purpose of which is the teaching of high school students the principle of the American free enterprise system is defined someplace?

The SPEAKER. Will the gentleman yield, please? Would the gentleman, Mr. Wilson, repeat his question?

Mr. WILSON. I just asked the gentleman if he had, prior to my interrogation—perhaps I did not hear him in the turmoil—defined what he means by any organization the purpose of which is the teaching of high school students the principles of the American free enterprise system? Is there a definition someplace that specifically enumerates and defines the organizations that would fall under this, or does everybody not teach the American free enterprise system in America?

Mr. DORR. I know of no organization which does that except the Junior Achievement Organization, and that is the specific organization to which we targeted the language. The reason we did not use the name of that organization is that we have made a practice of not doing that, and this is the best language we could come up with which represents that kind of an organization. There may be one or two other types of other organizations of the same type that we would probably also want to cover, and that is the reason we used the generalized language. But that is the targeted group, organizations like Junior Achievements.

Mr. WILSON. If I were to say that the purpose of my organization was teaching the American free enterprise system, because I am in business in the Commonwealth of Pennsylvania under the American free enterprise system, how would I not qualify? I am sure that you do not want me to qualify, but how would I be eliminated?

Mr. DORR. Well, if you are in fact doing that and that is the purpose of your organization, I think you would qualify. The question really is a matter of enforcement. If you are not doing that but saying you are, it is a matter for the Revenue Department to determine that.

Mr. WILSON. Who polices and determines the definition of my purpose?

Mr. DORR. The Revenue Department.

Mr. WILSON. The Revenue Department. Okay, Mr. Speaker. Thank you.

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

Mr. ITKIN. Mr. Speaker, would the sponsor of the amendment consent to interrogation?

The SPEAKER. The gentleman, Mr. Dorr, will stand for interrogation. The gentleman, Mr. Itkin, may proceed.

Mr. ITKIN. Mr. Speaker, I assume that the reason for these amendments to the definition of what shall be excluded from the sales tax means that these organizations are not considered to be charitable organizations by the Department of Revenue. Is that correct?

Mr. DORR. That is correct.

Mr. ITKIN. I would assume, since you have enumerated a few organizations, that there are other organizations that have a similar purpose or like purpose that will not receive this type of favored status. For example, you mention Junior Achievement as some worthwhile organization that should be exempted from the sales tax. Would the Boy Scouts of America or a boys' club receive the same type of consideration if we adopted your amendment?

Mr. DORR. In my judgment, Mr. Speaker, they would not, because they do not state that the purpose of their organization is the teaching of high school students the principles of the free enterprise system. They may do that incidentally, but I do not think they would claim that that is the purpose of their organization.

Mr. ITKIN. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, although I have no objections to these particular organizations enumerated by the maker of the amendment to receive this type of an exemption, I am very disturbed that this attempt to provide this type of exemption by specifically defining selective classes of organizations for exemption and failing to consider many, many other worthy organizations is a very, very bad route to travel. I see that if this amendment were to pass, then next month or next year we will have another member coming into this General Assembly believing that a specific organization ought to be exempted, and we will have a tax law composed of hundreds and maybe thousands of organizations enumerated that would receive such an exemption, and those that were not specifically enumerated would not receive the same type of fair deal.

Mr. Speaker, I say that because for several years I have been attempting to make equivalent the way we treat charitable organizations and organizations of this nature along with what the Federal Government treats as a charitable organization. I have an amendment coming down that will not only include these organizations but would treat every one of like character. Basically, the amendment that I will offer to this bill will say that any organization that is defined as a charitable organization, defined under the IRS (Internal Revenue Service) Code, shall be given equal status and equal treatment under Pennsylvania law, and those worthwhile organizations will not have to pay a sales tax in the purchase of goods that they use in pursuit of their goals, these worthy goals.

Mr. Speaker, I would urge the House to reject the specifics of this legislation and then subsequently support the broader based legislation which I intend to introduce which would provide equal footing for every worthwhile charitable organization as far as it relates to Pennsylvania. To exempt the Junior Achievement and to give them the tax benefit without giving the Boy Scouts of America such a tax exemption,

giving the Daughters of the American Revolution a tax exemption but not giving another worthwhile historical agency, the ISDA, the Italian Sons and Daughters of America, is not fair, and I would urge this House to reject this amendment but subsequently to approve a much more broad, comprehensive, and equitable amendment. Thank you, Mr. Speaker.

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

Mr. DORR. Mr. Speaker, I will try to be brief. I do not disagree with the gentleman's approach. I in fact have worked with him on occasion to try to develop something along the lines that he suggested about expanding the definition of "charitable organization," and I am in favor of that.

One of the problems that I have with the approach that he is taking, however, is— And I have not seen the amendment; it may make a difference how it is drawn, but there are hundreds of organizations out there that you and I as legislators would like to see continue because they do good work in our communities and in fact save us from having to raise revenues to do the kind of work that they are doing. The problem is that they may not have qualified under the Internal Revenue Code for charitable treatment. As I said, depending on how the amendment is drawn, that may or may not be covered as a part of his amendment, but I would urge the House to vote for this amendment which does not specify these organizations. I mentioned some only as matters of legislative history and to try to give you some examples of what we were trying to cover. There is fairly broad language on these particular groups, and I would urge the members to favor these groups. If they have others, then we may have to do that, and I probably would support the gentleman's amendment regarding charitable organizations as well. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—123

Anderson	Foster, W. W.	Levi	Showers
Armstrong	Foster, Jr., A.	Livengood	Sieminski
Arty	Frazier	Lloyd	Sirianni
Belardi	Freind	McClatchy	Smith, B.
Belfanti	Fryer	McVerry	Smith, E. H.
Bittle	Gallagher	Mackowski	Smith, L. E.
Blaum	Gallen	Madigan	Snyder
Bowser	Gannon	Manmiller	Spencer
Boyes	Geist	Marmion	Spitz
Brandt	George	Merry	Stairs
Burd	Gladeck	Micozzie	Swaim
Burns	Greenwood	Miller	Swift
Cessar	Grieco	Moehlmann	Taddonio
Cimini	Gruitza	Morris	Taylor, E. Z.
Civera	Gruppo	Mowery	Taylor, F. E.
Clark	Hagarty	Mullen	Telek
Clymer	Haluska	Nahill	Tigue
Cochran	Hasay	Olasz	Vroon
Cole	Hayes	Perzel	Wambach
Cornell	Heiser	Peterson	Wass
Coslett	Honaman	Petrarca	Wenger
Cunningham	Hutchinson, A.	Phillips	Weston
DeVerter	Jackson	Piccola	Williams, H.
Daikeler	Johnson	Pitts	Wogan
Davies	Kanuck	Punt	Wozniak
Dietz	Kennedy	Reber	Wright, J. L.
Dininni	Klingaman	Ritter	Wright, R. C.

Dorr	Kowalyszyn	Rybak	Zwilk
Durham	Lashinger	Salvatore	
Fargo	Lehr	Saurman	Ryan,
Fischer	Letterman	Serafini	Speaker
Fleck			

NAYS—64

Barber	Duffy	Lucyk	Rappaport
Beloff	Evans	McMonagle	Richardson
Borski	Fee	Maiale	Rieger
Brown	Gamble	Manderino	Rocks
Caltagirone	Grabowski	Michlovic	Seventy
Cappabianca	Gray	Miscevich	Shupnik
Cawley	Greenfield	Mrkonic	Steighner
Cohen	Hoeffel	Murphy	Stewart
Colafella	Horgos	Oliver	Sweet
Cordisco	Irvis	Pendleton	Trello
Cowell	Itkin	Petrone	Van Horne
DeMedio	Kolter	Pievsky	Wachob
Dawida	Kukovich	Pistella	Wargo
Deal	Laughlin	Pott	Williams, J. D.
Dombrowski	Lescovitz	Pratt	Wilson
Donatucci	Levin	Pucciarelli	Wright, D. R.

NOT VOTING—9

Alden	Harper	Noye	Rasco
Berson	McIntyre	O'Donnell	Stuban
DeWeese			

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

On the question,

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

Mr. DORR offered the following amendments No. A5562:

Amend Title, page 1, line 10, by inserting after "penalties," " providing for additional exclusions from compensation for personal income tax purposes,

Amend Bill, page 1, by inserting between lines 20 and 21

Section 1. Clause (d) of section 301, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," amended May 9, 1972 (P.L.273, No.66), is amended to read:

Section 301. Definitions.—The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning. Any reference in this article to the Internal Revenue Code shall include the Internal Revenue Code of 1954, as amended to the date on which this article is effective:

\*\*\*

(d) "Compensation" means and shall include salaries, wages, commissions, bonuses and incentive payments whether based on profits or otherwise, fees, tips and similar remuneration received for services rendered, whether directly or through an agent, and whether in cash or in property.

The term "compensation" shall not mean or include: (i) periodic payments for sickness and disability other than regular wages received during a period of sickness or disability; or (ii) disability, retirement or other payments arising under workmen's compensation acts, occupational disease acts and similar legislation by any government; or (iii) payments:

(A) commonly recognized as old age or retirement benefits paid to persons retired from service after reaching a specific age or after a stated period of employment;

(B) made by employers to employees of all of such employees' pension benefits when the employer terminates the pension program; or

(C) made by employers to employes of pension benefits when the employer terminates the employe's position; or

(iv) payments commonly known as public assistance, or unemployment compensation payments by any governmental agency; or (v) payments to reimburse actual expenses; or (vi) payments made by employers or labor unions for programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement; or (vii) any compensation received by United States servicemen serving in a combat zone.

\*\*\*

Amend Sec. 1, page 1, line 21, by striking out "1" and inserting

2

Amend Sec. 1, page 1, line 21, by striking out "SUBSECTION" and inserting clause

Amend Sec. 1, page 1, lines 22 and 23, by striking out "act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," " and inserting

of the act

Amend Sec. 2, page 4, line 12, by striking out "2" and inserting

3

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

4

Amend Sec. 4, page 9, line 9, by striking out "4" and inserting

5

Amend Sec. 5, page 10, line 1, by striking out "5" and inserting

6

Amend Sec. 6, page 12, line 7, by striking out "6" and inserting

7

Amend Sec. 7, page 12, line 30, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 5, by striking out "8" and inserting

9

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

10

Amend Sec. 10, page 13, line 22, by striking out "10" and inserting

11

Amend Sec. 11, page 22, line 28, by striking out "11" and inserting

12

Amend Sec. 12, page 23, line 10, by striking out "12" and inserting

13

Amend Sec. 13, page 24, line 7, by striking out "13" and inserting

14

Amend Sec. 14, page 24, line 25, by striking out "14" and inserting

15

Amend Sec. 15, page 25, line 28, by striking out all of said line and inserting

Section 16. (a) Section 1 of this act shall take effect immediately and shall be retroactive to September 1, 1974.

(b) The remainder of this act shall take effect January 1, 1982.

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, as the members know, the income tax law of Pennsylvania does not tax pension benefits when received by the workers of Pennsylvania when they have retired. The nature of the law, as I understand it, however, is that benefits, when they are paid under some unusual circumstances, are in fact taxed. For example—and these are the two amendments that I would like the members to consider—when an employer terminates a pension program, just stops adding into the pension program, and says that we are not going to have a pension program so here is all your pension money that you have in this program, the workers in that circumstance must pay income tax on those benefits when received. That is, in effect they must pay a lump sum, 2.2 percent at present rates, on the pension benefits as they are paid to them. The other circumstance is when the employer terminates the employee's position, in that he says, you no longer have a job; you do have some pension benefits so here they are. Under those circumstances also, a person receives his pension, whatever is in the pension fund for him, his vested rights so to speak, and in that circumstance must pay income tax on those pension benefits.

It does not seem to me to be logical to say to a person, if you retire, your pension benefits are tax exempt, but if through no fault of your own you receive your pension benefits all at once, you must pay taxes on them, and I would like to ask the members to consider amending the law so that we exempt those two circumstances from income taxation.

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

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

May I interrogate the gentleman, Mr. Dorr, please?

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

Mr. DOMBROWSKI. Mr. Speaker, do you have a fiscal note for this amendment?

Mr. DORR. Mr. Speaker, I do not have a fiscal note. There was fiscal information provided. I do not have it. Frankly, when it was told to me what the numbers were, I could not believe the numbers, and therefore, I asked the Revenue Department or the Budget Office to reexamine them. I just a few minutes ago called the Budget Office and asked them for the results of that, and they indicated that they have not gotten the results ready for us. Again, I cannot believe that the numbers are significant in this circumstance because there are not that many lump-sum pension distributions in a given year, I do not think.

Mr. DOMBROWSKI. Mr. Speaker, that is the end of my interrogation. I would like to make a brief statement.

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

Mr. DOMBROWSKI. Mr. Speaker, our staff had a fiscal note prepared for this amendment, and according to the figures given to our staff, in the 1981-82 fiscal year it would

cost \$189 million because it is a retroactive amendment, and for the 1982-83 fiscal year it would cost \$28 million. Mr. Speaker, I hardly believe that we should pass such legislation with an amendment, and I am going to ask for a negative vote.

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

Mr. WILSON. Mr. Speaker, I have to rise also to oppose this bill. The gentleman, Mr. Dombrowski, is absolutely correct. According to the Revenue Department's figures, this bill would cost \$198 million. Not only that, but we are talking about pension money to a person who is not on a pension. If the person is 25 and he gets fired and he has accumulated 2 or 3 years of pension money, he does not pay any taxes on it. I think the intention in the Tax Reform Code of 1971 was simply to permit those who are aged, retired, and collecting pension benefits not to be taxed on the Pennsylvania income tax. I am afraid if you start this kind of thing, you just open the door to all kinds of things, and why have the tax? I strongly oppose this amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, I also rise to ask for a negative vote on the amendment. The figures, not only in the staff report prepared—

Mr. DORR. Mr. Speaker, would the gentleman yield?

AMENDMENTS WITHDRAWN

The SPEAKER. For what purpose does the gentleman from York, Mr. Dorr, rise?

Mr. DORR. Mr. Speaker, I am going to withdraw the amendment, because obviously we were provided misinformation by the Budget Office. I cannot believe that there is \$9 billion of lump-sum pension distributions in one year in this Commonwealth. I could be wrong, and therefore, I am going to withdraw the amendment at this time until we can get some better information.

On the question recurring,

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

Mr. PETERSON offered the following amendments No. A6118:

Amend Title, page 1, line 10, by inserting after "penalties," " further providing for exclusions from the sales tax,

Amend Bill, page 1, by inserting between lines 20 and 21

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

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

\*\*\*

(42) The sale at retail or use of firewood. For the purpose of this clause, firewood shall mean the product of trees when severed from the land and cut into proper lengths for burning and used for fuel to heat residential dwellings.

(43) The sale at retail or use of the following items:

(i) Circulating heater - a woodburning or coalburning appliance with an exterior cabinet allowing air circulation around the heater which is manufactured in the United States.

(ii) Cookstove - a woodburning or coalburning appliance designed for cooking purposes which is manufactured in the United States.

(iii) Fireplace insert - a woodburning or coalburning device designed for heating or cooking purposes and is designed to be inserted in a wall fireplace and which is manufactured in the United States.

Amend Sec. 1, page 1, line 21, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 22 and 23, by striking out " , act of March 4, 1971 (P. L. 6, No. 2), known as the" in line 22, all of line 23 and inserting

of the act,

Amend Sec. 2, page 4, line 12, by striking out "2" and inserting

3

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

4

Amend Sec. 4, page 9, line 9, by striking out "4" and inserting

5

Amend Sec. 5, page 10, line 1, by striking out "5" and inserting

6

Amend Sec. 6, page 12, line 7, by striking out "6" and inserting

7

Amend Sec. 7, page 12, line 30, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 5, by striking out "8" and inserting

9

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

10

Amend Sec. 10, page 13, line 22, by striking out "10" and inserting

11

Amend Sec. 11, page 22, line 28, by striking out "11" and inserting

12

Amend Sec. 12, page 23, line 10, by striking out "12" and inserting

13

Amend Sec. 13, page 24, line 7, by striking out "13" and inserting

14

Amend Sec. 14, page 24, line 25, by striking out "14" and inserting

15

Amend Sec. 15, page 25, line 28, by striking out "15" and inserting

16

On the question,

Will the House agree to the amendments?

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

Mr. PETERSON. Thank you, Mr. Speaker.

The amendment that I am offering today will remove the sales tax from firewood and from woodburning and coalburning stoves that are made in America for woodburning and coalburning cookstoves and for woodburning and coalburning fireplace inserts, all American made. We have many

people out in rural Pennsylvania who have no alternative but the most costly fuel that we have today, home heating oil. The only alternative they have is firewood. It is the only fuel that is taxed in this manner, and I think it is time that we remove the sales tax and make the incentive to use the most plentiful heating and replenishable fuel in Pennsylvania and also promote the sale of wood and coal stoves throughout the Commonwealth. I ask my colleagues for a positive support of this amendment.

The SPEAKER. Will the gentleman, Mr. Peterson, come to the rostrum?

#### AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Peterson, who moves that his amendment A6118 be divided to eliminate from consideration the last four lines on the first page of the amendment beginning with the words "Amend Sec. 1, page 1, lines 22," ending with the words "of the act."

On the question of the adoption of the Peterson amendment as divided, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Would you explain, Mr. Speaker, what it does? I cannot find your amendment. I am trying to find it.

The SPEAKER. The Chair suggested to the gentleman, Mr. Peterson, that the last four lines on the first page of the amendment be eliminated because they had already been adopted by the earlier Dorr amendment.

Does the gentleman, Mr. Dombrowski, desire recognition prior to the vote?

Mr. DOMBROWSKI. If we are voting on the amendment, yes.

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

Mr. DOMBROWSKI. Briefly, if I may interrogate the gentleman, Mr. Peterson.

The SPEAKER. The gentleman, Mr. Peterson, will stand for interrogation. The gentleman may proceed.

Mr. DOMBROWSKI. Mr. Speaker, can you tell me if you had a fiscal note prepared for this?

Mr. PETERSON. Yes. The fiscal note on the bill, which was originally HB 565, I believe, was \$3.6 million for next year. Now, I take some exception to that, because we have continually had fiscal notes from the Revenue Department that if we removed the sales tax from firewood alone, it was going to approach a million dollars, and we all know that we are collecting almost nothing in Pennsylvania on the sale of firewood. Also, this bill will only include American-made stoves. As I observe the sale of stoves across the Commonwealth, an awful lot of the stoves are imports today, and I believe that the \$3.6-million estimate might be twice as high as it ought to be.

Mr. DOMBROWSKI. Mr. Speaker, can you tell me if this is similar wording that was contained in HB 606 last year that the Governor vetoed?

Mr. PETERSON. No. We changed the bill somewhat from last year, not a lot, but last year it included dual furnaces, which were a big part of the market today where you would

buy a very expensive furnace that maybe was an oil furnace with wood combination or a gas furnace with wood combination. We excluded all of those this year. We are only including circulating heaters for coal or wood, American made, the same for a wood cookstove or a coal cookstove, American made, and the same for the fireplace insert, but we eliminated all of the dual combination furnaces where the high dollars came in.

Mr. DOMBROWSKI. One more question, Mr. Speaker. Can you tell me how, if I am to purchase wood from you, how would you know I had an American-made stove?

Mr. PETERSON. We are removing the sales tax from firewood in the first part of the bill, period. That has nothing to do with what kind of a stove you burn it in. Also, we are removing the sales tax when you purchase a woodburning stove. Those are two separate items.

Mr. DOMBROWSKI. I am sorry. Okay.

In your opinion, this amendment would cost less than \$3 million?

Mr. PETERSON. Absolutely.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

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

Mr. HOEFFEL. Thank you, Mr. Speaker.

Mr. Speaker, I think this amendment is a bad idea. I am sure in many cases people who are purchasing the coal and wood heaters are doing so as a primary heating source for their home, but I think in most cases the purchase of these coal and wood heaters are for secondary systems. In fact, they are being purchased by people of fairly substantial means who can afford to go out and buy a secondary heating system.

I really do not know what the figures are. I do not know how many poor people are buying these as opposed to how many wealthy people are buying them. In my district, most of the people I know of who have purchased secondary heating systems are of pretty substantial means, and I think it is wrong for us to be giving sales tax exemptions for what is a secondary or even a luxury heating system for some of the people. I do not know what the figures are. I do not know how many people are moving to these systems out of sheer financial need and how many are doing it not under a financial gun but are doing it because they feel that it is helpful, that it will be beneficial to them, that they can simply afford to go out and buy an expensive coalburning or woodburning stove. I do not think sales tax exemptions should go to those folks, and unless there is some way of targeting this sales tax exemption to those people who have a true financial need, I do not think we should create the exemption in the first place.

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

Mr. PETERSON. Thank you, Mr. Speaker.

I am sure I represent a different type of district than the last speaker. As you drive through my rural district and most of rural Pennsylvania and you see the huge piles of firewood, 15 to 30 cord piled up, and you see the chimneys being built beside all the houses, I can assure you they are not luxury additions to their heating systems. They are systems that they

have had to go to because of gas bills and oil bills that run anywhere from \$1,000 to \$1,500 a year, which is far more than they can afford. I would say that maybe the average person in my district is using some wood to supplement their heating bills, and many of them are being absolutely forced to because they cannot pay the high fuel bills.

The other argument, I think, also that pertains to this issue is that every stick of wood that we burn, every load of coal that we burn, we are using less oil and helping this country's situation in the oil crisis that we have been in for the last few years. I think we should encourage the use of wood and coal in this Commonwealth. We have a vast store of both of them. It helps with the whole energy situation, and I urge my colleagues to once again support this amendment.

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

Mr. LETTERMAN. Mr. Speaker, I am very much interested in this piece of legislation, but I cannot find the amendment. I have asked all my friends. None of them have it. I would certainly like to see one.

Mr. Speaker, may I make a statement now?

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

Mr. LETTERMAN. Mr. Speaker, where I come from, the old rednecks out there, they have to use the wood burners. A lot of those people out there cannot afford to buy the fuel oil. Mr. Peterson is absolutely right. Although it has become a convenience for some wealthy people to burn firewood in fireplaces and find a way to put inserts into their fireplaces—they like to do that—that is something we cannot stop, but I really think that this is a tremendous piece of legislation that should be passed. I can tell you right now, Mr. Speaker, a lot of people up in my district go out and cut wood every Sunday just to have fuel to heat with, and even though other people are taking advantage of it, I would say that the good we would do for those people, we need it for them. Thank you.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

Mr. Speaker, I had introduced an identical amendment to this bill, and my district is a good deal more like Representative Hoeffel's than it is like Representative Peterson's or Representative Letterman's, although I do not know what the relative number of rednecks is. However, the reason this bill is important to the people of my district, Mr. Speaker, is because they take quite seriously both the economic impact of the ever-increasing costs of fuel oil and they also take quite seriously the need to rely more on American sources of fuel rather than foreign oil. My constituents, Mr. Speaker, feel that it makes no sense at all to put no tax on the fuels of Mr. Khomeini and Mr. Khaddafi and put a large tax on the fuel of Mr. Lincoln, Mr. Speaker. Thank you.

On the question,

Will the House agree to the amendments as divided?

The following roll call was recorded:

YEAS—188

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

NAYS—3

Hoeffel	Manderino	Tigue
---------	-----------	-------

NOT VOTING—5

Alden	McIntyre	Rappaport	Williams, J. D.
Harper			

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

On the question recurring,

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

Mr. WILSON offered the following amendments No. A6323:

Amend Sec. 3 (Sec. 319), page 5, line 28, by inserting a bracket before "for

Amend Sec. 3 (Sec. 319), page 5, line 29, by inserting a bracket after "318" and inserting immediately thereafter

of April, July, October and January for the three months ending the last day of March, June, September and December

Amend Sec. 3 (Sec. 319), page 6, line 14, by inserting after "period."

Each payment shall be accompanied by a deposit statement which shall account for such tax by providing such information as the department may require. For purposes of sections 338(c) and 355 the deposit statement shall be deemed a return.

Amend Sec. 3 (Sec. 325), page 7, line 2, by striking out the bracket before "one"

Amend Sec. 3 (Sec. 325), page 7, line 3, by striking out "] five thousand dollars (\$5,000)"

Amend Sec. 3 (Sec. 325), page 7, line 21, by striking out the bracket before "one"

Amend Sec. 3 (Sec. 325), page 7, lines 21 and 22, by striking out "] five thousand dollars (\$5,000)"

Amend Sec. 10 (Sec. 352), page 21, line 20, by inserting a period after "319"

Amend Sec. 10 (Sec. 352), page 21, lines 20 and 21, by striking out "AND ITS REGULATIONS."

Amend Sec. 10 (Sec. 352), page 22, line 3, by inserting after "NO"

other

Amend Sec. 15, page 25, line 28, by striking out "1982" and inserting

1983

On the question,

Will the House agree to the amendments?

#### AMENDMENTS DIVIDED

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

Mr. WILSON. Mr. Speaker, I would like to divide the amendment, if I could, dividing on the first page below the line "Amend Sec. 3 (Sec. 325), page 7, line 2, by striking out the bracket before 'one'." Divide at that point, and divide six lines later which ends in "five thousand dollars (\$5,000)."

The SPEAKER. The gentleman from Bucks, Mr. Wilson, has requested that his amendment be divided. The Chair finds that the gentleman is in order, and the amendment shall be divided to provide as follows: Approximately in the middle of the page, "Amend Sec. 3 (Sec. 325), page 7, line 3, by striking out '...five thousand dollars (\$5,000),'" down to and including four lines later "five thousand dollars (\$5,000)." Is that correct, Mr. Wilson?

Mr. WILSON. That is affirmative, sir.

The SPEAKER. The gentleman from Bucks, Mr. Wilson, is recognized. The gentleman advises the Chair that the center portion of the amendment as divided is withdrawn. Is that accurate?

Mr. WILSON. That is affirmative, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson, and asks that he explain to the House the effect of the divided amendment.

Mr. WILSON. Mr. Speaker, the remainder of the amendment is in fact technical with a couple exceptions. It does change the effective date from 1982 to 1983, and basically that is all it does at this point with that portion taken out.

On the question,

Will the House agree to the amendments as divided?

The following roll call was recorded:

#### YEAS—182

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

#### NAYS—0

#### NOT VOTING—14

Alden	Cohen	Hoefel	Petrone
Arty	DeWeese	Hutchinson, A.	Sirianni
Barber	Gannon	McIntyre	Williams, J. D.
Blaum	Harper		

#### EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

#### REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I would like to be recorded in the affirmative on amendment A6323 to HB 1675.



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

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

Mrs. ARTY. Mr. Speaker, I would also like to be recorded as being in the affirmative on amendment A6323 to HB 1675, please, sir.

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

### CONSIDERATION OF HB 1675 CONTINUED

On the question recurring,

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

The SPEAKER. The Chair recognizes the minority whip, who offers amendment A4517 to HB 1675.

Mr. MANDERINO. Mr. Speaker, I am not sure of the number that the gentleman has referred to on the amendment. At 10 o'clock this morning I ordered amendments to this bill. I am still waiting for them, Mr. Speaker. I asked that they come down because the bill was going to be voted today. I have one of the amendments to the bill, which came down about 30 seconds ago. The second amendment that I have to the bill has not arrived yet, and I ask the instructions of the Speaker.

The SPEAKER. The Chair is in possession of two amendments, if the gentleman would care to look at them, A4517 and A4456.

Mr. MANDERINO. Mr. Speaker, those amendments were drafted to this bill prior to our amending the law about the end of December, and I have had the amendments redrawn because of that, or I asked that they be redrawn, and I am waiting for the amendments.

The SPEAKER. So the gentleman does not intend to offer the two amendments the Chair referred to.

Mr. MANDERINO. Not those amendments, Mr. Speaker, but two similar amendments taking into account the change that we made in the law in December.

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 1675, together with amendments, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### CONSIDERATION OF HB 1766 RESUMED BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 1766 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.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Levin, on final passage of HB 1766, PN 2093.

Mr. LEVIN. Mr. Speaker, as we broke in some disorder over this bill, Mr. Lloyd asked me whom it applied to, and there was some confusion because a Misceovich amendment had been added to the bill. On reflection, reading the amendment, the amendment does not hurt the bill. What it does is transfer the responsibility to the major oil refineries and distributors and the owners of the stations rather than a dealer who is not an owner and who is not in the major category. That is acceptable to me. I still think that the bill will serve its purpose of providing air for the public where needed in our communities, and I would ask for its support.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Would the gentleman, Mr. Levin, consent to interrogation?

The SPEAKER. The gentleman, Mr. Levin, will consent to interrogation. The gentleman, Mr. Lloyd, may proceed.

Mr. LLOYD. Thank you, Mr. Speaker.

Two questions, Mr. Speaker: First, assume that I own a 7-Eleven and out front of that 7-Eleven I have gas pumps. Under this bill, must I provide an air pump?

Mr. LEVIN. Well, air must be provided to the public. In the original bill, the dealer, being the person providing it, would have been required to. The change in the bill says that the owner of the station, be it a major oil refinery such as Arco, which in our area is the leading provider of that, would be responsible for seeing that there is air provided.

Mr. LLOYD. Well, Mr. Speaker, if I own a 7-Eleven, either I have a franchise in 7-Eleven or whatever corporation owns that or I am responsible because I assume—and correct me if I am wrong, Mr. Speaker—those gas pumps are not owned by a major oil company. So then the answer to my question, Mr. Speaker, would be that I, the owner of the 7-Eleven, must provide the air.

Mr. LEVIN. Well, I must say that I am somewhat mystified. You see, in our area 7-Eleven does not operate gasoline stations, and I am not familiar with your thing. In our area the foodstores that are operated are operated by AM PM Markets, which is an Arco subsidiary. We do not have in our community 7-Elevens pumping gas. We have 7-Elevens, but they do not pump gasoline.

Mr. LLOYD. Okay, Mr. Speaker. Then I will change my question, because in my district we have what are called Sheetz Kwik Shops, which are similar to 7-Elevens except they do have gas pumps. As far as I know, they were originally owned by a gentleman named Mr. Sheetz, and they may be owned by somebody else now, but under this bill, would they be required to supply air?

Mr. LEVIN. I believe that the retail service station owner means any major oil refinery or distributor, and I assume they

are buying their oil from some major distributor and would be required to see that air is supplied to the public.

Mr. LLOYD. In other words, Mr. Speaker, you are saying that even though I own that store, the gas company from whom I buy that gasoline is the one who has to provide the air, and you are saying that this bill legally imposes that requirement on that gasoline distributor company.

Mr. LEVIN. Yes. I believe that we can impose that responsibility. If he is going to sell his gasoline to the public—and that is what it is there for—he should have a responsibility to see that we can either buy or provide free air. We do not have an obligation to provide it free. He can put an air pump in with a quarter operating chain, which is what some of the community things have done. I do not object to it costing money. I just want to be certain that the public has an opportunity to get air.

Mr. LLOYD. One further question, Mr. Speaker. If I am an independent service station operator, who has the obligation to provide the air, me or the company from whom I buy my petroleum?

Mr. LEVIN. If you are the owner—not just an operator, you are the owner—then you would be required to do it, if you are the owner. If you are simply an operator, then you would not.

Mr. LLOYD. But if I am an independent owner, if I am an independent dealer, then the obligation is on me, the dealer. Is that correct, Mr. Speaker?

Mr. LEVIN. Unless you are buying from a major distributor, I think the answer is yes.

Mr. LLOYD. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, I beg to differ with Mr. Levin, but I think the answer he gave is wrong.

The Misceovich amendment that was put into this bill, in every instance in the bill where the words “retail service station dealer” appeared, the Misceovich amendment removed the word “dealer” and inserted “owner.” Up to that point I have not any problem, but then you get to page 2, line 15, and it says, “For the purpose of this act ‘retail service station owner’ means any major oil refining or distributing corporation maintaining a place of business where motor vehicle fuel is sold,...” et cetera. It says nothing about that 7-Eleven store, and in my section of the State, there are a lot of 7-Elevens that are selling gasoline. They are not going to be covered under this bill, because they are not owned by a major oil producer or oil refiner or distributing corporation. They are owned as a franchise operation. I think the illustration that Mr. Lloyd gave about the Sheetz food market is another example of the kind of operation that will not be covered.

Mr. Speaker, I think the bill would have made a great deal more sense if that one section where it talks about for the purpose of this act, if that would have been left alone and the only change made in that entire subsection (b) would have been to substitute the word “owner” for “dealer.” The definition would have read, “For the purpose of this act ‘retail service station owner’ means any person, firm or corporation

maintaining a place of business where motor vehicle fuel is sold and delivered....” That would have taken care of everyone who operates a food store where they sell gasoline. It would have included the company-owned service stations. It would have included the independent service stations. I think it would have included everybody.

I think the Misceovich amendment, by taking out the words “person, firm” and substituting “major oil refining or distributing corporation,” changes the whole intent of the bill. So the people whom Mrs. Harper was concerned about seeing that they provide air are not going to be covered, not necessarily.

### PARLIAMENTARY INQUIRY

Mr. RITTER. Mr. Speaker, I guess I have a parliamentary inquiry for the Chair.

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

Mr. RITTER. Could I have the vote by which the Misceovich amendment was adopted reconsidered so that I could then ask to divide the amendment?

The SPEAKER. The gentleman is familiar with the procedure. It will be necessary to file an application, seconded by another member, asking that the amendment be reconsidered. The forms are available at either leader’s desk. And then, if that reconsideration motion carried, the gentleman would be in a position to divide the amendment.

Mr. RITTER. Mr. Speaker, I want to do that.

### WELCOME

The SPEAKER. The Chair at this time is pleased to welcome to the hall of the House a group of business students from Greenwood High School, here today with their adviser, Curtis Black. The guests are here from Perry and Juniata Counties as the guests of Representative Noye and Representative DeVerter.

### CONSIDERATION OF HB 1766 CONTINUED

#### DECISION OF CHAIR REVERSED

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

#### AMENDMENT A6269 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, who moves that the vote by which amendment A6269 to HB 1766 was passed on March 23, 1982, be reconsidered. The motion of the gentleman, Mr. Ritter, is seconded by the gentleman from Philadelphia, Mr. Levin.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—181

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

NAYS—1

Miscevich

NOT VOTING—14

Alden	Irvis	Pott	Sweet
Civera	Laughlin	Rappaport	Williams, H.
Cohen	McIntyre	Stewart	Williams, J. D.
Freind	Micozzie		

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, for the purpose of making a motion with respect to the division of the amendment. The Chair recognizes the gentleman.

Mr. RITTER. Mr. Speaker, as I pointed out, if we just take that one part of the amendment out, I think the bill would be acceptable.

The section I want to divide begins near the bottom, where it says "Amend Sec. 2, page 2, line 16, by striking out 'person, firm or' and inserting major oil refining or distributing." I would like to separate that, Mr. Speaker, from the rest of the amendment.

The SPEAKER. The Chair advises the gentleman that this is a proper division.

The question recurs, will the House agree to the amendment offered by the gentleman, Mr. Miscevich, as divided?

The gentleman, Mr. Ritter, has asked that the amendment be divided to delete from consideration on the first vote "Amend Sec. 2, page 2, line 16, by striking out 'person, firm or' and inserting major oil refining or distributing." Is that correct, Mr. Ritter?

Mr. RITTER. Yes, Mr. Speaker. Everything except that. Is that what you are saying?

The SPEAKER. The vote, the first vote, will be on the Miscevich amendment with the exception of those three lines that I have just read.

On the question, the Chair recognizes the gentleman from Allegheny, Mr. Miscevich.

Mr. MISCEVICH. Mr. Speaker, hopefully I can clarify this a little bit. What I am trying to propose in my amendment, for the benefit of the members, is that a dealer would be an individual. A dealer would be the guy who is running the gas station, and what I am saying—I do not know in the case where Mr. Lloyd was speaking about who owned that particular series of shops that he is talking about—like we have AM PM Minimarkets that are owned by Arco, and you have Stop-N-Gos that have gas pumps in them. There are various other ones that are going into this gas selling business with a minimarket, and I am saying that the corporations that own this, or if a guy does form an individual corporation, he should be the one responsible to supply the air. Mr. Levin's bill does not even specify what size compressor should be bought to put air into your tires. They could buy one of those you plug in your cigarette lighter, and if you want air, they could come down and hand this little machine to you and take it out and plug it in your cigarette lighter and go out and pump your tires up.

What I am saying is, the little Ma and Pa gas station should not be forced into going out and buying an air compressor when these big giants do not want to service you at all. They do not want to have any bays to change your oil or grease your car. They want to sell you the gas at a discount, and you go down to the next little guy who is a neighborhood dealer who fixes your car. They want you to check your air at his gas station and they do not want to buy anything off you. I am just saying, let these giants pay for it. Do not let the little guy be hoodwinked into giving you all these services of wiping your windshield and checking your oil and filling your tires up with air, and these big guys are charging you a premium price and getting away with everything. Let them buy the air compressor.

The SPEAKER. The question is on the adoption of the Misceovich amendment as divided; that is, the first part, which is the amendment in its entirety with the exception of the three lines that have been read.

On the question,

Will the House agree to Part I of the amendments?

The following roll call was recorded:

YEAS—158

Armstrong	Duffy	Laughlin	Richardson
Arty	Durham	Lescovitz	Rieger
Barber	Evans	Letterman	Ritter
Belfardi	Fargo	Levin	Rocks
Belfanti	Fee	Livengood	Rybak
Beloff	Fischer	Lloyd	Serafini
Berson	Fleck	Lucyk	Seventy
Bittle	Foster, W. W.	McClatchy	Showers
Blaum	Foster, Jr., A.	McMonagle	Shupnik
Borski	Frazier	Mackowski	Sieminski
Bowser	Freind	Madigan	Smith, B.
Brandt	Fryer	Maiale	Smith, E. H.
Brown	Gallagher	Manderino	Snyder
Burd	Gamble	Manmiller	Stairs
Caltagirone	Gannon	Merry	Steighner
Cappabianca	Geist	Michlovic	Stewart
Cawley	George	Micozzie	Stuban
Cessar	Grabowski	Miscevich	Swaim
Cimini	Gray	Morris	Sweet
Civera	Greenfield	Mrkonic	Swift
Clark	Grieco	Mullen	Taddonio
Clymer	Gruitza	Murphy	Taylor, F. E.
Cochran	Gruppo	Nahill	Telek
Cohen	Hagarty	Noye	Tigue
Colafella	Haluska	O'Donnell	Trello
Cole	Harper	Olasz	Van Horne
Cordisco	Hasay	Oliver	Wachob
Cornell	Hayes	Pendleton	Wambach
Coslett	Heiser	Petrarca	Wargo
Cowell	Hoeffel	Petrone	Wass
Cunningham	Honaman	Phillips	Wenger
DeMedio	Horgos	Pievsy	Weston
DeWeese	Irvis	Pistella	Williams, H.
Davies	Johnson	Pott	Williams, J. D.
Dawida	Kennedy	Pratt	Wozniak
Deal	Klingaman	Pucciarelli	Wright, D. R.
Dininni	Kolter	Punt	Wright, J. L.
Dombrowski	Kowalyshyn	Rasco	Wright, R. C.
Donatucci	Kukovich	Reber	Zwinkl
Dorr	Lashingner		

NAYS—31

Anderson	Jackson	Perzel	Spencer
Boyes	Kanuck	Peterson	Spitz
Burns	Lehr	Piccola	Taylor, E. Z.
DeVerter	Levi	Pitts	Vroon
Daikeler	McVerry	Salvatore	Wilson
Dietz	Marmion	Saurman	
Gallen	Miller	Sirianni	Ryan,
Gladeck	Moehlmann	Smith, L. E.	Speaker
Greenwood			

NOT VOTING—7

Alden	Itkin	Mowery	Wogan
Hutchinson, A.	McIntyre	Rappaport	

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

The SPEAKER. The question recurs, will the House agree to the second portion of the amendment? That is the Misceovich amendment A6269, that section that strikes out the words "person, firm or" and inserts "major oil refining or distributing."

On that question, the Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I am going to ask the gentleman, Mr. Misceovich, if he would withdraw the amendment, because I know what he intends to do. I think the bill as it is now amended will say that the "owner" means any person, firm, or corporation. It seems to me that includes major oil refining companies, major oil distributing companies or corporations, and I think if he would withdraw that amendment, then the bill as it is presently amended seems to me to make a great deal more sense.

PART II OF AMENDMENTS WITHDRAWN

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

Mr. MISCEVICH. Mr. Speaker, I wish to withdraw the second part of the amendments.

The SPEAKER. The Chair thanks the gentleman.

Mr. MISCEVICH. Frank Pistella said it is okay.

The SPEAKER. I am glad he had an opportunity to read it.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not know of anywhere where we have a definition of what a service station is, and I do not know of anywhere where we license service stations. I am wondering what happened to the free enterprise system in the Commonwealth of Pennsylvania when we are telling people what they have to provide, and I wonder if we would then also like to tell hot dog stands that they should sell fried chicken. I believe that it is up to the individual proprietor to determine what service he will or will not provide, and those who want to benefit from providing air to their customers and oil to their customers and those services and so forth will benefit by the fact that they are providing them, because this is the way that the business has been operated since the inception of our country. Thank you.

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

Mr. CUNNINGHAM. Mr. Speaker, I wonder what would have happened if the constituent who came into the prime sponsor of this bill's office would have complained that his engine overheated and he needed water after normal gas station hours and was unable to get that at the local minimart.

I wonder what bill would have been introduced if the constituent would have needed oil, or if the constituent would have needed a fan belt, or if the constituent would have needed a windshield wiper blade or windshield wiper fluid or any of the other kinds of things that are necessary for the safe operation of an automobile.

People can look at air pumps in the abstract and say that is a very, very minor kind of thing to impose, but, Mr. Speaker, when viewed against the background of all of the kinds of burdens that we have heaped on business in this Commonwealth, we should not wonder that business is leaving Pennsylvania; we should not wonder that the businesses we have here are reluctant to expand here; we should not wonder that businesses outside of this State are reluctant to come in. Pennsylvania has been ranked by the National Chamber of Commerce as having among the worst business climates in the entire United States, and we should not wonder at that. We should not wonder at the reputation we have in the General Assembly for imposing these kinds of burdens on government.

I would submit that there is absolutely no logical reason to require these kinds of enterprises to provide air pumps than there is logically to require that they provide headlamps or water or windshield wiper blades or any of these other kinds of things. I would submit that this kind of legislation is inconsistent with the kind of business climate that Pennsylvania desperately needs to establish if we are going to reverse the downward spiral in which we find our economy. I urge a negative vote on this bill, Mr. Speaker.

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

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

A few years ago when attending a candidates night, at which the discussion came up about legislative priorities and the productivity of the legislature and the necessity for getting bills passed, one of my colleagues made the statement we would be much better off if we spent a whole session up there repealing some of the darn fool laws that we have passed already. He must have been thinking of this type of legislation at the time. I strongly recommend a negative vote on the bill.

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Could I ask the prime sponsor one question, please?

The SPEAKER. The gentleman, Mr. Levin, indicates he will stand for interrogation. The gentleman, Mr. Armstrong, may begin.

Mr. ARMSTRONG. What is the cost of one air pump at a gas station? Do you have any idea?

Mr. LEVIN. Yes.

Mr. ARMSTRONG. What would that be?

Mr. LEVIN. I think you could buy a decent little one you put on the wall for under \$250, and you could even have a coin-operated vehicle where you get your money back at a quarter a pop, as many of them in our community have.

Mr. ARMSTRONG. Okay, \$250. How many gas stations in the State do you think would have to buy this?

Mr. LEVIN. I have no idea how many do not have air now. The service stations that service cars all have it. It is the Stop-N-Go kinds of operations that are really food operations that do not have it.

Mr. ARMSTRONG. So we are talking about probably tens of thousands, would you not agree?

Mr. LEVIN. No. I have no idea. I cannot answer that question.

Mr. ARMSTRONG. Okay.

I would like to talk on the bill, sir.

The SPEAKER. The gentleman, Mr. Armstrong, is in order. The gentleman may proceed.

Mr. ARMSTRONG. I personally drive a diesel, and I am sure some of you other members also drive diesels. There are many gas stations that do not have diesel fuel. If we are doing this, why do we not have diesel at every gas station? It is inconvenient for me to find a place that has diesel fuel at times, the same with air. I know the gas stations in my area that have air.

I feel we are putting another mandate on the gas station owners to have air. If they do not want to have air, fine, go someplace else. I think Representative Letterman had the answer: Have Representative Levin's constituent go out and buy one of those little air compressors that he can stick into his lighter, and it is going to save the Commonwealth hundreds of millions of dollars for these people who have to go out and buy air compressors. One air compressor might solve this problem, so I think we should vote against this.

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

Mr. LEVIN. Thank you, Mr. Speaker.

Mr. Speaker, I am extremely sensitive to placing additional burdens on business and driving business out of the community or Pennsylvania. I think this bill does not do that. It was for that reason that I did not require that the air be free. I am not turning against the private enterprise system. I am willing to allow it to work, but the one thing you gentlemen fail to point out is, the man who buys the diesel car has an option; he does not have to buy the diesel car. But we all have to have air in our tires, and in our communities as the less expensive gas stations force the service stations to close at night, which has been the pattern all over the State, the safety of our constituents is jeopardized because radial tires, particularly in cold weather, leak. I think those of you who appreciate the problem will be very sensible and not listen to the dissent and vote for this bill. I believe your constituents will reward you for voting for this bill. Thank you.

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

Mr. VROON. Mr. Speaker, I may surprise a lot of my colleagues by these remarks, but I must say that I agree with Mr. Levin, and I support his bill. I will tell you why I support that bill. I am sick and tired of having to pump up my tires in the garage, and that is just about what I have been forced to do because the idiots around my area have not been furnishing air pumps. Now, do you not agree with me that that should be below the dignity of a Representative, to have to pump up his own tires in his garage?

The SPEAKER. It would seem to the Speaker that there is no lack of air available to any of the Representatives who have been speaking on the subject.

Mr. VROON. I did not say I lacked air generally, Mr. Speaker, but I said I lacked air in my tire on a cold winter morning, the tire was too flat and it was a hazard for driving, really, and I had to go out and buy an air pump, a hand air pump—I tried an automatic pump and it was not worth a hoot—and I am sorry; I just think this is below my dignity to have to stand there and pump that blooming tire.

I wish you would all vote for Mr. Levin's bill. I think it is a good bill; it is a practical bill; and if you cannot put a little air along with your gasoline, you should not be selling gasoline.

The SPEAKER. The question recurs on the question of the availability of air. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

Studded tires need air. Really, Joe Kolter and I left one of our all-night sessions here and we stopped at New Stanton for gas. As we pulled in, there was a young lady on the way to work. Her tire was almost down, and she said, I need some air, and the guy said, I am sorry, we just pump gas. She started across the road, lost the hubcap—it was almost flat then—and the other gas station said, no air.

If you are going to have a gas station, there should be some services for the people. How about if everybody decides not to pump air? What is going to happen? They are not making any money on it, so charge them if you want to charge them, like you said.

I am not like Mr. Vroon; this is not below my dignity. I did worse jobs than that coming here— This is the worst job I have ever had, by the way, Mr. Speaker.

The SPEAKER. We are doing our best to relieve that problem.

Mr. PETRARCA. It will never happen, Mr. Speaker.

Anyway, just like you have heard of the "seven sisters," the seven oil companies, it is a monopoly here in Pennsylvania. They call each other, and they say, hey, I am going to raise it a half a cent or I am going to lower it a half a cent. The horizontal monopoly they talk about. So we have a free private enterprise out there, but they need a little bit of help. So here was this young girl trying to go to work, and she had not gotten there. I think every gas station—now this Mom and Pop that does not have an air pump now, maybe we could grandfather it out of it—but there should be air at every gas station for somebody who needs air in an emergency. So right now if you stop at these Stop-N-Gos, you cannot fix a flat; you cannot replace a simple fan belt.

I think this is a good bill. I do not know why that Philadelphia attorney is introducing it, but I think he has a good idea.

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

Mr. TRELLO. Mr. Speaker, this piece of legislation is similar to health or life insurance. It is best to have it and not have to use it than to have to use it and not have it, and I will explain that at a later date.

Mr. Speaker, I am not going to say what I was going to say, but I think we should support the bill.

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—112

Arty	Evans	Livengood	Ritter
Barber	Fee	Lucyk	Rocks
Belfanti	Fleck	McMonagle	Rybak
Beloff	Frazier	McVerry	Seventy
Berson	Freind	Manderino	Shupnik
Borski	Fryer	Michlovic	Spitz
Bowser	Gallagher	Micozzie	Steighner
Brown	Gamble	Miller	Stewart
Burd	Gannon	Miscevich	Stuban
Burns	George	Morris	Swaim
Caltagirone	Grabowski	Mrkonic	Sweet
Cappabianca	Gray	Mullen	Taddonio
Civera	Greenfield	Murphy	Taylor, E. Z.
Clark	Gruitza	O'Donnell	Taylor, F. E.
Clymer	Hagarty	Olasz	Telek
Cohen	Harper	Oliver	Tigue
Colafella	Hoeffel	Pendleton	Trello
Cole	Horgos	Petrarca	Vroon
Cordisco	Hutchinson, A.	Petrone	Wachob
Cowell	Iris	Pievsky	Wambach
DeMedio	Itkin	Pistella	Wargo
DeWeese	Johnson	Pott	Wass
Dawida	Kolter	Pratt	Williams, H.
Deal	Kowalyshyn	Pucciarelli	Williams, J. D.
Dombrowski	Kukovich	Rappaport	Wilson
Donatucci	Lescovitz	Rasco	Wozniak
Duffy	Letterman	Richardson	Wright, R. C.
Durham	Levin	Rieger	Zwikl

NAYS—81

Anderson	Fischer	Lloyd	Serafini
Armstrong	Foster, W. W.	McClatchy	Showers
Belardi	Foster, Jr., A.	Mackowski	Sieminski
Bittle	Gallen	Madigan	Sirianni
Blaum	Geist	Maiale	Smith, B.
Boyes	Gladeck	Manmiller	Smith, E. H.
Brandt	Greenwood	Marmion	Smith, L. E.
Cawley	Grieco	Merry	Snyder
Cessar	Gruppo	Moehlmann	Spencer
Cimini	Haluska	Mowery	Stairs
Cochran	Hasay	Nahill	Swift
Cornell	Hayes	Noye	Van Horne
Coslett	Heiser	Perzel	Wenger
Cunningham	Honaman	Peterson	Weston
DeVerter	Jackson	Phillips	Wogan
Daikeler	Kennedy	Piccola	Wright, D. R.
Davies	Klingaman	Pitts	Wright, J. L.
Dietz	Lashingier	Punt	
Dininni	Laughlin	Reber	Ryan,
Dorr	Lehr	Salvatore	Speaker
Fargo	Levi	Saurman	

NOT VOTING—3

Alden	Kanuck	McIntyre
-------	--------	----------

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 192, PN 193**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for an exemption from the utilities gross receipts tax.

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

Mr. WILSON offered the following amendment No. A5953:

Amend Sec. 2, page 3, line 13, by striking out "1981" and inserting  
1983

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

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

Mr. WILSON. Mr. Speaker, this amendment simply changes the effective date from 1981 to 1983. It makes it effective January 1, 1983.

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

The following roll call was recorded:

**YEAS—189**

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

Dietz	Kowalyszyn	Pucciarelli	Wozniak
Dininni	Kukovich	Punt	Wright, D. R.
Dombrowski	Lashingner	Rasco	Wright, R. C.
Donatucci	Laughlin	Reber	Zwicl
Dorr	Lehr	Richardson	
Duffy	Lescovitz	Rieger	Ryan,
Durham	Levi	Ritter	Speaker
Fargo	Levin	Rocks	

**NAYS—0**

**NOT VOTING—7**

Alden	Evans	McIntyre	Wright, J. L.
Clymer	Letterman	Rappaport	

**EXCUSED—4**

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

Mr. MANDERINO offered the following amendments No. A6900:

Amend Title, page 1, line 10, by inserting after "penalties," " further providing for the definition of "taxable income and

Amend Bill, page 1, by inserting between lines 13 and 14 Section 1. Subclause 1 of clause (3) of section 401, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," amended December 21, 1981 (P.L.482, No.141), is amended to read:

Section 401. Definitions.—The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

\*\*\*

(3) "Taxable income." 1. (a) In case the entire business of the corporation is transacted within this Commonwealth, for any taxable year which begins on or after January 1, 1971, taxable income for the calendar year or fiscal year as returned to and ascertained by the Federal Government, or in the case of a corporation participating in the filing of consolidated returns to the Federal Government, the taxable income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years, subject, however, to any correction thereof, for fraud, evasion, or error as finally ascertained by the Federal Government.

(b) Additional deductions shall be allowed from taxable income on account of any dividends received from any other corporation but only to the extent that such dividends are included in taxable income as returned to and ascertained by the Federal Government.

(c) Further additional deductions shall be allowed from taxable income in an amount equal to the amount of any reduction in an employer's deduction for wages and salaries as a result of the employer taking a credit for "new jobs" or "targeted jobs" pursuant to section 44B or section 51 of the Internal Revenue Code.

(d) Taxable income will include the sum of the following tax preference items as defined in section 57 of the Internal Revenue Code, as amended, (i) excess investment interest; (ii) accelerated depreciation on real property; (iii) accelerated depreciation on personal property subject to a net lease; (iv) amortization of certified pollution control facilities; (v) amortization of railroad rolling stock; (vi) stock options; (vii) reserves for losses on bad debts of financial institutions; (viii) capital gains; and (ix) accelerated cost recovery deduction under section 57(a)(12)(B) of the

Internal Revenue Code, but only to the extent that such preference items are not included in "taxable income" as returned to and ascertained by the Federal Government.

(e) Taxable income for tax years ending in 1981[ 1982 and 1983] and thereafter will also include the amount of the deduction related to depreciation claimed and allowable under section 168, accelerated cost recovery system, Internal Revenue Code of 1954, as amended by the Economic Recovery Tax Act of 1981, other than items of tax preference under section 57 which have been included in taxable income.

(f) For the tax years [beginning and] ending in 1981 [and 1982] and thereafter a deduction shall be allowed from taxable income to the extent of the deduction for depreciation which would have been allowable on such recovery property under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981.

(g) For the tax year beginning and ending in 1983 a deduction shall be allowed from taxable income to the extent of the deduction for depreciation which would have been allowable on such recovery property under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981, plus an additional deduction to the extent of one-half of the deduction related to depreciation claimed and allowable on such recovery property under section 168 of the Internal Revenue Code of 1954, as amended, in excess of the deduction for depreciation which would have been allowable on such recovery property under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981, if any.

(h) For tax years beginning in 1984, and for subsequent years, there shall be allowed as a deduction related to depreciation the amount allowable under section 168 of the Internal Revenue Code, as amended, with respect to recovery property.

(i) For all recovery property the amounts disallowed as a consequence of the aforesaid adjustments shall be recovered by an additional deduction from taxable income returned to and ascertained by the Federal Government in tax years commencing in 1984 of one-fourth of the sum per year or ten thousand dollars (\$10,000) per year, whichever is greater, until the total amount has been recovered.

(j) In the case of fiscal year taxpayers, the deduction from taxable income related to depreciation shall be prorated so as to reflect the relative portions of each of the calendar years 1981, 1982 and 1983 included in the taxpayer's fiscal year, in a manner pursuant to regulations to be promulgated by the secretary.]

(k) A taxpayer reporting on a 52-53 week basis which closes its fiscal year on any of the last seven days in December or the first seven days of January is deemed a calendar year taxpayer with a year ending date of December 31.

(l) For the purpose of computing the depreciation deduction which would have been allowable under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981: (i) tax preference items as set forth above shall not be included; (ii) property shall be depreciated for a period and with a method consistent with that employed for similar property in prior years; and (iii) [for taxable years 1982 and 1983,] no deduction shall be allowed for additional first year depreciation on section 179 property.

(m) No deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year: Provided, That for the calendar year 1981 and fiscal years beginning in 1981 and thereafter, a net operating loss, as provided by section 172 of the Internal Revenue Code, shall be allowed as a deduction and a carryover pursuant to the following schedule:

Net Operating Loss for Year	Carryover
1981	1 year
1982	2 years
1983 and thereafter	3 years

The net operating loss shall be carried to the earliest of the taxable years to which, under this schedule, such loss may first be carried. In the case of regulated investment companies as defined by the Internal Revenue Code of 1954, as amended, "taxable income" shall be investment company taxable income as defined in the aforesaid Internal Revenue Code of 1954, as amended. In arriving at "taxable income" for Federal tax purposes for any taxable year beginning on or after January 1, 1981, no deduction shall be allowed for taxes imposed on or measured by net income.

\*\*\*

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

2

Amend Sec. 1, page 1, lines 14 and 15, by striking out " , act of March 4," in line 14, all of line 15 and inserting

of the act,

Amend Sec. 2, page 3, line 13, by striking out "2." and inserting

3. (a)

Amend Sec. 2, page 3, by inserting after line 13

(b) The amendment to subclause 1 of clause (3) of section 401 shall be retroactive to January 1, 1981 and shall apply to tax years ending on or after January 1, 1981.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that I offer to this bill before us is an amendment to the Tax Reform Code of Pennsylvania and it deals with the accelerated depreciation schedules in the Pennsylvania income tax law.

In August the Federal Government passed amendments to the Internal Revenue Act which allowed for accelerated depreciation to corporations, and Pennsylvania has for a long time followed, as many other States have followed, the Federal Government's definition of "income," so that when the Federal Government allowed the accelerated depreciation, it would have caused to Pennsylvania a great loss in revenue if we did not take some action to either change our law or modify it in some respect.

In December we did modify Pennsylvania's law. We did that by saying that the Federal tax break of accelerated depreciation, which was enacted by Congress in August, would not be implemented for 2 years in Pennsylvania and at the end of 2 years we would begin a phase-in of the depreciation schedule, which would allow the corporations of Pennsylvania to recapture every penny of the tax break that was given to them by the Federal Government.

The purpose of my amendment this afternoon, Mr. Speaker, is to defuse what I think is a fiscal time bomb in the State budget.

Last December when we passed the legislation that would allow the tax breaks to the Pennsylvania corporations, similar to those that were passed by Congress and the President in the Reaganomics tax program, that legislation which is now Act 141 of 1981 was debated here in the House at the time that the Thornburgh administration and many others claimed that the recessionary trend in our economy would not continue, when they looked to the Reaganomics program as a bringer of recovery rather than a bringer of high unemployment.



There were some of us who opposed that massive corporate tax break on the premise that the State could not afford it. We pointed out that the Governor's revenue estimates for this fiscal year were far too optimistic. Either they had put on rose-colored glasses or they were writing with disappearing ink. In any event, our worst expectations are being realized. The State is racked with double-digit unemployment, and the latest revenue figures show us to be experiencing a \$125-million shortfall in General Fund revenues in this fiscal year.

Apparently in order to blunt the impact of the massive corporate tax reduction in the Governor's election-year budget, the administration supported a phase-in of the tax break. We can now look forward to fiscal 1982-83 as a year in which we will lose only \$45 million because of the tax break to the corporations. But in 1983-84 we will lose \$150 million, and in 1984-85, \$265 million, and in 1985-86, \$340 million, and then the progressions are almost geometric - over \$600 million in the next fiscal year.

Mr. Speaker, we will lose in the next 5 years over \$1 billion because of the tax break that we are giving to the corporations, following the Reaganomics program. There are no protections. There are no guidelines. There are no guarantees that any jobs will be created. In fact, experience has shown us in a very short period of time that the tax breaks will be sold between corporations, and instead of creating jobs in Pennsylvania, the likelihood is that jobs will be lost in Pennsylvania through giving the tax break. There is no guarantee that a multistate corporation is going to use the Pennsylvania tax break to create any jobs or make any capital investment in Pennsylvania. Mr. Speaker, we are all but foolish in approving and continuing the tax breaks given by the Federal Government to the Pennsylvania corporations without guarantee of capital investment in Pennsylvania.

Now, I know there are many who voted for the program in December who felt we are going to phase this in in 2 years; we are not going to lose any money now; we are not going to lose very much money in the next fiscal year; and if it does not look right in that third year, we can change the law. And I am sure a lot of us thought that that is what we are going to be able to do. I am telling you today that come that third year you are not going to be able to change the law and affect these corporations in their tax depreciation schedules retroactively. You are going to take it in the gut; you are going to take it on the nose; you are going to take it with a tremendous loss of income to the Commonwealth in that third year because we have enacted the law in December to say that these corporations will get every dollar of the accelerated depreciation. We are simply saying they will not take it until after the gubernatorial election which is upcoming. I think we are sick; I think our thinking is sick. We have a chance today to change that.

My amendment simply decouples. It simply says, regardless of what the Federal Government did in what they enacted, in Pennsylvania we will continue to run on a depreciation schedule that we have run on in the past 5, 6, 7 years. We just will not change the way we will allow corporations in Pennsylvania to take their depreciation. We will not take the loss in the budget that we will take 2 years down the line by leaving the law the way it is.

Mr. Speaker, I ask for an affirmative vote. I ask for a vote for the people of Pennsylvania. I ask for a vote for requiring guidelines, requiring capital investment in Pennsylvania, not just hoping that it may take place. Mr. Speaker, I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, we debated this issue a few legislative weeks ago, and I do not believe on this day we should begin voting tax legislation, and I would urge a "no" vote.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. The fact of the matter is, Mr. Speaker, we did not debate this matter. We had no chance to debate it. We were presented with a bill for concurrence in Senate amendments where there was either a "yes" vote or a "no" vote possible. There was no chance to amend. There was no chance to modify. There was no chance to have input. And if we would have voted "no" on the Senate amendments, we would have found ourselves in a position of swallowing the Federal tax breaks immediately instead of getting them phased in in 2 years. I say there is more than just those two options. This is a better option, and it is the first time we are having the opportunity, Mr. Speaker, to approach the subject with input. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Regardless how loudly the gentleman screams, the fact remains that we considered this tax legislation, this type of tax legislation, just a few legislative weeks ago. The gentleman was very upset on that day and he is even more upset today. That is fine. I just do not believe that we ought to blindly go into tax legislation at this time. If on another day it becomes important for this General Assembly to further consider this type of provision, so be it, but in fact, we debated this a couple of months ago, a few legislative weeks ago, and screaming loudly does not change that. The Legislative Journal is already in print. I urge a "no" vote.

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

The following roll call was recorded:

YEAS—93

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

NAYS—99

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

NOT VOTING—4

Alden	Cessar	McIntyre	Rappaport
-------	--------	----------	-----------

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the majority whip.

Mr. CESSAR. Thank you, Mr. Speaker.

My switch was not operating on A6900 to HB 192. I would have voted in the negative.

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

CONSIDERATION OF HB 192 CONTINUED

On the question recurring,

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

Mr. MANDERINO offered the following amendments No. A6924:

Amend Title, page 1, line 10, by inserting after "penalties," further providing for the definition of "taxable income," providing for the disposition of funds; creating a special fund; and

Amend Bill, page 1, by inserting between lines 13 and 14

Section 1. Subclause 1 of clause (3) of section 401, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," amended December 21, 1981 (P.L.482, No.141), is amended to read:

Section 401. Definitions.—The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

\*\*\*

(3) "Taxable income." 1. (a) In case the entire business of the corporation is transacted within this Commonwealth,

for any taxable year which begins on or after January 1, 1971, taxable income for the calendar year or fiscal year as returned to and ascertained by the Federal Government, or in the case of a corporation participating in the filing of consolidated returns to the Federal Government, the taxable income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years, subject, however, to any correction thereof, for fraud, evasion, or error as finally ascertained by the Federal Government.

(b) Additional deductions shall be allowed from taxable income on account of any dividends received from any other corporation but only to the extent that such dividends are included in taxable income as returned to and ascertained by the Federal Government.

(c) Further additional deductions shall be allowed from taxable income in an amount equal to the amount of any reduction in an employer's deduction for wages and salaries as a result of the employer taking a credit for "new jobs" or "targeted jobs" pursuant to section 44B or section 51 of the Internal Revenue Code.

(d) Taxable income will include the sum of the following tax preference items as defined in section 57 of the Internal Revenue Code, as amended, (i) excess investment interest; (ii) accelerated depreciation on real property; (iii) accelerated depreciation on personal property subject to a net lease; (iv) amortization of certified pollution control facilities; (v) amortization of railroad rolling stock; (vi) stock options; (vii) reserves for losses on bad debts of financial institutions; (viii) capital gains; and (ix) accelerated cost recovery deduction under section 57(a)(12)(B) of the Internal Revenue Code, but only to the extent that such preference items are not included in "taxable income" as returned to and ascertained by the Federal Government.

(e) Taxable income for tax years ending in 1981[, 1982 and 1983] and thereafter will also include the amount of the deduction related to depreciation claimed and allowable under section 168, accelerated cost recovery system, Internal Revenue Code of 1954, as amended by the Economic Recovery Tax Act of 1981, other than items of tax preference under section 57 which have been included in taxable income.

(f) For the tax years [beginning and] ending in 1981 [and 1982] and thereafter a deduction shall be allowed from taxable income to the extent of the deduction for depreciation which would have been allowable on such recovery property under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981.

[(g) For the tax year beginning and ending in 1983 a deduction shall be allowed from taxable income to the extent of the deduction for depreciation which would have been allowable on such recovery property under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981, plus an additional deduction to the extent of one-half of the deduction related to depreciation claimed and allowable on such recovery property under section 168 of the Internal Revenue Code of 1954, as amended, in excess of the deduction for depreciation which would have been allowable on such recovery property under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981, if any.]

(h) For tax years beginning in 1984, and for subsequent years, there shall be allowed as a deduction related to depreciation the amount allowable under section 168 of the Internal Revenue Code, as amended, with respect to recovery property.

(i) For all recovery property the amounts disallowed as a consequence of the aforesaid adjustments shall be recovered by an additional deduction from taxable income returned to and ascertained by the Federal Government in tax years commencing in 1984 of one-fourth of the sum per year or ten thousand dollars (\$10,000) per year, whichever is greater, until the total amount has been recovered.

(j) In the case of fiscal year taxpayers, the deduction from taxable income related to depreciation shall be prorated so as to reflect the relative portions of each of the calendar years 1981, 1982 and 1983 included in the taxpayer's fiscal year, in a manner pursuant to regulations to be promulgated by the secretary.]

(k) A taxpayer reporting on a 52-53 week basis which closes its fiscal year on any of the last seven days in December or the first seven days of January is deemed a calendar year taxpayer with a year ending date of December 31.

(l) For the purpose of computing the depreciation deduction which would have been allowable under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981: (i) tax preference items as set forth above shall not be included; (ii) property shall be depreciated for a period and with a method consistent with that employed for similar property in prior years; and (iii) [for taxable years 1982 and 1983,] no deduction shall be allowed for additional first year depreciation on section 179 property.

(m) No deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year: Provided, That for the calendar year 1981 and fiscal years beginning in 1981 and thereafter, a net operating loss, as provided by section 172 of the Internal Revenue Code, shall be allowed as a deduction and a carryover pursuant to the following schedule:

Net Operating Loss for Year	Carryover
1981	1 year
1982	2 years
1983 and thereafter	3 years

The net operating loss shall be carried to the earliest of the taxable years to which, under this schedule, such loss may first be carried. In the case of regulated investment companies as defined by the Internal Revenue Code of 1954, as amended, "taxable income" shall be investment company taxable income as defined in the aforesaid Internal Revenue Code of 1954, as amended. In arriving at "taxable income" for Federal tax purposes for any taxable year beginning on or after January 1, 1981, no deduction shall be allowed for taxes imposed on or measured by net income.

\*\*\*

Section 2. Article IV of the act is amended by adding a part to read:

ARTICLE IV  
CORPORATE NET INCOME TAX  
\* \* \*

PART VII.1  
DISPOSITION OF FUNDS

Section 410.1. Revenues.—(a) The Department of Revenue shall annually estimate the difference between revenues actually received under this article, and revenues which would have been received had the tax been calculated using amendments to Federal taxable income included in the Federal Economic Recovery Tax Act of 1981.

(b) Beginning with fiscal year 1983-1984 and each year thereafter, one hundred per cent of the amount calculated pursuant to subsection (a) shall be deposited in the Economic Recovery Fund. All funds received under this article in fiscal years 1981-1982 and 1982-1983 and all other funds received under this article in fiscal year 1983-1984 and thereafter shall be deposited in the General Fund.

Section 3. The act is amended by adding an article to read:

ARTICLE V-A  
ECONOMIC RECOVERY FUND

Section 501.1. Creation of Fund.—(a) There is hereby created a Pennsylvania Economic Recovery Fund to be used for the purposes of economic development, extension of loans and the creation of jobs and employment. All moneys deposited in the fund shall be used to provide interest-free loans to applicants for economic development and job and employment creation activities, including, but not limited to, the following activities:

- (1) Purchase of machinery, equipment, land or buildings.
- (2) Construction or renovation of facilities.
- (3) Training or retraining of employes.
- (b) All requests for loans shall be submitted through forms and procedures developed by the Secretary of Commerce.
- (c) The Department of Commerce shall report annually to the General Assembly concerning the economic development and job creation activities resulting from the making of these loans.
- (d) All administrative expenses incurred by the department shall be reimbursed by the fund.

Section 502.2. Appropriations.—All moneys deposited into the fund shall be appropriated annually by the General Assembly.

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

4

Amend Sec. 1, page 1, lines 14 and 15, by striking out " , act of March 4," in line 14, all of line 15 and inserting  
of the act,

Amend Bill, page 3, line 13, by striking out all of said line and inserting

Section 5. (a) Sections 1, 2 and 3 of this act shall take effect immediately and shall apply retroactively to the tax years ending on or after January 1, 1981.

(b) Section 4 of this act shall take effect January 1, 1982.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the amendment that I now offer is in part identical to the amendment that I just offered. What it says is that Pennsylvania will continue to collect the tax from corporations as we have in the past, but we will segregate that amount of the tax that we would not receive if we would follow the new Federal definition of "depreciation." We will take that part of the tax and we will create the fund which in 5 years as indicated will be over a billion dollars. We will create a fund for economic development in Pennsylvania. We will allow people and corporations, corporations, to borrow from that fund interest free if they invest in Pennsylvania jobs. If they invest in capital improvements in Pennsylvania, if they invest in job development in Pennsylvania, and if you look on page 3 and page 4 for all the purposes, they can borrow interest free for the purchase of machinery, equipment, land and buildings, construction and renovation of facilities, training and retraining of employees.

Mr. Speaker, what we are really doing is saying the Federal Government that covers the entire 50 States of these United States is expecting that the accelerated depreciation break that is given to corporations will be invested somewhere within these United States so some of our citizens will be helped. I have the impression that we have no guarantee by passing that same kind of break onto our corporations under Pennsylvania's tax structure that any jobs will be created in Pennsylvania. They could be created by those same corporations in the Sun Belt in the Southwest. I am saying let us make them pay the tax, but let us segregate every penny of it. Instead of giving it away and hoping that they are going to invest in Pennsylvania, let us put it in a fund for job development by these same corporations in Pennsylvania.

It is as simple as that. We are asking for guarantees. We are willing to give them the tax break in the alternative but saying

the money that you save, the incentive that we can create with that money, we want to guarantee Pennsylvania citizens that the jobs and the development will be in Pennsylvania. I ask for an affirmative vote.

#### MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair asks the gentleman, Mr. Anderson, to preside temporarily.

#### THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR CONSIDERATION OF HB 192 CONTINUED

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

Mr. WILSON. Mr. Speaker, I have to merely rise to oppose this. This is desperate politics, really. If you really read this, we are going to give out interest-free loans. We are not going to control it; the Department of Commerce is. Anybody who sets up any kind of a business and they want to purchase machinery, equipment, or whatever, they are going to get an interest-free loan. Now, that sounds good, and I suppose if you are desperate and you want to play politics, why, that is the kind of promise that you can make. But we are getting down the line, and as the majority leader said, we debated the politics of depreciation months ago. That is not the issue in the bill that we are talking about, HB 192, and I would urge a negative vote, and let us reject this desperate politics.

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

Mr. HAYES. Thank you, Mr. Speaker.

My only observation is this, that during those years when the gentleman, Mr. Manderino, had some input as to what the Commonwealth budget was to be, during those years his benevolence with regard to the Pennsylvania Industrial Development Authority was sorely lacking. It kind of hobbled along through those years, and I do not think that was by mistake but rather by design. Now in the last couple of years, this General Assembly has changed that and has once again started to recognize the fact that the Pennsylvania Industrial Development Authority is looked upon not only in this Commonwealth but by others in the Nation as being one of the most progressive ways of providing capital for industrial development. Now, the gentleman was very upset a couple months ago and he has already shown himself to be very upset today, and he has every right to be upset, but we should not go out and right goofy tax law just because someone is upset.

I believe, Mr. Speaker, that we should reject the gentleman's amendment and when we consider appropriations for the Pennsylvania Industrial Development Authority we do so with reason and provide Pennsylvania corporations and those who would like to come to Pennsylvania with capital so that they can expand in this Commonwealth. I oppose the gentleman's amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Wilson, indicated that he thought it was pretty sad that I would bring up an amendment that would just put the money out there without many controls. I am not the one putting the money out there to the corporations without any controls. Those of you who simply want to say to the corporations, do not pay the tax, we expect you to create jobs in Pennsylvania, are the ones who are putting it out there without controls. You simply are saying to the corporations, do not pay us this billion dollars over the next 5 years; we are exempting you from that tax; we do not want you to pay it, but we expect that you are really going to create jobs in Pennsylvania; that is why we are giving you that tax break.

There are 250 million of our citizens pounding the pavements looking for jobs that were not there when Governor Thornburgh took office 3 years ago, 250 million more. We ought to be concerned about them.

Talk about the Industrial Development Authority, Mr. Speaker; talk about the \$15 million that we put over there. We are talking about a billion dollars here over 5 years. That is \$200 million a year, 200 million, not 15. Let us talk about doing something. Let us guarantee that the corporations who are getting the tax break that we are willing to give them obviously by our votes in December and our votes just a few minutes ago, let us guarantee that they are going to invest in Pennsylvania, that they are going to improve in Pennsylvania.

Mr. Speaker, 250,000 people, a quarter of a million people, are pounding the pavements looking for jobs. I misspoke in talking of millions; we certainly do not have that many millions of people in Pennsylvania, but a quarter of a million people more today are looking for jobs in Pennsylvania.

When we spoke of the Governor's budget when he presented it and I made comments on that budget, I said at that time I would have hoped that I would have seen more in job development in that budget. I saw nothing. I saw a collection of about \$7 1/2 million, and it was already in job development being taken from other departments and placed in a single line item to make it look like something was being done, and I commented on that. I commented about the high unemployment in Huntingdon County, the county of the majority leader, and the poor people up there who are out of work. We ought to be doing something about that, and giving tax breaks to the corporations without guarantees is not living up to the responsibility we have to our constituents to see that our tax dollars do not continue to go to the Sun Belt. That is all that I am asking us to do today: stop those dollars from flowing out. Maybe they will not flow out. Maybe these corporations will be benevolent enough to realize that Pennsylvania gave them that large tax break, and maybe they will invest here, but my constituents, I would believe, would ask me to tie it down a little bit, to put some screws in the blocks to make sure the investment were made here, and that is what I am trying to do. I am trying to say, give them the tax break if we see that we ought to do it, but require that the development is in Pennsylvania. Create the fund that they can borrow from. Mr. Speaker, I ask for an affirmative vote.

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

Mr. HAYES. After all of that, I believe everyone who listened realizes that the gentleman did not address himself to one of the facts that I mentioned, and that is, during those years when he had some direct input as to what the General Fund budget would be, year in and year out he put the screws in, as he mentions them. He put the screws to PIDA, the Pennsylvania Industrial Development Authority, year after year. That is the public record, Mr. Speaker, and I cannot really believe that the person who taught you basic economics taught you that you—

### POINT OF ORDER

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

Mr. PISTELLA. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PISTELLA. If I am not mistaken, Mr. Speaker, the question before the House is the Manderino amendment.

The SPEAKER pro tempore. The gentleman is correct.

Mr. PISTELLA. I would respectfully request that the comments of the speakers be confined to that amendment and not ad hominem attacks on past performances of individual members.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Hayes, may proceed.

Mr. HAYES. I cannot believe that the gentleman, when he was studying basic economics, ever had a professor say to him that you increase the prospect of job development by taxing anyone. Now today he would have us believe that you can do that, and I respectfully suggest that there is not an economist on the globe who would be respected by this chamber who would come before us and say you are going to increase jobs by taxing whomever you are wanting to tax, individuals or the job place or whomever. There is no economist who teaches that class, and I do not care what level the decibel here today, you cannot change basic economics. You do not increase jobs by increasing taxes, and that is what the gentleman would have us do here today. I suggest that we do it through PIDA and not through some sham amendment. Thank you, Mr. Speaker.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, it has been brought to the House's attention that it is thought that the Manderino amendment is not the correct vehicle in which to develop an economic program, that in fact an economic program does exist in this State. If you would like to look back at the record, Mr. Speaker, the fact of the matter is that this administration has not made an effort to in fact double the amount of money in a direct appropriation to the PIDA department for loans to businesses. But what some of us might not in fact realize, and what I am of

the opinion of, is that those loans that are being made with that money cannot be drawn upon for at least 3 years, so the question as to who put the screws to what really boils down to the fact that in the last 3 years unemployment in this State under Governor Thornburgh with his pet PIDA program has failed. It has failed because unemployment has risen. It has failed because that money appropriated by the General Assembly without the input of some members of this body has failed. Now you have not a desperate political attempt at partisan politics but a question to satisfy the needs of people in this State that have been raised by the administration in requesting an enterprise zone program; questions that have been raised by members of this body in challenging the PIDA authority, Secretary Stengel, and Governor Thornburgh, saying that there are in fact jobs available when we have lost jobs in this State.

I would like to make those remarks, Mr. Speaker, so that we approach this not as some desperate political ploy that some people would have us believe it is but the fact that there is a difference between reality and the stories that some of us are familiar with with Lewis Carroll in "Alice Through the Looking Glass." I think it is time that the administration sat down and perhaps took that book off the shelf and read it once or twice and came to the realization that unemployment is rising in this State. It is about time we did something about it and not let the people in the Department of Commerce continue to suck money out of the administration or us. Thank you.

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

(Members proceeded to vote.)

### VOTES CHALLENGED

The SPEAKER pro tempore. The Chair recognizes the majority whip. There is nothing before the House but the casting of the ballot.

Mr. CESSAR. Mr. Speaker, I would like to request that I check the members in their seats and request that only members in their seats be counted as voting.

The SPEAKER pro tempore. The gentleman is in order.

Mr. CESSAR. Is Mr. Borski in his seat?

Mr. MANDERINO. Is Marilyn Lewis in her seat?

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

### CONSIDERATION OF HB 192 CONTINUED

The SPEAKER. The lady from Montgomery County is on leave. She is not in her seat.

Mr. MANDERINO. Her switch was open just a moment ago, because her vote was up there.

Mr. CESSAR. Mr. Speaker, I do believe I have the floor. I have not yielded to the gentleman.

Mr. MANDERINO. Oh, you are going to give me turn-about, are you not? You call one; I will call one.

Mr. CESSAR. Whenever I am through.

The SPEAKER. The gentleman, Mr. Manderino, will be given an opportunity to challenge the members who are not in their seats.

Is the gentleman, Mr. Borski, in his seat? Strike the gentleman, Mr. Borski's name.

Mr. MANDERINO. Let the Speaker strike his vote.

The SPEAKER. The sergeant at arms is directed to strike the vote of the gentleman, Mr. Borski.

Mr. MANDERINO. That is a good way to do it.

Mr. CESSAR. Mr. Pucciarelli?

The SPEAKER. Is the gentleman, Mr. Pucciarelli, on the floor of the House?

Mr. MANDERINO. Notice how the red lights are going down, too, automatically.

The SPEAKER. Smart, huh?

Mr. CESSAR. Mr. Speaker, is Mr. Beloff in his seat?

The SPEAKER. The sergeant at arms is instructed to strike the vote of the gentleman, Mr. Beloff.

Mr. CESSAR. Mr. Speaker, I see that Mr. Donatucci is recorded as voting. Is he in his seat?

The SPEAKER. Is the gentleman, Mr. Donatucci, on the floor? Strike the gentleman, Mr. Donatucci's vote.

Mr. CESSAR. Mr. Speaker, is Mr. Berson in his seat?

The SPEAKER. Is the gentleman from Philadelphia, Mr. Berson, in his seat? Strike the gentleman, Mr. Berson's vote.

Mr. CESSAR. Mr. Speaker, is Mr. Rieger in his seat?

The SPEAKER. The gentleman, Mr. Rieger, is not voted.

Mr. CESSAR. Is the gentleman, Mr. Cappabianca, in his seat?

The SPEAKER. Strike the gentleman, Mr. Cappabianca's vote.

The gentleman, Mr. Pucciarelli, is still voted. The sergeant at arms strike the vote of Mr. Pucciarelli.

Mr. CESSAR. Mr. Speaker, I see that the gentleman from Philadelphia, Mr. Mullen, is being voted. Is he in his seat?

The SPEAKER. The gentleman, Mr. Mullen, is on the floor of the House.

The sergeant at arms strike the vote of Mr. Cappabianca.

Mr. CESSAR. Mr. Speaker, Representative Cappabianca's name is still on the board. Would you please have it stricken?

Mr. Speaker, I see Representative Williams' name as being in his seat - both of them, Hardy and James.

The SPEAKER. The gentlemen, plural, Messrs. Williams, are not on the floor of the House. The sergeant at arms strike the votes of the gentlemen from Philadelphia, Mr. Williams and Mr. Williams.

Mr. CESSAR. Is Representative Maiale here, please?

The SPEAKER. The gentleman from Philadelphia, Mr. Maiale? The sergeant at arms strike the vote of Mr. Maiale.

Mr. CESSAR. Is the gentleman, Mr. Misceovich, from Allegheny County in his seat?

The SPEAKER. The gentleman is on the floor of the House.

Mr. CESSAR. Is the gentleman from Philadelphia, Mr. O'Donnell, in his seat?

The SPEAKER. Is the gentleman, Mr. O'Donnell, on the floor of the House? The sergeant at arms strike the vote of the gentleman, Mr. O'Donnell.

Mr. CESSAR. Mr. Speaker, is the gentleman, Mr. Cole, in his seat?

The SPEAKER. Is the gentleman, Mr. Cole, on the floor of the House?

Mr. CESSAR. Mr. Speaker, is the gentleman, Mr. Wambach, in his seat?

The SPEAKER. The gentleman, Mr. Wambach, is on the floor.

Mr. CESSAR. Mr. Speaker, is Mr. Wozniak from Cambria County in his seat?

The SPEAKER. Is the gentleman, Mr. Wozniak, on the floor of the House? Strike the gentleman's name.

Mr. CESSAR. Mr. Speaker, is the gentleman from Philadelphia, Mr. Levin, in his seat?

The SPEAKER. The gentleman, Mr. Levin, was at the air pump. He is on the floor of the House.

Mr. CESSAR. There is a warm breeze blowing.

Is the gentleman from Allegheny County, Mr. Grabowski, in his seat?

The SPEAKER. Is the gentleman, Mr. Grabowski, on the floor of the House? Strike the gentleman's vote.

Mr. CESSAR. Mr. Speaker, I will yield to the minority whip for his count.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Is the gentleman, Mr. Cessar, in his seat?

Mr. CESSAR. I am standing here, sir.

Mr. MANDERINO. Are you in your seat?

The SPEAKER. The gentleman is on the floor of the House.

Mr. MANDERINO. Thank you, Mr. Speaker.

Is the gentleman, Mr. Phillips, in his seat?

The SPEAKER. Is the gentleman, Mr. Phillips, on the floor of the House? Strike the gentleman's vote.

Mr. MANDERINO. Is the gentleman, Mr. Earl Smith, on the floor of the House?

The SPEAKER. Is the gentleman, Mr. Smith, on the floor? Strike the gentleman's vote.

Mr. MANDERINO. Mr. Speaker, I am having trouble. You are taking them off as fast as I can call them. Mr. Serafini has been on there. Is he here? Oh, they took him off.

Mr. Speaker, Earl Smith is still on the board.

The SPEAKER. The vote of the gentleman, Mr. Smith, will not be counted. Evidently it is locked in.

The Chair recognizes the minority whip.

Mr. MANDERINO. Is the gentleman, Mr. Miller, on the floor of the House?

The SPEAKER. Is the gentleman, Mr. Miller, on the floor of the House? The sergeant at arms will strike the vote.

Mr. MANDERINO. Is the gentleman, Mr. Terry Punt, on the floor of the House?

The SPEAKER. The gentleman, Mr. Punt, is on the floor of the House.

Mr. MANDERINO. Is Representative Fran Weston on the floor of the House?

The SPEAKER. The lady, Mrs. Weston, is waving to the minority whip.

Mr. MANDERINO. Somebody wants me to call that last one again so we can get another wave.

The SPEAKER. Does the gentleman have any further challenges?

Mr. MANDERINO. Did the gentleman, Mr. Kanuck, push his switch?

The SPEAKER. The gentleman, Mr. Kanuck, is in his seat.

Mr. MANDERINO. Is the gentleman, Mr. John Peterson, in his seat?

The SPEAKER. The gentleman, Mr. Peterson, is on the floor of the House to the left of the Speaker.

Does the gentleman have any further challenges? Does the gentleman, Mr. Cessar, have any further challenges?

Mr. CESSAR. Yes, Mr. Speaker, I do.

Is the gentleman from Allegheny County, Mr. Petrone, here?

The SPEAKER. Will the gentleman repeat the name?

Mr. CESSAR. I am corrected, Mr. Speaker. Mr. Petrone is off.

Is the gentleman, Mr. Belfanti, here?

The SPEAKER. Is the gentleman, Mr. Belfanti, here? Strike the gentleman's vote.

Mr. CESSAR. Mr. Speaker, I would request that the name of Mr. Mullen from Philadelphia be stricken. I see he is still on the board as voting in the affirmative.

The SPEAKER. The gentleman, Mr. Mullen, is on the floor of the House.

Mr. CESSAR. Okay.

The SPEAKER. Are there any further challenges? Does the gentleman, Mr. Manderino, have any further challenges?

Mr. MANDERINO. Mr. Speaker, does the gentleman who keeps score up there know of anybody I did not challenge over there who is not here?

The SPEAKER. He has not been participating in this exercise.

Mr. MANDERINO. He ought to participate when we are trying to find the absentees.

The SPEAKER. Are there any further challenges?

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—81

Barber	Gamble	Lloyd	Rybak
Blaum	George	Lucyk	Seventy
Brown	Gray	McMonagle	Showers
Caltagirone	Greenfield	Manderino	Shupnik
Cawley	Gruitza	Michlovic	Stairs
Clark	Haluska	Miscevich	Steighner
Cohen	Harper	Morris	Stewart
Colafella	Hoeffel	Mrkonic	Stuban
Cordisco	Horgos	Mullen	Swaim
Cowell	Hutchinson, A.	Murphy	Sweet
DeMedio	Irvis	Olasz	Taylor, F. E.
DeWeese	Itkin	Oliver	Telek
Dawida	Kolter	Pendleton	Tigue
Deal	Kowalyshyn	Petrarca	Trello
Dombrowski	Kukovich	Pievsky	Van Horne
Duffy	Laughlin	Pistella	Wachob
Evans	Lescovitz	Pratt	Wambach
Fee	Letterman	Richardson	Wargo
Fischer	Levin	Ritter	Wright, D. R.
Fryer	Livengood	Rocks	Zwikl

Gallagher

NAYS—84

Anderson	Fargo	McClatchy	Sieminski
Armstrong	Foster, W. W.	McVerry	Sirianni
Arty	Foster, Jr., A.	Mackowski	Smith, B.
Belardi	Frazier	Madigan	Smith, L. E.
Bittle	Gallen	Manmiller	Snyder
Bowser	Gannon	Marmion	Spencer
Boyes	Geist	Merry	Spitz
Brandt	Gladeck	Micozzie	Swift
Burd	Greenwood	Moehlmann	Taddonio
Burns	Grieco	Mowery	Taylor, E. Z.
Cessar	Gruppo	Nahill	Vroon
Cimini	Hagarty	Noye	Wass
Clymer	Hasay	Perzel	Wenger
Cornell	Hayes	Peterson	Weston
Coslett	Heiser	Piccola	Wilson
Cunningham	Honaman	Pott	Wogan
DeVerter	Jackson	Punt	Wright, J. L.
Daikeler	Johnson	Rasco	Wright, R. C.
Davies	Kanuck	Reber	
Dietz	Klingaman	Salvatore	Ryan,
Dorr	Lashinger	Saurman	Speaker
Durham	Levi		

NOT VOTING—31

Alden	Cole	McIntyre	Rappaport
Belfanti	Dininni	Maiale	Rieger
Beloff	Donatucci	Miller	Serafini
Berson	Fleck	O'Donnell	Smith, E. H.
Borski	Freind	Petrone	Williams, H.
Cappabianca	Grabowski	Phillips	Williams, J. D.
Civera	Kennedy	Pitts	Wozniak
Cochran	Lehr	Pucciarelli	

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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?

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Hutchinson, rise?

Mr. A. K. HUTCHINSON. I would like to have permission to say a few words about this farce we just went through.

The SPEAKER. The gentleman will be recognized at the appropriate time.

Mr. A. K. HUTCHINSON. I would like to say it right now while it is hot.

The SPEAKER. The gentleman, Mr. Hutchinson, is not in order at this time.

Mr. A. K. HUTCHINSON. The heck I am not in order.

The SPEAKER. The Chair recognizes the gentleman, Mr. Sweet, who offers the following amendment which the clerk will read.

On the question recurring,

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

Mr. SWEET offered the following amendments No. A2907:

Amend Title, page 1, line 10, by inserting after "from" and a limitation on

Amend Sec. 1, page 1, line 16, by inserting after "amended" where it appears the last time  
and a subsection is added

Amend Sec. 1 (Sec. 1101), page 3, by inserting between lines 12 and 13

(g) Annual Adjustment.—The rate of the tax imposed by this section shall be adjusted annually by the Pennsylvania Public Utility Commission to produce the revenue equal to the amount of revenue due and payable during the 1981-1982 fiscal year of the Commonwealth.

On the question,

Will the House agree to the amendments?

#### STATEMENT BY MR. A. K. HUTCHINSON

Mr. A. K. HUTCHINSON. Mr. Speaker, I would like to be recognized. I am not kidding. I want to say it right now while it is hot. I want unanimous consent to say a few words.

Mr. SWEET. Mr. Speaker, I would love to yield to the gentleman.

The SPEAKER. The gentleman, Mr. Sweet, indicates a willingness to yield to the gentleman, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. I am sick and tired of having this charade or whatever you call it. Every vote we take is an important vote, and you standing up there are responsible to see the people who are not in their seats and voting. I would like to see you do your job from now on, and everybody else, do not vote anybody. Every vote is an important vote, not just this one, every one. Thank you very much.

#### CONSIDERATION OF HB 192 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet, who offers the following amendment which the clerk has read.

On the question of the adoption of that amendment, the Chair recognizes the gentleman.

Mr. SWEET. Thank you, Mr. Speaker.

This bill, since it is going to grant a tax concession to a very narrow industry in Pennsylvania, seems to be an appropriate one to introduce another element of tax equity to our discussion.

The amendment I am offering tonight is again a cap on the revenues generated by the gross receipts tax. For those of you who are not familiar with the gross receipts tax, it is the 4 1/2 percent that every little old lady in this State as well as every rich steel company is required to pay on its utility bills. It is, in effect, a 4 1/2-percent sales tax on energy.

The tax has risen dramatically since 1970. It is a tax that is raised every time OPEC (Organization of Petroleum Exporting Countries) gets together and raises the price of energy. The Allentown newspaper has called it the most regressive tax in Pennsylvania. The Pittsburgh Press has called it the most unfair tax we have.

I would suggest that you pay very careful attention before voting on this amendment, because if you vote against it, what you are really doing is you are saying that you want the utility companies of this State to continue to be a secret tax collector and to take from each and every individual of this State 4 1/2 percent additionally on their utility bills.

Now, it would be folly, Mr. Speaker, to just abolish the tax. We cannot afford to do that. What we do need to do today is say, let us stop digging ourselves further and further into the hole that we have created by using this as a secret way to raise the taxes of each and every Pennsylvanian. We exempt clothing, we exempt food, and we exempt drugs from sales tax. Surely people's utility bills are just as important and just as necessary to their daily existence as those items.

The tax has risen—I do not want to go into all the numbers; the hour is late—but the tax has risen from generating about \$170 million in 1973 to nearly a half a billion this year. It is intolerable; it is unconscionable, and this is a piece of tax reform that this General Assembly ought to accomplish tonight. Every part and every corner of this State is familiar with this problem. Let us take this step; let us do it now. If we are going to pass out concessions to airlines tonight, let us also pass out a concession to my little old lady in Cokeburg and also to steel companies that are laying people off every day and to every utility consumer and every business in Pennsylvania. I ask for an affirmative vote, Mr. Speaker.

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

Mr. WILSON. Mr. Speaker, this amendment would immediately cost \$42 million, and in 1986 it would cost \$202 million, and I do not think we can afford it. I would urge a negative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Sweet.

Mr. SWEET. Very briefly, this amendment does not cost anybody anything today. This amendment is based on putting a cap on what this tax generates in 1981-82. If you fellows and ladies over there want to balance your budget by raising taxes \$42 million by voting against this amendment, go right ahead and do it. I think that would be a mistake. If you want to wait until 1986 and allow the tax break that you just voted for for every business in this Commonwealth but by the same token want to tax utility consumers another \$202 million, then go right ahead and do it. But I think that is a mistake; I think it is unfair; and I think if you want to do something about tax equity, do it now.

It is not abolishing the tax; it is putting a cap on the revenues it generates in 1981-82. Now you can look at the budget projections for the next 10 years and say, well, we are going to cost ourselves umpteen dollars. I would like to know just as a matter of reference perhaps, after the amendment is disposed of and we vote on the bill, how much exempting these non-scheduled airlines is going to cost, and I want to know whether you would rather help airlines, horse breeders, and all sorts of other special-interest groups with the tax breaks that have been granted in the last 2 years and at the same time say to my little old lady and my consumers and your consumers that you want to continue to raise their utility bills each and every day in this Commonwealth.

I ask for an affirmative vote, Mr. Speaker.

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



Mr. LLOYD. Thank you, Mr. Speaker.

As the gentleman, Mr. Sweet, pointed out, the gross receipts tax is probably the most regressive tax that we ask people to pay in this State, because it is based not on some per capita; it is based not on ability to pay. It is based on how high your utility company's bills are, and so therefore, those of us who live in areas where utility bills tend to be higher than in other parts of the State, maybe because our utility companies are less efficient, pay more of this tax.

Those of us who live in the service territory serviced by GPU (General Public Utilities) companies have been paying a tremendous, a tremendous, windfall to the State, because our gross receipts tax has gone up because we have to pay so much to purchase power to replace the power lost at TMI (Three Mile Island). Those of you who represent the PP&L (Pennsylvania Power and Light) service territory, if you do not cap, if you do not follow Mr. Sweet's amendment and the Susquehanna Nuclear Power Station comes on line and PP&L's rates shoot up, your constituents are going to be hit with a substantial tax increase. That same point can be made with regard to Philadelphia Electric Company when it puts the Limerick Station into operation. All of those companies which are building large nuclear power plants, their constituents, the constituents of the members who represent those service territories, are going to be hit with an inequitable tax increase through the gross receipts tax. Now, it would be nice if we could get rid of the gross receipts tax and remove some of those inequities. Mr. Sweet's amendment is a start in that direction.

The second point, Mr. Speaker, is that it is ironic, ironic, that the Republican majority leader would stand on the floor of this House of Representatives and argue for a corporate tax break on the theory that you do not get anything if you tax it, when his President, Mr. Speaker, had a tax cut which benefited not only corporations but also individual consumers, and whose President is now resisting, with the last ounce of energy that he has, any effort to roll back that individual tax cut. I say, Mr. Speaker, if that is okay in Washington from the Republicans' point of view, it ought to be okay in Harrisburg.

If we are really interested in taking care of the small businessman whose utility bills are going through the overhead, then the right thing to do is to vote for the Sweet amendment, and I urge adoption of that amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wilson.

Mr. WILSON. Mr. Speaker, just perhaps a brief explanation. This bill is not constituted to help airlines. In fact, the airlines we cannot tax, because the Feds preempt it. What we are trying to do is make things equal. Just about 3 or 4 years ago an Attorney General decided that these particular air taxis, unscheduled airlines, would be subject to this tax simply because they were ruled transportation companies. All we are trying to do here is make things equal because the airlines with which they compete cannot.

The cost of this legislation is less than \$200,000. We are not changing any rates of taxation for anybody. There have not

been any rate changes here. I could suggest that we reduced taxes, Mr. Speaker. The last vote that we had here would have kept increased taxes. I wonder if these same little old ladies whom we are going to give this break to would be willing to pay an income tax increase or sales tax increase to make up for where the revenues did not grow as they do in all our other taxes. Are we ready here, Mr. Speaker, to put a limit, or should we maybe have in 1971 put a limit on the income tax when it was instigated, and say, hey, you have got to reduce it if it grows in revenue? No. That is the way it is. That is the way it will be. I urge a negative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—107

Barber	Fryer	Lloyd	Rocks
Belardi	Gallagher	Lucyk	Rybak
Blaum	Gamble	McMonagle	Seventy
Brown	George	McVerry	Showers
Burns	Gray	Maiale	Shupnik
Caltagirone	Greenfield	Manderino	Snyder
Cappabianca	Greenwood	Marmion	Spitz
Cawley	Grieco	Michlovic	Stairs
Cimini	Gruitza	Micozzie	Steighner
Clark	Hagarty	Miscevich	Stewart
Cohen	Haluska	Morris	Stuban
Colafella	Harper	Mrkonic	Swaim
Cordisco	Hasay	Mullen	Sweet
Cornell	Heiser	Murphy	Taylor, F. E.
Coslett	Hoefel	Olasz	Tigue
Cowell	Horgos	Oliver	Trello
DeMedio	Hutchinson, A.	Pendleton	Van Horne
DeWeese	Irvis	Perzel	Wachob
Dawida	Itkin	Petrarca	Wambach
Deal	Kolter	Pievsky	Wargo
Dombrowski	Kowalshyn	Pistella	Wass
Duffy	Kukovich	Pratt	Wogan
Durham	Laughlin	Punt	Wright, D. R.
Evans	Lescovitz	Rasco	Wright, J. L.
Fargo	Letterman	Reber	Wright, R. C.
Fee	Levin	Richardson	Zwilk
Fischer	Livengood	Ritter	

NAYS—59

Anderson	Foster, W. W.	McClatchy	Sieminski
Armstrong	Foster, Jr., A.	Mackowski	Sirianni
Bittle	Frazier	Madigan	Smith, B.
Bowser	Gallen	Manmiller	Smith, L. E.
Boyes	Gannon	Merry	Spencer
Brandt	Geist	Moehlmann	Swift
Burd	Gladeck	Mowery	Taddonio
Cessar	Gruppo	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Telek
Cochran	Honaman	Peterson	Vroon
Cunningham	Jackson	Phillips	Wenger
DeVerter	Johnson	Pott	Wilson
Daikeler	Klingaman	Salvatore	
Davies	Lashinger	Saurman	Ryan,
Dietz	Levi	Serafini	Speaker
Dorr			

NOT VOTING—30

Alden	Dininni	McIntyre	Rappaport
Arty	Donatucci	Miller	Rieger
Belfanti	Fleck	O'Donnell	Smith, E. H.
Beloff	Freind	Petrone	Weston
Berson	Grabowski	Piccola	Williams, H.
Borski	Kanuck	Pitts	Williams, J. D.
Civera	Kennedy	Pucciarelli	Wozniak
Cole	Lehr		

EXCUSED—4

Emerson Lewis Stevens Wiggins

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

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Mr. Speaker, there is another amendment that has been circulated under the name of Mr. Cole from Adams County. He is not here, and I would like to offer that in his place.

On the question recurring,

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

Mr. SWEET offered the following amendments No. A6378:

Amend Title, page 1, line 11, by removing the period after "tax" and inserting

and eliminating utilities gross receipts tax in certain instances.

Amend Bill, page 3, line 13, by striking out all of said line and inserting

Section 2. The act is amended by adding a section to read:

Section 1101.3. Certain Purchased Energy Costs Not Taxed.

Notwithstanding any provision of law to the contrary, no tax shall be imposed pursuant to this article on any public utility's revenues resulting from higher purchased energy costs incurred as a direct consequence of an unscheduled outage lasting two months or longer at a nuclear generating facility resulting from a major accident or natural disaster as determined by the Public Utility Commission. To determine purchased energy costs the Public Utility Commission shall make a determination of the estimated reliability of the plant operating under normal conditions prior to such unscheduled outage. Any utility where the tax liability is reduced pursuant to this section shall appropriately adjust to the rates charged to the ratepayers pursuant to procedures established by the Public Utility Commission to fully reflect the tax reduction. Any exemption granted under this section shall be calculated beginning with the original date of the unscheduled outage and shall extend until regular service at the generating facility is resumed but not for more than twenty-four months without another review by the commission.

Section 3. Section 1101.3 shall take effect immediately and shall be retroactive to January 1, 1979 and the remainder of this amendatory act shall take effect January 1, 1981.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Mr. Speaker, this amendment was drafted by the gentleman, Mr. Cole, because of his concern about the unfairness that was created as a result of the TMI accident. If you will remember, there were people who were charged extra costs because purchase power had to be acquired from other utility plants when TMI went down. That purchase power cost the people of Mr. Cole's area, and many other areas represented by people here tonight, extra dollars. The way the gross receipts tax works, that meant it was 4 1/2 percent of a larger number, and so in effect those consumers were being penalized because they lived in the area where TMI was located.

The House has, I believe, adopted this amendment in earlier legislation in earlier sessions. I would ask for an affirmative vote on this as well. Thank you.

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

Mr. WILSON. Mr. Speaker, again I would like to point out that this amendment is a \$6-million loss directly. That is not a leveling of the income that we have currently but a direct loss of \$6 million, and it is to a special utility. I question its constitutionality. Perhaps it is, but can we in fact take out of one tax and grant to one individual a special consideration for something that happened, inadvertently I suppose? I would suggest you consider it and recommend a negative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—109

Barber	Gamble	Manderino	Showers
Belardi	George	Manmiller	Shupnik
Beloff	Grabowski	Michlovic	Sieminski
Blaum	Gray	Miscevich	Smith, B.
Brown	Greenfield	Moehlmann	Snyder
Burns	Greenwood	Morris	Spitz
Caltagirone	Gruitza	Mrkonc	Steighner
Cappabianca	Haluska	Mullen	Stewart
Cawley	Harper	Murphy	Stuban
Clark	Hoeffel	Olasz	Swaim
Colafella	Horgos	Oliver	Sweet
Cordisco	Hutchinson, A.	Pendleton	Taylor, E. Z.
Cowell	Irvic	Perzel	Taylor, F. E.
DeMedio	Itkin	Petrarca	Telek
DeWeese	Jackson	Pievsky	Tigue
Davies	Kolter	Pistella	Trello
Dawida	Kowalshyn	Pratt	Van Horne
Deal	Kukovich	Punt	Wachob
Dombrowski	Laughlin	Rasco	Wambach
Dorr	Lescovitz	Reber	Wargo
Duffy	Letterman	Richardson	Wass
Durham	Levin	Ritter	Weston
Evans	Livengood	Rocks	Wogan
Fee	Lloyd	Rybak	Wozniak
Fischer	Lucyk	Salvatore	Wright, D. R.
Foster, Jr., A.	McMonagle	Serafini	Wright, R. C.
Fryer	Maiale	Seventy	Zwilk
Gallagher			

NAYS—60

Anderson	Daikeler	Klingaman	Piccola
Armstrong	Dietz	Lashingier	Saurman
Arty	Fargo	Levi	Sirianni
Bittle	Foster, W. W.	McClatchy	Smith, L. E.
Bowser	Gallen	McVerry	Spencer
Boyes	Gannon	Mackowski	Stairs
Brandt	Geist	Madigan	Swift
Burd	Gladeck	Marmion	Taddonio
Cessar	Grieco	Merry	Vroon
Cimini	Gruppo	Miller	Wenger
Clymer	Hagarty	Mowery	Wilson
Cochran	Hasay	Nahill	Wright, J. L.
Cornell	Hayes	Noye	
Coslett	Heiser	Peterson	Ryan,
Cunningham	Honaman	Phillips	Speaker
DeVerter	Johnson		

NOT VOTING—27

Alden	Dininni	Lehr	Pucciarelli
Belfanti	Donatucci	McIntyre	Rappaport
Berson	Fleck	Micozzie	Rieger
Borski	Frazier	O'Donnell	Smith, E. H.
Civera	Freind	Petrone	Williams, H.

Cohen Kanuck Pitts Williams, J. D.  
 Cole Kennedy Poit  
**EXCUSED—4**

Emerson Lewis Stevens Wiggins

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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—162**

Armstrong	Fischer	Levin	Rybak
Arty	Foster, W. W.	Livengood	Salvatore
Barber	Foster, Jr., A.	Lloyd	Saurman
Belardi	Fryer	Lucyk	Serafini
Beloff	Gallagher	McClatchy	Seventy
Bittle	Gallen	McMonagle	Showers
Blaum	Gamble	Mackowski	Shupnik
Boyes	Gannon	Madigan	Sieminski
Brown	Geist	Maiale	Smith, B.
Burd	George	Manderino	Smith, L. E.
Burns	Gladeck	Manmiller	Snyder
Caltagirone	Grabowski	Merry	Spitz
Cappabianca	Gray	Michlovic	Stairs
Cawley	Greenfield	Miller	Steighner
Cessar	Greenwood	Miscevich	Stewart
Cimini	Grieco	Morris	Suban
Clark	Gruitza	Mowery	Swaim
Clymer	Gruppo	Mrkonic	Sweet
Cochran	Hagarty	Mullen	Swift
Cohen	Haluska	Murphy	Taddonio
Colafigliola	Harper	Nahill	Taylor, E. Z.
Cordisco	Hasay	Noye	Taylor, F. E.
Cornell	Hayes	Olasz	Telek
Coslett	Heiser	Oliver	Tigue
Cowell	Hoeffel	Pendleton	Trello
Cunningham	Honaman	Perzel	Van Horne
DeMedio	Horgos	Peterson	Wachob
DeVerter	Hutchinson, A.	Petrarca	Wambach
DeWeese	Irvis	Phillips	Wargo
Daikeler	Itkin	Piccola	Wass
Davies	Johnson	Pievsky	Wenger
Dawida	Kennedy	Pistella	Weston
Deal	Klingaman	Pott	Williams, H.
Dietz	Kolter	Pratt	Wilson
Dombrowski	Kowalyshyn	Punt	Wogan
Dorr	Kukovich	Rasco	Wozniak
Duffy	Lashinger	Reber	Wright, D. R.
Durham	Laughlin	Richardson	Wright, J. L.
Evans	Lescovitz	Ritter	Wright, R. C.
Fargo	Letterman	Rocks	Zwinkl
Fee	Levi		

**NAYS—11**

Anderson	McVerry	Sirianni	Ryan,
Bowser	Marmion	Spencer	Speaker
Brandt	Mochlmann	Vroon	
Jackson			

**NOT VOTING—23**

Alden	Dininni	Lchr	Pucciarelli
Belfanti	Donatucci	McIntyre	Rappaport
Berson	Fleck	Micozzie	Rieger
Borski	Frazier	O'Donnell	Smith, E. H.

Civera Freind Petrone Williams, J. D.  
 Cole Kanuck Pitts  
**EXCUSED—4**

Emerson Lewis Stevens Wiggins

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 198, PN 1603**, entitled:

An Act providing for the regulation of gasoline and advertising, requiring the posting of price per gallon at retail outlets and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. WILSON offered the following amendments No. A6607:

Amend Sec. 3, page 3, line 10, by striking out "SIX" and inserting  
 three

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

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Mr. Speaker, the purpose of this bill is to have the price of gasoline prominently displayed so that a person can read the price from the street. Originally we had agreed on 6-inch block letters; this amendment reduces it to 3. I did this at the request of one, I grant you, one oil company that had just instituted all new signs throughout their system. I personally went out and looked at them, and I find them to be quite recognizable in 3-inch block letters from the street. I would urge the adoption of the amendment.

The SPEAKER. Does the gentleman, Mr. Foster, desire recognition?

Mr. A. C. FOSTER. Yes.

Mr. Speaker, would you go back with that amendment and try one time more? You can come from 6 down to 3. I would urge a negative— Well, vote for the amendment. It is better than it is, but then if you try one time more, maybe it would be better yet.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—128**

Anderson	Fischer	Livengood	Saurman
Armstrong	Foster, W. W.	Lloyd	Serafini
Arty	Foster, Jr., A.	McClatchy	Seventy
Belardi	Frazier	McVerry	Sieminski
Bittle	Gallagher	Mackowski	Sirianni
Bowser	Gallen	Madigan	Smith, B.
Boyes	Gamble	Maiale	Snyder

Brandt	Gannon	Manmiller	Spencer
Burd	Geist	Marmion	Spitz
Burns	George	Micozzie	Stairs
Cappabianca	Gladeck	Miller	Steighner
Cawley	Grabowski	Miscevich	Stewart
Cessar	Greenwood	Moehlmann	Swaim
Cimini	Grieco	Mowery	Sweet
Clymer	Gruppo	Mrkonic	Swift
Cochran	Hagarty	Mullen	Taddonio
Cohen	Haluska	Murphy	Taylor, E. Z.
Cordisico	Harper	Nahill	Taylor, F. E.
Cornell	Hasay	Noye	Telek
Coslett	Hayes	Olasz	Wachob
Cowell	Heiser	Pendleton	Wass
Cunningham	Honaman	Perzel	Wenger
DeMedio	Horgos	Peterson	Weston
DeVerter	Hutchinson, A.	Phillips	Wilson
DeWeese	Jackson	Piccola	Wogan
Daikeler	Johnson	Pievsky	Wozniak
Davies	Klingaman	Pistella	Wright, D. R.
Dawida	Kowalyszyn	Pratt	Wright, J. L.
Dietz	Kukovich	Rasco	Wright, R. C.
Dorr	Lashinger	Reber	
Duffy	Laughlin	Rybak	Ryan,
Fargo	Lehr	Salvatore	Speaker
Fee	Levi		

NAYS—47

Barber	Greenfield	Manderino	Shupnik
Beloff	Gruitza	Merry	Smith, L. E.
Blaum	Hoeffel	Michlovic	Stuban
Brown	Irviss	Morris	Tigue
Caltagirone	Itkin	Oliver	Trello
Clark	Kennedy	Petrarca	Van Horne
Colafella	Kolter	Pott	Vroon
Deal	Lescovitz	Punt	Wambach
Dombrowski	Letterman	Richardson	Wargo
Evans	Levin	Ritter	Williams, H.
Fryer	Lucyk	Rocks	Zwinkl
Gray	McMonagle	Showers	

NOT VOTING—21

Alden	Dininni	Kanuck	Pucciarelli
Belfanti	Donatucci	McIntyre	Rappaport
Berson	Durham	O'Donnell	Rieger
Borski	Fleck	Petrone	Smith, E. H.
Civera	Freind	Pitts	Williams, J. D.
Cole			

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, who offers the following amendments which the clerk will read.

Mr. VROON. Mr. Speaker, I just became aware of the fact that my amendment number A1573 is supposed to be offered at this point. This amendment is dated May 14, 1981, and I do not think that anybody else besides myself has any record of this amendment. Oh, I found one.

I do not have the packet of amendments that I have to submit, Mr. Speaker, so I will have to—

The SPEAKER. Is the gentleman withdrawing his amendment at this time?

Mr. VROON. Mr. Speaker, can you hold in abeyance for a minute, please?

The SPEAKER. Will the gentleman confer with the majority leader?

On the question recurring,

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

Mr. VROON offered the following amendment No. A1573:

Amend Sec. 3, page 3, lines 18 through 20, by striking out "THE SIGN OR SIGNS" in line 18, all of lines 19 and 20, and inserting

If the owner or operator of a retail gasoline outlet chooses to display the price of grades of gasoline other than as required by subsection (a) on a sign visible from a public highway, the sign shall identify the grade and price of the gasoline in bold block lettering at least six inches in height. If the prices displayed refer to the price charged on condition that the customer operate the pump, then the sign shall also bear the words "self-service" in the same size bold block lettering.

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Okay, Mr. Speaker. This amendment becomes a little bit more specific than the original bill was, and it has to do with what is the content of the sign that is displayed and visible from the street. This says that the sign must display the prices of the grades of gasoline, other than as required by subsection (a), on a sign visible from the street, and the sign will identify the grade and price of the gasoline in bold block lettering at least 3 inches, now, in height. Now, the whole idea there is that we not only want the price displayed but we want the grade displayed as well, and that is what this amendment accomplishes. I think it is a good amendment, and I urge your acceptance.

PARLIAMENTARY INQUIRY

Mr. WILSON. Mr. Speaker, point of parliamentary inquiry.

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

Mr. WILSON. I believe the gentleman's amendment has the number "6." Can the amendment be divided at that point, leaving out the numeral "6" and my amendment taking place with "3"?

The SPEAKER. Unfortunately, that is far too logical and it cannot be done.

AMENDMENT WITHDRAWN

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

Mr. VROON. Mr. Speaker, I withdraw amendment A1573.

On the question recurring,

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

## BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. VROON. Mr. Speaker, I move that HB 198, PN 1603, be placed on the third consideration postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

The House proceeded to third consideration of **SB 685, PN 715**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," changing the name of the Farview State Hospital to the Northeast State Hospital.

On the question,

Will the House agree to the bill on third consideration?

Mr. DeWEESE offered the following amendments No. A6964:

Amend Title, page 1, line 21, by removing the period after "Hospital" and inserting providing for budget procedures for the Consumer Advocate and making a repeal.

Amend Bill, page 6, line 18, by striking out all of said line and inserting

Section 3. Subsection (a) of section 904-A.1 of the act, amended July 1, 1978 (P.L.581, No.107), is amended to read:

Section 904-A.1. Assessment Upon Public Utilities, Disposition, Appropriation and Disbursement of such Assessments.— (a). [Before July 1 of each year, the Office of Consumer Advocate shall estimate its total expenditures in the administration of this act insofar as it relates to public utilities for the fiscal year beginning that date, which estimate for the fiscal year 1977-1978 shall not exceed seven per centum (7%) of the total assessment of the Public Utility Commission for the same fiscal year levied pursuant to section 1201 of the act of May 28, 1937 (P.L.1053, No.286), known as the "Public Utility Law." The Pennsylvania Public Utility Commission's total assessment for fiscal 1977-1978 was twelve million nine hundred fifty-four thousand five hundred forty-nine dollars and ninety eight cents (\$12,954,549.98) and seven per centum (7%) of that figure is equivalent to nine hundred six thousand eight hundred eighteen dollars (\$906,818) for the Office of Consumer Advocate. It is hereby declared that the assessment for the Office of Consumer Advocate approved by the Appropriation Committees of both the House and Senate of Pennsylvania, and by the Governor for the fiscal year 1977-1978 in the amount of nine hundred four thousand dollars (\$904,000) is within the statutory limit of seven per centum (7%) of the Pennsylvania Public Utility Commission's total assessment for the fiscal year 1977-1978. For the fiscal year 1978-1979 and for each fiscal year thereafter, the Office of Consumer Advocate's estimate of its total expenditures for that fiscal year shall not exceed five one hundredths of one per centum (.05%) of the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the Pennsylvania Public Utility Commission for the preceding calendar year. Such estimate shall be submitted to the Governor and to the Appropriation Committees of the House and Senate through their respective chairmen for their respective approvals of such estimate in the amount submitted or such lesser amount as each of them may determine: Provided, That if the Governor or either committee, through its chairman, shall fail to notify the Office of Consumer Advocate in writing of

his or its action within thirty (30) days after such submission, the estimate as submitted shall be deemed approved by him or by such committee, as the case may be. The least of the amounts so approved by the three (3) approving authorities shall be the final estimate, and approval of such least amount shall constitute compliance with section 604. The Office of Consumer Advocate shall subtract from the final estimate the estimated balance of the appropriation to be carried over into such fiscal year from the preceding one. The remainder so determined, herein called the total assessment, shall be allocated to, and paid by, such public utilities in the manner hereafter prescribed. The Office of Consumer Advocate or its designated representative shall be afforded an opportunity to appear before the Senate and the House Appropriation Committees regarding its estimate.] (1) Before November 1 of each year, the Office of Consumer Advocate shall estimate its total expenditures in the administration of this act insofar as it relates to public utilities for the fiscal year beginning July of the following calendar year. Such estimate shall be submitted to the Governor in accordance with section 610 and transmitted by the Governor to the General Assembly for approval by the General Assembly prior to the beginning of the fiscal year for which such estimate was made. The Governor shall submit such estimate to the General Assembly no later than the date on which he submits his general fund budget to the General Assembly.

(2) In formulating its estimate, the Office of the Consumer Advocate shall not be bound by any instructions from the Secretary of the Budget, the Governor, the Attorney General, or any other State official or office regarding the fiscal parameters of, or specific amounts to be included in, such estimate. Such estimate shall not exceed five one hundredths of one per centum of the total gross intrastate operating revenues of the public utilities subject to the jurisdiction of the Pennsylvania Public Utility Commission for the most recent calendar year preceding the date of the estimate.

(3) If the General Assembly fails to approve the Office of Consumer Advocate's estimate, with or without revision, by March 15, the Public Utility Commission shall assess, and collect from, public utilities on the basis of the estimate previously approved for the current fiscal year, but the funds from such assessment shall not be expended prior to approval of an estimate by the General Assembly pursuant to clause (1). Upon such approval, the commission shall make an adjustment in the assessment, and collect from public utilities, to reflect the estimate finally approved by the General Assembly.

(4) For the fiscal year 1982-1983, the General Assembly shall approve the estimate for the Office of Consumer Advocate, with or without revision, not later than June 30, 1982, notwithstanding any approval of the estimate for that fiscal year by the Governor, the House Appropriations Committee, or the Senate Appropriations Committee prior to the effective date of this amendatory act. For the fiscal year 1982-1983, the Public Utility Commission shall assess, and collect from, public utilities on the basis of the estimate approved for the fiscal year 1981-1982, but the funds from such assessment shall not be expended prior to approval of an estimate by the General Assembly for the fiscal year 1982-1983. Upon such approval, the commission shall make an adjustment in the assessment, and collect from public utilities, to reflect the estimate finally approved by the General Assembly.

\* \* \*

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. DeWEESE. Mr. Speaker, thank you very much.

In line with some of the other initiatives that we have taken today, I think that this measure should meet with more response than heretofore. What we are trying to do, Mr. Speaker, is amend the Administrative Code in order to allow that the Consumer Advocate's Office in Pennsylvania be funded in the exact same way that the other bureaus and agencies in Commonwealth Government are funded. I think that the gentleman, Mr. Hayes, and his colleagues should be aware of the fact that the Consumer Advocate's budget has been reduced 27 percent in the last 3 years. I think that is a glaring figure. In other words, the Consumer Advocate, the attorneys and specialists who fight the utility companies - who fight Bell Telephone's \$426-million increase, who fight PP&L, who fight West Penn, who fight Duquesne Light - their budget has been reduced by 27 percent. I believe it has been reduced because of the way we are budgeting the Consumer Advocate in Pennsylvania.

The second point I would like to make—and I think it is quite salient and I would like for Mr. Taddonio to be quite aware of the fact when he votes—is that \$1 billion in rate increases were requested just 2 years ago. This year almost \$1 1/2 billion in rate increases were asked for by the utility companies. So what we have is 27 percent less money for our fighters, for our frontline troops in the Consumer Advocate's Office to fight \$1.5 billion in rate increase requests.

Mr. Speaker, to further illuminate what I think is a very glaring point, we are only spending about 9 cents a year. Mr. Dietz and all the people in Bedford County spend about 9 cents a year for this kind of protection. When these utility companies and our attorneys in the Consumer Advocate's Office go to battle, the consumers of Pennsylvania are spending 9 cents, only 9 cents. The utility companies are spending 90, 90, ten times. What we are doing today is trying to redress this problem; we are trying to turn things around a little bit.

Now, I have a great deal of respect for the gentleman from Montgomery County, Mr. McClatchy, but point four of my argument goes right to Mr. McClatchy and goes right to the heart of what we do in the Appropriations Committee. I think that something as sensitive as the Consumer Advocate's budget should be addressed by Mr. Cunningham and myself and all of us here in this room. I do not think that the gentleman from Montgomery or his Senate colleague, another gentleman from Montgomery, or finally the third gentleman, Mr. Thornburgh, should detail exactly what we are spending for the Consumer Advocate. I am firmly convinced that we as budgeteers, we as budgeteers, should do that job. So, Mr. Speaker, that is the fourth point I would like to make.

The SPEAKER. Has the gentleman completed his remarks?  
Mr. DeWEESE. May I ask for a hiatus of 30 seconds?

One more remark. Thank you very much.

In Pennsylvania, we in the legislature are allowed to give—and I want to be quite graphic here—the Consumer Advocate in Pennsylvania this much. We are only giving him that much. I think we can do better. I think that we can join with our constituents back home and fight these drastic rate increases. Thank you for your time.

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. We agree to the gentleman's amendment.

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

The following roll call was recorded:

YEAS—172

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

NAYS—2

Anderson Noye

NOT VOTING—22

Alden	Cole	Kanuck	Pucciarelli
Belfanti	DeMedio	McIntyre	Rappaport
Beloff	Dininni	O'Donnell	Rieger
Berson	Donatucci	Petrone	Smith, E. H.
Borski	Fleck	Pitts	Williams, J. D.
Civera	Freind		

EXCUSED—4

Emerson Lewis Stevens Wiggins

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—176

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

NAYS—0

NOT VOTING—20

Alden	Civera	Freind	Pucciarelli
Belfanti	Cole	Kanuck	Rappaport
Beloff	Dininni	McIntyre	Rieger
Berson	Donatucci	O'Donnell	Smith, E. H.
Borski	Fleck	Pitts	Williams, J. D.

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. PIEVSKY. On the past bill I had a six-page speech. Can I submit it for the record?

The SPEAKER. That is far better than reading it. The gentleman will submit his remarks for the record.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. PIEVSKY submitted the following remarks for the Legislative Journal:

CONSUMER ADVOCATE

To help people visualize what is happening with the Office of Consumer Advocate, I have asked that some charts be handed out. Chart one shows the treatment of the Consumer Advocate over the last 4 years. In 1979, the Consumer Advocate requested \$1,716,000, or 43 percent of his budget limit. He was cut by the Governor and the House Appropriations Committee by \$250,000.

In 1980, the first year for Consumer Advocate Walter Cohen, the Consumer Advocate's budget request was for \$1,901,000, again almost 43 percent of his budget limit. Again, both the Governor and the House Appropriations Committee cut this request, by \$377,000, reducing the Consumer Advocate to \$1,524,000. While this amounted to a 4-percent increase over the prior year, the utilities during this same period grew by almost 12 percent.

In 1981, budget instructions directed all departments to write 97-percent budgets, due to limited State funds. Although the funding for the Office of Consumer Advocate comes directly from the consumers he is to protect, and although he is an independent officer charged with the protection of the consumer, the Consumer Advocate wrote a 97-percent budget. When a request for minor additional funding for expert witnesses was included, the budget request totaled \$1,585,000, only a 4-percent increase and only 31.5 percent of his budget limit.

Throughout his request he noted items he would like to request but could not due to the budget instructions. He also noted jobs he should be doing but could not do because of the budget instructions. Given this very austere request, the Governor and House Appropriations Committee approved his request. In 1981, however, the Senate cut the Consumer Advocate by \$90,000, to a figure of \$1,495,000, \$29,000 less than he received in 1980. This also was the first time the Consumer Advocate's budget dropped below 30 percent of his budget limit.

This year the Consumer Advocate requested a moderate 8.4-percent increase. Because of last year's cut, this amounted to only a 3-percent increase per year over the last 2 years. The request amounted to a further erosion of the Consumer Advocate's position in relation to the utilities and in relation to his budget limit. This request was actually 15 percent smaller than his first budget request in 1980, and yet his budget was cut again. The House and Senate Appropriations chairmen, each acting unilaterally, and the Governor each cut the budget by at least \$60,000 with Senator Tilghman providing the low figure of \$1,525,000, a \$96,000 cut.

The Consumer Advocate's budget limit, as set in law, is in direct relation to the utilities' gross income. As the utilities' income rises, so does the amount that may be appropriated for the operation of the Office of Consumer Advocate.

Chart two shows us that the Consumer Advocate's budget as a percent of his budget limit, or more dramatically stated, as a percentage of utility income, has been steadily shrinking. This shrinkage not only comes as a result of approved amounts but is even present in the Consumer Advocate's requests.

Chart three shows the Consumer Advocate's budget in relation to the State's utility income and rate increase requests. In the last 2 years, the utilities' rate increase requests have jumped from less

than \$400 million to over \$1.5 billion, while the Consumer Advocate's Office has increased in funding by \$1,000.

Some would have you believe that by holding down the Consumer Advocate's budget, they are saving the consumer money. Let us look at that argument.

Chart four shows the amount it currently costs each utility consumer for the Office of Consumer Advocate and compares it to the cost each utility consumer pays for utility rate case expenses.

At the same time we allow only 9 cents for the Consumer Advocate, the consumer is paying the utility companies' expenses to argue for higher rates. The cost of the utility company's rate case expense is passed on directly to the consumer. When the case is decided, after a rate increase is approved, the rate case expense is added on top, as a direct expense to the ratepayer. That cost is 90 cents per utility consumer.

To say you are saving money by lowering the Consumer Advocate's budget is not just absurd; it is an insult to our intelligence. Why not allow the utility companies to argue the consumers' interests? Obviously such a proposal would be absurd!

In addition to being regularly outspent in major rate cases by 7 or 10 to 1, there are literally hundreds of cases that the Consumer Advocate cannot enter due to lack of funds. Naturally, many of these cases are too small to enter economically, but some are not. Some rate increase requests in excess of \$10 million get no Consumer Advocate involvement.

Chart five shows a study of all cases since 1979 over \$500,000 excluding only the major utilities. (The seven utilities not included in the study were:

- Duquesne Light Company
- Metropolitan Edison Company
- Pennsylvania Electric Company
- Pennsylvania Power and Light Company
- Philadelphia Electric Company
- West Penn Power Company
- Bell Telephone)

The study of rate cases other than the major utilities shows a startling fact. If the Consumer Advocate's budget had been increased during the last 3 years to allow entry into just a few additional cases, he could have saved the utility consumer over \$6.9 million in excessive rate increases.

We arrived at this figure by taking all cases that had Consumer Advocate involvement excluding only the unique major utility cases. In these cases rate increases were approved at a level of 49.3 percent of the amount requested.

During that same period of time there were 34 cases, each involving in excess of \$500,000 in requested rate increases, but none had Consumer Advocate involvement. In these cases rate increases were approved at a level of 60.4 percent of the amount requested.

Line three on the chart shows the results that could have been anticipated in those cases if the Consumer Advocate could have been involved and achieved the same batting average he achieved in similar cases. Assuming that involvement by the Consumer Advocate, the utility consumers of this State could have been saved \$6.9 million.

My point with all these graphics is just this: The Office of the Consumer Advocate performs a needed function in protecting the utility consumer. The extent to which that office should be funded is naturally debatable but should be open to the debate and input of every member of this House and our colleagues in the Senate. Three individuals, no matter how benevolent, do a grave injustice if unwilling to share their power in the budget-making process for this office.

The Office of Consumer Advocate is the last appropriation left that currently does not receive full House and Senate approval. This amendment would change that budgeting procedure for the Office of Consumer Advocate to one identical to the new PUC (Public Utility Commission) procedure and allow our participation.

If you vote this amendment down and your utility consumers back home get overcharged, can you really say to them that you offered them the best protection possible?

### BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **HB 1651, PN 1930**, on third consideration postponed, entitled:

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

On the question recurring,

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

Mr. FARGO offered the following amendments No. A6440:

Amend Title, page 1, line 12, by inserting after "providing" for discounts and

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

Section 2. The act is amended by adding a section to read:

Section 208.1. Revocation of License.—(a) The department shall have the power to revoke any license issued pursuant to section 208 for any violation of this article.

(b) Upon determining that a violation of this article or the rules and regulations promulgated thereunder exists, the department shall issue a notice of violation. Such notice shall specify the nature of the violation, order the violation abated and shall specify a reasonable time for compliance. If, after such reasonable time for compliance, the department determines that such violation persists, the department shall afford the holder of the license an opportunity for an administrative hearing before the department. If, after the department hearing, the department rules that the license shall be revoked, appeals may be taken in accordance with the procedures provided in sections 234 through 236.

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

Sections 217 and 227

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

twenty-fifth

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

twenty-fifth

Amend Sec. 3 (Sec. 217), page 3, line 29, by inserting brackets before and after "last" and inserting immediately thereafter

twenty-fifth

Amend Sec. 3, page 4, by inserting between lines 12 and 13

Section 227. Discount.—(a) Regular discount. If a return is filed by a licensee and the tax shown to be due thereon less any discount is paid all within the time prescribed, the licensee shall be entitled to credit and apply against the tax payable by him a discount of one per cent of the amount of the tax collected by him on and after the effective date of this article, as compensation for the expense of collecting and remitting the same and as a consideration of the prompt payment thereof.

(b) Additional discount. In addition to the discount provided in subsection (a), if a return is filed by a taxpayer (whether or not a licensee) and the tax shown to be due thereon less any discount is paid on or before the fifteenth day prior to the day prescribed, the taxpayer shall be entitled to credit and apply against the tax payable by him a further discount of one-fourth of one



per centum of the amount of tax collected by him on and after July 1, 1983, and of one-fourth of one per centum of the amount of use tax so reported and remitted by him incurred on and after July 1, 1983, as a consideration for the early payment of said taxes.

Amend Sec. 3 (Sec. 253), page 5, line 9, by striking out the bracket before "(d)"

Amend Sec. 3 (Sec. 253), page 5, line 16, by inserting brackets before and after "five" and inserting immediately thereafter three

Amend Sec. 3 (Sec. 253), page 5, line 26, by striking out the bracket after "final."

Amend Sec. 5, page 6, lines 2 and 3, by striking out "July 1, 1981, or if" in line 2 and all of lines 3 and inserting July 1, 1983.

On the question,

Will the House agree to the amendments?

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

Mr. FARGO. This amendment No. 6440 attempts to make various changes to HB 1651. The first change is to substitute in the area that has to do with revocation of the sales tax license a wording which will provide for the procedures that will be followed in case the Department of Revenue would like to have a license revoked for cause and the procedures that can be followed by the merchant in protecting that license. The revocation language is much the same as what we have in a bill which is on the calendar at the present time, HB 182.

A second change that is incorporated in this amendment is to change the date for filing quarterly returns to the 25th of the month following the end of the quarter. The present bill, HB 1651, as it is constituted, would require that this be done on the 20th of the month. This provides an additional 5 days for the small businessman to prepare the return and remit his remittance and his return.

A third change is to change the date for filing monthly returns from the bill's proposed 20th day of the first succeeding month to the 25th day of the first succeeding month.

A fourth change is to conform the monthly filing date for the use tax returns to the amendment's proposed 25th-day-of-the-month sales tax filings. What this will do is mean that all filings will be due the 25th of the month following the month in which the collections are made.

A fifth change is to grant taxpayers filing returns, both the sales and the use tax returns, an additional one-fourth of 1 percent discount if the taxes are paid by the 10th of the month. This gives the merchant who is able to prepare all this information, has the mechanization that is available to prepare his sales tax return, file it by the 10th of the month and receive an additional discount of one-fourth of 1 percent.

The final or another change which we have is to make the entire act effective on July 1 of 1983 instead of the present date, which is shown as January 1 of 1982. The reason for this is to give the Department of Revenue an opportunity to gear up, to change their forms, and to get the information out to the small business people, to the business people collecting these sales taxes, and prepare them for filing them under the provisions of this amendment and of HB 1651.

I would respectfully ask that the members vote "aye" on these amendments in realization that they will help the small businessman in his dealings with the sales tax and the sales tax regulations. Thank you.

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

Mr. WILSON. Mr. Speaker, I would like to ask the gentleman a question, if I could.

The SPEAKER. The gentleman, Mr. Fargo, indicates he will stand for interrogation. The gentleman, Mr. Wilson, may begin.

Mr. WILSON. The extra discount that you are going to offer for the 15th day, do you have any idea if that would cost the Commonwealth any additional money? I do not know. Honestly, I do not have the answer. I have not seen this before in this form, and I wondered if there is any additional cost by adding an extra discount on the 15th day.

Mr. FARGO. This really is one-quarter of 1 percent on the bottom line. This is the net figure at the bottom when you figure your taxes out, and by remitting this tax by the 10th of the month instead of the 25th, it really is a negligible change, for a fact it appears from the Revenue Department's consideration that it may make money for the State.

Mr. WILSON. It may make money, you say?

Mr. FARGO. Because what they have is 15 days in which to invest this money as compared to paying one-fourth of 1 percent of interest during that 15-day period.

Mr. WILSON. The quarter of 1 percent is on the tax amount, the same as the 1 percent we are paying today. Right?

Mr. FARGO. It is really on the bottom line, after they have taken their commissions and everything. What it is is a discount for early filing, rather than 1 percent of the taxes for collecting the tax. It is a discount for early filing.

Mr. WILSON. Thank you.

Mr. FARGO. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—167

Anderson	Fee	Livengood	Rybak
Armstrong	Fischer	Lucy	Salvatore
Arty	Foster, W. W.	McClatchy	Saurman
Barber	Foster, Jr., A.	McMonagle	Serafini
Belardi	Frazier	McVerry	Seventy
Bittle	Gallen	Mackowski	Showers
Blaum	Gamble	Madigan	Shupnik
Bowser	Gannon	Maiale	Sieminski
Boyes	Geist	Manmiller	Sirianni
Brandt	George	Marmion	Smith, B.
Brown	Gladeck	Merry	Smith, L. E.
Burd	Grabowski	Michlovic	Snyder
Burns	Gray	Micozzie	Spencer
Caltagirone	Greenfield	Miller	Spitz
Cappabianca	Greenwood	Miscevich	Stairs
Cawley	Grieco	Moehlmann	Steighner
Cessar	Gruppo	Morris	Stewart
Cimini	Hagarty	Mowery	Stuban
Clark	Haluska	Mrkoncic	Swaim
Cochran	Harper	Mullen	Sweet
Cohen	Hasay	Murphy	Swift
Colafella	Hayes	Nahill	Taddonio
Cordisco	Heiser	Noye	Taylor, F. E.

Cornell	Hoeffel	Olasz	Telek
Coslett	Honaman	Oliver	Trello
Cowell	Horgos	Pendleton	Van Horne
Cunningham	Hutchinson, A.	Perzel	Vroon
DeMedio	Itkin	Peterson	Wachob
DeVerter	Jackson	Petrarca	Wambach
DeWeese	Johnson	Petrone	Wargo
Daikeler	Kennedy	Phillips	Wass
Davies	Klingaman	Piccola	Wenger
Dawida	Kolter	Pievsky	Weston
Deal	Kowalyshyn	Pistella	Williams, H.
Dietz	Kukovich	Pott	Wilson
Dininni	Lashingner	Pratt	Wogan
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rasco	Wright, R. C.
Dorr	Lescovitz	Reber	Zwinkl
Duffy	Letterman	Richardson	
Durham	Levi	Ritter	Ryan,
Evans	Levin	Rocks	Speaker
Fargo			

NAYS—5

Fryer	Lloyd	Manderino	Tigue
Gruitza			

NOT VOTING—24

Alden	Clymer	Kanuck	Rieger
Belfanti	Cole	McIntyre	Smith, E. H.
Beloff	Fleck	O'Donnell	Taylor, E. Z.
Berson	Freind	Pitts	Williams, J. D.
Borski	Gallagher	Pucciarelli	Wozniak
Civera	Irvis	Rappaport	Wright, J. L.

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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—173

Anderson	Fee	Livengood	Rybak
Armstrong	Fischer	Lloyd	Salvatore
Arty	Foster, W. W.	Lucyk	Saurman
Barber	Foster, Jr., A.	McClatchy	Serafini
Belardi	Frazier	McMonagle	Seventy
Bittle	Gallagher	McVerry	Showers
Blaum	Gallen	Mackowski	Shupnik
Bowser	Gamble	Madigan	Sieminski
Boyes	Gannon	Maiale	Sirianni
Brandt	Geist	Manderino	Smith, B.
Brown	George	Manmiller	Smith, L. E.
Burd	Gladeck	Marmion	Snyder
Burns	Grabowski	Merry	Spencer
Caltagirone	Gray	Michlovic	Spitz
Cappabianca	Greenfield	Micozzie	Stairs
Cawley	Greenwood	Miller	Steighner
Cessar	Grieco	Miscevich	Stewart
Cimini	Gruitza	Mochlmann	Stuban
Clark	Gruppo	Morris	Sweet
Clymer	Hagarty	Mowery	Swift
Cochran	Haluska	Mrkonic	Taddonio
Cohen	Harper	Mullen	Taylor, E. Z.
Cotafella	Hasay	Murphy	Taylor, F. E.

Cole	Hayes	Nahill	Telek
Cordisco	Heiser	Noye	Trello
Cornell	Hoeffel	O'Donnell	Van Horne
Coslett	Honaman	Olasz	Vroon
Cowell	Horgos	Pendleton	Wachob
Cunningham	Hutchinson, A.	Perzel	Wambach
DeMedio	Irvis	Peterson	Wargo
DeVerter	Itkin	Petrarca	Wass
DeWeese	Jackson	Petrone	Wenger
Daikeler	Johnson	Phillips	Weston
Davies	Kennedy	Piccola	Wilson
Dawida	Klingaman	Pievsky	Wogan
Deal	Kolter	Pistella	Wozniak
Dietz	Kowalyshyn	Pott	Wright, D. R.
Dininni	Kukovich	Pratt	Wright, J. L.
Dombrowski	Lashingner	Punt	Wright, R. C.
Dorr	Laughlin	Rasco	Zwinkl
Duffy	Lehr	Reber	
Durham	Lescovitz	Richardson	Ryan,
Evans	Levi	Ritter	Speaker
Fargo	Levin	Rocks	

NAYS—2

Fryer	Tigue
-------	-------

NOT VOTING—21

Alden	Donatucci	McIntyre	Rieger
Belfanti	Fleck	Oliver	Smith, E. H.
Beloff	Freind	Pitts	Swaim
Berson	Kanuck	Pucciarelli	Williams, H.
Borski	Letterman	Rappaport	Williams, J. D.
Civera			

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

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

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Centre, Mr. Letterman, rise?

Mr. LETTERMAN. I did not see if I was recorded. I would like to be voted in the affirmative on HB 1651, please.

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

The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I would like to be recorded in the affirmative on amendment A6440 to HB 1651.

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

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

Mr. SALVATORE. Mr. Speaker, on HB 192, PN 193, on the Sweet amendment, I was voted in the negative. I would like to be recorded in the affirmative.

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

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

Mr. CLYMER. I was out of my seat when the vote was taken on amendment 6440. I would like to be voted in the affirmative.

The SPEAKER. To what bill was that, Mr. Clymer?

Mr. CLYMER. HB 1651.

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

### 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 1668, PN 1947**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), changing a provision relating to State tax reporting on a fiscal year basis.

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?

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

In that the provisions of HB 1668 are already contained in other bills previously passed by the House of Representatives, at this time I move that HB 1668, PN 1947, be recommitted to the House Committee on Finance.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### CONSIDERATION OF HB 1675 RESUMED

#### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 1675, PN 2145, be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

### REMARKS ON VOTE

The SPEAKER. Does the gentleman from Mercer, Mr. Gruitza, desire recognition?

Mr. GRUITZA. Yes, Mr. Speaker, only to ask that my vote on the Fargo amendment to HB 1651 be spread upon the record in the affirmative.

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

### CONSIDERATION OF HB 1675 CONTINUED

On the question recurring,

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

Mr. ITKIN offered the following amendments No. A6940:

Amend Title, page 1, line 10, by inserting after "penalties," " further defining charitable organization for sales tax purposes;

Amend Bill, page 1, by inserting between lines 20 and 21

Section 1. Clause (10) of section 204, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," is amended to read:

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

\*\*\*

(10) The sale at retail to or use by (i) any charitable organization as defined in section 170 of the Federal Internal Revenue Code of 1954 and regulations thereunder, volunteer firemen's organization or nonprofit educational institution, or (ii) a religious organization for religious purposes of tangible personal property or services: Provided, however, That the exclusion of this clause shall not apply with respect to any tangible personal property or services used in any unrelated trade or business carried on by such organization or institution or with respect to any materials, supplies and equipment used in the construction, reconstruction, remodeling, repairs and maintenance of any real estate, except materials and supplies when purchased by such organizations or institutions for routine maintenance and repairs.

\*\*\*

Amend Sec. 1, page 1, line 21, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 22 and 23, by striking out " , act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," " and inserting

of the act

Amend Sec. 2, page 4, line 12, by striking out "2" and inserting

3

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

4

Amend Sec. 4, page 9, line 9, by striking out "4" and inserting

5

Amend Sec. 5, page 10, line 1, by striking out "5" and inserting

6

Amend Sec. 6, page 12, line 7, by striking out "6" and inserting

7

Amend Sec. 7, page 12, line 30, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 5, by striking out "8" and inserting

9

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

10

Amend Sec. 10, page 13, line 22, by striking out "10" and inserting

11

Amend Sec. 11, page 22, line 28, by striking out "11" and inserting

12

Amend Sec. 12, page 23, line 10, by striking out "12" and inserting

13

Amend Sec. 13, page 24, line 7, by striking out "13" and inserting

14

Amend Sec. 14, page 24, line 25, by striking out "14" and inserting

15

Amend Sec. 15, page 25, line 28, by striking out "15" and inserting

16

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, I will try to be very brief with respect to this amendment.

This amendment really clarifies the definition of "charitable organization" that the General Assembly had placed in the law defining charitable organizations to be exempt from paying the sales tax. There has been a lot of concern as to what is a charitable organization. We have at the Federal level under section 170 of the Federal Internal Revenue Code qualifying organizations that are charitable organizations. They come into Pennsylvania and they are qualified to solicit under the Department of State as a charitable organization, but when they attempt to take benefit of the State sales tax under being a charitable organization, the Department of Revenue takes a very strict construction of what a charitable organization is. We earlier today in debating HB 1675 discussed an amendment offered by Representative Dorr which tried to deal with that to some extent.

What my amendment would do is make it uniform and make it understandable to the population of Pennsylvania that if an organization is a charitable organization, that is, if they are exempt from the payment of Federal taxes, then we in Pennsylvania will consider them a charitable organization as well to the extent that they will be exempt from the sales tax.

I would like to point out that because of the reductions in Federal funding, more and more emphasis is going to be placed on support of charitable organizations. I seriously doubt whether the public commitments in support of charities will be as great as necessary to keep these charities going. I feel that an amendment like this that would provide just a sales tax exemption would be an aid to these charities in these very, very difficult times. I would hope that you would support this amendment. This has been a 4-year struggle with me with the Department of Revenue in order to develop some equity in our tax laws governing charitable organizations. Thank you.

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

Mr. WILSON. Mr. Speaker, as all of these exclusionary amendments are, they are terrific; they are sexy; they are attractive. This is so big that we cannot even figure out how much it is going to cost. I would like to ask the gentleman if he has any idea.

Would the gentleman, Mr. Itkin, consent to a question?

The SPEAKER. The gentleman, Mr. Itkin, indicates he will stand for interrogation. The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I requested a fiscal note from the Appropriations Committee. I have not received one at the current time. Maybe Mr. McClatchy is on the floor and can advise me about the fiscal note.

Mr. McCLATCHY. Mr. Speaker, all I can say is that it is a tremendous loss of revenue.

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

Mr. ITKIN. Mr. Speaker, if the chairman of the Appropriations Committee is concerned about the tremendous loss of revenue by providing charities that have been excluded from this participation in the past, then would the gentleman then go ahead and close up the so-called loophole and provide that those people who are currently the beneficiaries of such sales tax exemptions now be required to pay the sales tax? All I am asking is for equity, Mr. Speaker. I believe that the revenue loss from this amendment will be no greater than the current revenue loss that is being exhibited that we now have in practice in Pennsylvania by exempting certain charitable organizations at the current time.

We now have a situation where we chose to support an amendment that would exempt the Daughters of the American Revolution from the payment of a sales tax, but there are many, many legitimate, well-intentioned charities that serve a public purpose in Pennsylvania that are being excluded. It is my feeling that we should, just as a matter of course of equity, provide this kind of exemption and make it uniform across the board. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

Many of the ills which have been articulated by Mr. Itkin potentially will be further aggravated by the language in his legislation or his proposed amendment. He is turning all of these problems over - all of these problems that he brings to this House today - he is turning all of those problems over to bureaucrats in the Internal Revenue Service. He said in his amendment that we are going to do this in accord with regulations written by those nameless, faceless people down in whatever building they reside in along the Potomac known as the IRS. And if I understand the mail I receive, and if I read the Pittsburgh Press right, the gentleman's hometown newspaper, I respectfully suggest that this is not the amendment we ought to be adopting. We should not be turning the taxpayers of this Commonwealth over carte blanche to IRS rulewriters down along the Potomac. That is not the way to address any of the problems which have been brought up to our attention by the gentleman from Allegheny. I do not want to see this House vote for an amendment that will turn our people over to the love and tender care of the Federal bureaucrats in the IRS. I urge a "no" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—76

Anderson	Duffy	Levin	Ritter
Barber	Evans	Livengood	Rocks
Berson	Fee	Lucyk	Rybak
Blaum	Gallagher	McMonagle	Seventy

Brown	Gamble	Maiale	Shupnik
Caltagirone	George	Manderino	Steighner
Cappabianca	Grabowski	Michlovic	Stewart
Cawley	Gray	Miscevich	Swaim
Clark	Greenfield	Mrkonic	Taylor, F. E.
Cohen	Gruitza	Murphy	Tigue
Colafella	Haluska	O'Donnell	Trello
Cole	Hoeffel	Olasz	Van Horne
Cordisco	Horgos	Oliver	Wachob
Cowell	Itkin	Petrarca	Wambach
DeMedio	Kolter	Petrone	Wargo
DeWeese	Kowalyszyn	Pievsky	Williams, H.
Dawida	Kukovich	Pistella	Wozniak
Deal	Laughlin	Pratt	Wright, D. R.
Dombrowski	Lescovitz	Richardson	Zwikl

NAYS—98

Armstrong	Foster, Jr., A.	McVerry	Serafini
Arty	Frazier	Mackowski	Showers
Belardi	Fryer	Madigan	Sieminski
Bittle	Gallen	Manmiller	Sirianni
Bowser	Gannon	Marmion	Smith, B.
Boyes	Geist	Merry	Smith, L. E.
Brandt	Gladeck	Micozzie	Snyder
Burd	Greenwood	Miller	Spencer
Burns	Grieco	Moehlmann	Spitz
Cessar	Gruppo	Morris	Stairs
Cimini	Hagarty	Mowery	Stuban
Clymer	Harper	Mullen	Swift
Cochran	Hasay	Nahill	Taddonio
Cornell	Hayes	Noye	Taylor, E. Z.
Coslett	Heiser	Pendleton	Telek
Cunningham	Honaman	Perzel	Vroon
DeVerte	Jackson	Peterson	Wass
Daikeler	Johnson	Phillips	Wenger
Davies	Kennedy	Piccola	Wilson
Dietz	Klingaman	Pott	Wogan
Dorr	Lashingner	Punt	Wright, J. L.
Durham	Lehr	Rasco	Wright, R. C.
Fargo	Letterman	Reber	
Fischer	Levi	Salvatore	Ryan,
Foster, W. W.	Lloyd	Saurman	Speaker

NOT VOTING—22

Alden	Donatucci	McClatchy	Rieger
Belfanti	Fleck	McIntyre	Smith, E. H.
Beloff	Freind	Pitts	Sweet
Borski	Hutchinson, A.	Pucciarelli	Weston
Civera	Irvis	Rappaport	Williams, J. D.
Dininni	Kanuck		

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—179

Anderson	Foster, W. W.	Lloyd	Salvatore
Armstrong	Foster, Jr., A.	Lucyk	Saurman
Arty	Frazier	McClatchy	Serafini
Barber	Fryer	McMonagle	Seventy
Belardi	Gallagher	McVerry	Showers

Bittle	Gallen	Mackowski	Shupnik
Blaum	Gamble	Madigan	Sieminski
Bowser	Gannon	Maiale	Sirianni
Boyes	Geist	Manderino	Smith, B.
Brandt	Gladeck	Manmiller	Smith, L. E.
Brown	Grabowski	Marmion	Snyder
Burd	Gray	Merry	Spencer
Burns	Greenfield	Michlovic	Spitz
Caltagirone	Greenwood	Micozzie	Stairs
Cappabianca	Grieco	Miller	Steighner
Cawley	Gruitza	Miscevich	Stewart
Cessar	Gruppo	Moehlmann	Stuban
Cimini	Hagarty	Morris	Swaim
Clark	Haluska	Noye	Sweet
Clymer	Harper	Mrkonic	Swift
Cochran	Hasay	Mullen	Taddonio
Cohen	Hayes	Murphy	Taylor, E. Z.
Colafella	Heiser	Noye	Taylor, F. E.
Cole	Hoeffel	O'Donnell	Telek
Cordisco	Honaman	Olasz	Tigue
Cornell	Horgos	Oliver	Trello
Coslett	Hutchinson, A.	Hendleton	Van Horne
Cowell	Irvis	Perzel	Vroon
Cunningham	Itkin	Peterson	Wachob
DeMedio	Jackson	Petrarca	Wambach
DeVerte	Johnson	Petrone	Wargo
DeWeese	Kanuck	Phillips	Wass
Daikeler	Kennedy	Piccola	Wenger
Davies	Klingaman	Pievsky	Weston
Dawida	Kolter	Pistella	Williams, H.
Deal	Kowalyszyn	Pott	Wilson
Dietz	Kukovich	Pratt	Wogan
Dininni	Lashingner	Punt	Wozniak
Dombrowski	Laughlin	Rasco	Wright, D. R.
Dorr	Lehr	Reber	Wright, J. L.
Duffy	Lescovitz	Richardson	Wright, R. C.
Durham	Letterman	Rieger	Zwikl
Evans	Levi	Ritter	
Fargo	Levin	Rocks	Ryan,
Fee	Livengood	Rybak	Speaker
Fischer			

NAYS—1

George

NOT VOTING—16

Alden	Borski	Freind	Pucciarelli
Belfanti	Civera	McIntyre	Rappaport
Beloff	Donatucci	Nahill	Smith, E. H.
Berson	Fleck	Pitts	Williams, J. D.

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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. For what purpose does the gentleman from Westmoreland, Mr. Hutchinson, rise?

Mr. A. K. HUTCHINSON. Mr. Speaker, a while ago when I blew my top, there were about 165 people voted; now there were 180 people on the last vote. Somebody is just not doing their job. Every bill is important.

The SPEAKER. Does the gentleman care to challenge any of the votes?

**RESOLUTION ADOPTED**

Mr. CESSAR called up **HR 155, PN 2867**, entitled:

House establish a Legislative Office for Research Liaison; to provide a source of information having scientific, technologic or technical components.

On the question,

Will the House adopt the resolution?

Mr. CESSAR offered the following amendments No. A6718:

Amend Second Resolved Clause, page 2, lines 22 through 30; page 3, lines 1 through 4, by striking out all of said lines on said pages

Amend Fifth Resolved Clause, page 4, lines 28 through 30; page 5, lines 1 through 9, by striking out all of said lines on said pages and inserting

(2) To appoint and employ an Executive Director, who shall be the Chief executive officer of the LORL Committee, and to fix the compensation for such Executive Director in accordance with the job classification and pay plans adopted by the Bipartisan Management Committee. The LORL Committee shall seek the advice of the University Committee for Research Liaison in the selection of an Executive Director of LORL.

(3) To determine the number of permanent professional and support staff deemed necessary in the performance of its duties. In addition, the LORL Committee shall establish job qualifications and descriptions for each permanent position as well as personnel policies consistent with the rules and regulations adopted by the Bipartisan Management Committee for promulgation and administration of personnel policies and procedures, and job classification and pay plans.

Amend Sixth Resolved Clause, page 6, lines 10 through 17, by striking all of lines 10 through 16 and "LORL Committee; visiting" in line 17 and inserting

RESOLVED, The Executive Director of LORL shall perform such duties as shall be assigned by the LORL Committee including, but not limited to, the day-to-day operation of LORL and the administration of approved personnel policies. Visiting

Amend Sixth Resolved Clause, page 6, line 26, by removing the period after "Representatives" and inserting ; and be it further

Amend Sixth Resolved Clause, page 6, lines 27 through 29, by striking out all of said lines

Amend Fourteenth Resolved Clause, page 10, lines 5 and 6, by striking out "including those requests requiring a search for information from the NCSL's Legislative Information Service." and inserting

and LORL shall have access to the Legislative Information Service of the National Conference of State Legislatures (NCSL).

Amend Fifteenth Resolved Clause, page 10, lines 9 through 13, by striking out all of said lines and inserting

RESOLVED, The Comptroller of the House of Representatives shall be responsible for the processing of all payrolls and expenses of LORL as authorized by the LORL Committee; and be it further

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority whip.

Mr. CESSAR. Thank you, Mr. Speaker.

All this amendment does is to make some technical changes in the resolution. It first gives the power to the committee to appoint and employ the executive director. It also determines

the number of permanent employees and support staff on the committee, and it also says that the executive director shall perform all the day-to-day duties necessary for the operation of LORL (Legislative Office for Research Liaison). Finally, Mr. Speaker, it says that the Comptroller of the House of Representatives shall be responsible for processing all payrolls of the LORL Committee.

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

Mr. KUKOVICH. Mr. Speaker, that amendment is agreed to.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—174**

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

**NAYS—3**

Fryer	Marmion	Miscevich
-------	---------	-----------

**NOT VOTING—19**

Alden	Civera	Levin	Rappaport
Belfanti	Donatucci	McIntyre	Smith, E. H.
Beloff	Fleck	Perzel	Taddonio
Berson	Freind	Pitts	Williams, J. D.
Borski	Kanuck	Pucciarelli	

EXCUSED—4

Emerson Lewis Stevens Wiggins

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

On the question,  
Will the House adopt the resolution as amended?

Mr. KUKOVICH offered the following amendment No. A6941:

Amend Tenth Resolve Clause, page 8, line 14, by striking out "charter" and inserting initial

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

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

Mr. KUKOVICH. Mr. Speaker, this is an agreed-to amendment, and it is only changing one word. It is technical in nature.

The SPEAKER. The Chair recognizes the majority whip. Mr. CESSAR. I agree to the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—178

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

Evans Letterman Rieger Ryan,  
Fargo Levi Ritter Speaker  
Fee Livengood Rocks

NAYS—0

NOT VOTING—18

Alden	DeWeese	Levin	Rappaport
Belfanti	Donatucci	McIntyre	Smith, E. H.
Beloff	Fleck	Pitts	Sweet
Berson	Freind	Pucciarelli	Williams, J. D.
Civera	Kanuck		

EXCUSED—4

Emerson Lewis Stevens Wiggins

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

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

The SPEAKER. For what purpose does the gentleman from Clarion, Mr. Wright, rise?

Mr. D. R. WRIGHT. To ask Mr. Cessar a question or two.

The SPEAKER. The gentleman is in order. The gentleman, Mr. Cessar, agrees to interrogation.

Mr. D. R. WRIGHT. Mr. Speaker, just for the record, is it true that you and others have consulted with State colleges with regard to whether or not the State colleges and university would be a part of LORL?

Mr. CESSAR. Yes; we have, Mr. Speaker.

Mr. D. R. WRIGHT. Could you inform the House what plans you have to include them in this program?

Mr. CESSAR. Yes, Mr. Speaker. We intend on meeting with the presidents of the various State-owned colleges and the University of Pennsylvania and have a meeting and see if they can meet our requirements to opt into the program and participate in the operation of LORL.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—171

Anderson	Foster, W. W.	Lloyd	Salvatore
Armstrong	Foster, Jr., A.	Lucy	Saurman
Arty	Frazier	McClatchy	Serafini
Barber	Gallagher	McMonagle	Seventy
Belardi	Gallen	McVerry	Showers
Bittle	Gamble	Mackowski	Shupnik
Blaum	Gannon	Madigan	Sieminski
Boyes	Geist	Maiale	Sirianni
Brandt	George	Manderino	Smith, B.
Brown	Gladeck	Manmiller	Smith, L. E.
Burd	Grabowski	Merry	Snyder
Burns	Gray	Michlovic	Spencer
Caltagirone	Greenfield	Micozzie	Spitz
Cappabianca	Greenwood	Miller	Stairs
Cawley	Grieco	Miscevich	Steighner
Cessar	Gruitza	Morris	Stewart
Cimini	Gruppo	Mowery	Stuban
Clark	Hagarty	Mrkonic	Swaim
Clymer	Haluska	Mullen	Sweet
Cochran	Harper	Murphy	Swift
Cohen	Hasay	Nahill	Taddonio
Colafella	Hayes	Noye	Taylor, E. Z.
Cole	Hoeffel	O'Donnell	Taylor, F. E.
Cordisco	Honaman	Olasz	Telek

Cornell	Horgos	Oliver	Tigue
Coslett	Hutchinson, A.	Pendleton	Trello
Cowell	Irvis	Perzel	Van Horne
Cunningham	Itkin	Peterson	Vroon
DeMedio	Jackson	Petrarca	Wachob
DeWeese	Johnson	Petrone	Wambach
Daikeler	Kennedy	Phillips	Wargo
Davies	Klingaman	Piccola	Wass
Dawida	Kolter	Pievsky	Wenger
Deal	Kowalyszyn	Pistella	Weston
Dietz	Kukovich	Pott	Williams, H.
Dininni	Lashinger	Pratt	Wilson
Dombrowski	Laughlin	Punt	Wogan
Duffy	Lehr	Rasco	Wozniak
Durham	Lescovitz	Reber	Wright, D. R.
Evans	Letterman	Richardson	Wright, J. L.
Fargo	Levi	Ritter	Wright, R. C.
Fee	Levin	Rocks	Zwinkl
Fischer	Livengood	Rybak	

NAYS—7

Bowser	Dorr	Heiser	Moehlmann
DeVerter	Fryer	Marmion	

NOT VOTING—18

Alden	Civera	McIntyre	Smith, E. H.
Belfanti	Donatucci	Pitts	Williams, J. D.
Beloff	Fleck	Pucciarelli	
Berson	Freind	Rappaport	Ryan,
Borski	Kanuck	Rieger	Speaker

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

**SUPPLEMENTAL CALENDAR A**

**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 1652, PN 2166.**

**REMARKS ON VOTE**

The SPEAKER. Let the record reflect that the Speaker neglected to vote on HR 155. If he had been paying attention, he would have voted in the affirmative.

**HB 1815 RECONSIDERED**

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger, who moves that the vote by which HB 1815, PN 2740, was defeated on the 23d day of March be reconsidered, the motion being seconded by the gentleman, Mr. Bittle.

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

The following roll call was recorded:

YEAS—161

Anderson	Frazier	Livengood	Rocks
Barber	Fryer	Lloyd	Rybak
Belardi	Gallagher	Lucyk	Salvatore
Beloff	Gallen	McClatchy	Saurman
Bittle	Gamble	McMonagle	Serafini
Blaum	Gannon	McVerry	Seventy
Borski	Geist	Mackowski	Showers
Bowser	George	Madigan	Shupnik
Boyes	Gladeck	Maiale	Sieminski
Brandt	Grabowski	Manmiller	Sirianni
Brown	Gray	Marmion	Smith, B.
Burd	Greenfield	Merry	Smith, E. H.
Caltagirone	Greenwood	Micozzie	Smith, L. E.
Cappabianca	Grieco	Miscevich	Snyder
Cawley	Gruitza	Möehlmann	Steighner
Cessar	Gruppo	Morris	Stewart
Cimini	Haluska	Mowery	Stuban
Clark	Harper	Mrkonic	Swaim
Clymer	Hasay	Mullen	Swift
Cochran	Hayes	Murphy	Taddonio
Colafella	Heiser	Noye	Taylor, E. Z.
Cole	Hoeffel	O'Donnell	Taylor, F. E.
Cordisco	Honaman	Olasz	Telek
Coslett	Horgos	Oliver	Tigue
Cowell	Hutchinson, A.	Pendleton	Trello
Cunningham	Irvis	Perzel	Van Horne
DeMedio	Itkin	Petrarca	Wachob
DeVerter	Jackson	Petrone	Wambach
Davies	Johnson	Phillips	Wargo
Dawida	Kennedy	Piccola	Wass
Deal	Klingaman	Pievsky	Wenger
Dietz	Kolter	Pistella	Williams, H.
Dininni	Kowalyszyn	Pott	Wogan
Dombrowski	Kukovich	Pratt	Wozniak
Dort	Lashinger	Pucciarelli	Wright, D. R.
Duffy	Laughlin	Punt	Wright, J. L.
Evans	Lehr	Rasco	Zwinkl
Fargo	Lescovitz	Reber	
Fee	Letterman	Richardson	Ryan,
Foster, W. W.	Levi	Rieger	Speaker
Foster, Jr., A.	Levin	Ritter	

NAYS—0

NOT VOTING—35

Alden	DeWeese	McIntyre	Spitz
Armstrong	Daikeler	Manderino	Stairs
Arty	Donatucci	Michlovic	Sweet
Belfanti	Durham	Miller	Vroon
Berson	Fischer	Nahill	Weston
Burns	Fleck	Peterson	Williams, J. D.
Civera	Freind	Pitts	Wilson
Cohen	Hagarty	Rappaport	Wright, R. C.
Cornell	Kanuck	Spencer	

EXCUSED—4

Emerson	Lewis	Stevens	Wiggins
---------	-------	---------	---------

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

On the question recurring,  
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE  
POSTPONED CALENDAR**

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

Mr. LASHINGER. Mr. Speaker, I move that HB 1815 be placed on the final passage postponed calendar.



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

**HB 1766 RECONSIDERED**

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Anderson, who moves that the vote by which HB 1766, PN 2093, passed on the 23d day of March be reconsidered, the motion being seconded by the gentleman from York, Mr. Foster.

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

The following roll call was recorded:

YEAS—171

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

NAYS—0

NOT VOTING—25

Alden	Durham	McIntyre	Spitz
Belfanti	Fleck	Miller	Sweet
Berson	Freind	Petrone	Weston
Burns	Fryer	Pitts	Williams, J. D.
Civera	Laughlin	Rappaport	Wogan
Cohen	Lescovitz	Salvatore	Wright, R. C.
DeWeese			

EXCUSED—4

Emerson          Lewis          Stevens          Wiggins

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

On the question recurring,  
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE  
POSTPONED CALENDAR**

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

Mr. ANDERSON. Mr. Speaker, I move that HB 1766 be placed on the final passage postponed calendar.

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

**SENATE MESSAGE**

**AMENDED HOUSE BILLS  
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 242, PN 2971**; and **HB 1650, PN 2972**, 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 bills will appear on the calendar.

**SENATE MESSAGE**

**HOUSE-AMENDED SENATE  
BILL CONCURRED IN**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1161, PN 1690**.

**BILLS SIGNED BY SPEAKER**

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

**HB 1969, PN 2901**

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for physical therapy services.

**SB 1161, PN 1690**

An Act authorizing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor, to convey to the United States of America, by and through the National Park Service, United States Department of the Interior, 17 tracts of land located in Pike and Monroe Counties, Pennsylvania and to grant and convey to the Township of Delaware in Pike County an easement and right-of-way in and over certain land in George W. Childs State Park in Delaware Township, Pike County, Pennsylvania.

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record in accordance with our rules the additions and deletions of sponsorships of bills.

#### ADDITIONS:

HB 731, Boyes; HB 1652, Durham; HB 2006, Grabowski; HB 2192, Gladeck; HB 2196, E. Z. Taylor, Gannon; HB 2244, Serafini; HB 2256, Cessar; HB 2260, H. Williams, Steighner, B. Smith; HB 2263, R. C. Wright, Stairs; HB 2264, R. C. Wright, Stairs; HB 2265, R. C. Wright, Stairs; HR 164, Telek.

#### DELETIONS:

HB 1822, Morris; HB 2097, Evans, Barber, McIntyre, J. D. Williams; HB 2209, Fleck; HB 2277, Dawida.

### REMARKS ON VOTES

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

Mr. FRAZIER. Thank you, Mr. Speaker.

Mr. Speaker, on HB 192, final passage, I find that I was recorded on all the amendments, but apparently my switch was inoperative. For final passage, had my switch operated correctly, I would have voted in the affirmative and would appreciate being so recorded. Thank you, Mr. Speaker.

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

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

Mr. DAVIES. Mr. Speaker, on HB 192, amendment 2907, I wish that my vote would be recorded in the affirmative rather than the negative.

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

### BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

### ADJOURNMENT

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Wednesday, March 24, 1982, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:58 p.m., e.s.t., the House adjourned.