

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, MARCH 29, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 23

HOUSE OF REPRESENTATIVES

The House convened at 1 p.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:

Thank You, dear God, for bringing us safely to the start of a new week. Accept our gratitude for Your constant and watchful safekeeping over us. We are happy for those memories of fond relationships and good times together. Yet, we confess failure to treat others as we ought and for not taking time for family and those experiences that could enrich us spiritually, such as public worship.

We have a job to do this day, and without Your blessing, it will only turn out to be another day. It is Your day, and with Your guiding hand over all that we say and do, this can turn out to be a very special day.

As we draw closer to that special week, Holy Week, and those special days, Good Friday and Easter, help us to hear the sounds of love that echo through the centuries telling us anew that our God is a God of love and that this love is steadfast to every new generation.

Help us to hear the sounds of love today. Help us to share words and actions of love today. In Christ's name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Journals for the following days are now in print: February 9, 10, 11, 22, and 23, 1982. Are there corrections to the Journals? If not, without objection, the Journals stand approved. The Chair hears no objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, March 24, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2363 By Representatives GRAY, McMONAGLE, RIEGER, DONATUCCI, SALVATORE, PUCCIARELLI, SEVENTY, SWAIM, STEWART, WOZNIAK, WAMBACH, DAWIDA, MURPHY, FEE, BORSKI, MRKONIC, DUFFY, HORGOS, PETRONE, ROCKS, CALTAGIRONE, MICHLOVIC, GAMBLE, CLARK, EMERSON, COLAFELLA, GEORGE, PETRARCA, PISTELLA, GREENFIELD, TRELLO, RAPPAPORT, LETTERMAN, LIVENGOOD, LAUGHLIN, DeWEESE, COHEN, DOMBROWSKI, BROWN, WACHOB, O'DONNELL, KOWALYSHYN, GALLAGHER, TIGUE, H. WILLIAMS, KUKOVICH, PERZEL, CAWLEY, ZWIKL, F. E. TAYLOR, MULLEN, RICHARDSON, MISCEVICH, DEAL, OLIVER, BELFANTI, MAIALE, HARPER, EVANS, PENDLETON, BARBER, D. R. WRIGHT, PIEVSKY, SWEET, CAPPABIANCA, HOFFFEL, BLAUM, CAWLEY, VAN HORNE, WESTON, PUNT and WIGGINS

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), declaring unemployment compensation recipients eligible for medical assistance.

Referred to Committee on HEALTH AND WELFARE, March 24, 1982.

No. 2364 By Representatives DOMBROWSKI, WACHOB, PETERSON, BOWSER and CAPPABIANCA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for summary offenses involving vehicles.

Referred to Committee on JUDICIARY, March 24, 1982.

No. 2365 By Representatives MARMION, VROON, SIEMINSKI, HORGOS, SAURMAN, WESTON, WOGAN, CESSAR, GAMBLE, MRKONIC, PETRONE and McVERRY

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for cases involving persons under the age of twenty-one years and providing for certain municipal regulations.

Referred to Committee on LIQUOR CONTROL,
March 24, 1982.

No. 2366 By Representatives PRATT and FEE

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), extending the time for petitions to open ballot boxes or voting machines in cases of error or fraud.

Referred to Committee on STATE GOVERNMENT,
March 24, 1982.

No. 2367 By Representatives ZWIKL, J. L. WRIGHT,
RYAN, IRVIS, PITTS, DeWEESE,
WAMBACH, MORRIS and MICHLOVIC

An Act providing grants for projects relating to local history, providing further duties of the Historical and Museum Commission and making an appropriation.

Referred to Committee on STATE GOVERNMENT,
March 24, 1982.

No. 2368 By Representatives PETRARCA,
DOMBROWSKI, GRIECO, KOLTER,
RASCO, MANDERINO and KANUCK

An Act requiring an expiration date on all electric dry cell batteries sold within the Commonwealth and providing penalties.

Referred to Committee on CONSUMER AFFAIRS,
March 24, 1982.

No. 2369 By Representatives ROCKS and PIEVSKY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offenses relating to theft, fraudulent use and forgery of financial transaction cards and making a repeal.

Referred to Committee on JUDICIARY, March 24, 1982.

SENATE BILLS FOR CONCURRENCE

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

SB 557, PN 569

Referred to Committee on JUDICIARY, March 24, 1982.

SB 1182, PN 1764

Referred to Committee on TRANSPORTATION, March 24, 1982.

SB 1234, PN 1768

Referred to Committee on PROFESSIONAL LICENSURE, March 24, 1982.

SB 1284, PN 1726

Referred to Committee on BUSINESS AND COMMERCE, March 24, 1982.

SB 1286, PN 1593

Referred to Committee on STATE GOVERNMENT,
March 24, 1982.

SB 1292, PN 1765

Referred to Committee on STATE GOVERNMENT,
March 24, 1982.

SB 1323, PN 1766

Referred to Committee on STATE GOVERNMENT,
March 24, 1982.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1812, PN 2179; HB 1813, PN 2183; and HB 1972, PN 2401**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

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

HB 1812, PN 2179

An Act amending Title 42 (Judiciary and Judicial Procedure) dividing the forty-third judicial district into two separate judicial districts.

HB 1813, PN 2183

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), providing for the use of guide dogs because of deafness of the user.

HB 1972, PN 2401

An Act amending the act of June 12, 1919 (P. L. 476, No. 240), entitled, as amended, "An act to regulate and establish the fees to be charged and collected by the recorder of deeds, in counties of the second class," changing certain fees.

STATEMENT BY MR. PHILLIPS

TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips, for the purpose of a recitation of this day in history.

Mr. PHILLIPS. Thank you, Mr. Speaker.

Mr. Speaker, on this day in history, March 29, 1756, Lt. Col. William Clapham was commissioned to build Fort Augusta at the old Indian town of Shamokin, now Sunbury.

From the moment Capt. John Smith beheld the waters of the Susquehanna River to the present, it has been the main artery for the development of central and northern Pennsylvania.

At Shamokin the Indians established a vice-regal government and installed the noble Shikellamy, the friend of the English and foe of intemperance and vice. The building of a fort at Shamokin was repeatedly urged by friendly Indians. Governor Morris favored the request but could not win approval from the assembly.

On October 31, 1755, a number of inhabitants gathered at John Harris' home and signed a petition asking for a fort to be built. On the same day, another group sent a similar petition to the provincial authorities. John Shikellamy, son of the great vice-general, went to Philadelphia and urged the Governor to build a fort for the "protection of the Indians friendly to you."

It was stressed that the fort should be built quickly. The fear of delay was due to the known desire of the French to gain a foothold at the strategic Shamokin location.

The Governor was determined that the fort should be built and made his plans accordingly. He informed the Board of Commissioners in April of 1756 that he had on March 29 commissioned Lt. Col. William Clapham to recruit sufficient men to build the fort.

Construction of the fort began on July 6. It was called Fort Augusta in honor of the daughter of King George II. Construction of the main port required less than 7 weeks, but much more time was spent in better protecting the fortress and in adding necessary buildings.

It was at Fort Augusta where the terrified inhabitants found safety in the "Great Runaway" following the Indian incursions which culminated in the Wyoming massacre of July 3, 1778.

But for the wisdom of the Indians, this fort would not have been built and the horrors of the French and Indian War would have carried to the banks of the Delaware. This fort is where the high tide of the revolution was turned backward. It was the largest and most important provincial fortification on the frontier of this continent.

Thank you very much.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of the gentleman, Mr. Daikeler, Mr. Bruce Toben and his wife. Mr. Toben is chairman of education for the American Association for Respiratory Therapy, together here with his mother and father, Mr. and Mrs. Toben.

The Chair is also pleased to welcome to the hall of the House as the guest of Mr. Cawley and Mr. Belardi, Mr. Paul Catalano, a former member of the Scranton City Council and the brother of one of our favorite restaurateurs, Vince Catalano.

STATEMENT BY MR. MILLER

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

Mr. MILLER. Thank you, Mr. Speaker. For the purpose of recognizing another brief moment in Pennsylvania history during the lull.

The SPEAKER. The gentleman may proceed.

Mr. MILLER. Thank you, Mr. Speaker. I appreciate the recognition prior to the House activities commencing.

Mr. Speaker, it was 3 years ago this weekend that the dream of cheap nuclear power vanished in a cloud of radioactive gases which spewed into the atmosphere around this great land of ours in Pennsylvania. There was an accident at Metropolitan Edison's nuclear generating plant at Three Mile Island, and the whole world began a vigil, not knowing what to expect or when to expect it.

It was on a Wednesday morning 3 years ago, and for 24 hours no one knew what had happened or what was happening. Then came reports of a hydrogen bubble and speculation and fear about what that might mean. By Friday the Federal Government stepped into the situation and took control, so we are today to believe. Whole families in the immediate vicinity were evacuated to the area of Hershey. By Friday evening, thousands of worried people went home from work at the end of the week, packed their bags, got in their cars, and quietly drove to distant cities to visit friends and relatives. They were fleeing an unknown terror.

Two things happened that following Sunday, 4 days after the accident. The President of the United States flew to Three Mile Island and visited the plant to reassure people that they were not in any immediate danger. The Emergency Management Department, formerly the Civil Defense, met in seclusion for 12 hours to hastily draw up a plan to evacuate 110,000 people from Lancaster County, 658,203 people from the 6 counties within 20 miles, should it be necessary.

The nuclear industry, the Federal Government, the owners of TMI were totally unprepared to deal with what happened at Three Mile Island on March 28, 1979, and today, 3 years later, they are still unprepared to deal with the consequences. Millions of dollars have been spent at TMI since the accident, but the reactor remains a crippled and dangerous radioactive mess. A panel of local citizens, including the distinguished mayor of Lancaster, told the Nuclear Regulatory Commission just last week that TMI is, and I quote, "a threat to the safety of the public until it is decontaminated." These are not anti-nuclear activists speaking. What they said was not intended to be scare talk. They spoke in a calm voice about one problem, cleaning up Three Mile Island, and I quote: "It is a threat to the safety of the public until it is decontaminated."

Where do we go from here? No one knows. I suggest to this chamber that each time we consider the issue of nuclear regulation with respect to Three Mile Island, we must first put and foremost suggest that decontamination and formal shutdown is the most viable route for the future health and safety of our citizens. Three years ago this weekend we were all frightened. Today we understand a little better the basis of that fear, and I trust that in the future our deliberations in this chamber as well as our influence in Washington, D.C., will be such that lends a blend of achievement toward the united goal of cleaning up and closing Three Mile Island. I thank you, Mr. Speaker.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of the gentleman, Repre-

sentative Belfanti, Mr. Richard Simpson and Susan Caullwell.

The Chair is also pleased to welcome to the hall of the House today Mrs. Mary Jane Santa and her sons, Shane and Dustin, from the city of Allentown, here today as the guests of the gentleman from Lehigh County, Mr. Zwinkl.

The Chair is pleased to welcome to the hall of the House today, sitting in the balcony, guests of the gentleman from Westmoreland County, Mr. Hutchinson - Mr. James Roman, Jr., David Todaro, Ron Todaro, Lou Musa, Jr., Bobby Musa, Nick Peruzzi, and James T. Fetsko.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence. The Chair is advised there is no request for leave.

The Chair recognizes the minority whip, who advises the Chair there is no request for leave.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—196

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

Donatucci	Laughlin	Rasco	Wright, J. L.
Dorr	Lehr	Reber	Wright, R. C.
Duffy	Lescovitz	Richardson	Zwinkl
Durham	Letterman	Rieger	
Emerson	Levi	Rocks	Ryan,
Evans	Levin	Rybak	Speaker
Fargo	Lewis		

ADDITIONS—3

Burns	Rappaport	Ritter
-------	-----------	--------

NOT VOTING—1

Alden

EXCUSED—0

MEMBERS' PRESENCE RECORDED

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

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

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. A. C. FOSTER presented the Report of the Committee of Conference on **HB 418, PN 3090**.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 182, PN 1691**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the revocation of sales tax licenses by the department.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 182 be recommitted to the Committee on Finance.

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

* * *

The House proceeded to third consideration of **HB 423, PN 2859**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for requirements concerning returns.

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?

Does the gentleman from Mercer, Mr. Fargo, desire recognition on HB 423?

Mr. FARGO. Yes, Mr. Speaker.

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

Mr. FARGO. Mr. Speaker, as I read this bill, it has to do with a penalty for failing to put the school district number on your Pennsylvania income tax return. I understand the importance of putting that school district number on that return as far as the determination of the amount of the subsidy for the schools and other uses to which that number is put, but in checking and seeing that it requires that if you fail to put this number on, the penalty will be 10 percent of the total tax payable for that year, I feel that this penalty is entirely too strict and will, in some cases, if a person owes \$2,000 in Pennsylvania taxes on the return, it is going to cost him \$200 because he failed to put a number on the tax return or, as I read it, because he failed to put the right number on the tax return. I feel this is a major imposition to the tax return preparers in Pennsylvania, and all of us are those tax return preparers, and I would recommend a "no" vote to this bill.

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

Mr. HALUSKA. Mr. Speaker, over the years we have found discrepancies in appropriations where districts adjoining one another have been taxed or placed in the calculations of the wealth of the respective districts of another district. This in turn affected their reimbursement fractions, and oftentimes it is very difficult to detect this. One of the reasons for this is the fact that we do not have proper identification of the taxpayers when they submit their State tax reports.

In addition to this, this serves another purpose. In districts where they have wage taxes, when the district purchases the report from the State in regard to the personal income tax report, it serves as a countercheck to the local district to determine the people who are not paying local taxes and in turn are paying State taxes. In my particular district this percentage amounted to 20 percent. I think it is high time that we put some teeth into the law to make it necessary that the people make their district known in the filing of their returns. A lot of this perhaps is done intentionally.

I thank you, Mr. Speaker. I urge an affirmative vote on this bill.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Speaker.

Would the Representative from Cambria County stand for a brief interrogation?

The SPEAKER. The gentleman from Cambria consents to interrogation. The gentleman, Mr. Johnson, may proceed.

Mr. JOHNSON. Mr. Speaker, is there not already a provision, a procedure, whereby the school districts can check with the Commonwealth tax rolls?

Mr. HALUSKA. There are provisions. They are not available. They are not using them. I have checked this with Revenue, too, and there is just a large amount of people who are not identifying their school district.

Mr. JOHNSON. Mr. Speaker, could I make a comment on the bill, please?

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

Mr. JOHNSON. Mr. Speaker, I would urge a "no" vote on this bill for the simple reason that the procedures already are in effect to accomplish the same thing which this bill would result in. In addition, the penalty is far out of proportion to the size of the oversight. It is very easy for someone to omit that number or that name from a tax return, and to put a penalty of this magnitude on such a very minor infraction certainly makes the penalty far greater than the situation we are trying to correct. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, I, too, would rise in opposition to HB 423, and the reason I do, Mr. Speaker, is that already on the tax return there is a provision for identifying the school district not only by name but by a code number. Now, perhaps some people are not filling in that part of the document, but to assess a 10-percent penalty on those individuals of the tax due should they fail to complete that section I think is wrong. Nowhere in the Internal Revenue Code does anyone provide for those kinds of penalties for not being able to fit in a particular section that really has no dramatic impact on the tax return itself. I just feel that to impose 10 percent on somebody's tax that is due is a very severe penalty, and I would ask for a negative vote.

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

Mr. BURNS. Thank you, Mr. Speaker.

Mr. Speaker, it is not very often that the gentleman from Cambria and I agree on certain points on the floor, but we certainly agree on this one. This has been a thorn in the side to our subsidy formula and to school districts all over the State, especially in lower Bucks County, here in the central part of the State where there are so many school districts overlapping, and I am sure in other parts of the State.

We have met continually with the Secretary of Revenue on this problem, and it is a big problem, and it is a problem that is very, very difficult for anyone to straighten out unless the taxpayer is considerate enough to put the name or number of the school district on his or her income tax. The problem is they do not do this, and it causes all kinds of problems, has money flowing to the wrong school districts, especially in the cases of those who use box numbers. There are hundreds of thousands of income tax forms that come back with box numbers on them, and we have no idea what school district those box numbers belong to. I agree that it is a severe penalty, but it is a penalty that does not have to be assessed if the person would take that one moment to find out what school district they are in, rather than not caring and causing innumerable problems throughout the State of Pennsylvania. I urge a "yes" vote on the bill, Mr. Speaker.

**BILL PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

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

Mr. GALEN. Mr. Speaker, I agree with Representative Burns that it is a severe problem, but I feel that the penalty is inordinate. According to the fiscal note, it will amount to \$15.5 million that our taxpayers are going to be zinged if this provision goes in.

Mr. Speaker, I move that this bill be placed on the final passage postponed calendar in order that it can be amended.

The SPEAKER. The gentleman from Berks, Mr. Gallen, moves that HB 423 be placed on the final passage postponed calendar.

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

The following roll call was recorded:

YEAS—159

Anderson	Foster, W. W.	Levin	Salvatore
Armstrong	Frazier	Livengood	Saurman
Arty	Freind	Lloyd	Serafini
Barber	Fryer	Lucy	Seventy
Belardi	Gallen	McClatchy	Showers
Belfanti	Gamble	McIntyre	Shupnik
Beloff	Gannon	McMonagle	Sieminski
Bittle	Geist	McVerry	Sirianni
Blaum	George	Mackowski	Smith, B.
Borski	Gladeck	Madigan	Smith, E. H.
Boyes	Grabowski	Manderino	Smith, L. E.
Brandt	Gray	Manmiller	Snyder
Brown	Greenfield	Merry	Spencer
Burd	Greenwood	Micozzie	Spitz
Caltagirone	Grieco	Miller	Steighner
Cessar	Gruitza	Moehlmann	Stevens
Cimini	Gruppo	Morris	Stewart
Civera	Hagarty	Mowery	Stuban
Clark	Hajuska	Murphy	Swift
Cochran	Harper	Nahill	Taddonio
Cohen	Hasay	O'Donnell	Taylor, E. Z.
Cole	Hayes	Olasz	Taylor, F. E.
Cornell	Heiser	Oliver	Telek
Coslett	Honaman	Pendleton	Tigue
Cowell	Horges	Peterson	Vroon
Cunningham	Hutchinson, A.	Petrarca	Wambach
DeVerte	Itkin	Petrone	Wargo
DeWeese	Jackson	Phillips	Wass
Daikeler	Johnson	Piccola	Wenger
Davies	Kennedy	Pistella	Weston
Deal	Klingaman	Pitts	Wiggins
Dietz	Kolter	Pucciarelli	Williams, J. D.
Dininni	Kowalshyn	Punt	Wogan
Donatucci	Kukovich	Rasco	Wozniak
Duffy	Lashinger	Reber	Wright, D. R.
Durham	Laughlin	Richardson	Wright, R. C.
Evans	Lehr	Rieger	Zwikel
Fargo	Lescovitz	Ritter	
Fee	Lettman	Rocks	Ryan,
Fischer	Levi	Rybak	Speaker
Fleck			

NAYS—34

Berson	Dawida	Marmion	Pott
Bowser	Dombrowski	Michlovic	Pratt
Burns	Dorr	Miscevich	Stairs
Cappabianca	Emerson	Mrkonic	Sweet
Cawley	Foster, Jr., A.	Mullen	Trello
Clymer	Gallagher	Noye	Van Horne
Colafella	Hoeffel	Perzel	Wachob
Cordisco	Iris	Pievsky	Wilson

DeMedio Maiale
NOT VOTING—7

Alden Lewis Swaim Wright, J. I.
Kanuck Rappaport Williams, H.

EXCUSED—0

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

* * *

The House proceeded to third consideration of **HB 1182, PN 1961**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for interest and penalties on the Utilities Gross Receipts Tax.

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

Mr. A. K. HUTCHINSON offered the following amendments No. A5286:

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

Subsections (a) and

Amend Sec. 1, page 1, line 16, by striking out "is" and inserting

are

Amend Sec. 1 (Sec. 1101), page 1, line 17, by striking out all of said line and inserting

Section 1101. Imposition of Tax.—(a) General Rule.—Every railroad company, pipeline company, conduit company, steamboat company, canal company, slack water navigation company, transportation company, and every other company, association, joint-stock association, or limited partnership, now or hereafter incorporated or organized by or under any law of this Commonwealth, or now or hereafter organized or incorporated by any other state or by the United States or any foreign government, and doing business in this Commonwealth, and every copartnership, person or persons owning, operating or leasing to or from another corporation, company, association, joint-stock association, limited partnership, copartnership, person or persons, any railroad, pipeline, conduit, steamboat, canal, slack water navigation, or other device for the transportation of freight, passengers, baggage, or oil, except taxicabs, motor buses and motor omnibuses, and every limited partnership, association, joint-stock association, corporation or company engaged in, or hereafter engaged in, the transportation of freight or oil within this State, and every telephone company, telegraph company, express company, gas company, palace car company and sleeping car company, now or hereafter incorporated or organized by or under any law of this Commonwealth, or now or hereafter organized or incorporated by any other state or by the United States or any foreign government and doing business in this Commonwealth, and every limited partnership, association, joint-stock association, copartnership, person or persons, engaged in telephone, telegraph, express, gas, palace car or sleeping car business in this Commonwealth, shall pay to the State Treasurer, through the Department of Revenue, a tax of forty-five mills upon each dollar of the gross receipts of the corporation, company or association, limited partnership, joint-stock association, copartnership, person or persons, received from passengers, baggage, and freight transported wholly within this State, from telegraph or telephone messages transmitted wholly within this State, from express, palace car or sleeping car business done wholly within this State, or from the sales of gas, except gross receipts derived from sales to any municipality owned or operated public utility and except gross receipts derived

from the sales for resale, to persons, partnerships, associations, corporations or political subdivisions subject to the tax imposed by this act upon gross receipts derived from such resale and from the transportation of oil done wholly within this State. The gross receipts of public utilities shall not include any moneys received from political subdivisions. The gross receipts of gas companies shall include the gross receipts from the sale of artificial and natural gas, but shall not include gross receipts from the sale of liquefied petroleum gas.

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

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

Mr. A. K. HUTCHINSON. Thank you, Mr. Speaker.

What my amendment will do, all political subdivisions will not have to pay the gross receipts tax. They are all having a hard time making money on taxes because of the property tax being so high, and they could use this money to help pay their expenses. Thank you very much.

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

Mr. McCLATCHY. Mr. Speaker, again it is the same problem we have been facing, I guess, the last couple of weeks. I do not get these amendments until the very last minute. I have no idea what it costs. All I can tell you is that anything cutting back the gross receipts tax in this fashion will certainly cost us money, and I would ask for a "no" vote.

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

The following roll call was recorded:

YEAS—98

Barber	Evans	Lucyk	Rocks
Belardi	Fee	Mohntyre	Seventy
Belfanti	Fryer	McMongle	Showers
Beloff	Gallagher	Maione	Shupak
Berson	Gamble	Margemio	Statts
Blaum	George	Michlovic	Steighner
Borski	Grabowski	Miscevich	Stewart
Bowser	Gray	Morris	Straban
Brown	Greenfield	Mrkonic	Swaim
Burns	Craitza	Mullea	Sweet
Calagirone	Haluska	Murphy	Taylor, F. E.
Cappabianca	Harper	O'Donnell	Tigue
Cawley	Hoeffel	Olasz	Trelio
Clark	Horgos	Oliver	Van Houne
Colafella	Hutchinson, A.	Pendleton	Wachob
Coie	Irvis	Petrarea	Wambach
Cordisco	Itkin	Petrone	Wargo
Cowell	Kolter	Pievsky	Wass
DeMedio	Kukovich	Pistella	Wiggins
Dawida	Laughlin	Pratt	Williams, H.
Deal	Lescovitz	Pucciarelli	Williams, J. D.
Dombrowski	Letterman	Richardson	Wozniak
Donatucci	Levin	Rieger	Wright, D. R.
Duffy	Livengood	Ritter	Zwikl
Emerson	Lloyd		

NAYS—97

Anderson	Foster, W. W.	McClatchy	Serafini
Armstrong	Foster, Jr., A.	McVerry	Sieminski
Arty	Frazier	Mackowski	Siranni
Bittle	Freind	Madigan	Smith, B.
Boyes	Gallen	Manmiller	Smith, E. H.
Brandt	Gannon	Marmion	Smith, L. E.
Burd	Geist	Merry	Snyder

Cessar	Gladeck	Micozzie	Spencer
Cimini	Greenwood	Miller	Spitz
Civera	Grieco	Moehlmann	Stevens
Clymer	Gruppo	Mowery	Swift
Cochran	Hagarty	Nahill	Taddonio
Cornell	Hasay	Noye	Taylor, E. Z.
Coslett	Hayes	Perzel	Telek
Cunningham	Heiser	Peterson	Vroon
DeVerter	Honaman	Phillips	Wenger
Daikeler	Jackson	Piccola	Weston
Davies	Johnson	Pitts	Wilson
Dictz	Kennedy	Pott	Wogan
Diminni	Klingaman	Punt	Wright, J. L.
Dorr	Kowalyshyn	Rasco	Wright, R. C.
Durham	Lashinger	Reber	
Fargo	Lehr	Rybak	Ryan,
Fischer	Levi	Salvatore	Speaker
Fleck	Lewis	Saurman	

NOT VOTING—5

Alden	DeWeese	Kanuck	Rappaport
Cohen			

EXCUSED—0

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

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

Mr. LETTERMAN offered the following amendments No. A6216:

Amend Title, page 1, line 10, by inserting after "penalties," " further providing for exclusions from sales tax and Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

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 a clause 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.

Section 2. Subsection (e) of section 1101 of the act, amended December 11, 1979 (P.L.499, No.107), is amended to read:

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

3

Amend Sec. 3, page 4, line 29, by striking out "3" and inserting

4

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

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

Mr. LETTERMAN. Mr. Speaker, what my amendment does is just take the sales tax off the sale of firewood. I just want to make sure it is in a bill that might pass. It has already been voted to take the sales tax off firewood in other bills, and I would like to have it done in this one, too, please.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—6

Alden	DeWeese	Rappaport	Williams, H.
Cohen	Kanuck		

EXCUSED—0

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—196

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

NAYS—0

NOT VOTING—4

Alden	Kanuck	Rappaport	Wilson
-------	--------	-----------	--------

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of SB 712, PN 748, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS—181

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

NAYS—12

Blaum	Kukovich	Pistella	Tigue
George	Laughlin	Rybak	Trello
Kowalshyn	Miscevich	Steighner	Van Horne

NOT VOTING—7

Alden	Cordisco	Kanuck	Williams, H.
Cohen	Hutchinson, A.	Rappaport	

EXCUSED—0

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

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Lawrence Latta, the general manager of the McKeesport Automobile Club, here today as the guest of the gentlemen, Mr. Mrkonic and Mr. Miscevich.

REMARKS ON VOTES

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

Mr. SEVENTY. Yes, sir.

On SB 712 I would like to have my vote changed from a "yes" to a "no," please.

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

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

Mr. OLASZ. Mr. Speaker, on SB 712 my switch malfunctioned. I wish to be recorded in the negative, please.

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

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

Mr. MURPHY. Mr. Speaker, I would like to be recorded in the negative on SB 712. My switch malfunctioned on that. Thank you.

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. LEVIN, the House resumed consideration on final passage of **HB 1766, PN 3056**, entitled:

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

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

The question is, shall the bill pass finally?

DECISION OF CHAIR REVERSED

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

On the question recurring,

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

Mrs. HARPER offered the following amendments No. A7021:

Amend Sec. 1, page 1, lines 6 through 17; page 2, lines 1 through 5, 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 owner whose station is equipped with two or more fuel pumps and whose employees will check, voluntarily or on request, the oil, water and battery and wash the windshield of the vehicle.

“Retail service station owner.” 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 7, by striking out “(a)”

Amend Bill, page 2, lines 16 through 21, by striking out all of said lines and inserting

Section 3. Full service line.—Every retail service station owner located in a city of the first class 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 22, by striking out “3” and inserting

4

Amend Sec. 4, page 2, line 29, by striking out “4” and inserting

5

Amend Sec. 5, page 3, line 6, by striking out “5” and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. We are back to the hot air bill again.

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

Mrs. HARPER. Thank you, Mr. Speaker.

This amendment certainly should be of interest to everyone in this chamber, simply because it concerns jobs.

I have changed my amendment to relate to Philadelphia only, where we have a great need for this amendment, because we have a great need for jobs and service in Philadelphia. Also, this amendment relates to filling stations that have more than two pumps. This does not affect the small businesses. I am aiming for the big businesses where they have laid off 8 and 10 people, and we cannot get service. Senior citizens, women, and handicapped people are willing to pay.

What I am trying to do is to require these filling stations to hire back at least one person whom they have laid off. I know of 10 filling stations within 10 blocks that have laid off 8 and 10 people. They only have one person in the booth, and handicapped people and others who cannot help themselves cannot

get service. With my amendment, these filling stations will have to hire at least one person to keep a service line open to serve the people. We are willing to pay for that service.

Last week I went to the filling station in my neighborhood and I talked with some of the men. There were 8 and 10 men standing around the filling station begging to wipe my car off to earn a dollar. Those same men were employed by that filling station. Why should those men be standing around begging for jobs when at least these big businessmen can give someone a job? So that is why I am asking for this amendment. It is a necessity, especially since we passed the welfare reform bill. Help to create a job, at least one job, in each filling station. Thank you.

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

Mr. LEVIN. Thank you, Mr. Speaker.

Reluctantly, I must oppose the amendment. The amendment is the same one that was defeated when the bill was originally run, except it has now been modified so that it will apply only to Philadelphia. On a moment's analysis you would realize that the effect of it would be to require the Philadelphia self-service stations to hire people, which in effect would mean they would shut down and the stations immediately across the street on the county lines would remain open. We would be put in a terribly uncompetitive position.

The other problem is the same basic problem we had before the problem of when regulation, in order to create jobs, becomes self-defeating. It is very obvious that if you require this, the very stations that Mrs. Harper wants her constituents to rely upon will be forced out of business, and instead of having a station in their area open at night that can serve them, they will have none at all.

The purpose is good, the intent is good; it is not within our power to do it. I would hope you will vote against this amendment.

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

Mrs. HARPER. Thank you, Mr. Speaker.

This amendment does not relate to small businesses, so not any of these businesses will go out of business because of this amendment. They will only rehire one or two, at least one person, whom they have laid off. They employed at least 8 and 10 people, so why can they not at least hire one person back and give them a job rather than all of the money going to one big businessman? This is a people's amendment, not big business.

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

Mr. GLADECK. Would the lady stand for brief interrogation?

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

Mr. GLADECK. I would just like to ask two questions, Mr. Speaker. One, could you please tell me how many stations will be affected by your amendment?

Mrs. HARPER. I do not have the exact figure, but within my immediate neighborhood, five filling stations will be affected, and these filling stations last year employed at least 8 to 10 people, and today they only employ one person.

Mr. GLADECK. Could you give me an estimate, Mr. Speaker, as to what the cost would be citywide, because I think that your immediate neighborhood may be fine and it might only affect five stations, but I think when you talk about the entire city of Philadelphia, you are talking about not only privately owned stations but also the self-service stations where they do not in fact have full-service lines at all.

Mrs. HARPER. Practically all of the filling stations in Philadelphia are self-service. They do not serve handicapped people, they do not serve women who cannot wait on themselves, and they do not serve senior citizens. If a senior citizen does not take someone to that station with them to get service, they cannot be waited on. If a handicapped person goes to that station alone, I do not care whether you have gas or not, you cannot get waited on. So I am asking for one person to be hired back, to reemploy one person to give service. That is what I am aiming for.

Mr. GLADECK. Is it fair to assume then that you do not have a cost estimate?

Mrs. HARPER. Pardon?

Mr. GLADECK. Mr. Speaker, is it fair to assume then that you really do not have a cost estimate as to how much this would cost?

Mrs. HARPER. I do not need a cost estimate, because I can see what is happening. Anyone can see. All you have to do is go to the filling stations and see that they have four and five lines and one person there.

Mr. GLADECK. Thank you, Mr. Speaker.

I think that the cost is prohibitive in this amendment, and I think it is unnecessary. I would urge all of you to vote against it. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—52

Barber	Evans	Letterman	Rieger
Belfanti	Fee	McIntyre	Rybak
Berson	Gallagher	Maiale	Seventy
Blaum	George	Morris	Stewart
Caltagirone	Gray	Mullen	Tigue
Cawley	Greenfield	Olasz	Trello
Cohen	Gruitza	Oliver	Wachob
DeMedio	Harper	Pendleton	Wiggins
DeWeese	Horgos	Petrone	Williams, H.
Deal	Hutchinson, A.	Pievsky	Williams, J. D.
Dombrowski	Irvie	Pistella	Wilson
Durham	Kukovich	Pratt	Wright, J. L.
Emerson	Laughlin	Richardson	Wright, R. C.

NAYS—141

Anderson	Fischer	Livengood	Serafini
Armstrong	Fleck	Lloyd	Showers
Arty	Foster, W. W.	Lucyk	Shupaik
Belardi	Foster, Jr., A.	McClatchy	Sieminski
Beloff	Frazier	McMonagle	Sirianni
Bittle	Freind	McVerry	Smith, B.
Borski	Fryer	Mackowski	Smith, E. H.
Bowser	Gallen	Madigan	Smith, L. E.
Boyes	Gamble	Manmiller	Snyder

Brandt	Gannon	Marmion	Spencer
Brown	Geist	Merry	Spitz
Burd	Gladeck	Michlovic	Stairs
Burns	Grabowski	Micozzie	Steighner
Cappabianca	Greenwood	Miller	Stevens
Cessar	Griceo	Miscevich	Suban
Cimini	Gruppo	Moehlmann	Swaim
Civera	Hagarty	Mowery	Swift
Clark	Haluska	Mrkonic	Taddonio
Clymer	Hasay	Murphy	Taylor, E. Z.
Cochran	Hayes	Nahill	Taylor, F. E.
Colaflera	Heiser	Noye	Telek
Cole	Hoefel	Perzel	Van Horne
Cornell	Honaman	Peterson	Vroon
Coslett	Itkin	Petrarca	Wambach
Cowell	Jackson	Phillips	Wargo
Cunningham	Johnson	Piccola	Wass
DeVerter	Kennedy	Pitts	Wenger
Dajkeler	Klingaman	Pott	Weston
Davies	Koiter	Pucciarelli	Wogan
Dawida	Kowalyszyn	Punt	Wozniak
Dietz	Lashingier	Rasco	Wright, D. R.
Dininni	Lehr	Reber	Zwikl
Donatucci	Lescovitz	Ritter	
Dorr	Levi	Rocks	Ryan,
Duffy	Levin	Salvatore	Speaker
Fargo	Lewis	Saurman	

NOT VOTING—7

Alden	Kanuck	O'Donnell	Sweet
Cordisco	Manderino	Rappaport	

EXCUSED—0

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?

MOTION TO RECOMMIT

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

Mr. ANDERSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Transportation for further study.

The SPEAKER. The question before the House is the motion of the gentleman from York, Mr. Anderson, that HB 1766 be recommitted to the Committee on Transportation.

On the question,

Will the House agree to the motion?

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

Mr. LEVIN. Mr. Speaker, we fought over this matter for 3 hours the other day. We treated it rather lightly, and I went home and found that my constituents and the news media accepted this as one of the important bills that we passed. I think we would make a great mistake if we treat it lightly and send it back to committee. Everyone understands it. Vote it up or down.

The SPEAKER. Those in favor of recommitment to Transportation will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—82

Anderson	Fischer	Lashinger	Rasco
Armstrong	Fleck	Lehr	Reber
Arty	Foster, W. W.	Lewis	Richardson
Bittle	Foster, Jr., A.	Lloyd	Salvatore
Boyes	Frazier	McClatchy	Saurman
Brandt	Freind	McIntyre	Sieminski
Burd	Gallen	Mackowski	Sirianni
Cessar	Gannon	Madigan	Smith, B.
Clymer	Geist	Manmiller	Smith, E. H.
Cornell	Gladeck	Marmion	Smith, L. E.
Coslett	Grabowski	Merry	Spencer
Cunningham	Greenwood	Miller	Stevens
DeVerter	Gruppo	Mochlmann	Swift
Daikeler	Hasay	Mowery	Wenger
Davies	Hayes	Noye	Weston
Deal	Heiser	Perzel	Williams, J. D.
Dietz	Honaman	Peterson	Wogan
Dininni	Jackson	Phillips	Wright, D. R.
Dorr	Johnson	Piccola	
Evans	Kennedy	Pitts	Ryan,
Fargo	Klingaman	Pott	Speaker

NAYS—115

Barber	Emerson	McVerry	Shupnik
Belardi	Fee	Maiale	Snyder
Belfanti	Fryer	Manderino	Spitz
Beloff	Gallagher	Michlovic	Stairs
Berson	Gamble	Micozzie	Steighner
Blaum	George	Miscevich	Stewart
Borski	Gray	Morris	Stuban
Bowser	Greenfield	Mrkonic	Swaim
Brown	Grieco	Mullen	Sweet
Burns	Gruitza	Murphy	Taddonio
Caltagirone	Hagarty	Nahill	Taylor, E. Z.
Cappabianca	Haluska	O'Donnell	Taylor, F. E.
Cawley	Harper	Olasz	Telek
Cimini	Hoeffel	Oliver	Tigue
Civera	Horgos	Pendleton	Trello
Clark	Hutchinson, A.	Petrarca	Van Horne
Cochran	Irvis	Petrone	Vroon
Cohen	Itkin	Pievsky	Wachob
Colafella	Kolter	Pistella	Wambach
Cole	Kowalyshyn	Pratt	Wargo
Cordisco	Kukovich	Pucciarelli	Wass
Cowell	Laughlin	Punt	Wiggins
DeMedio	Lescovitz	Rieger	Williams, H.
DeWeese	Letterman	Ritter	Wilson
Dawida	Levi	Rocks	Wozniak
Dombrowski	Levin	Rybak	Wright, J. L.
Donatucci	Livengood	Serafini	Wright, R. C.
Duffy	Lucyk	Seventy	Zwilk
Durham	McMonagle	Showers	

NOT VOTING—3

Alden	Kanuck	Rappaport
-------	--------	-----------

EXCUSED—0

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

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

Bill as amended' was agreed to.

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

The question is, shall the bill pass finally?

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

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

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

Mr. EVANS. Mr. Speaker, on page 2, line 21, it states that there are certain penalties in terms of this particular bill. Could you explain those particular penalties?

Mr. LEVIN. If you will give me a copy of the bill.

Would Mr. Evans repeat his question, please?

Mr. EVANS. Mr. Speaker, I will repeat my question. My question was, on page 2, line 21, it states specifically about the penalties that you are expressing if a gas station does not have an air pump. I would like you to elaborate on that. Is that necessary?

Mr. LEVIN. Certainly it is necessary. That is the enforcement provision. It is a very simple enforcement provision. It provides for a fine not in excess of \$300, and obviously there has to be some effort to enforce it. If there is not even some minimum fine involved, why should anyone obey it?

Mr. EVANS. Mr. Speaker, who will be enforcing this particular aspect of the bill?

Mr. LEVIN. There are two enforcement provisions in the bill.

Mr. EVANS. I cannot hear you.

Mr. LEVIN. There are two enforcement provisions in the bill. A summary offense would be enforced by the local district attorney, and the civil remedy section would be enforced by any individual who wanted to sue under it, but I do not believe that there will be suits under it. What you are going to have is you are going to have a local district attorney, if he decides to enforce it, enforce it in front of a justice of the peace, or what we now call a district judge, and the fine cannot exceed \$300. Incidentally, there is a provision in the bill that if the gas pump is out of order, the owner has an opportunity to remedy that. It is not automatically if he does not have one operative. He has an opportunity to have it repaired.

Mr. EVANS. Mr. Speaker, realistically in the city of Philadelphia, with all of the problems that we have in the DA's office in terms of robbery, muggings, rapes, do you think realistically that the local district attorney can enforce something of this nature?

Mr. LEVIN. Certainly, if the public wants it.

Mr. EVANS. Could you repeat that answer again? I did not hear your answer.

Mr. LEVIN. I said certainly; if the public wants it enforced, it will be enforced.

Mr. EVANS. Mr. Speaker, do you think in these times when we are attempting to have less government, that realistically this is in the best interest, to attempt to penalize dealers who may not be able to meet the cost, by providing this additional burden?

Mr. LEVIN. The answer to that is obviously yes. As I made it clear when we argued about the bill the first time for 3 hours, a pump of this sort can be purchased for no more than \$200, \$250, and there is no requirement that it be free. It can be a coin-operated box. If your constituent who is concerned about this bill wishes to recoup the money, he need only put in a coin-operated quarter box. I am not demanding that it be free; I am only obligating stations to provide it for the safety of their constituency.

Mr. EVANS. Mr. Speaker, do you not think you are really penalizing those local gas station dealers again, as I expressed to you before, who may not be able to handle this? Why can it not be something that is just strictly voluntary?

Mr. LEVIN. Because it is strictly voluntary right now and they are not doing it, and I am concerned about the safety of your constituents and mine who cannot get air in their tires at night.

Mr. EVANS. And in terms of your concern, then are you saying as a result of this that somebody should be dragged into court and found guilty to pay as much as \$1,000 for something of this nature?

Mr. LEVIN. I am saying that they should put the pump in and then they are not guilty of anything.

Mr. EVANS. That is the end of my interrogation. I would like to speak to the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. EVANS. Mr. Speaker, I think that why this bill was reconsidered the last time to be brought back in front of this body was strictly because of the concerns that I have been raising in terms of the prime sponsor of this particular bill. I expressed those concerns primarily because when you look at it closely and you ask yourself that question in terms of gas stations, and I share that same concern as my colleague from Philadelphia about the safety of individuals in terms of having the proper amount of air in the tires, I do not think that this is the way.

I would hope that in our conscience and our deliberations we would look at it closely and say to ourselves, do we really want to drag into court local gas station owners because they do not have an air pump? Certainly I am concerned about my constituents. Certainly I am concerned about this mass amount of concern that my colleague from Philadelphia raised about individuals being concerned about air pumps not in gas stations. Certainly I am concerned about what my colleague, Representative Harper, raised about attendants not being hired, but I am saying to you that you need to look at it closely and ask yourself a question. Should an individual, should an individual, be fined or have something against their record based on the fact that they do not have an air pump in their gas station? Where are we going to draw the line in terms of effort and responsibility where government stops? Are we going to move to the point where we are going to now say that if you do not have an air pump in your gas station, you have to pay as much as \$1,000 and get the DA involved? Where is it going to stop? This is not good consumer legislation.

There is no way in my mind that my colleague from Philadelphia is really looking out for that local gas station

owner, and I would hope that in your consideration you would defeat this bill, because again I express it is not in the best interest of any of our constituents. Thank you, Mr. Speaker.

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

Mr. OLASZ. Mr. Speaker, I rise to support this bill. I would hope that the members would pay attention to a few brief remarks that I have on the bill.

Mr. Speaker, this two-page bill may seem very insignificant, but we are in an age where the competitive structure that we all knew is rapidly disappearing. Nothing—and I repeat, nothing—is ever perfect. I call to your attention the second paragraph where it says:

Every retail service station owner shall make available to the public a power driven air pump device for the purpose of inflating motor vehicle tires. Such device shall be available for public use at all times that the station is open for business except that when such pump becomes inoperable for any reason, the owner shall not be in violation of this act....

My concern when I said it is not perfect is that we may enter into a situation where some people have that pump there only as a facade, knowing full well that it has not operated for weeks nor will it operate in the next week. But the merits of this legislation far outweigh the percentage points where I said it is not perfect.

I am certain that in a lifetime, all of us have an emergency situation arise where we must get to the hospital, we must get to the doctor. Certainly, if we know that filling station down at the bottom of the road is open, we can put enough air in that tire to sustain us until we get to that hospital or that doctor, especially those in suburban areas where emergency ambulance service is not readily available and time is of the essence.

A few weeks ago we debated the merits of the once-a-year auto inspection. Concerned about the safety of vehicles on the highway, they are only inspected once a year. What is more unsafe than to force a motorist on the road to drive in an emergency situation with an underinflated tire or perhaps even a flat tire? These are careful considerations I think you should apply that far outweigh the deficiencies, and vote to support this bill. There is an old cliché: the life that you may save may be one very close to you. And remember, that car rides on air, not on a rubber tire. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I would like to interrogate the sponsor.

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

Mr. L. E. SMITH. Mr. Speaker, having been in this business most of my adult life, I would like to further establish the legislative intent. I heard you tell the gentleman that if the air pump was out of order, the law would not apply; there would be an exemption. One of the real problems that we run into in this business is trying to keep air hoses in stock. If you have a busy establishment and you turn your back on that air hose

for just a couple of minutes, it will be gone, because the only way you can put it on there is with a quick coupler. Now, what I am trying to establish, Mr. Speaker, is the air pump is not out of order—it is working—but for one reason or another you do not have a hose available at the time someone requests air. Would you be in violation of this act?

Mr. LEVIN. No, Mr. Speaker. If you will look on page 2, starting on line 9.

Such device shall be available for public use at all times that the station is open for business except that when such pump becomes inoperable for any reason, the owner shall not be in violation of this act provided that the owner exercises due diligence to repair the device or provide another operable device as soon as practicable.

It is my intent, and it is very obvious reading that, that we are defining “pump” to mean the air pump as a unit including the hose, not just the mechanical part. If in fact there was an electrical failure, he obviously could not correct that. If he exercised due diligence, there would be no responsibility on his part.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I would like to interrogate the prime sponsor of this bill.

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

Mrs. HARPER. Mr. Speaker, does this bill require someone to be on the premises to give service with the air pump?

Mr. LEVIN. No.

Mrs. HARPER. Oh. Thank you.

I object to this bill simply because, if a handicapped person or senior citizen or someone cannot operate the air pump, what good is the air pump? If you cannot give service, the pump is no good. Thank you.

MEMBER'S PRESENCE RECORDED

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

CONSIDERATION OF HB 1766 CONTINUED

The SPEAKER. Does the gentleman, Mr. Wright, from Clarion, desire recognition?

Mr. D. R. WRIGHT. Yes.

The SPEAKER. The gentleman may proceed.

Mr. D. R. WRIGHT. Mr. Speaker, I wonder if the gentleman, Mr. Levin, would stand for brief interrogation.

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

Mr. D. R. WRIGHT. Mr. Speaker, I do not want to tax your patience here, but I wonder if you could clarify for me where there is a definition in this bill of a retail service station.

Mr. LEVIN. There is not a specific definition of a retail service station, but I think it is very obvious when you read the bill that we are talking about—

Mr. D. R. WRIGHT. It is very obvious— Was that the end of the sentence?

Mr. LEVIN. Oh, wait; there is. On page 2, line 16, it is defined. “For the purpose of this act ‘retail service station...’ ” —and we changed the word “dealer” to “owner” and put the responsibility on the owner; starting on page 2, line 17— “means 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.”

Mr. D. R. WRIGHT. Is it your judgment, Mr. Speaker, that this includes convenience stores?

Mr. LEVIN. Yes. If they pump gasoline into the tanks of motor vehicles for sale, it includes them. That was the intention, to include the Stop-N-Gos, what we have in our area, the Arco markets, which are putting all of our service stations out of business.

Mr. D. R. WRIGHT. Would it not be more appropriate then, Mr. Speaker, to refer to these as retail gasoline outlets rather than retail service stations?

Mr. LEVIN. Well, I do not want to quibble over details, but I believe that the definition is sufficiently broad to include any person, firm, or corporation that has a business where motor vehicle fuel is sold to the public and put into their tanks, and that is what I intended to cover.

Mr. D. R. WRIGHT. Mr. Speaker, to what extent do you think it is possible for us or constitutional for us to establish the conditions under which a business will do business?

Mr. LEVIN. I think if the public safety is involved, we have an overriding constitutional privilege to see that that regulation is balanced against safety, and we are imposing a very minor regulation in the interest of safety.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I am going to vote against this bill, because I think it is simply another intrusion of government into the daily affairs of business.

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

Mr. ANDERSON. Mr. Speaker, I wonder if I could interrogate the gentleman, Mr. Levin.

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

Mr. ANDERSON. Mr. Speaker, on line 18 it states, “...where motor vehicle fuel is sold and delivered into the tanks of motor vehicles....” Does that exclude self-service?

Mr. LEVIN. No. No. I mean, it is very obvious if you are going to hold yourself out to the public as a place where the public comes in and you sell and put fuel in. The reason we said “sold and delivered” is we wanted to exclude wholesale operations where it is not delivered to the public.

Mr. ANDERSON. But it definitely states, “...sold and delivered into the tanks....” It does not say that you could do it yourself. It would look to me as if self-service would be exempt from this.

Mr. LEVIN. No. I am afraid, Mr. Speaker, you are reading it incorrectly. There is no requirement here that the person

who sells it be the person who puts it in. It only requires that it be sold and put into a tank. The difference was that we did not want to require it where gasoline is sold for wholesale use into large tanks. I mean, obviously that is not the intent of this. This is for retail stations, gasoline stations.

Mr. ANDERSON. It does not state that. I think this is a very good loophole for the self-service gasoline stations.

One other question, Mr. Speaker.

Mr. LEVIN. May I just ask, Mr. Speaker—

The SPEAKER. The gentleman will yield.

The Chair has recognized the gentleman, Mr. Anderson. The gentleman, Mr. Levin, may reply later.

Mr. ANDERSON. One other question. I believe you stated when this bill was up before that an air compressor could be purchased for approximately \$250.

Mr. LEVIN. That is correct.

Mr. ANDERSON. I have done a little checking on that, and I find that your figure is very low. You can get an air compressor for \$250, a small portable job, such as I happen to have and use on the farm. But I am sure from what I have learned that you could figure at least \$1,000 to get a suitable air compressor, have it installed, hooked up, and in an operative position. I think a lot of these small stores are going to be very reluctant to pay \$1,000 for an air compressor to follow the requirements of this bill, and I would hope that this bill be voted down.

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

Mr. LEVIN. Mr. Speaker, I have made it abundantly clear that I do not want to overburden the small retailer, and that was the reason I did not require it to be free. In fact, after this bill received some publicity, I received a number of calls from constituents who said to me, require them to have a pressure gauge so we can see how much air is going in. I chose not to do that because that would obviously require a more sophisticated system than the type that I have been talking about, Mr. Speaker.

If your concern is for the small station, they can recoup it by charging for it. I am certain you are not concerned about Arco and Gulf and the major chains who certainly can afford it. This bill is solely in the interest of safety, and I would hope we get on with it.

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

Mr. BURD. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1766, and I would like to speak to some of the arguments that were presented here not only last week but today. One of the arguments was in the area of safety for the driver who is out on a highway and the probability of them running around with a tire that is under pressure. I wonder if the General Assembly realizes that you can go into an automotive parts store today and purchase what they refer to as canned air for probably a minimal charge of about \$1.50, and you can carry that in your glove compartment or in your trunk and it can be there and be readily available at any time should an emergency like that arise.

I would like to point out also in my case, where I travel from western Pennsylvania, I carry in my trunk a 12-volt compressor, which I think the purchase price on mine was around \$30, but you can buy one of those, a very simple 12-volt compressor, for about \$12 if you go to any K Mart in Pennsylvania. So looking at it from that standpoint and from the safety standpoint, people who are aware of this—and I am sure I must give the customers or the people of the Commonwealth a little bit more credit than that—certainly know that these things are available for them, and so the safety argument as to HB 1766 I do not think really has that much merit.

Secondly, I would agree with the previous speaker when he said that in no way are you going to be able to buy an air compressor that would be of a garage type for a small fee of \$250. You are talking about a type of compressor that would require at least a five-horse electric motor; it would usually be a twin-cylinder compressor, and it would usually go along with either a 50- or 100-gallon tank. And I will guarantee you the last time I priced anything like that, you are talking in the area of \$1,500 to \$2,000.

In rounding out my argument to you, Mr. Speaker, I look at HB 1766 as being a mandate for small business and for free enterprise, and I do not really think that this General Assembly should be looking into that aspect. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Allegheny, Mr. Frazier, desire recognition on this question?

Mr. FRAZIER. Yes, Mr. Speaker.

Would the gentleman, Mr. Levin, stand for interrogation?

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

Mr. FRAZIER. Mr. Speaker, does the gentleman know the position of the independent gas station owners and dealers association, both the Pennsylvania association and the Pennsylvania and Delaware association?

Mr. LEVIN. I had difficulty hearing that. Was the question, do I know the position of the lobbyists for the gas stations?

The SPEAKER. Will the gentleman yield.

Will the gentleman, Mr. Frazier, repeat his question.

Mr. FRAZIER. Mr. Speaker, the question was not whether the gentleman knows the position of the lobbyists for those organizations; the question was whether the gentleman knows the positions of the organizations themselves inasmuch as they adopt those positions by vote.

Mr. LEVIN. No.

Mr. FRAZIER. Mr. Speaker, would it surprise the gentleman that both organizations are opposed to this bill?

Mr. LEVIN. No.

Mr. FRAZIER. Mr. Speaker, is the intent of this bill to be focused mainly against the convenience store in aid of the independent dealer?

Mr. LEVIN. To put air in the tires for the public who darn well need it.

Mr. FRAZIER. Mr. Speaker, would the gentleman be responsive to the question?

Mr. LEVIN. I was.

Mr. FRAZIER. Is it the intent of the bill to be certain that convenience stores are held to the same duty as independent dealers?

Mr. LEVIN. Yes.

Mr. FRAZIER. Then is it the intent of the bill to focus on convenience stores?

Mr. LEVIN. Well, as I told you the other day when we were debating it, in my area there is no problem with the service stations. I define "service stations" as those people who are fixing cars. In my area the service stations do have air and do provide it. The problem is that they have all been closed at night by the self-service stations in the Philadelphia area, which are basically grocery stores. Now, that may differ in your community, but in my community what has happened is they charge 2 cents a gallon less, make it impossible for a full-service station to remain open at night, and they are the ones that are causing the problem. Now, it may be different in your area, but anyone who sells gas to the public, if they are open, should permit the public to have a facility for putting air in their tires.

Mr. FRAZIER. Mr. Speaker, is my understanding correct then that the bill does in fact focus on the convenience stores?

Mr. LEVIN. In my area that is where the intent is. Yes.

Mr. FRAZIER. Mr. Speaker, is this bill an amendment to the Motor Vehicle Code?

The SPEAKER. The gentleman will yield.

The purpose of interrogation is to seek the answer to questions. If the gentleman is familiar with the subject matter, knows the answers, the Chair would suggest that the time of the House not be wasted by interrogation.

The gentleman may continue.

Mr. LEVIN. I have no idea where Purdon's will put it.

Mr. FRAZIER. With all due respect, Mr. Speaker, I cannot tell whether this is an amendment to the Motor Vehicle Code.

May I repose the question?

Mr. LEVIN. May I answer the question in a more sophisticated fashion, Mr. Speaker?

The SPEAKER. The Chair, too, looked at the calendar and is unable to determine the answer to that question.

The gentleman, Mr. Levin, may answer the question.

Mr. LEVIN. It is not apparent where it will be placed. The publication of acts of this type is usually left to the Reference Bureau and the publisher, which is the Purdon's section, which will determine where it best fits unless we designate where it fits. And since I have not designated where it should be put, they will have the privilege of putting it where it is most likely to be found.

Mr. FRAZIER. Mr. Speaker, how would the gentleman define a motor vehicle?

Mr. Speaker, I will withdraw the question. Is it in order to make a statement?

The SPEAKER. It is. The gentleman is in order.

Mr. FRAZIER. Mr. Speaker, first of all, I would pose the argument that the thrust of the legislation is to make the independent service station more competitive with the convenience store, yet at the same time the independent service station

dealer associations have taken a position against the bill. This appears to be somewhat inconsistent. I think we should find out why they are opposed to the bill. The thrust of the bill, according to the gentleman, the prime sponsor, is intended to deal with a specific problem where gas is 2 cents cheaper. Apparently the independent service station dealer associations know something we do not here, and I think we ought to inquire about the bill further.

Secondly, the reason for my question about motor vehicles is that the law is quite precise. "Motor vehicle" is a term of art, and "motor vehicle" is defined in the Motor Vehicle Code. It is not defined elsewhere, to my knowledge, in the criminal codes of the Commonwealth, inasmuch as that is a quasi-criminal action. And my concern would be, under the body of the offense which is listed here, even though it deals in the whereas clauses with a purpose and talks about highways and tires, the body of the offense does not define highways and tires, and I am seriously concerned that other establishments which sell gasoline, namely to boats on the Commonwealth's many lakes, may be required by zealous DA's to comply with the act. It raises a legal term and a legal question as to what a motor vehicle is if it is not an amendment to the Motor Vehicle Code. It does not appear to be an amendment to the Motor Vehicle Code and it seems integral to the bill. There should be a definition of "motor vehicle."

I would like to argue against the bill and urge that it be defeated. Thank you, Mr. Speaker.

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

Mr. COLAFELLA. Mr. Speaker, I rise to support HB 1766. This may not seem to be a very significant bill for some people, but I think it is a very significant bill for a couple of reasons.

Number one, as you drive today you very seldom see a gas station, compared to 10 or 15 years ago when there were far less cars on the road than there are today. Today we have far more cars than we have ever had and we have got far less gas stations than we have ever had. The poor driver today is in massive traffic jams. He gets very few services at a gas station. He pays an enormous amount of taxes, and he is not even afforded the opportunity to have air afforded to him by a gas station owner. For once I think that we ought to take heed and think about the poor driver today instead of the retail owner who even has the right to impose a 25-cent fee to an old woman or an old man who cannot even put air in their tires.

I urge you to support this bill. I think it is a very important bill because it is going to show that we really care about the driving public. Thank you very much.

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

Mr. MARMION. Thank you, Mr. Speaker.

Once again this august body is stepping into the private business arena, and we are going to mandate free services. I think it is ridiculous.

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

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

It should not be any mystery as to why there are not such facilities outside of outlets at this point. It is purely and simply a case of vandalism and the cost associated therewith. I can remember 10, 15, 20 years ago when there was air service available. Even after closing hours you could go up to a station and it was there. And the reason it is not there now is because hoses are cut, torn; the outside pumps and gauges are vandalized. I do not blame anybody for not providing it under those conditions, and it is a decision that everyone makes as an individual businessman.

If we do not have enough faith in the American system that we have to mandate a ridiculous proposal like this, then we are further down the road than I thought. I urge a negative vote.

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

Mr. PETRARCA. Mr. Speaker, everybody alluded to the free private enterprise. That is one reason this bill was put in. You have got a monopoly out there. I alluded to the "seven sisters" last week where Exxon and Sunoco call each other if they are going to put a half a cent on or deduct a half a cent. Just a few minutes ago Dennis Barbagello told me they took the air hose out of the Exxon station near him. They do not want to be bothered. We are sitting back and we are letting these ministores run over the Mom and Pop stores.

Mr. Manderino last week told me he pulled into a gas station and he said, fill it up and check my left front tire. They said, we do not have any air. He said, stop the pump. He paid them 16 cents and went down the road to a Mom and Pop store and got air. So Mr. Manderino did something good for a change. Right, fellows? But I am telling you you have a monopoly out there. All we want is safety for the people. Other people say, well, take a barber now; he cuts hair, he shaves. Now he decides not to shave. Are we going to mandate him to shave? Not so. It is so far fetched. But we are talking about safety. If you are going to put a swimming pool in back home, there are specs in the State to protect the people. All we want to do is protect the people.

And someone alluded here to the fact that if the gas station does not have an attendant for crippled people, then I am against it. Hey, let us get the foot in the door. Let us help the masses. The people need air out there, not our hot air. They need air for their tires, so how about forgetting about the lobbyists and do something for the people of Pennsylvania's safety.

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

Mr. LEVI. Thank you, Mr. Speaker.

I do not know about the "seven sisters" out my way, but I have about 35 little crossroad grocery stores. For an accommodation they put in a gas pump to help the farmers out with a little extra fuel. Now we want to be big government and force them to put in air pumps and all this sophisticated stuff. You can have it, but my country folk do not want this. I am from a country area. This is a bad bill for my district.

The SPEAKER. Does the gentleman, Mr. Levin, desire to be recognized for the 48th time?

Mr. LEVIN. I just want to make one comment. After being interrogated, it was alleged that the Service Station Dealers Association was opposed to the bill. I had no way of knowing whether they were or not. And since the interrogation, a representative of the Pennsylvania-Delaware Service Station Dealers Association came forth and advised me that they had taken no position on this 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—108

Arty	Fischer	Lucyk	Richardson
Barber	Freind	McClatchy	Rieger
Bellanti	Fryer	McIntyre	Ritter
Beloff	Gallagher	McMonagle	Rocks
Berson	Gamble	McVerry	Rybak
Borski	Gannon	Mackowski	Seventy
Bowser	George	Maiale	Shupnik
Brown	Grabowski	Manderino	Spitz
Burns	Gray	Michlovic	Stairs
Caltagirone	Greenfield	Micozzie	Steighner
Cappabianca	Gruitza	Miscevich	Stewart
Civera	Haluska	Morris	Stuban
Clark	Harper	Mrkonic	Swaim
Colafella	Hoeffel	Mullen	Sweet
Cole	Horgos	Murphy	Taddonio
Cordisco	Hutchinson, A.	O'Donnell	Taylor, E. Z.
Cowell	Irvic	Olasz	Tigue
DeMedio	Itkin	Oliver	Trello
DeWeese	Johnson	Pendleton	Vroon
Dawida	Kolter	Petrarca	Wachob
Deal	Kowalshyn	Petrone	Wambach
Dombrowski	Kukovich	Pievsky	Wargo
Donatucci	Lashinger	Pistella	Williams, H.
Duffy	Lescovitz	Pott	Wilson
Durham	Letterman	Pratt	Wozniak
Emerson	Levin	Pucciarelli	Wright, R. C.
Fee	Livengood	Rappaport	Zwilk

NAYS—89

Anderson	Fargo	Lloyd	Sirianni
Armstrong	Fleck	Madigan	Smith, B.
Belardi	Foster, W. W.	Manmiller	Smith, E. H.
Bittle	Foster, Jr., A.	Marmion	Smith, L. E.
Blaum	Frazier	Merry	Snyder
Boyes	Gallen	Miller	Spencer
Brandt	Geist	Moehlmann	Stevens
Burd	Gladeck	Mowery	Swift
Cawley	Greenwood	Nahill	Taylor, F. E.
Cessar	Grieco	Noye	Telek
Cimini	Gruppo	Perzel	Van Horne
Clymer	Hagarty	Peterson	Wass
Cochran	Hasay	Phillips	Wenger
Cornell	Hayes	Piccola	Weston
Coslett	Heiser	Pitts	Wiggins
Cunningham	Honaman	Punt	Williams, J. D.
DeVerter	Jackson	Rasco	Wogan
Daikeler	Kennedy	Reber	Wright, D. R.
Davies	Klingaman	Salvatore	Wright, J. L.
Dietz	Laughlin	Saurman	
Dininni	Lehr	Serafini	Ryan,
Dorr	Levi	Showers	Speaker
Evans	Lewis	Sieminski	

NOT VOTING—3

Aden Cohen Kanuck

EXCUSED—0

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

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

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 937, PN 1721**.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **SB 937, PN 1721**, entitled:

An Act establishing fees which shall be charged by a prothonotary in a county of the second class.

On the question,

Will the House adopt the report of the committee of conference?

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

YEAS—188

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

DeVerter	Jackson	Phillips	Wargo
DeWeese	Johnson	Piccola	Wass
Daikeler	Kennedy	Pievsky	Wenger
Davies	Klingaman	Pistella	Weston
Dawida	Kofter	Pitts	Wiggins
Deal	Kowalshyn	Pott	Wilson
Dietz	Kukovich	Pratt	Wogan
Diminni	Lashingier	Pucciarelli	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rappaport	Wright, J. L.
Dorr	Lescovitz	Rasco	Wright, R. C.
Duffy	Letterman	Reber	Zwinkl
Durham	Levi	Richardson	
Evans	Lewis	Rieger	Ryan,
Fargo	Livengood	Ritter	Speaker
Fee	Lloyd		

NAYS—2

George Tigue

NOT VOTING—10

Alden	Cohen	Levin	Williams, H.
Belfanti	Emerson	Serafini	Williams, J. D.
Beloff	Kanuck		

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. BELFANTI. Mr. Speaker, I was not in my seat when the vote on the Conference Committee Report on SB 937 was taken. Had I been in my seat, I would have voted "yes."

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 2074, PN 2915**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), providing for association to become permanent reserve fund stock associations; providing Statewide savings bank branches and further providing for interest rates, finance charges or terms of loans.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to **HB 2074**.

The SPEAKER. Does the gentleman from Beaver, Mr. Laughlin, desire recognition?

Mr. LAUGHLIN. Yes, Mr. Speaker. Would the gentleman, Mr. Smith, please stand for interrogation?

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

Mr. LAUGHLIN. Mr. Speaker, I had met earlier with the representatives who had originally sponsored this bill and had discussed it with you, the savings association people. They indicate to me and agree with me that there are two sections in the bill that are questionable. They also agree that they will have those sections amended in HB 104 when it comes over from the Senate. Was that the discussion that was also held with you?

Mr. L. E. SMITH. That is my understanding, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, I thank you for that understanding, and I hope the House remembers it, because the last couple times we had an agreement, there seemed to be something changed from day to day. I hope that does not happen in this case. Thank you, Mr. Speaker.

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—168

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

NAYS—20

Blaum	Haluska	Manderino	Stuban
Deal	Hasay	Pistella	Tigue
Duffy	Kolter	Richardson	Trello
George	Laughlin	Shupnik	Wargo
Greenfield	Lloyd	Stewart	Wilson

NOT VOTING—12

Alden	Cohen	Fee	Sweet
Barber	DeMedio	Kanuck	Wiggins
Beloff	Emerson	Lewis	Wright, D. R.

EXCUSED—0

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.

SB 712 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy, who moves that the vote by which SB 712 was passed on March 29, 1982, be reconsidered. The motion of the gentleman, Mr. Murphy, is seconded by the gentleman from Allegheny, Mr. Gamble.

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

The following roll call was recorded:

YEAS—189

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

Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Iescovitz	Reber	Wright, J. L.
Dorr	Letterman	Richardson	Wright, R. C.
Duffy	Levi	Rieger	Zwinkl
Durham	Lewis	Rocks	
Evans	Livengood	Rybak	Ryan,
Fargo	Lloyd	Salvatore	Speaker
Fee	Lucyk	Saurman	

NAYS—1

Marmion

NOT VOTING—10

Alden	DeMedio	Itkin	Levin
Beloff	Emerson	Kanuck	Ritter
Cohen	Greenfield		

EXCUSED—0

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

On the question recurring,
Shall the bill pass finally?

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

Mr. MURPHY. Thank you, Mr. Speaker.

I just think it is important that the members know the implications of this legislation. When we voted it the first time, there was no discussion on the bill.

SB 712 deals with the interest rates on insurance policies. There are clearly two sides to this question, and I would appreciate that if the members would listen, I will try to present both sides so that you will understand what the implications are in this bill.

As you all know, there is the classic low-interest insurance policy that I think many of us probably went to school on or our parents bought their houses against, where individuals can borrow against their insurance policies for 8 percent. What this legislation does on new policies—not on existing policies; they will not change that on existing policies, except if you look on page 9, "...unless the policyholder agrees in writing to the applicability of such provisions" —but in any case, on new policies, the policy interest rate would be a variable rate much closer to the actual market interest.

On the insurance company side, the insurance companies feel that many people are borrowing the low-interest money against the policies and putting it in money market funds and getting a much higher interest rate, and it is, of course, cutting into the insurance companies' reserves. On the other hand, there are those individuals who legitimately use this for good purposes, being to pay for an education or to pay for a necessity, when they need to borrow money at a low interest.

I have just made the decision, I think it is important to continue to provide that source of low interest for those many people who have no other place to go, relatively low interest at 8 percent. So I would urge a negative vote on this bill so that we would keep that source of low interest for the many families who have no other place to turn other than high interest in the commercial market when they would go to borrow money, so please vote "no" on this bill. Thank you.

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

Mr. DeVERTER. Mr. Speaker, I understand the gentleman's reservations about the problem with SB 712, but I also realize some other very realistic situations with which we are confronted, one of those being that it is very attractive today, especially for the large policyholder, one who is apt to have \$100,000, \$200,000, a half a million dollars and wants to draw that cash value out. The reason he draws that cash value out is not for the sake of spending it or for college education; he borrows it for the sake of reinvesting it in a higher investment and a higher investment return for his dollars, and that is understandable. There is only one problem with that, however. The problem with that is that it inflicts the pain on the smaller policyholder who either suffers through higher life premiums that he has to pay because the reserves are eaten away or the policyholder suffers a loss of dividend. I do not think he can have it both ways.

We are in a situation where in 1 month in 1980, if you will—And I was wrong to the prior speaker, Mr. Murphy—if he is listening, I apologize to the gentleman—in a private conversation that we had that I told him in the past year there was a drawdown of \$1 billion. I was way off, Mr. Speaker. As a matter of fact, in April of 1980 there was a \$1.7-billion drawdown on those cash values on life policies. Now, what did that mean? Oh, sure, the industry has it. Perhaps they do, but what we are finding is that those cash values that were paid out were no longer there for the industry to invest in the things that you and I are concerned with today. Number one is jobs. Now, how does that relate to jobs? It relates to jobs in the fact that the developers that rely on that very billion-dollar industry for loans no longer have accessibility to that money, and so we are not doing the construction of homes, shopping malls, industry, the replacement of equipment, and other things that business and industry look to the life insurance industry for in terms of loans to them at an interest rate that they can afford.

In addition, the industry itself and in many companies—and I do not have the statistics here on the floor, because I did not think this was going to happen—you have a situation where many of these companies have had to go out and borrow at 20 percent interest to replace those cash values that have been paid out to the policyholders. And what has that meant? That has meant, in a number of instances, that companies have had to shut their doors, have had to sell other assets at tremendous losses. And who is the ultimate loser? The ultimate loser is, once again, you and I, the consumer, who ends up paying an ever higher premium. I just think it is bad policy to have such ridiculously low rates.

You know, it is not the average person whom we are talking about here. It is the person who ends up being the big borrower from his life policy, and we all end up losing dividends and paying higher premiums for the product. Mr. Speaker, I would ask for an affirmative vote on SB 712. Thank you.

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

Mr. GAMBLE. Mr. Speaker, I rise to oppose SB 712.

We all know there are a couple kinds of insurance that a person can buy. The cheap insurance does not have a cash value. The more expensive insurance does. The reason this is different from any other type of borrowing that a consumer does is simply this: They are in effect borrowing their own money back. Many of these cash value policies once were on weekly debits, where a person pays \$1 a week for years and years and years, and they finally get strapped, so they have to borrow money against their policy. They are borrowing their own money. I, for one, believe that the interest rate should be much lower, about where it is rather than with the variable rate. I would ask you to vote with the consumer and vote against SB 712.

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

Mr. FLECK. Thank you, Mr. Speaker.

I think it is important when you look at this to get a grasp around what happens in the transaction. It sounds good, and right now we could all use some low-interest money in our communities, and if we can continue this, it would be great, but unless I am mistaken, are not insurance company profitabilities in this State controlled? They have a certain amount, and the income from any source attributes to that amount of income that is controlled. Now, if you allow the withering down of the income by taking out the investment pool from the insurance companies, it has to increase rates. There is no way around the logic of that argument.

So vote for it or not. I am going to vote against it, but I think it is a mistake, because what is going to end up is that everybody, whether they are a borrower or not, is going to experience an increase in their rates in insurance. The general overall cost of insurance will go up as you wither down the investment pool income. So really, strategically, I think we are making a mistake. We are shooting ourselves in the foot. I hope that the House will hear that argument, and I urge you to vote "no." Thank you.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

In terms of a life insurance policy and how it works, actually the cash value of the policy determines how much term insurance the insurance company provides, and as the cash value increases, the amount of term insurance, which has no cash value, decreases, so that the total is equal to the face amount. When someone borrows from their life insurance policy, it is true they borrow their own money, and in the event of a casualty, of course, the amount that is paid is reduced by that loan. However, the interest that is paid on their own money provides the money that is necessary, the dollars that are necessary, to maintain the cash value, so that if you pay back your loan at any given time in the future, the guaranteed cash values continue to be there at the level that they have guaranteed.

So what happens as far as the interest is concerned does not affect whether or not we get more or less. How it affects the insurance industry at this time is that with the variation that

now has happened because of inflation, if you borrow money at a lower rate and invest it, you take away the basic investment capital that is there for other industrial venture opportunities. It does not affect the consumer, because the interest that is charged is the interest that is necessary to guarantee that that cash value at some future date will be what was stated in the policy charts. Thank you.

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

Mr. LAUGHLIN. Mr. Speaker, very briefly, and to address some of the statements made previously.

Mr. Speaker, the statement that large withdrawals from the insurance companies by large policyholders are a drain upon the insurance companies themselves, we all know that the large policyholders are few and far between when they are compared with the great majority of the small depositors in those insurance policies across this State. It is always the small depositor and the small policy that provide the pool of money, just as it does in the Internal Revenue Department. If you took all of the money that the millionaires in this country paid into the IRS (Internal Revenue Service), it would represent approximately one-tenth of 1 percent of all of the taxes paid by the little people, and the same thing applies to insurance, Mr. Speaker. There are hundreds of thousands of policyholders who are covered by these insurance programs and do provide cash-flow moneys for policyholders when they borrow on the cash that is held within their policy and available to them.

I do not believe that 6 percent was enough. Eight percent was raised last year, and I do not think that possibly this House would object to a reasonable increase this year. But, Mr. Speaker, a variable rate that is going to boost that rate up to 14 or 15 percent on the new policies purchased I believe is excessive, and I would ask for a "no" vote, Mr. Speaker.

The SPEAKER. Does the gentleman from Clearfield desire recognition? The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I am continually amazed that no matter where we go or where we travel, it just simply seems that all of us show a continuing concern for that little individual back home, and we keep insisting that we are here in Harrisburg to protect his or her interests. The previous speaker across the aisle there is very learned, I am sure, in matters of insurance and investment, and those of us who are not so proficient constantly are looking for answers where we can go back home and say to those people that we keep voting to raise their interest or deny them flexibility. We keep looking for these answers, and yet when the vote is taken, it seems that all of those who are so concerned, who are so consumer oriented, for some reason they must leave the hall of this House and somebody must be coming in when they are not looking and pushing their buttons, because I can assure you, the case is not so, and we are not taking care of that little individual who continually asks us for our support.

Now, just a while ago the learned gentleman said that the individual who wants to surrender or wants to borrow money

on his policy is not that little individual who might need a few dollars to send his youngster to school, not that individual who might be concerned about the latest revision in social security output, not that individual who needs to look for that dollar in order to assure his youngster will be educated, but that individual he is concerned about is the individual who is going to pull back his money and invest it like the big investor. Let me assure you that anyone with less than a \$10,000 annuity is not playing the money market, Mr. Speaker. It is not in his purview, not in his scope. I insist, Mr. Speaker, that it is nice and it is a wonderment that we continually show such a concern for big insurance and public utilities and big money, but I can assure you that if it continues in that avenue of pursuit, we will wonder where it all went.

The truth of the matter is that those people in the insurance industry have already made a profit up to a certain degree on the moneys that you have spent for your premium. I can understand why they want more money. That has been the way it has been the last couple of months down here in Harrisburg. They should not be any different from the banks, the utilities, and all the other big-money people. But I can guarantee you that the only argument legitimately that could be said for this bill is, everybody else in the country is asking for greater interest rates; why should they not? But I insist, if you truly do conform, there has to be a stop to it. The insurance industry puts millions of dollars away on the potential that it might be needed for payments, and when it is all over, they have invested in a manner that they have made huge profits, unbelievable. Also, look there where they are going to ascertain this level on the Moody Report, and if you read further, then in case the Moody Report is not available, the Insurance Commissioner will see to it that that raise is forthcoming and the interest level is determined by that individual.

I insist that if we leave it up to the insurance company, we do not need legislation or legislators. We ought to just let the Insurance Commissioner make up his mind what these rates will be. I, too, echo the sentiments of the gentleman from Allegheny and ask that you vote "no" on this bill.

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

Mr. ITKIN. Mr. Speaker, would Representative DeVertter consent to interrogation?

Mr. DeVERTER. Yes.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, could you tell the House, if this variable rate went into effect, what advantage it would have to the policyholder who has a cash policy?

Mr. DeVERTER. Well, first of all, Mr. Speaker, it does not impact on those policies that are now in effect.

Secondly, the variable or adjusted rate that would be made available on life premiums would be optional, really, to the companies. The companies can remain—The legislation calls for them either to remain at 8 percent or they may opt to the variable, and, of course, everyone is going to say, yes, they will go to the variable. I have enough confidence that perhaps some of them will not do that, but to answer your question more specifically, the policyholder, whether he is a little

person, a big person, or whoever, is the one who suffers when those cash values are drawn down. By the mere act of drawing down those cash reserves that the industry uses to loan out for other businesses and things like that, what happens is it causes the life premium to escalate, and it also has an impact on the dividend that you and I as a policyholder receive. Quite frankly, if I am one of those who does not choose to take out the cash value of my policy, I am paying the penalty for those who do, because they are borrowing that money at a very cheap rate, and you end up with the dilemma that we are faced with today. Large sums of cash are being withdrawn, and we are looking at a situation where it impacts dramatically on our entire economic system.

I am not crazy about doing this; do not misunderstand me, but it is one of those situations that if you are realistic about it and you look at the facts, you have to say in good conscience that it is the only direction we can take.

Now, you know, the adjustable rate also has to come down as well as go up with that Moody's corporate index. It is not something that they are going to, you know, get locked into forever and a day. It fluctuates both up, and it fluctuates down. The legislation mandates that. That is a long answer, but—

Mr. ITKIN. Yes; but, Mr. Speaker, I understand that this does not go into effect for existing policies, and so all the billions of dollars of policies that are now in effect—and you mentioned billions being drawn down—this bill will have no control of.

Mr. DeVERTER. That is correct.

Mr. ITKIN. So really you are talking about—

Mr. DeVERTER. Unless, if I may qualify it, unless the policyholder would choose, you the individual would choose, to purchase into a different policy. Now, you know, I do not suspect there are a whole lot of people going to do that, but the fact remains, the policyholder always has that option of converting his policy that he currently has to some other policy, whether it is term, whole life, or whatever it is, depending on the conditions of the contract.

Mr. ITKIN. But if they are in arrears—In other words, under any circumstances, can it affect existing policyholders?

Mr. DeVERTER. No.

Mr. ITKIN. No? Not even if they are in arrears in paying their premium, and they pay it back, they still would not come under it?

Mr. DeVERTER. It does not impact on that.

The other point I might make on that, Mr. Speaker, is that the policyholders who are drawing down—the statistics are very high in this regard, and I do not have them here—but the statistics reflect that those policyholders who do draw down significant cash values eventually let those policies lapse, and they are left without any protection whatsoever. That is a major problem now with the cash value in life policies.

Mr. ITKIN. Mr. Speaker, what really troubles me is that under current circumstances, situations, why would people go out and purchase life insurance policies or cash value policies when they have such other options available to them that can provide returns as good as and perhaps better than a cash

value policy? For example, why not take out a term policy and invest your money in certificates of deposit? Why not invest it in an IRA (individual retirement account) instead of building up a cash value policy? With respect to pensions and other things that now people are very concerned about and are getting certain cash value attributable to them, I am concerned about the future of the life insurance industry.

Mr. DeVERTER. Well, I am, too, Mr. Speaker, and the problem is directly related to the point you have made here about why would they do it. I think probably there is not a member in this House who is not covered by a life policy. The whole purpose for life insurance is to protect ourselves in the event of our death, to protect our family, and I think sometimes we overlook that one little aspect. You know, I never bought, when I first got married and began to have children, I did not buy life insurance as an investment. I did not buy it for the sake of looking down the road thinking I could retrieve a cash value. I looked at it from the standpoint of having that insurance if something were to happen to me in an automobile accident, falling off a step ladder and killing myself, however, a heart attack and dying. I bought it for that reason. Now, I do not think that anyone who has dollars available today, if they are very prudent at the money markets that we are looking at, is going to invest in life insurance for a return, but I think we have to make that available to those individuals who wish to borrow it.

Representative Gamble from Allegheny County said that he is concerned because of those little individuals who pay \$1 or \$2 a week. Those policies—and I wanted to correct this for the record—do not have a cash value. Those people are buying it only for one reason, and that is to protect their families in the case of their death. I think if we are to continue to be able to offer those kinds of policies, those kinds of contracts, to the individual who cannot afford \$40, \$50, \$60 or \$100 a month in life, then we have to be able to do something that lets the industry make those offerings, and if we continue to see the kinds of drawdown that we have seen being drawn down in cash reserves, there is only one thing that can occur: you reduce dividends to those policyholders, and you raise premiums to make it profitable.

Mr. ITKIN. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to make a brief statement.

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

Mr. ITKIN. I am still confused. I am confused because the gentleman stated that one of the principal reasons for buying life insurance is to protect yourself in case of death and to provide moneys for beneficiaries. That could be easily accomplished with a term policy, and this does not deal with term policies. This really deals with developing a cash value, just like going to the bank and getting a bankbook and looking at the bottom of the bankbook and saying, now I have so much money in the bank. What I am very confused about is to say, if I want to withdraw my money from the bank, then I am going to have to pay interest on the money I withdraw, interest as if I were to go almost to a commercial lender and ask to withdraw that money. As a person who reflects on it, I would

say, well, why would I want to do that? Why would I want to build up a cash value, not a term life policy that in case of death I will get the \$25,000 or \$100,000 or whatever I pay the premium for, but if I want to get that cash value out, I have to pay a cost on that, and that seems to be foolish. It seems to tell me that life insurance of a cash nature is not the way to go, that the only people who would invest in this regard, in this way, would be people who do not understand and could be making more dollars on their investment.

As I recall, a couple of years ago we dealt with this issue in raising it from 6 percent to 8 percent. At that time there was a lot of discussion as to whether we should go from 6 to 8, and a very short period of time later, now we are making it variable. I really do not understand it, Mr. Speaker. Thank you.

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

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

We have really gotten far afield from SB 712, in my estimation. The last speaker got into a very academic discussion regarding the value of buying term insurance versus permanent life insurance. That is something that we have all heard a lot about, and I do not believe that that addresses any portion of the problem in SB 712.

One of the things that I would like to just try and relate to you— It is a complicated bill to understand. I know the Insurance Committee spent at least two or three different sessions in reviewing SB 712, and I would just like to try to answer the questions as specifically and easily as I can so that we can vote the bill and get on with the rest of the day.

One of the problems that we have in allowing for a variable interest rate on policy loans is the fact that many feel that this is to the disadvantage of the policyholder. Yet, the statistics indicate that the majority of the loans today made are not by the smaller policyholders that it was talked about here that we are trying to protect; it is usually by the large corporate policyholders. Therefore, the small policyholder is paying a higher premium and getting a lesser dividend because of their use of the loan values on these policies.

SB 712 very simply says that if we go to the variable loan rate, it will give the small policyholder an opportunity to receive a higher dividend, because the higher dividend will be payable due to the little or no loss between the current interest rate and what the person is paying in the policy loan that is guaranteed at 8 percent. Therefore, I would suggest that there is a tremendous advantage to all future purchasers of life insurance in Pennsylvania, because they will have a chance to have life insurance at a lower premium. For those who on the other hand are more concerned about the loan rate of 8 percent, that policy will still be available in Pennsylvania, and those people who want to pay a higher premium, get a lower dividend, will have that opportunity if they feel they are going to be using it as a loan.

This is a very mixed-feeling area for someone who markets the product. It is not something, I do not think, anyone is looking forward to having to sell. But on the other side, I would suggest to you that the financial world is changing very rapidly, and whether we like it or not, it will keep a more com-

petitive policy at lower rates, more along the lines of I think what people are looking for. The question of whether you do better by buying term or permanent is really not the question. That is up to the person to make that decision.

So I recommend that we vote the bill. It has been well thought through. It has been discussed by the committee, and I recommend that it would be good for the industry in Pennsylvania. Thank you.

The SPEAKER. Does the gentleman from Allegheny, Mr. Trello, desire recognition? The gentleman may proceed.

Mr. TRELLO. Mr. Speaker, I rise to oppose the bill for a number of reasons, but I would like to clarify some of the statements that were made. First of all, there was a statement made about borrowing money on term insurance. It has been my experience with Metropolitan Insurance Company that there is no borrowing power on term policy. Term policy is a policy that is good for a specific number of years that pays a dividend after 2 but no cash value and no borrowing power.

Number two, a gentleman got up and said that on premiums that are paid weekly or monthly, which is called industrial insurance, there is no borrowing power. Well, that is not a fact. There is borrowing power on industrial insurance per se. As a matter of fact, the policies that were bought in the late 1920's, 1930's, and 1940's pay a dividend. If you pay it weekly, some of the dividends pay 47 weeks out of the year. That is how strong those policies are, and there is borrowing power from those policies.

He also made a statement that if you let these policies lapse, you are not covered by insurance. Evidently the gentleman does not know about the nonforfeiture benefits in the insurance policy. If your policy lapses, depending upon the number of years you have paid for it, you can either have the full amount of insurance for a reduced number of years or term insurance for a number of years. So there is no such thing as when a policy lapses you have no benefits; you do have benefits.

As far as determining how the premiums are paid, it is not determined how many loans are made on an insurance policy; it is determined the loss of the insurance policy, because there is no loss. The money is still there on the books when you borrow it. You know, it is like the old Fram filter: pay me now or pay me later. Insurance is not if you die; insurance is if you live to take advantage of the money. So I think a lot of stories that have been told here today about your insurance policy are just not so, and that is the way I feel about this bill, so let us vote the turkey down. Thank you.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I just want the ladies and gentlemen of the House to know that this really is not a simple one-sided issue for the consumer or for the industry. I think there are aspects of both groups on both sides of this bill, pro and con.

In the testimony before the Insurance Committee, we heard that over 95 percent of the people with policies of \$100,000 or more borrow against those policies. They obviously use that lower interest rate. They take their money out and put it in the

money markets or commercial paper or whatever to take advantage of that feature of these kinds of insurance policies. On the other hand, only 2 percent of the people with \$10,000 policies or less borrow against those policies. It clearly indicates that the people with the small policies are subsidizing the people with the large policies, and I can understand people's hesitancy of voting to increase the insurance rates on these policies, but please do not vote that way without understanding that there is this other conflict by our doing that. This bill either way affects the consumer. Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker. As usual, I shall be brief.

This bill only deals with whole life insurance policies; that is, the kind of insurance that builds up cash values. If you have a policy like this in existence, this bill does not affect that policy at all. Even in the future, if you buy a whole life policy—and you should think twice before you do it—if you miss a premium, the cash value pays that premium in case you are sick to the extent of the cash value. That is why you build up cash value, to have that kind of protection. What this bill does is say the attributed interest rate on that cash value is going to be at market rates. Therefore, if you borrow, you are going to pay a market rate because there is that much less money in the insurance company to protect your insurance benefits. Insurance companies invest the premium dollar. That is how they pay the benefits.

Insurance companies, frankly, are the house, and when you buy insurance, you are playing against the house. You have to figure out those odds. That is how they have the money available to pay you off or pay your heirs if you die before statistically you are supposed to. That is the whole idea. You are going to pay more in interest rates if you borrow against it and you are going to get more in terms of the cash value building up by a like percentage.

The issue of the little guy was raised in committee by the members of the committee. It was particularly raised by the gentleman from Dauphin, Mr. Wambach, who did a tremendous amount of research on this, as Mr. Michlovic mentioned.

Statistically, the so-called little guy is not borrowing against his life insurance. We wanted to put a special amendment in so that the little guy could borrow the \$1,000 or \$2,000 he needed for a medical bill or college tuition or something like that. We found that these loans just were not being made; they just were not being made. What is happening is that the little guys are subsidizing the people who are using this as an investment device to make a heck of a lot of money. God bless them. I have no problem with that, but not at the expense of the little guy.

This bill equalizes that so everybody gets the same amount of return on their money. Mr. Speaker, I suggest that we vote "yes" on this bill and get it over with. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Trello, desire recognition for the second time?

Mr. TRELLO. Yes. I would like to interrogate the previous speaker, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. TRELLO. Mr. Speaker, in your statement you said that the cash value would determine how long your premiums would be paid if you became disabled. Is that correct?

Mr. RAPPAPORT. Yes.

Mr. TRELLO. How do you determine that, Mr. Speaker?

Mr. RAPPAPORT. Because if you have a higher cash value in there, there is more money to pay premiums.

Mr. TRELLO. Well, it was my experience if you wanted that coverage, you paid extra for it. It was a disability clause. The language on the policy states, if you become permanently and totally disabled for a period of 6 months or more, your premiums are automatically paid. It has nothing to do with the cash value of the policy.

Mr. RAPPAPORT. I am not discussing that provision. Perhaps the gentleman is not aware of the fact, Mr. Speaker, that if you do not pay a premium for any reason and you have a cash value in there, the cash value is applied towards the premium.

Mr. TRELLO. Well, does that not come under your non-forfeiture benefits where you have participating paid-up term insurance for the full amount or participating paid-up insurance for a reduced amount, and your policy is paid for the amount of money you have in it, period?

Mr. RAPPAPORT. No, Mr. Speaker.

Mr. TRELLO. No, huh? Do not bet me, Mr. Speaker. 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—133

Anderson	Foster, Jr., A.	Mackowski	Sirianni
Armstrong	Frazier	Madigan	Smith, B.
Arty	Freind	Maiiale	Smith, E. H.
Belfanti	Fryer	Manmiller	Smith, L. E.
Beloff	Gallen	Marmion	Snyder
Berson	Gannon	Merry	Spencer
Bittle	Geist	Michlovic	Spitz
Bowser	Greenwood	Micozzie	Stairs
Boyes	Grieco	Miller	Stevens
Brandt	Gruitza	Moehlmann	Stuban
Burd	Gruppo	Morris	Sweet
Burns	Hagarty	Mowery	Swift
Cappabianca	Haluska	Nahill	Taddonio
Cessar	Hasay	Noye	Taylor, E. Z.
Cimini	Hayes	O'Donnell	Taylor, F. E.
Civera	Heiser	Perzel	Telek
Clymer	Hoeffel	Peterson	Van Horne
Cochran	Honaman	Phillips	Vroon
Cole	Hutchinson, A.	Piccola	Wachob
Cornell	Jackson	Pievsky	Wambach
Coslett	Johnson	Pitts	Wass
Cunningham	Kennedy	Pott	Wenger
DeVerter	Klingaman	Pratt	Weston
Daikeler	Lashinger	Punt	Wilson
Davies	Lehr	Rappaport	Wogan
Dietz	Lescovitz	Rasco	Wozniak
Dininni	Levi	Reber	Wright, D. R.
Dombrowski	Levin	Rieger	Wright, J. L.
Dorr	Lewis	Ritter	Wright, R. C.
Durham	Livengood	Rocks	Zwikl
Fargo	Lloyd	Salvatore	

Fischer	Lucyk	Saurman	Ryan,
Fleck	McClatchy	Showers	Speaker
Foster, W. W.	McVerry	Sieminski	

NAYS—61

Barber	Duffy	Kowalyszyn	Petrone
Belardi	Emerson	Kukovich	Pistella
Blaum	Evans	Laughlin	Pucciarelli
Borski	Fee	Letterman	Richardson
Brown	Gallagher	McIntyre	Rybak
Caltagirone	Gamble	McMonagle	Serafini
Cawley	George	Manderino	Seventy
Clark	Grabowski	Miscevich	Shupnik
Colafella	Gray	Mrkonic	Steighner
Cordisco	Greenfield	Mullen	Swaim
Cowell	Harper	Murphy	Tigue
DeMedio	Horgos	Olasz	Trello
DeWeese	Irvis	Oliver	Wargo
Dawida	Itkin	Pendleton	Wiggins
Deal	Kolter	Petrarca	Williams, H.
Donatucci			

NOT VOTING—6

Alden	Gladeck	Stewart	Williams, J. D.
Cohen	Kanuck		

EXCUSED—0

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.

HOUSE SCHEDULE
AND COMMITTEE MEETINGS

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

Mr. HAYES. For a couple of very important announcements.

With regard to the rest of this week's session, the House has been working very hard the last couple of weeks, and it would be my intention to end this week's voting session tomorrow. In order for that to happen, we must have good caucuses in the time which yet remains in this afternoon so that we can conclude our work tomorrow so it will not be necessary for us to return on Wednesday. But as the majority leader, I would like to conclude this week's voting session tomorrow.

There is to be a meeting of the House Committee on Conservation immediately at the call of the recess today in room B-19. There will also be a meeting of the Rules Committee in my office immediately at the call of the recess.

Mr. Speaker, I suggest that the House recess at this time with there being no further votes today, but that we recess until the hour of 4:30 p.m., at which time there will be reports of committees but no further voting. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the Democratic caucus chairman, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, there will be a Democratic caucus starting at 3:30—that is in 5 minutes—and it will go for 1 hour. We will take everything on the calendar, and we are starting at 3:30. Thank you.

STATEMENT BY MR. LETTERMAN

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I wish that you would stay seated a minute. I have something to say and I would like very much for you to hear it. Not very often do I take the House floor to criticize the Governor of this State, but I am here today to do so.

The Thornburgh administration has apparently forgotten that Pennsylvania and Clinton County both exist. I see where he has now purchased two more airplanes from Cessna, which are made in Wichita, Kansas. Now about 1980 the same thing happened. At that time the Governor of this State came to Clinton County with the promise that he would start what is called CLIME. CLIME is supposed to be the Clinton-Lycoming Industrial Marketing Effort. Well, he sure did not help us again this time. I did not see any airplanes being bought in Clinton County again. I can only say that at that time a lease and a purchase was made, and at that time we had 24 percent unemployment. I had to request the Governor of this State at that time to designate Clinton County as a depressed area, but Governor Thornburgh chose instead to announce CLIME. Now, if you are going to announce something and hope to help other people out in elections, I do not know why you do not follow through with it then.

Now, I read in the Pittsburgh Press, March 28, 1982, where three planes helped the State cops nab speeders. Well, that is great. I am glad they do, but I would like to see those planes being bought in Clinton County and from Joe Grieco's area and Cimini's area where the engines are built for those planes, since we all have unemployment rates that are absolutely astounding.

I think it is about time that the Governor of this State starts to realize that if he goes to Wichita, Kansas, he is not going to see the government officials of Kansas traveling around in Piper aircraft. These two planes are very comparable. I would like to tell you about how close they are.

The plane that they bought is a Cessna 182 plane, and they are built in Wichita, Kansas. The basic cost of that airplane is \$67,000; fully equipped, \$83,000. We have four airplanes at Piper that are absolutely the same kind of planes that could be developed into the same kind of plane that this is. We have one called the Dakota, which I have a picture of here. I want to show you that picture for one reason: the petty little thing that the Thornburgh administration claims they could not buy the Piper airplane for is for one difference - Cessna airplanes have the wings at the top; Piper aircraft all have the wings at the bottom. But if you want to see this picture, you want to see an actual plane, you will find out that there is absolutely no hindrance in seeing the ground whatsoever from this airplane.

I just cannot believe that we continue to allow this. I remember you guys sitting on the other side of the aisle damning Shapp for wanting to lease an airplane from somebody else. I can remember real plain those days.

I do not ever get up and say very much about our Governor, and very seldom do you ever hear me really take one side or the other—I might vote that way, but you do not see me get up there and mouth off about it—but I do believe that it is about time that someone hears Russ Letterman and lets the taxpaying public in Pennsylvania know that our Governor just continues to buy products outside of this State when he could be helping the unemployment rate right here in this State. I think it is time that he knows that. Thank you.

STATEMENT BY MR. WILSON

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

Mr. WILSON. Guess who they called on, Russ?

You now, I take the gentleman's part in this argument on buying Piper aircraft. I understood that he was upset and I called and I checked and I found out several things.

First of all, the State Police did in fact buy the Cessna 182, simply because it did have a high wing. What they are using them for, if you are going home on the turnpike, so they could see down and check those little white lines as you pass them in excess of 55 miles an hour.

Now, there is one aircraft that Piper makes that has a high wing. That is the Super Cub, which they discontinued this year. The Super Cub unfortunately does not have the engines in that they requested. Frankly, in my opinion, I think they probably could have squeezed the Super Cub in and used it. I would not argue that they could not use it, except they claim that they could not get anything in excess of 55 pounds in the luggage compartment. I believe the 182 does use the Lycoming engines, however.

But the one reason I could be critical of Piper, Mr. Speaker, and I would like you to listen, is that when the Department of Aviation went out to lease aircraft, they could not even get a response from Piper this year or during the last 12 months. They tried to get Piper to submit a bid for a lease. They did not even get a response, let alone a bid. I personally wrote to the people at Piper last summer on a suggestion about acquiring some facilities the State had. I said, let us sit down and talk. We could not get any answers. I am sincere about this. We tried to get them to do something, and I do not know what their problem is up there at Piper. Now, Avco Lycoming Motors is very responsive, and I compliment them for that. We got some information from them within the last month or two. But Piper for some reason does not seem to want to respond. I think that we should be leasing Piper aircraft, and I think they should submit a bid.

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

Mr. LETTERMAN. Before I came on this House floor, I called Piper Aircraft, and I talked to a Mr. Bob Watson, and at that time he told me they had been in Harrisburg over a 4-

month period trying to get leases or trying to lease their planes to the State of Pennsylvania with no success. They had heard about this before, so they came here trying to do that. The whole thing is, and it stems back to 1980 when they did this once before, they promised then that the next planes that they bought would be bought from Piper.

Now, we all stood on this floor and we damned Governor Shapp for wanting a \$1-million turbojet plane from Beechcraft. Now, all of us did that. I do not think it was just your side; it was both sides. None of us wanted him, really, to do that, because at that time a plane could have been gotten from Piper Aircraft also. But, Mr. Speaker, when you are looking at a 24.7-percent unemployment rate and you are the second highest unemployment State in this Nation, I think it is about time the Governor of this State starts using Pennsylvania products, and that is it.

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

Mr. WILSON. Just one thing. If you would take this message back, if they would get hold of me and they would come with an offer to lease the State a plane, I will in fact go with them to insure that if they have a reasonable lease, the State does in fact lease this plane. The planes they have on lease now, that is, the State— Now, these are two different departments that we are talking about, the Bureau of Aviation and the State Police. I have no influence with the State Police. All they do is give me tickets. But the Bureau of Aviation— I assure you that if Piper comes in with a lease for the type of aircraft they want, and Piper does in fact make that kind of aircraft, I will help to push it, because I agree with you on that point.

Mr. LETTERMAN. Thank you.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Luzerne, Mr. Stevens, rise?

Mr. STEVENS. On another issue, Mr. Speaker. I was on excused leave last week. I just wanted to state for the record that I do support welfare reform, and had I been present, I would have supported and voted for HB 720. Thank you.

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

For what reason does the gentleman from Clarion, Mr. Wright, rise?

Mr. D. R. WRIGHT. Mr. Speaker, I was in my seat and neglected to vote for HB 2074. If I had voted, I would have voted in the affirmative on concurrence in Senate amendments.

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

For what purpose does the gentleman from Lawrence, Mr. Fee, rise?

Mr. FEE. Mr. Speaker, I also was in my seat and my switch did not work. I would like to be recorded in favor of concurrence in Senate amendments to HB 2074.

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

STATEMENT BY MR. MISCEVICH

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

Mr. MISCEVIC. Mr. Speaker, I rise to support Mr. Letterman's objection to the airplanes being bought from a firm outside of Pennsylvania, as I have previously opposed the purchase of State Police automobiles from another country. Now, we have bought all these 500 or so Ford automobiles from Canada, when our unemployment rate in Pennsylvania is so high, and I objected to that fact.

I am appalled that through our legislative processes and through the committees that are interviewing the State Police, that they allow them budgetary money to go ahead and buy airplanes for surveillance for tickets on the Pennsylvania Turnpike. I thought that the State Police were there for the safety and the protection of the public and not as a money-making outfit to go ahead and buy aircraft and helicopters that require four men and surveillance cameras and stop watches and radio paraphernalia to nab somebody for speeding over 55 miles an hour. I do not think that is the purpose of the State Police, and I think that our budgetary committees should object to the State Police getting this kind of money for that particular purpose and in the future hearings should limit what these moneys could be spent for. And I plan to introduce legislation to stop them from using this type of aircraft and helicopters and the number of people they do use for speed traps. Thank you.

The SPEAKER. The Republican caucus is taking place right away in the majority caucus room.

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 156, PN 2877**.

SENATE MESSAGE

AMENDED HOUSE RESOLUTION RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 149, PN 3063**, 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 resolution will appear on the calendar.

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 29, 1982

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, April 13, 1982 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Tuesday, April 13, 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:

HB 2074, PN 2915

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), providing for association to become permanent reserve fund stock associations; providing Statewide savings bank branches and further providing for interest rates, finance charges or terms of loans.

ADDITIONS OF SPONSORS

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

Mr. **HAYES**. Mr. Speaker, I submit for the record two reports, both dated March 24, in accordance with the House rules on submitting a list of additions of sponsors of bills.

HB 404, Greenwood; HB 408, Clark; HB 1652, Micozzie, Hoefel, Dajkeler; HB 2192, Noye; HB 2347, Heiser, Cohen, Clymer, Hagarty, Daikeler, Deal, Salvatore, Civera, Morris; HB 1191, Sirianni; HB 1652, Alden, Saurman.

RECESS

The **SPEAKER**. Without objection, this House will stand in recess until 4:30 p.m. The Chair hears no objection.

AFTER RECESS

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED****HB 2263, PN 3093 (Amended)**

By Rep. **VRON**

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

JUDICIARY.**HB 2264, PN 3094 (Amended)**

By Rep. **VRON**

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

JUDICIARY.**HB 2265, PN 3095 (Amended)**

By Rep. **VRON**

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

JUDICIARY.**HB 2362, PN 3079**

By Rep. **BITTLE**

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, adding provisions relating to water resources projects.

CONSERVATION.**SB 1157, PN 1543 (Unanimous)**

By Rep. **BITTLE**

An Act authorizing the Department of Environmental Resources to reimburse cooperating counties for a portion of each county's costs incurred under State-County-Federal gypsy moth programs and out of a Federal Augmentation appropriation made to the department.

CONSERVATION.**RESOLUTIONS REPORTED FROM COMMITTEE****HR 154, PN 3092 (Amended) (Concurrent)**

(Unanimous)

By Rep. **HASAY**

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

FEDERAL-STATE RELATIONS.**HR 168, PN 3006 (Concurrent) (Unanimous)**

By Rep. **HASAY**

General Assembly urges U. S. Forest Service place highest priority on assisting states suppress the Gypsy Moth.

FEDERAL-STATE RELATIONS.**SR 228, PN 3096 (Concurrent) (Unanimous)**

By Rep. **HASAY**

Memorializing President and Congress reserve sole regulatory control of intrastate telephone services to State regulatory commissions.

FEDERAL-STATE RELATIONS.

REPORT FROM RULES COMMITTEE**BILLS REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

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

HB 2178;
HB 2263;
HB 2265;
HB 2280;
HB 2281;
SB 577; and
SB 929.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

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

HB 2180;
HB 2264;
HB 2362;
SB 1073;
SB 1135; and
SB 1157.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

ADJOURNMENT

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

Mr. WOZNIAK. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 30, 1982, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:47 p.m., e.s.t., the House adjourned.