

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, OCTOBER 25, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 87

HOUSE OF REPRESENTATIVES

The House convened at 9 a.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

Almighty and Everlasting God, we are aware that we are children of our environment as well as the family heritage we carry. As a result, we know that whatever goes on in the world around us has a direct effect upon each of us. We do not live in a vacuum, and the numbing events in Beirut prompt us to pause and take stock here in Harrisburg as well.

O God, we pray that we may never be senseless to the hurts, the aches, the needs, and the cries for help. Reach out Thy power and strength to these stewards of Thine; direct them to enact worthwhile legislation; and fill them with the desire to use wisely the heritage they bear and improve the environment in which they live. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, October 24, 1983, will be postponed until the Journal is in print. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1625 By Representatives MANDERINO, GALLAGHER, FISCHER, BURNS and O'DONNELL

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for collective bargaining in cases of professional employee termination.

Referred to Committee on EDUCATION, October 25, 1983.

No. 1626 By Representatives GREENWOOD, MORRIS and PRATT

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), imposing prospective limitations on owners obtaining curative amendments.

Referred to Committee on LOCAL GOVERNMENT, October 25, 1983.

No. 1627 By Representatives GREENWOOD, COY, BELFANTI, PRATT, J. L. WRIGHT, GALLAGHER, SEMMEL, MAIALE, GEIST, GLADECK, VROON, MICOZZIE, FISCHER and FREIND

An Act amending the "Emergency Medical Services Systems Act," approved November 30, 1976 (P. L. 1207, No. 265), further defining the powers of the secretary and the legislative intent.

Referred to Committee on HEALTH AND WELFARE, October 25, 1983.

No. 1628 By Representative CALTAGIRONE

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), increasing the amount of work that may be done by school district maintenance personnel.

Referred to Committee on EDUCATION, October 25, 1983.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 148 By Representatives STUBAN, SALVATORE, SHOWERS, HASAY, McMONAGLE, LEVIN, HARPER, LUCYK, RAPPAPORT and O'DONNELL

Urging Governor Dick Thornburgh to declare the week of November 20 through 27, 1983 as National Running Week.

Referred to Committee on RULES, October 25, 1983.

SENATE BILLS FOR CONCURRENCE

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

SB 835, PN 1353

Referred to Committee on STATE GOVERNMENT, October 25, 1983.

SB 1049, PN 1333

Referred to Committee on STATE GOVERNMENT, October 25, 1983.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 74, PN 1395

Referred to Committee on RULES, October 25, 1983.

SENATE MESSAGE

HOUSE AMENDMENTS

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 21, PN 1376**.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that SB 942, PN 1294, be removed from the tabled calendar and placed on the active calendar.

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

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair now turns to leaves of absence. Does the majority whip have any leaves of absence? The gentleman indicates there are no leaves requested for the Democratic Party.

The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, I request leave for the gentleman from Washington, Mr. FISCHER, for the day.

The SPEAKER. Without objection, leave is granted. The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as guests of Representative Book, Mrs. Dolores Worsen and Mr. Paul Varnum.

And Representative Don Dorr has as his guest here this morning Sally Israel of Spring Garden Township, York County.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—202

Afflerbach	Evans	Lloyd	Rudy
Alderette	Fargo	Lucyk	Ryan
Angstadt	Fattah	McCall	Rybak
Armstrong	Fee	McClatchy	Saloom
Arty	Flick	McHale	Salvatore
Baldwin	Foster, W. W.	McIntyre	Saurman
Barber	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	Fryer	Madigan	Serafini
Beloff	Gallagher	Maiale	Seventy
Blaum	Gallen	Manderino	Showers
Book	Gamble	Manmiller	Sirianni
Bowser	Gannon	Markosek	Smith, B.
Boyes	Geist	Marmion	Smith, L. E.
Brandt	George	Mayernik	Snyder, D. W.
Broujos	Gladeck	Merry	Snyder, G. M.
Bunt	Godshall	Michlovic	Spencer
Burd	Greenwood	Micozzie	Spitz
Burns	Grieco	Miller	Stairs
Caltagirone	Gruitza	Miscevich	Steighner
Cappabianca	Gruppo	Moehlmann	Stevens
Carn	Hagarty	Morris	Stewart
Cawley	Haluska	Mowery	Stuban
Cessar	Harper	Mrkonic	Sweet
Cimini	Hasay	Murphy	Swift
Civera	Hayes	Nahill	Taylor, E. Z.
Clark	Herman	Noye	Taylor, F. E.
Clymer	Hershey	O'Brien	Telek
Cohen	Hoeffel	O'Donnell	Tigue
Colafella	Honaman	Olasz	Trello
Cole	Hutchinson	Oliver	Truman
Cordisco	Itkin	Perzel	Van Horne
Cornell	Jackson	Peterson	Vroon
Coslett	Jarolin	Petrarca	Wachob
Cowell	Johnson	Petrone	Wambach
Coy	Kasunic	Phillips	Wargo
Deluca	Kennedy	Piccola	Wass
DeVerter	Klingaman	Pievsky	Weston
DeWeese	Kosinski	Pistella	Wiggins
Daley	Kowalyszyn	Pitts	Williams
Davies	Kukovich	Pott	Wilson
Dawida	Lashinger	Pratt	Wogan
Deal	Laughlin	Preston	Wozniak
Dietz	Lehr	Punt	Wright, D. R.
Dininni	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reber	Wright, R. C.
Donatucci	Levi	Reinard	Zwikel
Dorr	Levin	Richardson	
Duffy	Linton	Rieger	Irvis,
Durham	Livengood	Robbins	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Fischer

LEAVE ADDED—1

Morris

LEAVES CANCELED—2

Fischer

Morris

HOUSE SCHEDULE

The SPEAKER. Members are advised early—I suggest you listen—that the House will be in session tomorrow. Contrary to what you may have heard or the rumors you may have passed along to your neighbors, the House will be in session tomorrow. The no-fault bill has been removed from the tabled calendar and placed on the active calendar. The House will be in session to deal with that bill tomorrow.

CALENDAR**BILLS AGREED TO
ON SECOND CONSIDERATION**

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

HB 606, PN 674; HB 1565, PN 2040; SB 950, PN 1418; and SB 966, PN 1419.

* * *

The House proceeded to second consideration of **SB 641, PN 1391**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, allowing certain provisions for energy conservation or load management.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that **SB 641, PN 1391**, be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 824, PN 2007**, entitled:

An Act relating to the rights of victims of crime.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that **HB 824, PN 2007**, be recommitted to the Committee on Appropriations for a fiscal note.

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

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 825, PN 2008**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the crime victims' compensation fund.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that **HB 825, PN 2008**, be recommitted to the Committee on Appropriations for a fiscal note.

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

**BILLS AGREED TO ON
SECOND CONSIDERATION CONTINUED**

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

SB 967, PN 1420.

LEAVE OF ABSENCE GRANTED

The SPEAKER. Without objection, the Chair now returns to leaves of absence. The Chair recognizes the majority whip.

Mr. O'DONNELL. I request leave of absence for the gentleman from Chester, Mr. MORRIS, for today's session.

The SPEAKER. Without objection, leave is granted. The Chair hears no objection.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1391, PN 1677

By Rep. STUBAN

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), merging the State Horse Racing Fund and the State Harness Racing Fund into a single State Racing Fund; revising the taxation of funds from pari-mutuel tickets; and further providing for the distribution of revenues.

AGRICULTURE AND RURAL AFFAIRS.

The SPEAKER. The Chair returns to the active calendar, and without objection, the Chair now turns to page 8, **SB 11, PN 1351**. This is the bill to which Mr. Taylor will attempt to attach the oil divorcement amendment. The Chair would suggest that all the members of the House have well discussed the amendment, and it would be an act of wisdom on our part to limit, voluntarily, our debate so that we may get to other business which must be taken up before the recess.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 11, PN 1351**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring school buses to stop at all railroad crossings; permitting local authorities to designate and use roads for nonvehicular purposes; and further providing for limited exemptions from the axle tax.

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

The **SPEAKER**. The Chair recognizes the gentleman from Fayette, Mr. Taylor, who offers the following amendment.

Mr. DeVERTER. Mr. Speaker?

The **SPEAKER**. For what purpose does the gentleman from Mifflin, Mr. DeVerter, rise?

Mr. DeVERTER. Has the amendment been distributed? I do not see it on our desks. It was to another bill, sir, but it was not to SB 11.

BILL PASSED OVER TEMPORARILY

The **SPEAKER**. The Chair apologizes to the gentleman and the members of the House. We cannot take up the bill nor the amendment until it is circulated, certainly not that bill and certainly not that amendment.

Mark SB 11 over temporarily.

* * *

The House proceeded to third consideration of **HB 1446, PN 2000**, entitled:

An Act amending the "Bureau of Professional and Occupational Affairs Fee Act," approved July 1, 1978 (P. L. 700, No. 124), further providing for the Professional Licensure Augmentation Account and for budget preparation.

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—199

Afflerbach	Evans	Lloyd	Rudy
Alderette	Fargo	Lucyk	Ryan
Angstadt	Fattah	McCall	Rybak
Armstrong	Fee	McClatchy	Saloom
Arty	Flick	McHale	Salvatore
Baldwin	Foster, W. W.	McIntyre	Saurman
Barber	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	Fryer	Madigan	Serafini
Beloff	Gallagher	Maiale	Seventy
Blaum	Gallen	Manderino	Showers
Book	Gamble	Manmiller	Sirianni
Bowser	Gannon	Markosek	Smith, B.
Boyes	Geist	Marmion	Smith, L. E.
Brandt	George	Mayernik	Snyder, G. M.
Broujos	Gladeck	Merry	Spencer
Bunt	Godshall	Michlovic	Spitz

Burd	Greenwood	Micozzie	Stairs
Burns	Grieco	Miller	Steighner
Caltagirone	Gruitza	Miscevich	Stevens
Cappabianca	Gruppo	Moehlmann	Stewart
Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Nahill	Taylor, E. Z.
Civera	Hayes	Noye	Taylor, F. E.
Clark	Herman	O'Brien	Telek
Clymer	Hershey	O'Donnell	Tigue
Cohen	Hoeffel	Olasz	Trello
Colafella	Honaman	Oliver	Truman
Cole	Hutchinson	Perzel	Van Horne
Cordisco	Itkin	Peterson	Vroon
Cornell	Jackson	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Johnson	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalshyn	Pott	Wilson
Davies	Lashinger	Pratt	Wogan
Dawida	Laughlin	Preston	Wozniak
Deal	Lehr	Punt	Wright, D. R.
Dietz	Lescovitz	Rappaport	Wright, J. L.
Dininni	Letterman	Reber	Wright, R. C.
Dombrowski	Levi	Reinard	Zwinkl
Donatucci	Levin	Richardson	
Dorr	Linton	Rieger	Irvis,
Duffy	Livengood	Robbins	Speaker
Durham			

NAYS—0

NOT VOTING—2

Kukovich Snyder, D. W.

EXCUSED—2

Fischer Morris

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

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

* * *

The House proceeded to third consideration of **HB 178, PN 1962**, entitled:

An Act authorizing and directing the Department of General Services and the Department of Environmental Resources, with the approval of the Governor, to convey to Armstrong County an island situate in the Allegheny River near the Borough of Kittanning.

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—197

Afflerbach	Durham	Livengood	Rudy
Alderette	Evans	Lloyd	Ryan
Angstadt	Fargo	Lucyk	Rybak
Armstrong	Fattah	McCall	Saloom
Arty	Fee	McClatchy	Salvatore
Baldwin	Flick	McHale	Saurman
Barber	Foster, W. W.	McIntyre	Scheetz
Battisto	Foster, Jr., A.	McMonagle	Schuler
Belardi	Freeman	McVerry	Semmel
Belfanti	Freind	Mackowski	Serafini
Beloff	Fryer	Madigan	Seventy
Blaum	Gallagher	Maiale	Showers
Book	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Markosek	Snyder, G. M.
Brandt	Geist	Marmion	Spencer
Broujos	George	Mayernik	Spitz
Bunt	Gladeck	Merry	Stairs
Burd	Godshall	Michlovic	Steighner
Burns	Greenwood	Micozzie	Stevens
Caltagirone	Grieco	Miller	Stewart
Cappabianca	Gruitza	Miscevich	Stuban
Carn	Gruppo	Moehlmann	Sweet
Cawley	Hagarty	Mrkonic	Swift
Cessar	Haluska	Murphy	Taylor, E. Z.
Cimini	Harper	Nahill	Taylor, F. E.
Civera	Hasay	Noye	Telek
Clark	Hayes	O'Brien	Tigue
Clymer	Herman	O'Donnell	Trello
Cohen	Hershey	Olasz	Truman
Colafella	Hoeffel	Oliver	Van Horne
Cole	Honaman	Perzel	Vroon
Cordisco	Hutchinson	Peterson	Wachob
Cornell	Itkin	Petrarca	Wambach
Coslett	Jackson	Petrone	Wargo
Cowell	Jarolin	Phillips	Wass
Coy	Johnson	Piccola	Weston
Deluca	Kasunic	Pievsky	Wiggins
DeVerter	Kennedy	Pistella	Williams
DeWeese	Klingaman	Pitts	Wilson
Daley	Kosinski	Pott	Wogan
Davies	Kowalshyn	Pratt	Wozniak
Dawida	Lashinger	Preston	Wright, D. R.
Deal	Laughlin	Punt	Wright, J. L.
Dietz	Lehr	Rappaport	Wright, R. C.
Dininni	Lescovitz	Reber	Zwikel
Dombrowski	Letterman	Reinard	
Donatucci	Levi	Richardson	Irvis,
Dorr	Levin	Rieger	Speaker
Duffy	Linton	Robbins	

NAYS—0

NOT VOTING—4

Kukovich	Mowery	Sirianni	Snyder, D. W.
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EXCUSED—2

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

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the lady from Susquehanna, Miss Sirianni, rise?

Miss SIRIANNI. I would like the record to show that I voted in the affirmative on that bill, HB 178.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 428, PN 468, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Bureau of Correction and the Governor, to grant an easement to Jerry Ross and Paula Ross, his wife, over certain lands in Benner Township, Centre County, Pennsylvania.

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—198

Afflerbach	Evans	Lucyk	Ryan
Alderette	Fargo	McCall	Rybak
Angstadt	Fattah	McClatchy	Saloom
Armstrong	Fee	McHale	Salvatore
Arty	Flick	McIntyre	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Barber	Foster, Jr., A.	McVerry	Schuler
Battisto	Freeman	Mackowski	Semmel
Belardi	Freind	Madigan	Serafini
Belfanti	Fryer	Maiale	Seventy
Beloff	Gallagher	Manderino	Showers
Blaum	Gallen	Manmiller	Sirianni
Book	Gamble	Markosek	Smith, B.
Bowser	Gannon	Marmion	Smith, L. E.
Boyes	Geist	Mayernik	Snyder, D. W.
Brandt	George	Merry	Snyder, G. M.
Broujos	Gladeck	Michlovic	Spencer
Bunt	Godshall	Micozzie	Spitz
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Mowery	Stewart
Carn	Hagarty	Mrkonic	Stuban
Cawley	Haluska	Murphy	Sweet
Cessar	Harper	Nahill	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	O'Donnell	Telek
Clymer	Hershey	Olasz	Tigue
Colafella	Hoeffel	Oliver	Trello
Cole	Honaman	Perzel	Truman
Cordisco	Hutchinson	Peterson	Van Horne
Cornell	Itkin	Petrarca	Vroon
Coslett	Jackson	Petrone	Wachob
Cowell	Jarolin	Phillips	Wambach
Coy	Johnson	Piccola	Wargo
Deluca	Kasunic	Pievsky	Wass
DeVerter	Klingaman	Pistella	Weston
DeWeese	Kosinski	Pitts	Wiggins
Daley	Kowalshyn	Pott	Williams
Davies	Lashinger	Pratt	Wilson
Dawida	Laughlin	Preston	Wogan
Deal	Lehr	Punt	Wozniak

Dietz	Lescovitz	Rappaport	Wright, D. R.
Dininni	Letterman	Reber	Wright, J. L.
Dombrowski	Levi	Reinard	Wright, R. C.
Donatucci	Levin	Richardson	Zwinkl
Dorr	Linton	Rieger	
Duffy	Livengood	Robbins	Irvis,
Durham	Lloyd	Rudy	Speaker

NAYS—0

NOT VOTING—3

Cohen	Kennedy	Kukovich
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EXCUSED—2

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

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

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The House proceeded to third consideration of **HB 1469, PN 1939**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for points and penalties related to speeding, for the use of hearing impairment devices, for limited exemptions from the axle tax and for the inspection of motorcycles; and adding provisions relating to motorcycle safety.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

Alderette	Durham	Livengood	Robbins
Angstadt	Evans	Lucyk	Rudy
Armstrong	Fargo	McCall	Ryan
Arty	Fattah	McClatchy	Rybak
Baldwin	Fee	McHale	Saloom
Barber	Flick	McIntyre	Salvatore
Battisto	Foster, W. W.	McMonagle	Saurman
Belardi	Foster, Jr., A.	McVerry	Scheetz
Belfanti	Freeman	Mackowski	Schuler
Beloff	Freind	Madigan	Semmel
Blaum	Fryer	Maiale	Serafini
Book	Gallagher	Manderino	Seventy
Bowser	Gallen	Manmiller	Showers
Boyes	Gamble	Markosek	Sirianni
Brandt	Gannon	Marmion	Smith, B.
Broujos	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micozzie	Spencer
Caltagirone	Greenwood	Miller	Spitz
Cappabianca	Grieco	Miscevich	Stairs
Carn	Gruitza	Moehlmann	Steighner
Cawley	Gruppo	Mowery	Stevens
Cessar	Hagarty	Mrkonic	Stuban
Cimini	Haluska	Murphy	Sweet
Civera	Harper	Nahill	Swift
Clark	Hasay	Noye	Taylor, E. Z.

Clymer	Hayes	O'Brien	Taylor, F. E.
Cohen	Herman	O'Donnell	Telek
Colafella	Hershey	Olasz	Tigue
Cole	Hoeffel	Oliver	Trello
Cordisco	Honaman	Perzel	Truman
Cornell	Hutchinson	Peterson	Van Horne
Coslett	Itkin	Petrarca	Vroon
Cowell	Jackson	Petrone	Wachob
Coy	Jarolin	Phillips	Wambach
Deluca	Johnson	Piccola	Wargo
DeVerte	Kasunic	Pievsky	Wass
DeWeese	Kennedy	Pistella	Weston
Daley	Klingaman	Pitts	Wiggins
Davies	Kowalshyn	Pott	Williams
Dawida	Lashinge	Pratt	Wogan
Deal	Laughlin	Preston	Wright, D. R.
Dietz	Lehr	Punt	Wright, J. L.
Dininni	Lescovitz	Rappaport	Wright, R. C.
Dombrowski	Letterman	Reber	Zwinkl
Donatucci	Levi	Reinard	
Dorr	Levin	Richardson	Irvis,
Duffy	Linton	Rieger	Speaker

NAYS—5

Afflerbach	Lloyd	Stewart	Wozniak
Kosinski			

NOT VOTING—2

Kukovich	Wilson
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EXCUSED—2

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

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

SUPPLEMENTAL CALENDAR A

The SPEAKER. The Chair now turns to Supplemental Calendar A.

For the information of the members, Supplemental Calendar A contains only one bill - SB 942, PN 1294. It is on second consideration. It is the no-fault bill. In order that the House may deal with this problem tomorrow, it is necessary to move this bill to third consideration today. The only way that can be accomplished is for the House to suspend its rules so that we may give this bill its second consideration today.

The majority leader and the minority leader have agreed that such a suspension of the rules is in order.

RULES SUSPENDED

The SPEAKER. The Chair recognizes, on Supplemental Calendar A, the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be suspended so that SB 942, PN 1294, may be given its second consideration.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I would urge a "yes" vote on this, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Mifflin, Mr. DeVertter.

Mr. DeVERTER. Thank you, Mr. Speaker.

I would urge the members to reject suspending the rules. My reason for so doing is that once again we are going to be stampeded into looking at something that we did back in 1973 and 1974 when we originally passed no-fault, and I am very fearful no one has seen the proposal that is to be brought before this body, except perhaps the majority and minority leaders. Granted, we will probably have caucus time to discuss it, but it sure is not going to give anyone sufficient time, by moving this bill this quickly, to analyze exactly what is going to take place.

My understanding is that the agreements have already been reached between the industry and the trial bar. If that be the case, I can only warn the members—

The SPEAKER. The gentleman will desist.

The Chair erred in permitting the gentleman the floor. The motion is not debatable, except by majority and minority leaders.

The gentleman has stated his opposition, and the Chair recognizes that.

Mr. DeVERTER. Okay. I would just like to again urge—

The SPEAKER. The gentleman may not continue, please. If I permit you to continue, I have to recognize Mr. Gallen and everybody else, and that is wrong.

If the minority leader wishes to speak, he is in order.

Mr. RYAN. Mr. Speaker, to reassure our caucus—some question having been raised as to my asking for a "yes" vote on the question of suspension—it is not intended that anything is going to be moved after the suspension of rules, but rather we will go to caucus. The suspension is done in the ordinary course many times because of a rule of our House that deals with bringing something off the table and considering it for the second time today. This is really a shortening of the parliamentary procedure and has really nothing to do with the merit of the bill.

The SPEAKER. The question is on the motion. It will require 102 votes to suspend the rules. Those in favor of rule suspension will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—110

Afflerbach	Fattah	McCall	Seventy
Alderette	Fee	McClatchy	Showers
Angstadt	Foster, Jr., A.	McHale	Smith, B.
Baldwin	Freeman	McIntyre	Spencer
Battisto	Gallagher	McMonagle	Steighner
Belardi	Gamble	Maiale	Stuban
Belfanti	George	Manderino	Sweet
Beloff	Greenwood	Markosek	Taylor, F. E.
Blaum	Gruppo	Miscevich	Telek
Boyes	Hagarty	O'Brien	Tigue
Burns	Haluska	O'Donnell	Trello
Caltagirone	Hasay	Olasz	Truman

Cappabianca	Hershey	Oliver	Van Horne
Carn	Hoefel	Perzel	Wachob
Cawley	Hutchinson	Petrarca	Wambach
Clark	Itkin	Petrone	Wargo
Clymer	Jarolin	Pievsyky	Wass
Colafella	Johnson	Pistella	Weston
Cole	Kasunic	Pratt	Wiggins
Cordisco	Kosinski	Preston	Williams
Cornell	Kowalshyn	Rappaport	Wogan
Cowell	Lashingner	Reber	Wozniak
Coy	Laughlin	Reinard	Wright, D. R.
Daley	Lescovitz	Rieger	Wright, J. L.
Deal	Levin	Ryan	Zwikel
Dombrowski	Linton	Rybak	
Donatucci	Livengood	Saloom	Irvis,
Evans	Lucyk	Salvatore	Speaker

NAYS—83

Armstrong	Durham	Levi	Pott
Arty	Fargo	Lloyd	Punt
Book	Flick	McVerry	Richardson
Bowser	Foster, W. W.	Mackowski	Robbins
Brandt	Freind	Madigan	Rudy
Broujos	Fryer	Manmiller	Scheetz
Bunt	Gallen	Marmion	Schuler
Burd	Gannon	Mayernik	Semmel
Cessar	Geist	Merry	Serafini
Cimini	Gladeck	Michlovic	Sirianni
Civera	Godshall	Micozzie	Smith, L. E.
Coslett	Grieco	Miller	Snyder, D. W.
Deluca	Gruitza	Moehlmann	Snyder, G. M.
DeVertter	Harper	Mowery	Stairs
DeWeese	Hayes	Mrkoncic	Stevens
Davies	Herman	Murphy	Stewart
Dawida	Honaman	Nahill	Swift
Dietz	Jackson	Noye	Taylor, E. Z.
Dininni	Kennedy	Peterson	Vroon
Dorr	Klingaman	Phillips	Wilson
Duffy	Lehr	Piccola	

NOT VOTING—8

Barber	Kukovich	Pitts	Spitz
Cohen	Letterman	Saurman	Wright, R. C.

EXCUSED—2

Fischer	Morris
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILL AGREED TO ON SECOND CONSIDERATION

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

SB 942, PN 1294.

CALENDAR

CONSIDERATION OF SB 11 RESUMED

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

Mr. TAYLOR offered the following amendments No. A3481:

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

Titles 12 (Commerce and Trade) and

Amend Title, page 1, line 2, by inserting after "Statutes," providing for the marketing of gasoline products;

Amend Bill, page 1, by inserting between lines 7 and 8

Section 1. Title 12 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

TITLE 12

COMMERCE AND TRADE

Chapter

71. Marketing of Gasoline Products

CHAPTER 71

MARKETING OF GASOLINE PRODUCTS

Sec.

7101. Short title of chapter.

7102. Definitions.

7103. Assignability.

7104. Certain operations prohibited.

7105. Price zones; extension of voluntary allowances.

7106. Pricing.

7107. Unlawful restraint.

7108. Leases.

7109. Posting requirements.

7110. Compliance with octane ratings.

7111. Remedies.

7112. Penalties.

7113. Exclusions.

7114. Enforcement.

7115. Civil liability.

§ 7101. Short title of chapter.

This chapter shall be known and may be cited as the Gasoline Marketing Competition Preservation Act.

§ 7102. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Annual rental." The total annual amount of rents, assessments, royalties and any other charges which a manufacturer or refiner or subsidiary thereof imposes upon and collects from a retail service station dealer as consideration for the right to lease, franchise or otherwise use real or personal property for the purpose of operating a retail service station.

"Controlled outlet." An outlet which is operated by a manufacturer or refiner or by partners or employees of a manufacturer or refiner, a subsidiary company of a manufacturer or refiner, commissioned agent of a manufacturer or refiner or by any person who manages the outlet on a fee arrangement with the manufacturer or refiner.

"Fair market value." The value of the property based upon its present and actual use. It is the value that a willing buyer would pay a willing seller for the property, each being under no compulsion to buy or sell.

"Gasoline." Gasoline, benzol, benzine, naphtha and any other liquid prepared, advertised, offered for sale, sold for use as, or used for the generation of power for the propulsion of motor vehicles including any product obtained by blending together any one or more products of petroleum with or without other products, if the resultant product is capable of the same use.

"Independent jobber." A person, firm or corporation, other than a retail service station dealer, which purchases gasoline from a manufacturer, refiner or subsidiary thereof for resale.

"Low octane unleaded grade of gasoline." This term has the meaning provided by Federal statute or regulation.

"Major brand." The primary trade name or trademark most commonly associated with and identified with a manufacturer or refiner's retail service station.

"Manufacturer" or "refiner." Any person, partnership, firm or corporation engaged in producing, blending or compounding gasoline.

"Person." An individual, corporation, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest or any other legal or commercial entity.

"Premium grade of gasoline." This term has the meaning provided by Federal statute or regulation.

"Regular grade of gasoline." This term has the meaning provided by Federal statute or regulation.

"Retail sale." The sale of gasoline at retail.

"Retail service station dealer." Any person, firm or corporation maintaining a place of business where gasoline is sold at retail and delivered into the tanks of motor vehicles.

"Secondary brand." A trade name or trademark, other than a major brand, used to identify a manufacturer and refiner's retail service station.

"Subregular grade of gasoline." This term has the meaning provided by Federal statute or regulation.

"Subsidiary." A company in which a manufacturer or a refiner has more than a 50% beneficial or legal interest.

"Terminal price." The price at which a refiner or manufacturer or subsidiary thereof sells gasoline in like quantities and qualities F.O.B. terminal, branded or unbranded, according to buyer's trade classification within those categories.

"Truck stop." An outlet specializing in sales of diesel fuel and associated services, principally to over-the-road truckers, with gasoline, other than diesel fuel, accounting for no more than 15% of total revenue excluding taxes.

"Unbranded." A retail service station marketing gasoline or other petroleum products under its own brand, trade name or trademark other than those of a manufacturer or refiner or any subsidiary thereof.

"Unleaded premium grade of gasoline." This term has the meaning provided by Federal statute or regulation.

"Unleaded regular grade of gasoline." This term has the meaning provided by Federal statute or regulation.

§ 7103. Assignability.

A manufacturer or refiner may not unreasonably withhold certain consents. The manufacturer or refiner may not unreasonably withhold its consent to any assignment, transfer, sale or renewal of a business of a retail service station dealer.

§ 7104. Certain operations prohibited.

(a) Operations prohibited.—No manufacturer or refiner of gasoline or subsidiary thereof whose gasoline sales for the preceding calendar year exceed 7% of all gasoline sales in this Commonwealth for such period shall open a major brand, secondary brand or unbranded retail service station in this Commonwealth and operate it with company personnel, commissioned agent or under a contract with any person, firm or corporation managing a service station on a fee arrangement or other basis with the manufacturer, refiner or subsidiary thereof. The station must be operated by an independent retail service station dealer.

(b) Reports.—No later than January 31 of each year, every manufacturer or refiner of gasoline or subsidiary thereof who sells gasoline in this Commonwealth shall file a report with the Governor's Energy Council setting forth its total sales of gasoline in gallons in this Commonwealth as defined in subsection (f). No later than the last day of February of each year, the Governor's Energy Council shall notify each manufacturer or refiner or subsidiary thereof filing under this subsection of its percentage of gasoline sales in this Commonwealth in relation to the total gasoline sales in this Commonwealth as determined in accordance with subsection (a).

(c) Operation of controlled outlets.—In the event of the closing or termination due to unfair competitive practices by a manufacturer or refiner or subsidiary thereof of the business

operated by one of its retail service station dealers which is located within a one mile radius of a controlled outlet of the manufacturer or refiner or subsidiary thereof of such retail service station dealer, the manufacturer, refiner or subsidiary thereof shall, within 90 days, reopen the closed or terminated station to be operated by a retail service station dealer or discontinue the operation of such controlled outlet or thereafter change the operation of the controlled outlet to the operation of a retail service station dealer. Actions to enforce the provisions of this subsection shall be commenced in the court of common pleas of the county where the closed or terminated business operated by the retail service station dealer was located and may be commenced by the Commonwealth, the aggrieved retail service station dealer or any other aggrieved party. The prevailing party shall be entitled to all fees, costs and expenses of such action, including reasonable attorney fees.

(d) Replacement of controlled outlets.—In the event of the closing or termination of a controlled outlet under circumstances other than that contained in subsection (c), a manufacturer or refiner or subsidiary thereof, which otherwise is prohibited by subsection (a) from operating a controlled outlet, may open one controlled outlet for such controlled outlet so closed or terminated.

(e) Temporary operation.—The Governor's Energy Council shall have the authority to and may adopt rules and regulations defining the circumstances in which a manufacturer or refiner temporarily may operate a retail service station for a period not exceeding six months.

(f) Definition.—For the purpose of this subsection, the term "gasoline sales" means retail gasoline sales by a manufacturer, refiner or subsidiary thereof through its controlled outlets, its retail service station dealers and its branded jobbers for the preceding calendar year.

§ 7105. Price zones; extension of voluntary allowances.

A manufacturer or refiner of gasoline or subsidiary thereof who establishes price zones within this Commonwealth shall establish no more than one such price zone for each primary metropolitan statistical area and each metropolitan statistical area within this Commonwealth as determined by the Office of Management and Budget of the United States. All areas within this Commonwealth not within a primary metropolitan statistical area or a metropolitan statistical area shall constitute no more than five price zones. Every manufacturer or refiner of gasoline or subsidiary thereof shall extend all voluntary allowances uniformly to all retail service station dealers supplied within the same price zone.

§ 7106. Pricing.

Within each price zone, a refiner or manufacturer or subsidiary thereof selling gasoline of any grade through controlled outlets shall be required to offer any retail service station dealer of such refiner or manufacturer or subsidiary thereof within that same price zone, gasoline delivered at a wholesale price or tank wagon price which is 5% less than the price such grade of gasoline is being offered for sale to the public at retail at the controlled outlet of such manufacturer or refiner or subsidiary thereof which is nearest to the dealer. The provisions of this section notwithstanding, a refiner, manufacturer or subsidiary thereof shall, in no event, be required to sell for less than its terminal price.

§ 7107. Unlawful restraint.

(a) Purchases.—It shall be unlawful for any manufacturer or refiner or subsidiary thereof to prohibit, restrain, interfere with or in any way prevent a retail service station dealer from purchasing gasoline from any source.

(b) Trademark.—No retail service station dealer shall, at a retail service station displaying a trademark, trade name, service mark or other identifying symbol or name owned by a manufacturer or refiner or subsidiary thereof, sell gasoline which is not provided by such manufacturer or refiner or subsidiary thereof

without providing reasonable notice at the point of sale to each purchaser of such gasoline that such gasoline is not produced, blended or compounded by such manufacturer or refiner or subsidiary thereof.

(c) Requirement to sell.—A manufacturer or refiner or subsidiary thereof or independent jobber shall not refuse to sell gasoline to any retail service station dealer, provided that such dealer agrees to comply with the provisions of subsection (b), and the manufacturer or refiner or subsidiary thereof or independent jobber has gasoline available for sale after fulfilling its contractual obligations relative to supplying gasoline.

§ 7108. Leases.

(a) Agreements.—For all agreements initially entered into or renewed on or after the effective date of this chapter, no manufacturer or refiner or subsidiary thereof may require a retail service station dealer under the terms of any agreement to pay an annual rental for a retail service station in an amount which exceeds 12% of the fair market value. Fair market value shall be an amount determined acceptable by mutual agreement of the manufacturer or refiner or subsidiary thereof and the retail service station dealer prior to the date of entry into the agreement, in the case of initial entry into an agreement, or 90 days prior to the expiration date of an agreement, in the case of renewal of the agreement. In the event the parties cannot agree upon a mutually acceptable fair market value of the property by a date which is prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 90 days prior to the expiration date of an agreement, in the case of renewal of an agreement, fair market value shall be determined in accordance with subsection (c).

(b) Notification.—On and after the effective date of this chapter, every agreement entered into or renewed shall contain and conspicuously display in writing a provision specifying the maximum annual rent permissible under subsection (a) and notifying the retail service station dealer of his right to participate in the determination of fair market value of the leased retail service station. In addition, each agreement shall clearly and explicitly explain in writing the method of fair market value determination as required by this chapter.

(c) Determination of fair market value.—In the event that the parties cannot mutually agree on the property's fair market value prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 90 days prior to the expiration date of an agreement, in the case of renewal of an agreement, fair market value shall be determined in the following manner:

(1) The manufacturer or refiner or subsidiary thereof and the retail service station dealer shall each select a duly certified and qualified real estate appraiser who is not an employee of the respective party by a date which is prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 75 days prior to the expiration of the agreement, in the case of renewal of an agreement. Each appraiser so selected shall mutually agree upon and select a third duly certified and qualified appraiser by a date which is prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 65 days prior to the expiration date of the agreement, in the case of renewal of an agreement. Each party shall bear the cost of the appraiser so selected and the cost of the third appraiser shall be divided equally.

(2) The three appraisers so selected shall each conduct and complete an independent appraisal by a date which is prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 45 days prior to the expiration date of the agreement, in the case of renewal of an agreement. The appraisals shall be ordered in increasing magnitude and that appraisal which is most removed from the middle appraisal shall be discarded. Fair market value shall then be determined by averaging the remaining two appraisals.

(d) **Petition; court of common pleas.**—In the event of fraud, misrepresentation or other allegations of wrongdoing in connection with the determination of fair market value under this section, the manufacturer or refiner or subsidiary thereof or retail service station dealer may petition the court of common pleas of the county wherein the subject property is located for a hearing on the allegations. If the court determines such claims to be substantiated by a preponderance of the evidence, the court shall appoint three duly qualified and certified appraisers. Upon report of the appraisers to the court, the appraisals shall be ordered in increasing magnitude and that appraisal which is most removed from the middle shall be discarded. Fair market value shall then be determined by averaging the remaining two appraisals. If the court determines that the allegations of fraud, misrepresentation or other wrongdoing are unsubstantiated by a preponderance of the evidence, the determination of fair market value made under this section shall be final. Any party prevailing in an action appealing the determination of fair market value made under this section shall be entitled to costs of the action, including, but not limited to, reasonable attorney fees.

(e) **Refusal to renew.**—Failure of the parties, for whatever reason, to agree upon fair market value by the expiration date of an agreement shall not constitute grounds for a manufacturer or refiner or subsidiary thereof to refuse to renew an agreement. Unless the agreement has been lawfully terminated or nonrenewed pursuant to the Petroleum Marketing Practices Act (15 U.S.C. § 2801 et seq.), the act of November 26, 1975 (P.L.454, No.126), entitled "An act regulating the practices of suppliers, distributors and dealers of gasoline, petroleum products and accessories for motor vehicles and providing remedies for violations," or any other State or Federal statutes, the agreement shall be renewed at the previous rental rate with adjustments to be made retroactively following the final determination of fair market value.

(f) **Determination binding.**—The fair market value determined under this section, whether determined by agreement of the parties or by appraisal, shall be binding on both parties for at least three full years from the date on which the rentals based upon such value are to take effect.

(g) **Short term option.**—Lease agreements subject to this section shall be for a term of not less than one year and shall provide an option to the retail service station dealer to renew the lease agreement for two successive one-year terms at annual rentals to be determined in accordance with the provisions of this section.

§ 7109. Posting requirements.

(a) **Price per gallon.**—The owner or operator of a retail service station shall post on the property of the business a sign or signs displaying the price per gallon currently being charged for its regular grade of gasoline and unleaded regular grade of gasoline. If an unleaded regular grade of gasoline is not offered for sale, the price for the unleaded premium grade of gasoline shall be posted. Nothing in this subsection shall preclude the posting of prices for other grades of gasoline offered for sale.

(b) **Size and display of numerals.**—The numerals on such signs, together with the words "Regular," "Unleaded Regular" or "Unleaded Premium" for each such grade of gasoline, shall be displayed in bold block lettering at least three inches in height on a sign or signs clearly visible from the primary roadway bordering the business property.

(c) **Self-service.**—If the prices displayed refer to the price charged on condition that the customer operate the pump, then the sign or signs displaying the prices shall bear the words "Self-service" in bold block lettering at least three inches in height.

(d) **Price posted shall be identified.**—If the owner or operator of a retail service station chooses to display the price of grades of gasoline other than as required by subsection (a) on a sign visible from a public highway, the sign shall identify the grade

and prices of the gasoline in bold block lettering at least three inches in height. If the prices displayed refer to the price charged on condition that the customer operate the pump, then the sign shall also bear the words "Self-service" in the same size bold block lettering.

§ 7110. Compliance with octane ratings.

No person shall sell or offer for sale gasoline represented as a particular grade of gasoline unless such gasoline is in conformance with the standard octane ratings as defined in section 7102 (relating to definitions).

§ 7111. Remedies.

A manufacturer or refiner or subsidiary thereof who fails to comply with the provisions of this chapter, other than sections 7109 (relating to posting requirements) and 7110 (relating to compliance with octane ratings), shall be subject to a fine of \$1,000 per day per service station. A retail service station dealer may bring an action against a manufacturer or refiner or subsidiary thereof for violations of this chapter in the respective court of common pleas of the county wherein such retail service station dealer's retail service station is located to recover damages sustained by a willful and intentional violation of this chapter and, where appropriate, shall be entitled to injunctive relief. Such retail service station dealer, if successful, shall also be entitled to the costs of the action, including, but not limited to, reasonable attorney fees.

§ 7112. Penalties.

Any owner or operator of a retail service station who violates the provisions of section 7109 (relating to posting requirements) or 7110 (relating to compliance with octane ratings) commits a summary offense and shall, upon conviction, for the first offense be sentenced to pay a fine not exceeding \$150 and for a second and each subsequent offense be sentenced to pay a fine not exceeding \$300.

§ 7113. Exclusions.

Except for sections 7107 (relating to unlawful restraint), 7109 (relating to posting requirements) and 7110 (relating to compliance with octane ratings), the provisions of this chapter shall not apply to truck stops, independent jobbers, farm cooperatives and service plazas administered by the Pennsylvania Turnpike Commission.

§ 7114. Enforcement.

When the Attorney General has reason to believe that any person has violated the provisions of this chapter, he shall have standing to bring a civil action for injunctive relief and such other relief as may be appropriate to secure compliance with this chapter.

§ 7115. Civil liability.

No manufacturer or refiner or subsidiary thereof shall be civilly liable to any person for damages resulting from the dispensing of a brand of gasoline which is different from that of such manufacturer or refiner or subsidiary thereof on the premises of a retail service station leased from it.

Amend Sec. 1, page 1, line 8, by striking out "1" and inserting
2

Amend Sec. 1, page 1, lines 8 and 9, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Sec. 2, page 3, line 7, by striking out "2" and inserting
3

Amend Sec. 3, page 3, line 19, by striking out "3" and inserting
4

Amend Sec. 4, page 3, line 27, by striking out "4" and inserting
5

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, we have had before us in the last couple sessions the question of oil divorcement. We have tried to address this problem throughout the past year. The amendments that I am about to offer here today, in my humble opinion, represent the best possible workable compromise that I think can ever be had in this Commonwealth to address the very nitty problem of oil divorcement. It strikes the happy middle ground. It does not encompass and embrace the extreme views of some people on both ends of the spectrum.

The amendment addresses the problem of rents which have been faced by the dealers in this Commonwealth, where major oil companies have been subsidizing the price, low prices at the pumps, on the backs of these dealers by increases in their rent. It deals with price zones, which have been a nitty problem. It deals with a modified provision of oil divorcement. It permits those refineries who now have company-owned operations in this Commonwealth to continue to do business as they have been doing it. It contains a grandfather clause. It also contains a provision that says to those industries in the industry who may want to come into our Commonwealth and bring more competition into the marketplace that, yes, you may do that provided that once you reach a point of 7 percent of the gross sales, you will no longer be able to operate company-owned operations; you will have to go to dealer-type operations if you want to expand your business.

We feel this is a fair provision. This provision alone alleviates the fears that the dealers have had in this Commonwealth for a long period of time that major oil companies want to take over and operate all the gasoline retail outlets in this Commonwealth.

We have over 7,000 dealers in this State. Needless to say, you know and I know that there were a lot more than that. There were quite a few more small businessmen in that type of category, but through the practices of some of the major oil companies, the charges that have been leveled at them, that they have forced small business people out of business and unfair competition in many areas, excessive rents in many areas - these types of things are why this problem is now before this General Assembly.

We can delay this; we can delay it, but let me assure you that it will never go away. The public policy of this Commonwealth is established by this General Assembly as a whole. I ask for every member of this General Assembly to support these amendments here today, because I am telling you that it is a fair, workable compromise and will once and for all solve the problem of oil divorcement in our Commonwealth, and that should be the policy of this Commonwealth. Thank you.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO RECOMMIT

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

Mr. L. E. SMITH. Mr. Speaker, these amendments are presently in a bill in the Business and Commerce Committee. The committee voted to table that bill, and I am moving that this bill, with the amendments, be recommitted to the Committee on Business and Commerce.

The SPEAKER. The motion on the part of the gentleman, Mr. Smith, was that the bill, together with the amendment offered, be recommitted to the Committee on Business and Commerce.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I am not going to take up a long period of your time to tell you why this bill should not be sent back to the committee. I think you all understand the problem. You all know the problem. You have had everybody talk to you about it. The Business and Commerce Committee has spent 72 hours, and I sat during the summer recess with those earphones listening to the transcripts. Let me tell you, the Business and Commerce Committee almost unanimously agreed to these amendments but by some dilatory-type tactics of the oil industry have continually tried to succeed to get this bill tabled.

The SPEAKER. Will the gentleman yield.

The gentleman has gone beyond the purview of the motion. The only thing the gentleman may argue will be reasons why or why not the members should vote for the motion. Please continue the argument on that level and that level only.

Mr. TAYLOR. Thank you, Mr. Speaker.

You have the opportunity here today to make that decision. Once again I say that we, as the General Assembly and the House of Representatives as a whole, have established a public policy of this Commonwealth, and I think that this General Assembly here today ought to address this problem, and I think we ought to vote "no" against the motion. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Mr. Speaker, I rise to oppose the Smith motion to recommit this bill with the amendment to the Business and Commerce Committee. I think we have to look, for just a moment, at what the role of the committee structure is here within the House. I think the committee structure has been used, especially on this issue, to the extent that it possibly could be. Just because a piece of legislation cannot be reported out of that committee does not mean that that legislation is not worthy of consideration by all 203 members of this House.

I think we have to keep in mind what the Business and Commerce Committee has done since, really, last November

when we tried to address this issue in a previous session. At that time it was thought that the Business and Commerce Committee in the next legislative session should start reviewing this legislation and should start analyzing it and come up with some sort of a compromise. Well, I suggest that the committee has done its function in doing that. They have held over 7 full days of public hearings, not only in Harrisburg but in Pittsburgh and throughout this Commonwealth. They have held over 72 hours of taking testimony from everyone possible - oil industry people, independent service station people, consumers, senior citizens groups, almost everybody imaginable - to properly air this issue. I think the Business and Commerce Committee has done an excellent job of bringing this to the forefront of the public and in bringing out some of the faults in the original piece of legislation. Just because they have been unable to report a bill to the floor does not mean that we, as members of this House who do not happen to sit on that committee, should not have the opportunity to vote on this legislation. I think the issue is significant enough and is important enough for enough people in this Commonwealth that we should not be held captive by a small minority of people within that committee who can really bottle up a piece of legislation for an ad infinitum amount of time.

I think the committee has done its work, and we should get on with the business. This issue is not going to go away. If it is recommitted and it is tabled again, this issue is not going to go away, Mr. Speaker. It is going to come up repeatedly, and it is going to come up on the floor of this House until we as the full 203 members of this House of Representatives have the opportunity to vote on it. I urge a "no" vote on the Smith motion.

The SPEAKER. The Chair thanks the gentleman.

On the motion by the gentleman, Mr. Smith, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I have listened to the statements of my good friend, Mr. Wachob, and he is quite right that the Business and Commerce Committee has had many, many hearings on this issue, and he is quite right that the committee has spent two sessions working on this issue, and the result of all those hearings and all those discussions is that the amendment that is now before you could not be reported out of that committee. My friend speaks of a small minority of the committee. A majority of that committee refused to report this bill out. There are many of us who voted for the amendment in committee out of courtesy to the chairman, and I will do that again out of courtesy to the chairman, but when it came down to the nitty-gritty of whether a bill with this amendment in it should be reported out, that committee voted "no."

I am not here to give a speech on the integrity of the committee system. What I am saying is, the committee has chewed this over for at least 3 years and last week or 2 weeks ago voted not to bring this bill out with this amendment in it. I would suggest to the House that perhaps the other members might take this into consideration in their votes and vote to recommit this bill to the Committee on Business and Commerce. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Smith motion, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, the gentleman, Mr. Smith's motion reminds me of a dance in a Mozart symphony alternating between G major and G minor, unable to make up its mind. Mr. Speaker, it is time that the House of Representatives makes up its mind on oil divorcement. I oppose Mr. Smith, and I urge my colleagues to do the same.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—86

Angstadt	Flick	McIntyre	Richardson
Armstrong	Foster, W. W.	McVerry	Rieger
Arty	Freind	Mackowski	Robbins
Barber	Gallen	Madigan	Ryan
Beloff	Geist	Maiiale	Salvatore
Blaum	Godshall	Manmiller	Scheetz
Bowser	Greenwood	Marmion	Schuler
Brandt	Grieco	Merry	Sirianni
Burd	Gruppo	Miller	Smith, L. E.
Burns	Hasay	Mowery	Spencer
Cimini	Hayes	Mrkonic	Stairs
Coslett	Herman	Noye	Stewart
DeVerter	Hershey	O'Brien	Taylor, E. Z.
Davies	Honaman	Oliver	Truman
Deal	Johnson	Perzel	Vroon
Dietz	Kennedy	Peterson	Weston
Dininni	Klingaman	Phillips	Wiggins
Donatucci	Lehr	Piccola	Williams
Dorr	Levi	Pott	Wogan
Durham	Levin	Rappaport	Wright, J. L.
Evans	Linton	Reinard	Wright, R. C.
Fargo	Lloyd		

NAYS—105

Afflerbach	Dombrowski	Livengood	Saurman
Alderette	Duffy	Lucyk	Semmel
Baldwin	Fattah	McCall	Serafini
Battisto	Fee	McClatchy	Seventy
Belardi	Foster, Jr., A.	McHale	Showers
Belfanti	Freeman	McMonagle	Smith, B.
Book	Fryer	Manderino	Snyder, D. W.
Boyes	Gallagher	Markosek	Snyder, G. M.
Broujos	Gamble	Mayernik	Steighner
Bunt	George	Michlovic	Stuban
Caltagirone	Gladeck	Miscevich	Sweet
Cappabianca	Gruitza	Moehlmann	Swift
Cawley	Hagarty	Murphy	Taylor, F. E.
Cessar	Haluska	Nahill	Tigue
Clark	Harper	O'Donnell	Trello
Clymer	Hoeffel	Olasz	Van Horne
Cohen	Hutchinson	Petrarca	Wachob
Colafella	Itkin	Petrone	Wambach
Cole	Jackson	Pievsky	Wargo
Cordisco	Jarolin	Pistella	Wass
Cornell	Kasunic	Pratt	Wilson
Cowell	Kosinski	Preston	Wozniak
Coy	Kowalshyn	Punt	Zwinkl
Deluca	Lashinger	Reber	
DeWeese	Laughlin	Rudy	Irvis,
Daley	Lescovitz	Rybak	Speaker
Dawida	Letterman	Saloom	

NOT VOTING—10

Carn	Kukovich	Spitz	Telek
Civera	Micozzie	Stevens	Wright, D. R.
Gannon	Pitts		

EXCUSED—2

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

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

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

Mr. DININNI. Do not worry; I will be very, very, very brief.

This amendment still excludes the major oil companies and the competition out in the free market. I only have one thing to say to all the members of this House: You recall when we went to once-a-year inspection, and what happened to the consumer? The prices were doubled and tripled, and if you eliminate this competition through this amendment and the bill, believe you me, you will hear from your consumers.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I rise to vehemently oppose the Taylor amendment. I think this makes a hodgepodge out of the bill. I would rather vote on the bill as it is than get involved in this hodgepodge. This is now becoming what I call a thoroughly mongrelized situation. This is nothing more or less than an attempt to put a foot in the door and by these means then to thoroughly destroy the prerogative of a company or the companies involved in this particular product to market its own product in its own retail outlets.

Let me mention the fact that in this particular instance, oil companies all over the United States at one time had the prerogative of choosing to do it all themselves or let dealers do it, but they choose to let dealers do it because they feel that dealers should be involved here, and I believe sincerely that they want to keep on letting dealers do it. I think this whole thing of getting at 7 percent of whatever you want to call it, I think this is really a subterfuge. You are still trying to get at the oil companies and not at just the biggies. Let me call attention to the fact that the big oil companies are highly competitive.

One of the good reasons why I am opposing this is because nobody is saying a thing about the consumer, and I will tell you very emphatically I am a consumer, you are a consumer, and the people in my district and your districts are consumers. And I want you to try to tell me that these people are not enjoying the fruits of free competition right now, and I would like to have anybody try to prove to me that if we change, we would have better competition. Expert testimony has said to the contrary that this would lessen competition, not increase it. So I am concerned about my consumer. I will tell you very emphatically I go from one end of my district to the other.

One end has very affluent people in it, and what are they telling me? They said, do not vote for this; I do not want to pay extra money for gas; I like what I am getting now. These are affluent people. Normally, they would not care about a few cents, but they like to go around and shop for the gasoline. Then I go to the other end of my district and go to a low-income district, and these people say, please, do not let this happen to us; we like what we see out there now; we want to be able to shop around for our gasoline.

For goodness' sake, let us not ignore these consumers. These are the people who elect you and me, and I think you are making a very bad mistake if you try to get on the bandwagon here. I think you ought to get on the bandwagon of the consumer and protect his interests.

All this nonsense that you are hearing about that this would put little dealers out of business is just so much hogwash. I would like to remind people in this House here what happened years ago when there was a lot of agitation to get rid of supermarkets and chain stores, as they called them at that time. Oh, if you keep on patronizing these chain stores and buy your food in these chain stores, like the A&P and Kroger, et al, you are going to put the little guys out of business, and then you are going to be compelled to pay the high prices that they will charge you. And what happened, pray tell, to all of these chain stores and all the supermarkets? Today we have the most competitive businesses in the United States in the supermarkets, and we are getting better prices than ever before. That is exactly a similar situation. Would you like to have us turn around, too, and tell McDonald's that they cannot market their own hamburgers? They cannot go ahead and do it themselves? Oh, come, come now. This is free enterprise, and, Mr. Speaker, I submit to you that you will save money in your cost of living if you continue to support the concept of free enterprise in this situation as well as in every other situation that arises. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Foster, on the question of whether the House will adopt or not adopt the Taylor amendment.

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

I rise today as a conservative member of this House, I rise as an advocate of free enterprise who essentially has a laissez-faire attitude toward our system of government, and I rise in support of the Taylor amendment.

Mr. Speaker, I remember very clearly 1974, and I remember very clearly the attitude of the major oil companies toward the independent dealers of this Commonwealth. I remember very clearly what was visited upon the small service stations of my area. Service stations that had served their communities well for years suddenly at the end of a lease period were simply advised, we are no longer interested.

I think much could be said about what occurred in 1974. I have not forgotten it. I think something is needed in this realm. I do not like to place impediments in the marketplace. I am essentially an advocate of free enterprise, but I tell you that the major oil companies tower over the marketplace like

a modern-day Colossus of Rhodes, and I do not like that. I think something is needed. While I do not like to place these impediments in the way of free enterprise, when you have something the size of the major oil companies and when you have something as important to the American consumer as gasoline, I think the Taylor amendment is needed. If this seems strange coming from the mouth of a conservative member of this House, I can only say that I am not a Pavlovian conservative; I do not salivate when the bell rings. I therefore rise in support of the Taylor amendment and urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I have a question on the amendment. Would the preparer of the amendment stand?

The SPEAKER. The gentleman, Mr. Taylor, indicates he will stand for interrogation. The gentleman, Mr. Flick, is in order and may proceed.

Mr. FLICK. Thank you, Mr. Speaker.

Would the gentleman please share with me how the 7-percent figure was arrived at to determine whether or not you might operate company-owned service stations?

Mr. TAYLOR. We looked at all the oil companies in the Commonwealth as to the percentage of business they conduct. There are some that have as high as 19 percent of the marketplace. Some are at 11 percent of the marketplace. There are those that are small, competitive refineries that have not reached the 7 percent or the 8 percent or the 10 percent. We felt that this would be a fair percentage to arrive at, because it would allow for the small refineries to continue to have competition in the marketplace.

The major oil companies are now enjoying the lion's share of the marketplace, so it eliminates the fear that there will be no competition in the marketplace by allowing a percentage. Pure oil divorcement as it is in Maryland has zero percentage for refineries. We felt that that was the extreme end of the spectrum. We felt that 7 percent, after looking at all the figures, was a reasonable figure to establish as that percentage of the marketplace, the amount of volume that they do in the whole State. It allows for growth; it allows for those in the industry to continue; and above all, those who have in excess of that are not restricted from opening up dealer operations, so they can continue to be competitive in the marketplace if they want to go to dealer-type operations.

Mr. FLICK. Thank you, Mr. Speaker.

Another question: Would you share with me how many oil refineries, corporations are in excess of 7 percent?

Mr. TAYLOR. Well, Atlantic is in excess of it; Sunoco is in excess of it; Gulf is in excess of it; Exxon is in excess of it; and BP/Boron is in excess of it. Let me say that they support this concept even though they are in excess of that in the marketplace, because they feel that it is a fair compromise and a fair way to construct this and answer the problem of oil divorcement in our Commonwealth. I think you received a telegram from them.

Mr. FLICK. Thank you, Mr. Speaker.

Could you share with me one other answer, and that would be what percentage market share each of those five oil refineries has in the Commonwealth of Pennsylvania.

Mr. TAYLOR. I think that what you have there is a problem of confidentiality, but if you want to check, one of the ways you can get to it is by the amount of taxes they pay to the Department of Revenue. It gives you some estimate of what is going on.

Mr. FLICK. In the wisdom of the Business and Commerce Committee, I would think that this is information you looked into since you are, by virtue of this amendment, trying to prohibit these corporations from engaging in the expansion of company-owned facilities. Do you not know what market share they have?

Mr. TAYLOR. I think that the alternative to that is the question of pure divorcement. The alternative to something like this is pure divorcement, and then you have the question of the consumer being adversely affected by having pure divorcement.

Mr. FLICK. How can you make a determination of whether you wish to go to a compromise plan such as this or pure oil divorcement if you do not know what the market share figures are?

Mr. TAYLOR. We got the information from the Federal Department of Energy and, by going through those figures, established who was over and who was under.

Mr. FLICK. Fine. Could you share with me the figures, please, Mr. Speaker?

Mr. TAYLOR. I am told it is confidential information by Federal law.

Mr. FLICK. Confidential information? The committee has held 7 days of hearings, or years of hearings, and you are making a determination as to a percentage of the market share, and you cannot share with me the figures of those five corporations which you wish to exclude from the marketplace? How can that be confidential information? How can you ask the General Assembly and the members of the House to vote on a proposal when you cannot supply them with the facts and figures on which they need to base their judgment?

Mr. TAYLOR. What I can say to you with a degree of accuracy is this: Those that I mentioned are in excess of those figures, in excess of the 7 percent. Now, the confidentiality part of it, we were not privy to that. My staff in turn made a judgment based on those figures that were returned to the Federal Government as to what that percentage would be of the marketplace. We consider that to be accurate.

Mr. FLICK. You have not yet shared with me—

Mr. TAYLOR. I can give you estimates, if you want that. I cannot give you the exact figures. I can give you estimates.

Mr. FLICK. Are the estimates based on reliable testimony in your hearings?

Mr. TAYLOR. I would say they are based on reliable information we gathered.

Mr. FLICK. At this point I will accept that information.

Mr. TAYLOR. Would you accept that? Do you want the approximate percentages?

Mr. FLICK. I would like the approximate market share, yes.

Mr. TAYLOR. Arco is roughly 19 percent of the marketplace; BP/Boron is 13 percent; Exxon is 11; Sunoco is roughly 11, I think, also; Gulf is 10; Amoco is roughly 7.5.

Mr. FLICK. Could you share with me then information as to those refiners who are near to 7 percent, that when they hit that level they will then be excluded from expanding operations?

Mr. TAYLOR. The nearest one would be Texaco, and I think it is 6.5 or something like that. That is an estimate.

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. FLICK. No; I would like to continue, if I might.

The SPEAKER. The gentleman may continue.

Mr. FLICK. The figures as they are added here near where I am standing indicate somewhere in the 70 to 80 percent. Are you telling me that company operated— Excuse me; no. I am forming a conclusion I do not wish to state.

Thank you. I think I am finished with interrogation. May I make a statement, please?

The SPEAKER. The gentleman is in order and may make a statement on the amendment.

Mr. FLICK. Mr. Speaker, I think that the amendment as proposed is one that is anticonsumer, and I must say I am surprised to see the members of the House of Representatives in what has appeared to me at least to be a consumer-oriented session bringing this in and moving this amendment. I think it is anticonsumer because I believe that we are delving into the free enterprise system and we are artificially eliminating competition. As we all know, competition brings competitive pricing. I also believe that this amendment is discriminatory in that the 7-percent figure is an arbitrary, capricious amount that was just arrived at without any factual evidence as to market shares and without any foresight other than to try to eliminate a certain sector of the retailers and the refiners. For that reason, Mr. Speaker, I urge a "no" vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair now recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, I must respond to my colleagues' statements about their concern for the consumer. I would ask my colleagues' attention to listen to these prices by the same captive stores that have the consumers' best interests at heart. In the course of our hearings, it was brought out that for a stick of butter, one-quarter pound, those same company stores were charging up to 90 cents a stick, or \$3.60 a pound for butter.

Mrs. DURHAM. Mr. Speaker?

The SPEAKER. The gentleman will yield.

It will not be necessary.

Mrs. DURHAM. Thank you.

The SPEAKER. The gentleman is advised by the Chair that he should keep his arguments strictly on the Taylor amendment, not on comments on consumerism unless they deal with the Taylor amendment. The Taylor amendment may deal with an oil derivative, but it is not butter. So the gentleman must restrict his comments to the Taylor amendment.

Mr. OLASZ. Mr. Speaker, I honestly feel that we are dealing with the consumers' best interests in my comments with the Taylor amendment, because we are trying to protect the consumer by permitting an independent to function in our society. That is the reason the Taylor amendment and this bill was brought before us, because there are people out there in the State of Pennsylvania who feel there is a necessity for government to act as their protector. I want to illustrate what is happening with some of these stores where we are hearing about concern for consumers when apparently the operators of these stores are not concerned about the consumer because they have them captive.

It was your desire that I do not continue on with the prices they are charging for milk and bread. I will respond to your desires.

The SPEAKER. That is the request of the Chair.

Mr. OLASZ. Mr. Speaker, I would just say to my colleagues in this House, if they vote for the Taylor amendment and if we make a mistake by supporting the Taylor amendment, which I am 100 percent in accord with, we are always in a position in a year or two to come back and pass another bill. But once that little man is gone from the street, where is he going to secure the funds to go back into business? Certainly the major oil companies have the financial capability of getting back into the marketplace. But with today's high interest rates, once that little man goes, he is gone forever, and I think we are witnessing that in many facets of our American life. I would ask you to support the Taylor amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Just in response to a couple of things that were said by two of the previous speakers. In regard to whether or not this is going to negatively impact on higher prices, I think that is very difficult at this point to say. All I can tell you is that in the past, the Pennsylvania Citizens Consumer Council, which represents consumer interests all throughout the State, has supported this piece of legislation and has made it a part of their legislative agenda here in the halls of the Capitol in Harrisburg.

I would just also like to point out some of the erroneous statements made by one of the previous speakers in regard to eliminating a segment of gas stations from the marketplace. That is not the case. Under this amendment that Representative Taylor has before us, there is a grandfather clause which protects all of those stations and all of the people who are wearing yellow shirts up there. They are not going to be put out of a job. They are going to be taken care of under this

provision. It is not eliminating them from the marketplace. Also, it is not eliminating from the marketplace the Arcos and the Exxons in the way they are currently operating. They can still continue to operate the types of service stations and the amount of service stations that they are currently operating. This only says that they cannot open up, if they have over 7 percent of the marketplace, any new additional company-op stations.

I think the issue is very clear, Mr. Speaker, and I believe there probably is not a member in this House who does not believe that the independent service station dealers have received a bad rap in the past 10 to 12 years on the part of the major oil companies. I think most people in this room will admit that the independent service station dealers have been severely hit, not only by the monopolistic practices of the large companies but also by the general economy and the problems that that economy has impacted upon the retail service station business. But I think the issue here is very clear. We as members of this body do a great job back in our districts and here in Harrisburg talking about helping small business people, and I think this is the opportunity that we have to voice that concern in a legitimate fashion and say to the people of Pennsylvania that we are concerned about the small service station dealers and the 5 or 6 or 10 employees that they employ down on the corners in all of our hometowns. I think that is the issue, Mr. Speaker, whether you want to come down on the side of the small business men and women who have really been the backbone of the retail service station business in the past, or do you want to continue to encourage the practices of some of the largest corporations in this country? I think as members of this body we should be encouraging the small independent business men and women of this State and not the large corporations. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Taylor, indicates he will so stand for interrogation. The gentleman, Mr. Burd, is in order and may proceed.

Mr. BURD. Mr. Speaker, as you know from discussing the amendment with me in private and also in committee, I, too, have a problem with the 7-percent market situation that is included in your amendment. I wonder if you would explain to me a hypothetical situation, whether this type of language would take care of a situation whereas you are allowing through a grandfather clause companies with existing businesses above the 7 percent to continue on and, by an act of closing down a highway or bad market in an area, allowing them to replace an existing location if that would occur. Now, my question really is, those situations where you are using the arbitrary figure, and they are arbitrary because no one seems to be able to get a true figure as far as who has what part of

any market in the State of Pennsylvania, but what I am thinking is, if we are going to allow the 7-percent figure to occur, what would keep any oil company from going into any region of this State, say the southwest, the southeast, northeast, southwest, central, whatever region we would be talking about, and actually in fact cornering the market, we will say up to a percentage of 75 or 80 percent of that particular market within that given area, and basically still be below the 7 percent? Now, if that was allowed to occur, then what about all those independent dealers in that particular area? Where is our protection for them?

Mr. TAYLOR. First of all, hypothetically I do not think it will happen. Secondly, we have in it the pricing. We also have in this amendment the ability of those dealers to buy on the open supply, on the open market, and I daresay that if some company tried to end-run this type of arrangement and tried to corner the marketplace, I think they would find themselves inundated with those dealers buying gasoline off them, and I think they would back off in a hurry. I do not perceive any one company ever, ever getting 100 percent of the marketplace in any area. I think the way the bill is structured, it will permit that competition to come in there and to exist, and with that strong competition, I do not think that is possible.

Mr. BURD. Mr. Speaker, I am done with my interrogation. I would like to make a few comments.

The SPEAKER. The gentleman is recognized for his comments and may proceed.

Mr. BURD. Mr. Speaker, we are not dealing with perceptions here; we are dealing with reality. Your language in your particular amendment does not address that problem, and I stand before you here today and I say that that could happen.

We are experiencing something in the oil and gas industry where we see companies coming in and changing market practices in such a way that they have developed better prices for the consumers of this State of Pennsylvania. They have done it through a number of different ways, through your minimarts and what have you. Basically, they have improved their market practices to the point where you and I can go to the pumps here in our State and actually buy our gasoline cheaper, and that is what we are talking about. We are talking about our ability as consumers to be able to go out and buy gas cheaply and we can shop for gas anyplace we want because we are allowing free enterprise to gauge what the price of that gasoline actually is.

Mr. Speaker, I say to you right now that I think what we are attempting to do as far as your particular amendment is concerned just on that one point and that one point only, and there are many other points that could be brought up as far as your total package is concerned which is contained in your amendment, but just on that one point alone I would caution the members of this House who are consumer oriented that this is a very bad consumer amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. Burd.

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

Mr. DeWEESE. Mr. Speaker, I just want to add about 2 minutes' worth of observations about an initiative that Bill Wachob has been in the forefront of over the years and to share my own consternation and displeasure with the administration in what I believe to be a dereliction of its commitment to small business.

Now, Bill Wachob mentioned in very cogent terms that we here many times talk about advocating small business, but many times it is just talk. It seems like we have a gentleman in the Governor's mansion and a young man who is now the Secretary of Commerce who have been going around the State espousing the efficacy of entrepreneurial initiative. I am perplexed though when I think that a decade ago on Main Street, America, in a small rural community somewhere along Maple Lane Drive and Oak Street there used to be 12,000 small gas stations, 12,000 "mom and pop" operations in Pennsylvania in the early part of the 1970's. Now there are only about 7,000. Now, that is a big, big drop. Five thousand small business men and women in Pennsylvania; 5,000 entities no longer exist. There has been a deafening silence. It seems like Richard Thornburgh—and I remember not too long ago when he got on a big jet airplane and flew to Los Angeles and he hovered around big oil like a sick kitten around a hot brick—

The SPEAKER. Will the gentleman yield.

The gentleman is concerned with ill felines, and we are not here concerned with ill felines. We will concern ourselves strictly within the limits of the Taylor amendments. The gentleman may concern himself about that and that alone in this debate.

Mr. DeWEESE. With all due respect, Mr. Speaker, the inflexible degree of propriety exacted from the Chair leaves me vexed and frustrated. I think that the British Parliament would be more flexible—

The SPEAKER. Then you will be vexed and frustrated. The Chair intends to enforce its ruling. You will stay within those limits or the Chair will ask you to sit down.

Mr. DeWEESE. If the Wachob-Taylor initiative is beaten back again, I am convinced that neither the consumer nor big oil will have a cataleptic fit. I am certain that they will survive. I am certain that small business in Pennsylvania will be resuscitated and will have a vibrant future if this amendment prevails. I ask for its adoption. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the Taylor amendment, the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Taylor, indicates he will stand for interrogation. The lady, Mrs. Taylor, is in order and may proceed.

Mrs. TAYLOR. Mr. Speaker, for some of us this is a very difficult situation to understand completely, and especially since it did not come out of committee—and I am an advocate of the committee system—I do have some questions that I need to have answered.

I listened very closely to your responses to Representative Flick, but I would like to go one step further and ask you how many dealer owned and operated companies do we now have?

Mr. TAYLOR. Are you asking me how many dealer owned and operated—

Mrs. TAYLOR. Dealer owned.

Mr. TAYLOR. Now, you have to rephrase that question. If you are talking about dealers who own the property—

Mrs. TAYLOR. No; I am talking about dealers who are selling from the five companies.

Mr. TAYLOR. Through a leased outlet?

Mrs. TAYLOR. Yes. Correct.

Mr. TAYLOR. There are approximately 7,000, I believe, in the State.

Mrs. TAYLOR. Seven thousand.

Mr. TAYLOR. Now you want to know how many company-owned operations? I believe that will probably be your next question.

Mrs. TAYLOR. Right.

Mr. TAYLOR. Okay. I anticipated that.

There are probably in the neighborhood of—I am going to give you an estimate because we do not have the exact figure on it—over 700. These are very high volume-type operations.

Mrs. TAYLOR. Over 700—

Mr. TAYLOR. Company-owned operations.

Mrs. TAYLOR. Only 700?

Mr. TAYLOR. Over 700 of them.

Mrs. TAYLOR. Mr. Speaker, do you have any idea of how those 700 are broken down among the big five?

Mr. TAYLOR. I am going to give you estimates again. I think that it is safe to say that Arco would have the largest percentage of those; I think next in line would probably come Exxon and BP/Boron, in that area; then Gulf, and of course, you know, the ones on the— There are some company operations that are owned by companies that do not fly the company flag but trade under a different name. They are company owned, but they do business under a different name. There are quite a few of those around, too.

Mrs. TAYLOR. Mr. Speaker, is it possible or is it not possible that we will ever have any oil company be over the 7 percent of the Pennsylvania gasoline market? For example, I am asking, do you anticipate that maybe somehow these folks will work it around so that instead of there being five that are over the 7 percent, next year there could be only three? Or do you anticipate that maybe next year there will be 10 that would be over the 7 percent? What is the future of that 7-percent cutoff?

Mr. TAYLOR. I think that the real true answer to that—and I am not trying to evade the answer—lies in the corporate boardrooms of those very large oil refineries. They will have to make those decisions. I think they are attuned to the marketplace. They know the direction that they want to go. I think they will have to make those decisions in the corporate boardrooms. That will be up to them to make.

Mrs. TAYLOR. But at this point you do not know.

Mr. TAYLOR. I could not anticipate the actions of a cor-porative boardroom of some large refinery such as Arco or Sunoco because I am not privy to what they are doing. But the direction that they are going in seems to be that they were headed in the direction of capturing all the gasoline retail outlets in this Commonwealth.

Mrs. TAYLOR. I appreciate that, Mr. Speaker, but I also appreciate that those of us who must vote on this legislation, without having it come through the committee system, are now wondering just what the future will be. We seem to have some figures, not all figures. We seem to have some figures so that we know what we may be voting on today, but how do we know what we are doing to not only the gas station owners, not only Sun Oil Company, but also the business in Pennsylvania?

Mr. TAYLOR. I think that you will be seeing a very healthy, very competitive, very good marketplace out there if this amendment passes. It will allow for a certain amount of expansion. It will allow for a certain amount of expansion to the dealer system, a certain amount of expansion to company operations, and it will allow those in the medium-type refinery capacities to be the competition in the marketplace and therefore keep the price down.

Mrs. TAYLOR. If I could just pursue this one more time, I have to pursue this because I want to put up a good vote. I want to know whether in your study of this bill, Mr. Speaker, if you would say that your educated guess would be that we would have less than five in the future or we would have more than five in the future.

Mr. TAYLOR. More than five companies participating in the 7 percent?

Mrs. TAYLOR. Yes, over the 7 percent.

Mr. TAYLOR. I can see the expansion of Southland Corporation, which is an owner of 7-Eleven. I can see them expanding somewhat in our State. I can see Hess expanding, and they have indicated expansion to us in our State. I can see Marathon expanding in our State and being competition in the marketplace. I think those types of entities will be the competition in the marketplace, and they fall within this 7 percent.

Mrs. TAYLOR. Mr. Speaker, may I make a statement?

The SPEAKER. The lady is in order and is so recognized.

Mrs. TAYLOR. Mr. Speaker, I have heard over the past 7 years many, many debates in the hall of this House. I am bewildered to hear the debate on this particular question, when both sides are protecting the consumer; when both sides are advocates of the free enterprise system. It seems to me that in a clear-cut debate that should not be so.

I have had the experience of having many people lobby for one side or lobby for the other. We have had lobbying on both sides of the question, heavy lobbying on both sides of the question. I suggest to my colleagues in the House that they, are the lobbyists, they are the lobbyists for the consumer, and the consumer is the person for whom you vote today. Thank you very much.

The SPEAKER. The Chair thanks the lady.

On the Taylor amendment, the Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Taylor, indicates he will stand for interrogation. The gentleman, Mr. Haluska, is in order and may proceed.

Mr. HALUSKA. Mr. Speaker, I hear so many remarks here that this amendment is supposed to provide guardianship for the independent merchant, the independent retailer of the gasoline station. How then are you going to deal with a situation regarding the independent merchant who is being confronted by the Scheetz, by the 7-Elevens, the Arco minimarkets, who are currently selling gasoline below the price level that these people can purchase the gas? There is no way that this amendment is going to have anything to do, as I see it.

Mr. TAYLOR. Let me answer this. I know that this is of great concern to you, sir.

The original form of straight-out divorcement did not and would not address that problem. It does not address that problem, nor does the amendment address that. Those are people out there in the marketplace who are not refineries. The original divorcement concept as was passed in Maryland that was perceived in this General Assembly, the real extreme end of that spectrum, did not address it either, because they are not refineries. What we are talking about here are refineries that have captive operations versus those people whom they supply with the same product which have given them an untenable position in the marketplace, and that is what this addresses. It does not address your problem. You are absolutely right.

Mr. HALUSKA. Well, I question that, Mr. Speaker, from the standpoint that you should also address the distributor. This is a way in which they can circumvent the issue, and I think if we are talking about small business, let us really get down to brass tacks and deal with the small businessman's problem.

Mr. TAYLOR. There is one area here that could be used in the amendment, and that would be the 5 percent below the posted price on the street. A dealer would have the option of going there and buying gasoline from whoever is getting it, so long as it was not below the terminal price. He would have some leverage in the marketplace, but not to the extreme that you would like to see happen. He would have a little leverage, but not as much as you would like.

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

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

Mr. HALUSKA. I think we are a little confused here. I think basically what we are trying to do is control the large oil companies. I think in one sense they are talking about protecting the independent merchant, and on the other hand, they are trying to restrict the further development of the large oil companies to establish service areas.

I think it is very important, if we are talking about small business, that we should relate to that. We should relate to the individual who is out there in a small community who is being confronted by the so-called jobber outlet stations who are undermining the price structure of gasoline and therefore making it impossible for these people to continue to sell gas. It is these people who service the automobile—people come in and they want their windshields or their wipers or their oil checked, and they want many other things—and we are gradually causing these people to disappear from the scene in every community. I think it is very important that we give some consideration to this entity. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the Taylor amendment, the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Would the gentleman stand for interrogation briefly for several more questions?

Mr. TAYLOR. Yes.

The SPEAKER. The gentleman, Mr. Taylor, indicates he will stand for interrogation. The gentleman, Mr. Flick, is in order and may proceed.

Mr. FLICK. Thank you, Mr. Speaker.

Earlier it was mentioned that the refiners listed as the six individual refining companies that are above 7 percent had significant market shares. However, when the question was asked how many actual company owned and operated retail outlets they had, it was very insignificant - approximately 10 percent. I wonder, Mr. Speaker, if you could provide me with the numbers of company owned and operated stations for each of those six that exceed 7 percent?

Mr. TAYLOR. I am not able to give you that information, but I can give you the explanation of what has happened. Those types of company-owned operations are high, very high volume, targeted types of areas, and that is what they are doing. They are using those as a way to dispense a high volume of gasoline in those company-owned operations. They are not large in number, but they are very, very significant in the total volume.

Mr. FLICK. Thank you, Mr. Speaker.

I am also aware of many independently operated retail outlets that also have considerably high volume locations. I think that is a matter of marketplace determination, but, Mr. Speaker, in your committee hearings I am sure you must have determined the numbers of retail outlets that each of the major refiners had, and since your hearings were very thorough and very complete, would you share that information with me?

Mr. TAYLOR. From the 72 hours of testimony that we received, there were quite a few figures given to us. I gave you approximate figures, and I think that those will stand up. To be real precise in giving each individual number, I think, is irrelevant, I mean, to the question. Either you support the position of the answer that I gave you that they are high volume, very high volume operations, and do impact significantly on the sale of gasoline in our Commonwealth.

Mr. FLICK. Thank you, Mr. Speaker.

I do not believe it is irrelevant as to the number of stations that each refiner would operate. While you have high significant market shares, I think what we are really talking about is, you know, the number of company owned and operated retail outlets and the location that they have in the Commonwealth. If you have merely 700 spread across the Commonwealth, I hardly see that that is—

The SPEAKER. Will the gentleman yield.

Has the gentleman finished his interrogation?

Mr. FLICK. I am still trying to get answers. If there were 72 hours of testimony—

The SPEAKER. Would the gentleman please ask the question, then get an answer, and then we will recognize him to make a statement.

Mr. FLICK. Did the committee ever ask those refiners who exceed 7 percent how many company owned and operated stations they have?

Mr. TAYLOR. We did not ask where they were located. We asked approximately the number that they had, and that is the figure that I gave you - over 700 company-owned operations. We did not ask if they were on Elm Street or Peach Street or Walnut Street or whatever street. We did not ask what community they were in. I mean, they gave us a figure of approximately how many they had, and that bounces back and forth.

Mr. FLICK. Thank you, Mr. Speaker.

I thought maybe the price zones that you established were based on some reasonable expectation of where the company owned and operated stations were and where the nature of the unfair competition—

The SPEAKER. Will the gentleman yield.

The gentleman did not ask to rise to debate the issue with the sponsor. The gentleman rose to ask a question. Now, the gentleman will strictly confine himself to asking questions, and when the gentleman is through, the Chair will recognize him to debate the issues, but not during interrogation.

Mr. FLICK. Thank you, Mr. Speaker.

Mr. Speaker, do you know approximately—I have not heard any numbers for individual refiners—do you have any idea as to the approximate breakdown of that 700 by refiner, as you have market share percentages? This information, I feel, is important for me to make a decision.

Mr. TAYLOR. Not offhand, we do not.

Mr. FLICK. Thank you.

May I make a statement, Mr. Speaker?

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

Mr. FLICK. Again, Mr. Speaker, I think that the maker of the amendment has substantiated the facts that the amendment here is arbitrary and capricious and not founded on good, solid discovery of where these independent stations lie, of how many each refiner has that exceed 7 percent, and again, I think it discriminates arbitrarily against a certain class in the private sector. I urge a “no” vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

One of the basic concepts, I think, of this amendment is to deal with the problem of business failures, or at least that seems to be what has been brought forward, that many small independent dealers have been going out of business. I think that we need to look at a broader perspective and recognize that there have been small businesses going out of business over the past decade in almost every sector. One of the major problems has been the fact that money has been so high in interest, and so any business, in getting the inventory that is necessary to function or in making the repairs that are necessary, that small dealer finds it very difficult to compete with anyone who has the money and the wherewithal to do it.

I have not interrogated all of the small businesses, the small gas stations, that have gone out of business, but I know the one fellow I dealt with very regularly went out of business because gasoline prices went from about 40 cents to over \$1, and so when his supply truck pulled up at his station, he had to have more money, far more money than he ever really knew about before, in order just to pay for the inventory so he could continue in business. And because he was a small dealer, he did not have that kind of dollars in his bank account, and he had to go out and borrow it. And when he had to go out and borrow it at 15 and 18 percent, he could no longer stay in business. That relationship had nothing to do with large dealers or small dealers; it had to do with an economic situation which has overcome our entire industry and one that we must deal with and one that in some sense we must take responsibility for, because those high interest rates are the direct result of some of the irresponsible spending that we have done.

I was connected with the milk industry, and there we had price controls in order to protect the small dealer. The number of stops that I made as a salesman dwindled as time went on because the small dealers continued to go out of business. And you think in your neighborhood and your community how many small dairies remain. The big dairies continue because they are financially able to meet these economic hard times.

The SPEAKER. The same restrictions are placed upon the gentleman, Mr. Saurman, as on the gentleman, Mr. Olasz. We are not debating dairies. We are debating oil divorcement, specifically the Taylor amendment. Stick to that, please, sir. You may continue.

Mr. SAURMAN. Yes, sir.

It was my intention, Mr. Speaker, to just show that this amendment has widespread implications and that if we adopt the Taylor amendment, we get into some very dangerous precedents for which there has been past experience, and we should keep this in mind when we act upon this particular amendment - that we are dealing with an economic situation that is wider than just the area covered directly by the Taylor amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, for the second time, the Chair recognizes the gentleman from York, Mr. Foster.

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

In supporting the Taylor amendment, I have to look to our neighbor to the south, the State of Maryland, which has passed oil divorcement legislation in a far more extensive form than we are considering today. The critics of the Taylor amendment speak of higher prices that will result from the Taylor amendment. They speak of the ills which we might obtain from such legislation as the Taylor amendment. I would like to say that I spent the months of January through March of this year driving back and forth to a hospital in the State of Maryland. Gasoline was cheaper in the State of Maryland during that period. I also have relatives who live in the State of Maryland. They come to York and to Hanover to shop. They do a lot of shopping in York County and in Pennsylvania, but they do not buy any gasoline in Pennsylvania unless they are darn near out of gasoline. I once again advocate support for the Taylor amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the Taylor amendment, the gentleman from Butler, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

In answering the previous speaker on the Maryland situation, those questions were specifically asked by the committee in a committee hearing that we were having as to why can I go through Maryland and buy my gas cheaper? And basically, after all the people tried to get around that particular fact, the answer finally did come out. The reason we are able to buy, or anyone is able to buy, gas cheaper in Maryland is because Maryland's taxes are lower than they are here in Pennsylvania. That is why you are able to buy your gas cheaper in that other State.

The result of the divorcement legislation in the State of Maryland also did a couple of things, and I will appeal again to those of you who are interested in the consumer side of this. Basically, oil divorcement led to less hours where the stores were open, and of course, if you are going to be open for less hours, then you are going to provide less service, so the oil divorcement situation as far as Maryland and as far as the State of Pennsylvania, there is no comparison at all. I just wanted to bring that out to this membership so that they know how very, very thoroughly the Business and Commerce Committee worked on this piece of legislation to try to make it right for the people of this Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Taylor, indicates he will so stand. The gentleman, Mr. Peterson, is in order and may proceed.

Mr. PETERSON. Thank you, Mr. Speaker.

I would like to preface my question by saying that in the 5 1/2 years that I have served in this House, I have had nothing but the highest respect for the maker of this amendment, and as a long-time member of the Business and Commerce Committee and as a small businessman himself, we have had a lot in common and had many good discussions about what we need to do about business.

But, Mr. Speaker, in your recollection, has this General Assembly ever entered into the marketplace in any similar fashion?

Mr. TAYLOR. Milk control.

Mr. PETERSON. Any other?

Mr. TAYLOR. The liquor business.

Mr. PETERSON. Do you feel those have been effective?

Mr. TAYLOR. What?

Mr. PETERSON. Do you feel those were effective for the taxpayers of Pennsylvania?

The SPEAKER. Will the gentleman yield.

The Chair is simply not going to permit it. Keep your questions to the Taylor amendment, not his opinion on what has been effective and has not been. The debate is on the amendment. You will limit yourself, sir, strictly to that debate.

Mr. PETERSON. Mr. Speaker, do you have any concerns of government entering into this type of control in the marketplace as a businessman yourself?

Mr. TAYLOR. Are you asking me whether I personally feel that this will have a detrimental effect on the business community?

Mr. PETERSON. I guess I have feelings both ways myself as a businessman, and I feel we are stepping into new territory—

The SPEAKER. Will the gentleman yield.

I do not know why it is so difficult. The opinions of Mr. Taylor are not here at issue. How he feels about anything is not at issue. The only thing which is at issue is, shall the House adopt the Taylor amendment, not how he feels about it, nor what his dog wags his tail about, or whether his wife buys butter. The question is, shall the House adopt the Taylor amendment? It is that simple.

Mr. PETERSON. May I make a few comments?

The SPEAKER. On the Taylor amendment?

Mr. PETERSON. Yes.

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

Mr. PETERSON. Thank you, Mr. Speaker.

I rise as a small businessman myself who has empathy for the independent dealer. I have been an individual who purchased a corner grocery store, which is something that has disappeared from Pennsylvania and America. My brother and I, when we first purchased that store, expanded it and we grew a little bit bigger than a small grocery store, and that is the only reason we survived. So I have a feeling for what is happening out there with independent dealers.

If the Speaker would allow me just to share a few comparisons, it has been mentioned here that we did control milk.

Twenty years ago, when I went in the retail food business, we had 3,000 dairies in Pennsylvania; today we have less than 50.

I am afraid that the bill that is before us today will not solve the problems that are out there. They will not take care of the marketplace in the way many of us hope that they can. I am not sure we can do that. As a small grocer myself, I have had to compete against the A&P's and the Krogers, and it is not easy. No independent businessman in Pennsylvania is having it easy today. As Representative Saurman mentioned, interest costs, unemployment, workmen's compensation costs, and the things that have quadrupled in the last decade have made it very difficult for all retailers who are independents to make a profit. It has been very, very difficult, and I am not sure we can pass legislation that will keep independent dealers over the long haul. I am not sure we could have passed legislation two decades ago that would have kept the corner grocer. The consumer demand is bringing the corner grocer back today in 7-Elevens and other stores. Some of them retail gasoline; many of them do not. But the marketplace is changing. Our whole society is changing, and I am not so sure that what we are doing here today does not just add to the economic woes of Pennsylvania. The whole country knows we have a very high cost of doing business in this Commonwealth. It is not a good economic climate. We are saying to the business community, whom we want to come here and create jobs in all fields, that this legislature, if we do not like the way you do business, will tell you whether you can retail your product. I can see the clothing stores asking us to outlaw clothing outlets. They are becoming very popular all over the country. I can see all kinds of retailers coming to us.

So I rise today as an independent businessman who cares about the independent dealer, but I believe that the bill before us does not solve the problems for the independent businessman; it will only make them worse. I oppose the Taylor amendment for those reasons.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

The SPEAKER. The gentleman, Mr. Taylor, will stand for interrogation. The gentleman, Mr. Richardson, is in order and may proceed.

Mr. RICHARDSON. Mr. Speaker, could you share with us the reason why this committee, which held hearings in Monroeville and other parts of the western part of the State and in Harrisburg, did not hold hearings in Philadelphia?

The SPEAKER. Will the gentleman restate the question?

Mr. RICHARDSON. Yes. I asked the gentleman whether or not he could share with the members of this House why his committee may have held hearings in the western part of the State but did not hold any hearings in the city of Philadelphia, which is the largest city in the Commonwealth.

The SPEAKER. Will the gentleman yield.

Apparently the Speaker and the members of the House are on entirely different wavelengths, and I must confess it may

be the fault of the Speaker. I may have grown old and stupid, but I thought the question before the House was, shall the House adopt the Taylor amendment, not his opinion, not where did you hold hearings, not the size of Philadelphia, or anything like that.

Will the gentleman please restrict himself strictly to the question at hand.

Mr. RICHARDSON. Yes, Mr. Speaker.

I would like to ask whether or not in the 7-percent section of this bill, 7104, you can share with us who the benefactors of the 7 percent are when you talk about U.S. Steel and Marathon? Could you share with us who the other beneficiaries are of the 7-percent clause that you have in this amendment?

Mr. TAYLOR. I believe I answered the question to one of the other persons.

Mr. RICHARDSON. I did not hear it, sir, and I am asking the question.

Mr. TAYLOR. There are those refineries out there such as Southland Corporation, which does business in our State, Marathon, Hess, Ashland, people like that, who would not be in that 7-percent category.

Mr. RICHARDSON. But I would like to know whether or not you can share with us, if you know, in relationship to the 7 percent—because I thought the section was added for the purpose of trying to make sure that those persons were in fact taken care of—I would just like to know whether or not you can share with us where they fit in terms of those above the 7 percent and those below. I am not clear on how U.S. Steel and Marathon, who are not a part of the oil refinery business now, have gotten into that business and whether or not the 7 percent speaks directly to them.

Mr. TAYLOR. The answer that I can give you to that is that in the compromise type of arrangement that this is, as I said from the very beginning, it tried to strike the middle ground. There are those people in the business who are presently doing business in Pennsylvania who, if oil divorcement went in in its purest form, would be out of business. That would be very restrictive to the marketplace.

The feeling and thought behind this amendment was to allow those people who are in business to stay in business and those who do not have that percentage of the marketplace to at least work and be the competition. They are the competition and will be the competition in the marketplace. It allows a fair compromise.

Mr. RICHARDSON. If there was a compromise struck—and I want to make sure I am not going too far afield—I would like to know whether or not it is permissible to ask a question as to who was a part of the compromise in making this final decision on this amendment.

The SPEAKER. The gentleman is out of order. That does not deal with the subject matter of the amendment.

Mr. RICHARDSON. All right. Then I would like to ask one final question, and that is on the posting requirements in 7109. Is it not a fact that basically the pricing now is already a posting requirement for prices in gasoline stations within the Commonwealth of Pennsylvania?

Mr. TAYLOR. It is not required.

Mr. RICHARDSON. Pardon me? I did not hear your answer.

Mr. TAYLOR. It is not required.

Mr. RICHARDSON. All right, Mr. Speaker. I have no other interrogation.

I would like then to speak to the amendment.

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

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

Mr. Speaker, I wanted to try to get a couple of points of clarification: one, as to how we arrived at this issue; number two, how we got to the final conclusion, because I am not convinced that all of the retailers within the Commonwealth of Pennsylvania nor all of the oil companies are in agreement with this legislation that presently is in front of us. I have always had the distinct opinion and impression that at least when it came down to looking at the various areas of concern, that when I pass gasoline stations I have seen the pricing already affixed on the outside of those gasoline stations.

The fact that we have come this far through the committee process and then been told that this extensive amendment that deals with this issue has not brought us any closer to really resolving this matter has left a cloud of doubt within my mind as to whether or not we are in fact doing the right thing. While we have not had an opportunity to share with some of our own individuals within our own city concerning this matter who wanted to come out and testify, we did not have hearings in Philadelphia to answer any of those specific questions. It has been stated that the same questions are asked over and over again, but it seems that we get different answers and different responses as to where do we stand on the various issues.

PARLIAMENTARY INQUIRY

Mr. RICHARDSON. I would like to ask a parliamentary question, Mr. Speaker, and that is whether or not any of this Taylor amendment is divisible, and I am speaking specifically to the point of the grandfather clause that is in this amendment.

The SPEAKER. Where would the gentleman suggest that the division be made?

Mr. RICHARDSON. Mr. Speaker, I have been trying to find the specific language that deals with the grandfathering clause concerning the jobs question.

The SPEAKER. The House will stand at ease. Confer with the gentleman, Mr. Taylor. Perhaps he can show you that language.

WELCOMES

The SPEAKER. While the House is at ease, the Chair is delighted to welcome to the hall of the House, as guests of the Speaker, Mary Ruth Sole from Los Angeles and her two daughters, Mary Lee and Jennifer. Mary Lee is a senior medical student at UCLA, and Jennifer is a sophomore at Bucknell University.

Also visiting with us today is a group of employees and members from Adams Electric Cooperative, Inc. They have their main headquarters in Gettysburg. They serve Adams, York, Cumberland, and Franklin Counties, and they are here as guests of Representatives Broujos, Lehr, Noye, Snyder, Cole, Foster, Dorr, Kennedy, and Coy.

Representatives Bunt and Godshall have guests here from the Indian Valley Chamber of Commerce. They are in the House gallery with President Charles Allebach and Director Sharon Minninger.

And to make sure that Representative Lester "Hefty" Fryer toes the mark, his wife, Mary, not only came to watch him; she brought her sister, Ruth Sork, and her sister's husband, Frank Sork. They are here as the guests of Representative Fryer.

CONSIDERATION OF SB 11 CONTINUED

The SPEAKER. The House will now return to order.

Has the gentleman from Philadelphia, Mr. Richardson, decided where he would like to suggest the division be made?

Mr. RICHARDSON. Yes, Mr. Speaker. At 7104, because evidently the information that was shared with us concerning the specific grandfathering clause that specifically indicated that it would be grandfathered in, I understand now is a part of the language that is inserted in 7104 specifically, and I wanted to know whether or not we could vote on the section concerning the 7 percent separately from the rest of this amendment.

The SPEAKER. The Chair has looked quickly—of course, it has not had a chance to study it—at the suggested place of division, and it is the Chair's opinion that the division cannot be made at that point.

In order for a division to be made in an amendment, each part of the part divided must stand alone and be decided by the House. If you were to divide at paragraph 7104, there would be no reference page for the House to refer to if it were to take up 7104 as a separate section. Consequently, it is the Chair's opinion that the gentleman's request may not be honored at this time, not at that point.

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

Then, Mr. Speaker, I would just like to make a final comment.

The SPEAKER. The gentleman's remarks are in order and he may proceed.

Mr. RICHARDSON. Mr. Speaker, there are several provisions within the amendment that has been placed before us that have a lot of words in them but do not speak directly to the areas of other concerns that we feel need to be raised specifically at this time.

It seems to me that the 7-percent clause leaves very much to be desired. In fact, whom are we actually going after? If we are in fact talking about trying to get at companies which are above 7 percent, then it seems to me that we are splitting oil companies versus oil companies. If we indicate that this is going to take care of those below 7 percent and exclude them

from the market area altogether and not make them a part of divorcement, then I raise the question, is divorcement good or is it bad? If it is good for some, then why is it not good for all?

It seems to me that we have not really addressed that issue, and whether or not we have had 72 hours or more, or whatever, it seems that there are certain questions that have come to mind that say that everyone is not in agreement with this issue and specifically that there is not an overwhelming sentiment on either side of the issue. Because the House is so divided on this matter, it has left a lot of ambiguity as to how we should proceed on this matter. And even though it has been brought up as a question to be dealt with today outside the committee structure, I have serious questions as to whether or not this would in fact, for our gasoline stations across the Commonwealth, keep them open.

It is my opinion that we would have great severity with respect to the consumers within this Commonwealth, that if this were to pass, while you look at some stations now that are not giving the kind of service that you would like, I would venture to say that we will probably lose a lot more gasoline stations within the Commonwealth of Pennsylvania. I therefore oppose the Taylor amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Taylor amendment, the Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I was also going to suggest that because of the constitutional question involved, we eliminate section 7104 from this amendment by a separate vote.

The SPEAKER. The Chair has already looked at that, and it is the opinion of the Chair that if we were to do that and then call up section 7104 on a separate vote on a separate piece of paper, it would not refer to any part of the established law. There would be no reference point. The Chair thinks the only way this could be done is if the amendment were withdrawn by the author and a separate amendment drawn including the language at 7104 with reference to a specific law or a specific line that it could be attached to. But if we were to divide this just now and then call it up on the floor and ask the House to vote for 7104, it would mean 7104 to what? There would be no indication as to what it could be attached to.

Mr. L. E. SMITH. Could we have a minute?

The SPEAKER. Surely. The House will stand at ease.

MOTION TO SUSPEND RULES

The SPEAKER. The House will return to order.

The Chair recognizes the gentleman, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I would like to suggest that we suspend the rules so that I might offer that amendment to the amendment.

The SPEAKER. Does the gentleman have the amendment ready?

Mr. L. E. SMITH. No.

The SPEAKER. The question is, shall the House suspend its rules so that the gentleman, Mr. Smith, may offer an amendment which under the rules he would not be permitted to offer?

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

The following roll call was recorded:

YEAS—93

Angstadt	Flick	McClatchy	Robbins
Armstrong	Foster, W. W.	McVerry	Ryan
Arty	Gallen	Mackowski	Saurman
Belardi	Gannon	Madigan	Scheetz
Book	Geist	Manmiller	Schuler
Bowser	Gladeck	Marmion	Semmel
Boyes	Godshall	Merry	Serafini
Brandt	Greenwood	Micozzie	Sirianni
Bunt	Grieco	Miller	Smith, L. E.
Burd	Gruppo	Moehlmann	Snyder, D. W.
Burns	Hagarty	Mowery	Snyder, G. M.
Cessar	Hasay	Nahill	Spencer
Cimini	Hayes	Noye	Spitz
Civera	Herman	O'Brien	Stairs
Clymer	Hershey	Perzel	Stevens
Cornell	Honaman	Peterson	Swift
Coslett	Jackson	Phillips	Taylor, E. Z.
DeVerter	Johnson	Piccola	Telek
Davies	Kennedy	Pitts	Vroon
Dietz	Klingaman	Pott	Weston
Dininni	Lashinger	Punt	Wilson
Dorr	Lehr	Reber	Wogan
Durham	Levi	Reinard	Wright, J. L.
Fargo			

NAYS—105

Afflerbach	Duffy	McCall	Salvatore
Alderette	Evans	McHale	Seventy
Baldwin	Fattah	McIntyre	Showers
Barber	Fee	McMonagle	Smith, B.
Battisto	Freeman	Maiale	Steighner
Belfanti	Fryer	Manderino	Stewart
Beloff	Gallagher	Markosek	Stuban
Blaum	Gamble	Mayernik	Sweet
Broujos	George	Michlovic	Taylor, F. E.
Caltagirone	Gruitza	Miscevich	Tigue
Cappabianca	Haluska	Mrkonic	Trello
Carn	Harper	Murphy	Truman
Cawley	Hoeffel	O'Donnell	Van Horne
Clark	Hutchinson	Olasz	Wachob
Cohen	Itkin	Oliver	Wambach
Colafella	Jarolin	Petrarca	Wargo
Cole	Kasunic	Petrone	Wass
Cordisco	Kosinski	Pievsky	Wiggins
Cowell	Kowalyszyn	Pistella	Williams
Coy	Laughlin	Pratt	Wozniak
Deluca	Lescovitz	Preston	Wright, D. R.
DeWeese	Letterman	Rappaport	Wright, R. C.
Daley	Levin	Richardson	Zwikel
Dawida	Linton	Rieger	
Deal	Livengood	Rudy	Irvis,
Dombrowski	Lloyd	Rybak	Speaker
Donatucci	Lucy	Saloom	

NOT VOTING—3

Foster, Jr., A.	Freind	Kukovich
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EXCUSED—2

Fischer	Morris
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Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—109

Afflerbach	Dombrowski	Lescovitz	Scheetz
Alderette	Duffy	Letterman	Semmel
Angstadt	Fee	Livengood	Serafini
Baldwin	Foster, Jr., A.	Lucyk	Seventy
Battisto	Freeman	McClatchy	Smith, B.
Belardi	Fryer	McHale	Snyder, D. W.
Belfanti	Gallagher	Manderino	Snyder, G. M.
Book	Gamble	Manmiller	Steighner
Boyes	Geist	Markosek	Stevens
Broujos	George	Mayernik	Stuban
Bunt	Gladeck	Michlovic	Sweet
Caltagirone	Godshall	Micozzie	Swift
Cappabianca	Gruitza	Miscevich	Taylor, F. E.
Cawley	Gruppo	Moehlmann	Tigue
Cessar	Hagarty	Mrkonic	Trello
Civera	Haluska	Murphy	Van Horne
Clark	Harper	O'Donnell	Wachob
Clymer	Hayes	Olasz	Wargo
Cohen	Hoeffel	Oliver	Wass
Colafella	Hutchinson	Petrarca	Wilson
Cole	Itkin	Petrone	Wozniak
Cordisco	Jackson	Pievsky	Wright, D. R.
Cornell	Jarolin	Pistella	Wright, R. C.
Cowell	Kasunic	Pratt	Zwikel
Deluca	Kosinski	Preston	
DeWeese	Kowalyszyn	Reber	Irvis,
Daley	Lashinger	Rybak	Speaker
Dawida	Laughlin	Saloom	

NAYS—88

Armstrong	Fargo	McVerry	Robbins
Arty	Flick	Mackowski	Rudy
Barber	Foster, W. W.	Madigan	Ryan
Beloff	Gallen	Maiale	Salvatore
Blaum	Gannon	Marmion	Saurman
Bowser	Greenwood	Merry	Schuler
Brandt	Grieco	Miller	Showers
Burd	Hasay	Mowery	Sirianni
Burns	Herman	Nahill	Smith, L. E.
Carn	Hershey	Noye	Spencer
Cimini	Honaman	O'Brien	Stairs
Coslett	Johnson	Perzel	Stewart
Coy	Kennedy	Peterson	Taylor, E. Z.
DeVerter	Klingaman	Phillips	Telek
Davies	Lehr	Piccola	Truman
Deal	Levi	Pitts	Vroon
Dietz	Levin	Pott	Wambach
Dininni	Linton	Punt	Weston
Donatucci	Lloyd	Rappaport	Wiggins
Dorr	McCall	Reinard	Williams
Durham	McIntyre	Richardson	Wogan
Evans	McMonagle	Rieger	Wright, J. L.

NOT VOTING—4

Fattah	Freind	Kukovich	Spitz
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EXCUSED—2

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

JUDICIARY COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Rappaport, rise?

Mr. RAPPAPORT. Mr. Speaker, may I have leave to make an announcement of a committee meeting?

The SPEAKER. The gentleman may proceed to make the announcement.

Mr. RAPPAPORT. Mr. Speaker, there was a meeting of the Judiciary Committee scheduled for this morning at 10 o'clock. The meeting, however, was preempted by the desires of the Chair to start at 9 o'clock. That announced meeting will take place at the announcement of the lunch break in room 401. Judiciary Committee meeting in room 401 at the lunch break. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Fattah, rise?

Mr. FATTAH. Mr. Speaker, my button was inoperative on the vote on the Taylor amendment A3481 to SB 11. I would like to be recorded in the negative.

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

Mr. FATTAH. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, a parliamentary inquiry.

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

Mr. DAVIES. Mr. Speaker, is there any way that as a member I can ascertain whether or not a member of the Fourth Estate has been in attendance during this deliberation and debate, other than making an inquiry of the Chair?

The SPEAKER. Would the gentleman approach the podium? I do not understand.

(Conference held at Speaker's podium.)

STATEMENT BY MR. DAVIES

The SPEAKER. The Chair recognizes the gentleman, Mr. Davies, who asks for unanimous consent to make a brief statement. The Chair hears no objection. The gentleman is in order and may proceed.

Mr. DAVIES. Mr. Speaker, I had notice by our local newspaper that the Associated Press gentleman, Mr. Pettit, had made statements relative to the spirit of the season, Halloween, about trick or treat and some ghost voting by various members of this body, and I think he even went to speak about the voting habits of one individual. I have not been able to determine in several visits back and forth the physical presence of that same gentleman during this rather important debate.

I was just wondering whether or not it was the intent of the gentleman or whether I should pursue that gentleman if it is

his intent to cover this story full in absentia and whether or not the tit for tat of the season or the spirit of this season would seem to bring about a play between ghost voting and ghostwriting. I think we had that question some other time about certain coverage, and I am perplexed by that situation. I just wonder whether that was in keeping with Halloween or just what it was, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF SB 11 CONTINUED

On the question,

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

Mr. A. C. FOSTER offered the following amendments No. A3471:

Amend Title, page 1, line 5, by inserting after "TAX" and for the issuance of registration and certificates of title

Amend Sec. 1, page 1, line 8, by striking out "Section" where it appears the second time and inserting

Sections 1109 and

Amend Sec. 1, page 1, line 9, by striking out "is" and inserting

are

Amend Bill, page 1, by inserting between lines 9 and 10 § 1109. Refusing issuance of certificate of title.

The department may refuse issuance of a certificate of title when it has reasonable grounds to believe:

(1) That any required fee has not been paid.

(2) That any taxes payable under the laws of this Commonwealth on or in connection with, or resulting from, the acquisition or use of the vehicle have not been paid except that the department shall not refuse to issue the registration but may hold the certificate if a tax is paid but it has reasonable grounds to believe the amount of tax paid is understated, in which case it shall issue the registration and notify the Department of Revenue of its findings so that the Department of Revenue can assess the tax due under the provisions of Article II, Part VI, Chapter IV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(3) That the applicant is not the owner of the vehicle.

(4) That the application contains a false or fraudulent statement.

(5) That the applicant has failed to furnish required information or documents or any additional information the department reasonably requires.

On the question,

Will the House agree to the amendments?

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

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

Amendment 3471 to SB 11 was introduced to prevent this type of scenario: If you, as a resident of the Commonwealth, were to buy an automobile and get a good buy on that automobile, you go over to PennDOT to have the vehicle titled and get registration in your name, and we will say that you paid \$4,000 for the vehicle. You might be advised upon going in to get your title and tags that, sir, according to the red book market value of this vehicle, it is worth substantially more

than that; you are going to have to pay tax on what we think the vehicle is probably worth rather than what you paid for it.

After a long hassle you might be advised to go back home and get a notarized statement, a notarized bill of sale, or a notarized statement from a dealer as to what the vehicle is worth.

The SPEAKER. Will the gentleman yield for a moment?

It has been brought to the Chair's attention that the House may have removed from the gentleman's purview the language to which he wishes to attach his amendment. The Taylor amendment may have done that. If that is so, then the gentleman's amendment is not pertinent. The House will stand at ease until we check this out.

WELCOMES

The SPEAKER. While the House is at ease, the Chair is delighted to welcome, as guests of the majority leader, Mr. Manderino, the mayor of West Newton, Walter Klich; former councilman, Dan Donahue; and his son, John. They are here now as the guests of Jim Manderino.

We have a group of senior citizens here at the rear of the hall of the House from Bensalem. They are here as the guests of Representative Burns. Interestingly enough, this must be the day when relatives have decided to come and check on their husbands and nephews, because Mrs. Wisneski is in that group, and though she is from Bensalem, she is the aunt of Representative Jerry McMonagle. Welcome.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Gannon, rise?

Mr. GANNON. Mr. Speaker, on the roll-call vote on amendment A3481 to SB 11, it shows my vote to be in the negative. I wish to be recorded in the affirmative on that, Mr. Speaker.

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

CONSIDERATION OF SB 11 CONTINUED

The SPEAKER. The Chair has now been advised by the Parliamentarian that the Taylor amendment did not strike the rest of the bill. The Foster amendment is in order, and the gentleman may proceed.

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

To briefly summarize, what you might encounter if you buy a vehicle and have it titled at the present time, you may be asked to pay sales tax based upon what the Bureau of Motor Vehicles and the Department of Revenue think that vehicle may be worth according to red book value rather than what you actually paid.

I have seen people subjected to paying more tax than they should have paid on vehicles. Therefore, I offer the amendment which would state in conformity with the sales tax law that, yes, no certificate of title shall be issued in cases where

there is disagreement on the sales tax amount but that the registration shall be issued, and if the department so wishes, they may withhold the title pending some check on the amount of sales tax due.

I would ask an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. WAMBACH. Mr. Speaker, just a point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. WAMBACH. In looking over the Taylor amendment, it seems to have put into the bill title 12, Commerce and Trade, and the current bill, I think, is amending title 75. Can two titles exist in one bill?

The SPEAKER. The answer to the gentleman's question is no; there should not be two titles at one time in the bill. Someone may therefore raise the question of germaneness or someone may move later to amend out of the title the particular code which does not belong in the bill. But it is true that the bill may not be signed into law under two titles.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The question was raised by the gentleman, Mr. Wambach of Dauphin County, as to the propriety of the House passing a bill which had in its title more than one subject. The Chair was advised by the interested parties that before the amendment offered by Mr. Taylor had been drafted, those parties inquired of the Reference Bureau as to the correctness of that drafting and raised the very question which Mr. Wambach raised. They were told at the time by the Reference Bureau that it was perfectly proper. It is not.

The Constitution of this State forbids, and under the rules of this House it is forbidden, that any bill shall be passed containing more than one subject. Consequently, this bill, SB 11, as presently constituted is not available to Mr. Foster's amendment, is not available to anyone else's amendment, and until such time, to be fair to Mr. Foster and others who have waited for amendments, the Chair will declare, without objection, that this bill as amended will go over temporarily. The Chair hears no objection.

The Chair suggests to those members who are interested in this particular phase of the bill that they draw an amendment to strike from the title and strike from the bill all unnecessary or improper language.

The Chair now recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I do not know from whence comes the ruling that this is improper. This House has on several occasions already this year—

The SPEAKER. Let the Chair interrupt the gentleman.

The ruling comes from the Chair in consultation with the Parliamentarian and with the Legislative Reference Bureau, which now says it made an error and that error should not be propagated.

Mr. MANDERINO. The Legislative Reference Bureau has made several errors then prior to this error, and we have passed those errors, and I have called it to the attention of the House before. Despite the attention called to it, several subject matters, several titles of the Consolidated Statutes have passed here in one bill. I will point them out to you, Mr. Speaker, if you will give me time to go back and find them.

The SPEAKER. It will not be necessary, Mr. Manderino. The Speaker is aware of that, and the Speaker has been advised by parliamentary authority that those bills were codifications, and they are authorized to do that.

Mr. MANDERINO. Why?

The SPEAKER. This is not.

Mr. MANDERINO. That is two subjects.

Let us confer at lunchtime, Mr. Speaker.

The SPEAKER. Because the Constitution reads, "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof," under Article III, section 3.

Mr. MANDERINO. Mr. Speaker, those are not what I speak of. I speak of once the consolidation has been made, that we have on several occasions already this year passed bills with two different Consolidated Statute numbers.

The SPEAKER. Is the gentleman, Mr. Manderino, urging that the House continue to accept amendments to this Senate bill as it is presently constituted? Is that the gentleman's wish?

Does the gentleman wish us to go beyond the 12 noon deadline we set?

Mr. MANDERINO. No, Mr. Speaker. It is perfectly all right to break for lunch, but I think that—

The SPEAKER. We will go over it temporarily so we can get this resolved, if possible.

Mr. MANDERINO. Yes, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, I merely want to pose a question to the majority leader, sir.

The SPEAKER. Please do it after lunch. We do have a very important leaders' meeting that we all must attend at the lunch period.

RECESS

The SPEAKER. The House stands in recess until 1 p.m.

RECESS EXTENDED

The time of recess was extended until 1:15 p.m.

AFTER RECESS

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

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair announces receipt from Mark Corrigan, Secretary of the Senate, and John Zubeck, Chief Clerk of the House of Representatives, in compliance with Act No. 712, a list of lobbyists registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was read:

Senate of Pennsylvania
October 25, 1983

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from September 28, 1983 through October 24, 1983 inclusive for the 167th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan
Secretary of the Senate
John J. Zubeck
Chief Clerk
House of Representatives

(For list, see Appendix.)

The SPEAKER. We still have not untangled the parliamentary web in which we found ourselves on SB 11. We are still trying to figure out how to get out of that one. Until we do, so we do not waste any further time, the Chair now turns to page 9 of the active calendar.

CALENDAR CONTINUED

RESOLUTIONS

Mr. COLAFELLA called up **HR 143, PN 1970**, entitled:

Memorializing the United States Congress to increase Federal Supplemental Compensation benefit weeks and extend the Federal Supplemental Compensation Program to March 31, 1984.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, with respect to HR 143, which memorializes Congress to increase Federal supplemental compensation benefits and to extend the Federal supplemental compensation program, I think the House should know that that has passed Congress and was signed by the President, I understand, last night. So it may be that this is a moot point, this resolution.

The SPEAKER. The Chair thanks the gentleman, Mr. Ryan.

Does the gentleman, Mr. Colafella, wish to pursue the resolution?

RESOLUTION RECOMMITTED

Mr. COLAFELLA. Mr. Speaker, I move that HR 143, PN 1970, be recommitted to the Committee on Rules.

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

* * *

Mr. JOHNSON called up HR 145, PN 1991, entitled:

Urging the Governor to proclaim Thursday, November 13, 1983 as Pennsylvania Retired Teachers Day.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Table listing names of members who voted 'YEAS' for the resolution, including Afflerbach, Alderette, Angstadt, etc.

NAYS—0

NOT VOTING—10

Table listing names of members who did not vote: Barber, Belfanti, Cawley, Kennedy, Kukovich, McIntyre, Miller, Mowery, Tigue, Vroon.

EXCUSED—2

Table listing names of excused members: Fischer, Morris.

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

* * *

Mr. HERSHEY called up HR 135, PN 1820, entitled:

Urging voluntary refrainment from the use of alcohol during National Family Week.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Table listing names of members who voted 'YEAS' for the resolution, including Afflerbach, Alderette, Angstadt, etc.

NAYS—0

NOT VOTING—7

Cawley	Cohen	Mowery	Tigue
Clark	Kukovich	Petrarca	

EXCUSED—2

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

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

REMARKS ON VOTE

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

Mr. VROON. Mr. Speaker, for some reason or other my button did not register on HR 145. Let the record show that I would have voted in the affirmative if it had been properly recorded. Thank you, sir.

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

RESOLUTIONS CONTINUED

Mr. SEVENTY called up HR 140, PN 1946, entitled:

Urging the Department of Revenue officials to cooperate with the Turnpike Commission in the furnishing of lottery machines to all restaurant facilities on the Pennsylvania Turnpike.

On the question,
Will the House adopt the resolution?

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

Mr. SEVENTY. Thank you, Mr. Speaker. I would just like an affirmative vote. Thank you.
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—172

Afflerbach	Evans	McCall	Saloom
Alderette	Fattah	McClatchy	Salvatore
Arty	Fee	McHale	Saurman
Baldwin	Flick	McIntyre	Semmel
Battisto	Foster, Jr., A.	McMonagle	Serafini
Belardi	Freeman	McVerry	Seventy
Belfanti	Freind	Mackowski	Showers
Beloff	Fryer	Maiale	Sirianni
Blaum	Gallagher	Manderino	Smith, B.
Book	Gallen	Manmiller	Smith, L. E.
Bowser	Gamble	Markosek	Snyder, D. W.
Brandt	Gannon	Mayernik	Snyder, G. M.
Broujos	Geist	Michlovic	Spencer
Bunt	George	Micozzie	Spitz
Burd	Gladeck	Miller	Stairs
Burns	Godshall	Miscevich	Steighner
Caltagirone	Greenwood	Moehlmann	Stevens
Cappabianca	Grieco	Mowery	Stewart
Carn	Gruitza	Mrkonic	Stuban

Cessar	Gruppo	Murphy	Sweet
Cimini	Hagarty	Noye	Taylor, E. Z.
Civera	Haluska	O'Brien	Taylor, F. E.
Clymer	Harper	O'Donnell	Telek
Cohen	Hasay	Olasz	Trello
Colafella	Herman	Oliver	Truman
Cole	Hershey	Perzel	Van Horne
Cordisco	Hoeffel	Petrone	Wachob
Cornell	Hutchinson	Phillips	Wambach
Coslett	Itkin	Piccola	Wargo
Cowell	Jarolin	Pievsky	Wass
Coy	Johnson	Pistella	Weston
Deluca	Kasunic	Pitts	Wiggins
DeVerter	Kennedy	Pott	Williams
DeWeese	Kosinski	Pratt	Wilson
Daley	Kowalshyn	Preston	Wogan
Davies	Lashinger	Punt	Wozniak
Dawida	Laughlin	Rappaport	Wright, D. R.
Deal	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwilk
Donatucci	Levin	Rieger	
Dorr	Linton	Ryan	Iris,
Duffy	Livengood	Rybak	Speaker
Durham	Lucyk		

NAYS—21

Angstadt	Hayes	Lloyd	Robbins
Armstrong	Honaman	Madigan	Rudy
Boyes	Jackson	Marmion	Scheetz
Dietz	Klingaman	Merry	Schuler
Fargo	Levi	Peterson	Swift
Foster, W. W.			

NOT VOTING—8

Barber	Clark	Nahill	Tigue
Cawley	Kukovich	Petrarca	Vroon

EXCUSED—2

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

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

* * *

Mrs. RUDY called up HR 141, PN 1968, entitled:

Memorializing Congress to remove the \$1 per hundredweight milk assessment.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Afflerbach	Evans	McCall	Saloom
Alderette	Fargo	McClatchy	Salvatore
Angstadt	Fee	McHale	Saurman
Armstrong	Foster, W. W.	McIntyre	Scheetz
Arty	Foster, Jr., A.	McMonagle	Schuler
Baldwin	Freeman	McVerry	Semmel
Barber	Fryer	Mackowski	Serafini
Battisto	Gallagher	Madigan	Seventy
Belardi	Gallen	Manderino	Showers
Belfanti	Gamble	Manmiller	Sirianni
Beloff	Gannon	Markosek	Smith, B.
Book	Geist	Marmion	Smith, L. E.
Bowser	George	Mayernik	Snyder, D. W.
Boyes	Gladeck	Merry	Snyder, G. M.
Brandt	Godshall	Michlovic	Spencer
Broujos	Greenwood	Micozzie	Spitz

Bunt	Grieco	Miller	Stairs
Burd	Gruitza	Miscevich	Steighner
Burns	Gruppo	Moehlmann	Stevens
Caltagirone	Hagarty	Mrkonic	Stewart
Cappabianca	Haluska	Murphy	Stuban
Carn	Harper	Nahill	Sweet
Cessar	Hasay	Noye	Swift
Cimini	Hayes	O'Brien	Taylor, E. Z.
Civera	Herman	O'Donnell	Taylor, F. E.
Clymer	Hershey	Olasz	Telek
Cohen	Honaman	Oliver	Trello
Colafella	Hutchinson	Perzel	Truman
Cole	Itkin	Peterson	Van Horne
Cordisco	Jackson	Petrone	Vroon
Cornell	Jarolin	Phillips	Wachob
Coslett	Johnson	Piccola	Wambach
Cowell	Kasunic	Pievsky	Wargo
Coy	Kennedy	Pistella	Wass
Deluca	Klingaman	Pitts	Weston
DeVerter	Kosinski	Pott	Wiggins
DeWeese	Kowalshyn	Pratt	Williams
Daley	Lashinger	Preston	Wilson
Davies	Laughlin	Punt	Wogan
Dawida	Lehr	Rappaport	Wozniak
Deal	Lescovitz	Reber	Wright, D. R.
Dietz	Letterman	Reinard	Wright, J. L.
Dininni	Levi	Richardson	Wright, R. C.
Dombrowski	Levin	Rieger	Zwinkl
Donatucci	Linton	Robbins	
Dorr	Livengood	Rudy	Irvis,
Duffy	Lloyd	Ryan	Speaker
Durham	Lucyk	Rybak	

NAYS—0

NOT VOTING—12

Blaum	Fattah	Hoeffel	Mowery
Cawley	Flick	Kukovich	Petrarca
Clark	Freind	Maiale	Tigue

EXCUSED—2

Fischer Morris

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

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

* * *

Mr. FATTAH called up **SR 85, PN 1349**, entitled:

Urging the Governor to declare the week of November 21, 1983 as Guion S. Bluford, Jr., Week.

On the question,
Will the House concur in the resolution of the Senate?

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

Mr. FATTAH. Mr. Speaker, I would just like to stand in support of this resolution. Colonel Bluford, a former alumnus of Overbrook High School—which is a high school in my district and also the school that I went to—being the first Pennsylvanian to be involved in the NASA (National Aeronautics and Space Administration) space program and going into space and also being the first African-American to ever have that honor, I think it would be extremely appropriate for us to pass this resolution. I urge my colleagues to vote in favor. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—191

Afflerbach	Durham	Linton	Ryan
Alderette	Evans	Livengood	Rybak
Angstadt	Fargo	Lloyd	Saloom
Armstrong	Fattah	Lucyk	Salvatore
Arty	Fee	McCall	Scheetz
Baldwin	Flick	McClatchy	Schuler
Barber	Foster, W. W.	McHale	Semmel
Battisto	Foster, Jr., A.	McIntyre	Serafini
Belardi	Freeman	McMonagle	Seventy
Belfanti	Fryer	McVerry	Showers
Beloff	Gallagher	Mackowski	Sirianni
Blaum	Gallen	Madigan	Smith, B.
Book	Gamble	Maiale	Smith, L. E.
Bowser	Gannon	Manderino	Snyder, D. W.
Boyes	Geist	Manmiller	Snyder, G. M.
Brandt	George	Markosek	Spencer
Broujos	Gladeck	Marmion	Spitz
Bunt	Godshall	Mayernik	Stairs
Burd	Greenwood	Merry	Steighner
Burns	Grieco	Michlovic	Stevens
Caltagirone	Gruitza	Micozzie	Stewart
Cappabianca	Gruppo	Miscevich	Stuban
Carn	Hagarty	Moehlmann	Sweet
Cawley	Haluska	Mrkonic	Swift
Cessar	Harper	Murphy	Taylor, E. Z.
Cimini	Hasay	Nahill	Taylor, F. E.
Civera	Hayes	Noye	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Olasz	Trello
Colafella	Hoeffel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Wachob
Cornell	Itkin	Petrone	Wambach
Coslett	Jackson	Phillips	Wargo
Cowell	Jarolin	Piccola	Wass
Coy	Johnson	Pievsky	Weston
Deluca	Kasunic	Pistella	Wiggins
DeVerter	Kennedy	Pitts	Williams
DeWeese	Klingaman	Pott	Wilson
Daley	Kosinski	Pratt	Wogan
Davies	Kowalshyn	Preston	Wozniak
Dawida	Lashinger	Punt	Wright, D. R.
Deal	Laughlin	Rappaport	Wright, J. L.
Dietz	Lehr	Reber	Wright, R. C.
Dininni	Lescovitz	Reinard	Zwinkl
Dombrowski	Letterman	Richardson	
Donatucci	Levi	Rieger	Irvis,
Dorr	Levin	Robbins	Speaker
Duffy			

NAYS—0

NOT VOTING—10

Clark	Miller	Petrarca	Saurman
Freind	Mowery	Rudy	Vroon
Kukovich	O'Brien		

EXCUSED—2

Fischer Morris

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. O'Brien, rise?

Mr. O'BRIEN. Mr. Speaker, I was not in my seat at the time the last vote was taken. I would like to be recorded in the affirmative on SR 85.

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

For what purpose does the lady from Centre, Mrs. Rudy, rise?

Mrs. RUDY. To record a vote, Mr. Speaker.

The SPEAKER. The lady will state the vote she wishes recorded.

Mrs. RUDY. Mr. Speaker, I was not in my seat when the vote was taken on SR 85, and if I had been in my seat, I would have voted in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 124, PN 138, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing an additional limitation on creditable nonschool services.

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

BILL RECOMMENDED

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

Mr. GALLAGHER. Mr. Speaker, I move that HB 124, PN 138, be recommitted to the Committee on Education.

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

The House proceeded to third consideration of HB 125, PN 412, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing an additional limitation on creditable nonschool service.

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

BILL RECOMMENDED

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

Mr. GALLAGHER. Mr. Speaker, I move that HB 125, PN 412, be recommitted to the Committee on Education.

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

The House proceeded to third consideration of HB 1309, PN 1990, entitled:

An Act amending the "Pennsylvania Urban Mass Transportation Law," approved January 22, 1968 (P. L. 42, No. 8), providing reduced fare services for persons 65 years of age or older for shared ride public transportation services; and reimbursing county transportation systems at 90% of the costs of free ride services provided to persons 65 years of age or older.

On the question recurring, Will the House agree to the bill on third consideration? Mr. SAURMAN reoffered the following amendments No. A3361:

Amend Title, page 2, line 10, by inserting after "older" , certain widows, widowers and permanently disabled persons

Amend Title, page 1, line 14, by inserting after "older" , certain widows, widowers and permanently disabled persons

Amend Bill, page 3, by inserting between lines 5 and 6 Section 1. Section 202 of the act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass Transportation Law, is amended by adding definitions to read:

Section 202. Definitions.—The following terms, whenever used or referred to in this article, shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

"Permanently disabled person" shall mean a person eighteen years of age or older who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely.

"Widow" or "widower" shall mean a person fifty years of age or older who is the surviving wife or the surviving husband, as the case may be, of a deceased individual and who has not remarried.

Amend Sec. 1, page 3, line 6, by striking out "1" and inserting

2

Amend Sec. 1, page 3, lines 6 through 8, by striking out "OF" where it appears the second time in line 6, all of line 7 and "MASS TRANSPORTATION LAW," in line 8

Amend Sec. 1 (Sec. 203), page 4, line 7, by inserting after "older"

, widows, widowers and permanently disabled persons

Amend Sec. 1 (Sec. 203), page 4, line 18, by inserting after "older"

, widows, widowers and permanently disabled persons

Amend Sec. 2, page 5, line 4, by striking out "2" and inserting

3

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

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Most of my comments were covered in debate yesterday, Mr. Speaker. I have nothing further except to ask for an affirmative vote at this time.

The SPEAKER. The Chair thanks the gentleman.

On the Saurman amendment, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Would the gentleman, Mr. Saurman, stand again today for brief interrogation?

The SPEAKER. The gentleman, Mr. Saurman, indicates he will so stand for interrogation. The gentleman, Mr. Wachob, is in order and he may proceed.

Mr. WACHOB. Mr. Speaker, yesterday, when I asked you some questions concerning this, it was my understanding that this amendment would impact upon all senior citizens 55 years of age or older or the disabled who happen to participate in the shared ride program and also in the free mass transit fixed route program. Is that the case?

Mr. SAURMAN. We are including widows who are 50 years of age and also the disabled who are 18 and over; again, those who are singled out and specified in the tax/rent rebate program.

Mr. WACHOB. My concern, however, Mr. Speaker, is that the legislation as it is now drafted only impacts upon the demand response routes, which certainly are in every county, but they are not the mass transit fixed route systems that a lot of people who are covered under SEPTA (Southeastern Pennsylvania Transportation Authority) and are covered under PAT (Port Authority of Allegheny County) are familiar with. Is that the case?

Mr. SAURMAN. This amendment refers to the original legislation. Therefore, it would include all groups.

Mr. WACHOB. If I may make a statement, Mr. Speaker?

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

Mr. WACHOB. Mr. Speaker, as I had mentioned yesterday, I think that the approach that Mr. Saurman has is fine, and I think that whenever possible we should try to make the eligibility limits the same for whatever type of program we are offering. However, I do have some concern. One of my concerns is that we are not only allowing senior citizens who are disabled and who also receive the rent and property tax rebates, but we are also qualifying and making eligible those senior citizens who may be confined to some sort of institution, which I do not believe was the intent of the maker of the amendment. I think it really broadens the parameters and certainly broadens the scope of the fiscal note that Mr. Saurman had talked about.

Also, I am concerned that our counterparts in the cities, meaning SEPTA and PAT and CAT (Capital Area Transit) here in Harrisburg, will not be able to take advantage of this because the legislation is not presently drafted to impact upon the fixed route mass transportation systems. The language in this legislation will only assist those counties that have demand response/shared ride systems. So a great many of the

senior citizens who happen to live in more urban areas are not going to be able to take advantage of the Saurman amendment.

In light of that and in light of the problems that I see us encouraging because of that, and also because of the unknown fiscal note that we cannot really ascertain at this time, I would urge members to oppose the Saurman amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Saurman amendment, the Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates that he will stand for interrogation. The gentleman, Mr. Hoeffel, is in order and may proceed.

Mr. HOEFFEL. Mr. Speaker, would you share with us the fiscal note that you have for your amendment?

Mr. SAURMAN. The fiscal note that I have is \$501,000.

Mr. HOEFFEL. I have reason to think that the fiscal cost of your amendment is far higher than that, \$5 million or \$6 million or \$7 million. I would be happy to go over my figures. Can you tell me the basis and the assumptions that were made by your staff to reach the \$500,000 fiscal note?

Mr. SAURMAN. The basis is the amendment itself, Mr. Speaker. I submitted the amendment, as is the customary process with the amendment itself, and this was the fiscal note that was given.

Mr. HOEFFEL. I am not challenging your procedure, Mr. Speaker. I just wondered if you knew how your staff figured out the fiscal impact?

Mr. SAURMAN. Well, I think that both staffs came up with a figure that was very comparable. Although I did not receive one from the Appropriations Committee, our staff did provide one. It is my understanding that both of them are very similar.

Mr. HOEFFEL. Well, they are not anymore. I checked with the Democratic staff yesterday when your amendment first came up and realized that the basic assumptions they were making were absolutely inaccurate.

The SPEAKER. Will the gentleman yield.

Is the gentleman through with his interrogation?

Mr. HOEFFEL. Yes.

The SPEAKER. The gentleman is recognized to make a statement, if he wishes, on the amendment.

Mr. HOEFFEL. Thank you, Mr. Speaker.

I learned yesterday from talking to our staff that some incorrect assumptions were made concerning the number of people who would qualify for transportation services in the shared ride portion of this legislation. They were using, for example—and I believe the Saurman fiscal note uses as an example—that some 97,000 people who are currently disabled and who currently use the rent and property tax rebate program would therefore be considered eligible for the transportation funding that Mr. Saurman would like to extend to

them. The fact is that there are an awful lot of other disabled people in this State who would qualify for transportation services under the broad Saurman definitions who do not use the rebate program because they do not own property or do not rent in their own name. There are, according to the figures that have been provided by the Department of Welfare, some 261,000 disabled people in this State who receive either SSI (supplemental security income) or SSA (Social Security Administration) disability assistance. The fiscal note is based on a 97,000 figure. So right off the bat, the information on which Mr. Saurman is basing his fiscal note is badly out of whack.

If we were to assume the following assumptions, Mr. Speaker, that 261,000 of the disabled people in this State currently receiving SSI or SSA would be eligible for this transportation assistance; if we were to assume that each of those individuals would accept 2.4 rides per year, and we make that assumption because the existing shared ride program that elderly people qualify for shows a usage of 1.6 rides per year and we are arbitrarily saying, well, these younger people who are disabled may be more active and may use 50 percent more rides a year; if we then go by the existing history that these shared rides cost an average of \$4.36 apiece; if we then realize that a certain percentage of the disabled, when they qualify for shared ride/demand response transportation, will qualify for far more expensive transportation services than the elderly qualify for, and if we use the history in SEPTA in Philadelphia that the demand responsive transportation for the handicapped can be as high as \$12 to \$18 per ride, so if we say that perhaps three-quarters of the disabled will cost \$4.36 based on the existing history of the elderly demand response history, and if one-quarter of the newly qualified disabled people will have a \$14-per-ride cost, again in line with the experience in SEPTA, and we do all the multiplication, it turns out that for that group alone, the Saurman amendment costs \$4 million. If we then add the disabled people in this State who do not qualify for SSI or SSA because of their financial resources—and I do not know how many more that is; nobody can tell me whether it is 25 percent more or 40 or 50 percent more, but you just add money accordingly when you make those determinations—we figure that the disabled group that would qualify would probably qualify for \$5 million or \$6 million of additional transportation services under that portion of the Saurman amendment.

His amendment also speaks to widows and widowers from 50 to 65 being newly qualified for demand responsive transportation services. Well, nobody can tell me how many of those people there are in this State. The Census Bureau has told me that there are 800,000 widows and widowers in Pennsylvania, but that covers all age brackets—800,000 for all age brackets—and it is hard to determine how many fall in between the ages of 50 and 65. But for every 100,000 of those widows and widowers, the impact of the Saurman legislation, if we are qualifying 100,000 of them, is an additional \$1 million, using the figures that I just went over previously.

I am sorry to be so vague and I am sorry to throw out so many numbers, but the fact of the matter is that the Saurman amendment has a practically indeterminable fiscal impact. It has to be somewhere over \$6 million or \$7 million or \$8 million; it could be more. There is no way to get an accurate figure, because we do not know for sure how many people are out there who will qualify and how many people will use the transportation services, but it is a very expensive amendment.

And then I would further add what Mr. Wachob said, that Mr. Saurman is trying to extend to the disabled and to widows and widowers over 50 the transportation services that are already provided to the elderly, but his amendment fails to do that, totally. It only qualifies them for shared ride/demand responsive transportation. If you look at his amendment and see what aspect of HB 1309 it amends, it does not qualify those individuals for the fixed route transportation.

I can appreciate why the members are not listening, Mr. Speaker. This is a dull dissertation on the fiscal cost of an amendment that is hard to determine. Suffice it to say—and I am happy to try to defend these assumptions if anybody would like me to—that the fiscal impact is enormous and it does not do what he wants it to do. We would be holding out a false promise to senior citizens if we say that this qualifies them for transportation services, because it only qualifies them for the far more expensive demand responsive transportation as opposed to the cheaper mass transit services that we are more familiar with, and the fiscal impact even on this small, limited application has got to be somewhere over \$7 million or \$8 million. For those reasons, I ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

On the Saurman amendment, the Chair recognizes the gentleman, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, as I originally indicated, it is my intention to unify the benefits and include those persons who are now currently receiving benefits under the tax rent rebate. We get to a fiscal note, and from what I understand from the statements that have been made by the previous speakers, we get to a fiscal note on the basis of which we are now going to say that these people can or these people cannot, because if we include these people, the fiscal note gets beyond what it ought to be. This is quite in contradiction to the debate on HB 1301, as I mentioned before. Also, a statement was made which would lead me to believe that we would have to tell some of our constituents that we are sorry we cannot help you because we do not know how many of you there are and, on that basis, we are going to have to refuse to assist you.

I think that we need to take care of the widows and the widowers. We need to take care of these disabled people. We ought to include them. They have been included in the original Lottery Fund provisions and they should be included in this provision as well. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—119

Angstadt	Foster, W. W.	Mackowski	Salvatore
Armstrong	Foster, Jr., A.	Madigan	Saurman
Arty	Freeman	Manmiller	Scheetz
Belardi	Gallen	Markosek	Schuler
Book	Gannon	Marmion	Semmel
Bowser	Geist	Mayernik	Serafini
Boyes	George	Merry	Sirianni
Brandt	Gladeck	Micozzie	Smith, B.
Bunt	Godshall	Miller	Smith, L. E.
Burd	Greenwood	Moehlmann	Snyder, D. W.
Burns	Grieco	Mowery	Snyder, G. M.
Cawley	Gruppo	Mrkonic	Spencer
Cessar	Hagarty	Nahill	Spitz
Cimini	Hasay	Noye	Stairs
Civera	Hayes	O'Brien	Stevens
Clymer	Herman	O'Donnell	Swift
Cordisco	Hershey	Olasz	Taylor, E. Z.
Cornell	Honaman	Perzel	Telek
Coslett	Jackson	Peterson	Tigue
Deluca	Johnson	Phillips	Vroon
DeVerter	Kennedy	Piccola	Wambach
Davies	Klingaman	Pitts	Wass
Dietz	Kosinski	Pott	Weston
Dininni	Kowalshyn	Punt	Wiggins
Dombrowski	Lashinger	Reber	Wilson
Dorr	Lehr	Reinard	Wogan
Duffy	Lescovitz	Robbins	Wright, D. R.
Durham	Levi	Rudy	Wright, J. L.
Fargo	McClatchy	Ryan	Wright, R. C.
Flick	McVerry	Rybak	

NAYS—79

Afflerbach	Donatucci	Lloyd	Rieger
Alderette	Evans	Lucyk	Saloom
Baldwin	Fattah	McCall	Seventy
Barber	Fee	McHale	Showers
Battisto	Fryer	McIntyre	Steighner
Beloff	Gallagher	McMonagle	Stewart
Blaum	Gamble	Maiale	Stuban
Broujos	Gruitza	Manderino	Sweet
Caltagirone	Haluska	Michlovic	Taylor, F. E.
Cappabianca	Harper	Miscevich	Trello
Carn	Hoeffel	Murphy	Truman
Clark	Hutchinson	Oliver	Van Horne
Cohen	Itkin	Petrarca	Wachob
Colafella	Jarolin	Petrone	Wargo
Cole	Kasunic	Pievsky	Williams
Cowell	Laughlin	Pistella	Wozniak
Coy	Letterman	Pratt	Zwikl
DeWeese	Levin	Preston	
Daley	Linton	Rappaport	Irvis,
Dawida	Livengood	Richardson	Speaker
Deal			

NOT VOTING—3

Belfanti	Freind	Kukovich
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EXCUSED—2

Fischer Morris

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. MARKOSEK offered the following amendments No. A3365:

Amend Title, page 2, line 11, by striking out "and"
Amend Title, page 2, line 14, by removing the period after "older" and inserting
; and providing for payment of certain bills incurred by neighborhood senior citizen centers.

Amend Sec. 1, page 3, line 8, by inserting after "AMENDED"
and a paragraph is added

Amend Sec. 1 (Sec. 203), page 5, by inserting between lines 3 and 4

(7) To make grants from the State Lottery Fund for neighborhood senior citizen centers approved by the Department of Aging to reimburse payments of bills for maintenance and utility costs which have been incurred by the centers.

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

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

Mr. MARKOSEK. Mr. Speaker, the reason for this amendment is the fact that many people in my district, and I am sure throughout the Commonwealth where senior citizen centers are located, have asked for support from the lottery system for this very important program.

We have a situation in my district where senior citizen centers distribute all sorts of services besides those that are normally related to senior citizens. For example, flu shots - there were over 5,000 flu shots delivered in one senior citizen center in my district recently. So, Mr. Speaker, I would ask the members of the General Assembly, particularly those who have senior citizen centers in their districts, to support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Angstadt	Fattah	McCall	Rybak
Armstrong	Fee	McClatchy	Saloom
Arty	Flick	McHale	Salvatore
Baldwin	Foster, W. W.	McIntyre	Saurman
Barber	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Fryer	Mackowski	Semmel
Belfanti	Gallagher	Madigan	Serafini
Beloff	Gallen	Maiale	Seventy
Blaum	Gamble	Manderino	Showers
Book	Gannon	Manmiller	Sirianni
Bowser	Geist	Markosek	Smith, B.
Boyes	George	Marmion	Smith, L. E.
Brandt	Gladeck	Mayernik	Snyder, D. W.
Broujos	Godshall	Merry	Snyder, G. M.
Bunt	Greenwood	Michlovic	Spencer
Burd	Grieco	Micozzie	Spitz
Burns	Gruitza	Miscevich	Stairs
Caltagirone	Gruppo	Moehlmann	Steighner
Cappabianca	Hagarty	Mowery	Stevens
Carn	Haluska	Mrkonic	Stewart
Cawley	Harper	Murphy	Stuban
Cessar	Hasay	Nahill	Sweet
Cimini	Hayes	Noye	Swift
Civera	Herman	O'Brien	Taylor, E. Z.

Clark	Hershey	O'Donnell	Taylor, F. E.
Clymer	Hoefel	Olasz	Telek
Cohen	Honaman	Oliver	Tigue
Colafella	Hutchinson	Perzel	Trello
Cole	Itkin	Peterson	Truman
Cornell	Johnson	Petrarca	Van Horne
Coslett	Jarolin	Petrone	Vroon
Cowell	Johnson	Phillips	Wachob
Coy	Kasunic	Piccola	Wambach
Deluca	Kennedy	Pievsky	Wargo
DeVerter	Klingaman	Pistella	Wass
DeWeese	Kosinski	Pitts	Weston
Daley	Kowalshyn	Pott	Wiggins
Davies	Kukovich	Pratt	Williams
Dawida	Lashingier	Preston	Wilson
Deal	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.
Dombrowski	Letterman	Reinard	Wright, J. L.
Donatucci	Levi	Richardson	Wright, R. C.
Dorr	Levin	Rieger	Zwikel
Duffy	Linton	Robbins	
Durham	Livengood	Rudy	Irvis,
Evans	Lloyd	Ryan	Speaker
Fargo	Lucy		

NAYS—2

Afflerbach Alderette

NOT VOTING—3

Cordisco Freind Miller

EXCUSED—2

Fischer Morris

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—199

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucy	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McIntyre	Scheetz
Barber	Foster, Jr., A.	McMonagle	Schuler
Battisto	Freeman	McVerry	Semmel
Belardi	Fryer	Mackowski	Serafini
Belfanti	Gallagher	Madigan	Seventy
Beloff	Gallen	Maiale	Showers
Blaum	Gamble	Manderino	Sirianni
Book	Gannon	Manmiller	Smith, B.
Bowser	Geist	Markosek	Smith, L. E.
Boyes	George	Marmion	Snyder, D. W.
Brandt	Gladeck	Mayernik	Snyder, G. M.
Broujos	Godshall	Merry	Spencer
Bunt	Greenwood	Michlovic	Spitz
Burd	Grieco	Micozzie	Stairs
Burns	Gruitza	Miller	Steighner
Caltagirone	Gruppo	Miscevich	Stevens
Cappabianca	Hagarty	Moehlmann	Stewart
Carn	Haluska	Mowery	Stuban

Cawley	Harper	Mrkonic	Sweet
Cessar	Hasay	Murphy	Swift
Cimini	Hayes	Nahill	Taylor, E. Z.
Civera	Herman	Noye	Taylor, F. E.
Clark	Hershey	O'Brien	Telek
Clymer	Hoefel	O'Donnell	Tigue
Cohen	Honaman	Olasz	Trello
Colafella	Hutchinson	Oliver	Truman
Cole	Itkin	Perzel	Van Horne
Cordisco	Jackson	Petrone	Vroon
Cornell	Jarolin	Petrarca	Wachob
Coslett	Johnson	Petrone	Wambach
Cowell	Kasunic	Phillips	Wargo
Coy	Kennedy	Piccola	Wass
Deluca	Klingaman	Pievsky	Weston
DeVerter	Kosinski	Pistella	Wiggins
DeWeese	Kowalshyn	Pitts	Williams
Daley	Kukovich	Pott	Wilson
Davies	Lashingier	Pratt	Wogan
Dawida	Laughlin	Preston	Wozniak
Deal	Lehr	Punt	Wright, D. R.
Dietz	Lescovitz	Rappaport	Wright, J. L.
Dininni	Letterman	Reinard	Wright, R. C.
Dombrowski	Levi	Richardson	Zwikel
Donatucci	Levin	Rieger	
Dorr	Linton	Robbins	Irvis,
Duffy	Livengood	Rudy	Speaker
Durham			

NAYS—0

NOT VOTING—2

Freind Reber

EXCUSED—2

Fischer Morris

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

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

REMARKS ON VOTE

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

Mr. VROON. Just a brief statement to the effect that I was not recorded on HR 140, and I had intended to vote in the negative. Will the record please show that?

The SPEAKER. That you intended to be recorded in the negative on HR 140?

Mr. VROON. Yes, on HR 140.

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

HB 1469 RECONSIDERED

The SPEAKER. The Chair has in its possession a reconsideration motion signed by the gentleman, Mr. Afflerbach, and the gentleman, Mr. McHale, who move that the vote by which the House passed HB 1469 on October 25, 1983, be reconsidered.

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

The following roll call was recorded:

YEAS—198

Afflerbach	Durham	Livengood	Ryan
Alderette	Evans	Lloyd	Rybak
Angstadt	Fargo	Lucyk	Saloom
Armstrong	Fattah	McCall	Salvatore
Arty	Fee	McClatchy	Saurman
Baldwin	Flick	McHale	Scheetz
Barber	Foster, W. W.	McIntyre	Schuler
Battisto	Foster, Jr., A.	McMonagle	Semmel
Belardi	Freeman	McVerry	Serafini
Belfanti	Fryer	Mackowski	Seventy
Beloff	Gallagher	Madigan	Showers
Blaum	Gallen	Maiale	Sirianni
Book	Gamble	Manderino	Smith, B.
Bowser	Gannon	Manmiller	Smith, L. E.
Boyes	Geist	Markosek	Snyder, D. W.
Brandt	George	Marmion	Snyder, G. M.
Broujos	Gladeck	Mayernik	Spencer
Bunt	Godshall	Merry	Spitz
Burd	Greenwood	Michlovic	Stairs
Burns	Grieco	Micozzie	Steighner
Caltagirone	Gruitza	Miller	Stevens
Cappabianca	Gruppo	Miscevich	Stewart
Carn	Hagarty	Moehlmann	Stuban
Cawley	Haluska	Mowery	Sweet
Cessar	Harper	Mrkonic	Swift
Cimini	Hasay	Murphy	Taylor, E. Z.
Civera	Hayes	Nahill	Taylor, F. E.
Clark	Herman	Noye	Telek
Clymer	Hershey	O'Brien	Tigue
Cohen	Hoeffel	O'Donnell	Trello
Colafella	Honaman	Olasz	Truman
Cole	Hutchinson	Oliver	Van Horne
Cordisco	Itkin	Perzel	Vroon
Cornell	Jackson	Peterson	Wachob
Coslett	Jarolin	Petrarca	Wambach
Cowell	Johnson	Petrone	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashinger	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwinkl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker,

NAYS—0

NOT VOTING—3

Freind	Phillips	Richardson
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EXCUSED—2

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

On the question recurring,
Shall the bill pass finally?

**BILL PLACED ON FINAL
PASSAGE POSTPONED CALENDAR**

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

Mr. ITKIN. Mr. Speaker, I move that HB 1469 be placed on the final passage postponed calendar.

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

HB 969 RECONSIDERED

The SPEAKER. Just so we do not get embroiled in any further unnecessary parliamentary entanglements, the Chair is now about to take up for consideration a motion filed by Mr. Richardson and Mr. Deal, whereby they move to reconsider the vote by which the House passed HB 969 on October 18, 1983.

The question is on the procedural motion.

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

The following roll call was recorded:

YEAS—127

Afflerbach	Dombrowski	Lucyk	Rybak
Alderette	Donatucci	McCall	Saloom
Angstadt	Duffy	McHale	Serafini
Baldwin	Evans	McIntyre	Seventy
Barber	Fattah	McMonagle	Showers
Battisto	Fee	McVerry	Stairs
Belardi	Freeman	Maiale	Steighner
Belfanti	Fryer	Manderino	Stewart
Beloff	Gallagher	Markosek	Stuban
Blaum	Gamble	Mayernik	Sweet
Boyes	Gannon	Merry	Taylor, F. E.
Broujos	George	Michlovic	Telek
Burns	Greenwood	Micozzie	Tigue
Caltagirone	Gruitza	Miscevich	Trello
Cappabianca	Haluska	Mrkonic	Truman
Carn	Harper	Murphy	Van Horne
Cawley	Hoeffel	O'Donnell	Vroon
Cessar	Hutchinson	Olasz	Wachob
Civera	Itkin	Oliver	Wambach
Clark	Jarolin	Petrarca	Wargo
Cohen	Kasunic	Petrone	Weston
Colafella	Kosinski	Pievsky	Wiggins
Cole	Kowalshyn	Pistella	Williams
Cordisco	Kukovich	Pott	Wilson
Coslett	Lashinger	Pratt	Wozniak
Cowell	Laughlin	Preston	Wright, D. R.
Coy	Lescovitz	Rappaport	Wright, J. L.
Deluca	Letterman	Reinard	Wright, R. C.
DeWeese	Levin	Richardson	Zwinkl
Daley	Linton	Rieger	
Davies	Livengood	Rudy	Irvis,
Dawida	Lloyd	Ryan	Speaker
Deal			

NAYS—70

Armstrong	Gallen	Mackowski	Robbins
Arty	Geist	Madigan	Salvatore
Book	Godshall	Manmiller	Saurman
Bowser	Grieco	Marmion	Scheetz
Brandt	Gruppo	Miller	Schuler
Bunt	Hagarty	Moehlmann	Semmel
Burd	Hasay	Mowery	Sirianni

Cimini	Hayes	Nahill	Smith, B.
Clymer	Herman	Noye	Smith, L. E.
Cornell	Hershey	O'Brien	Snyder, D. W.
DeVerter	Honaman	Perzel	Snyder, G. M.
Dietz	Jackson	Peterson	Spencer
Dininni	Johnson	Phillips	Stevens
Dorr	Kennedy	Piccola	Swift
Durham	Klingaman	Pitts	Taylor, E. Z.
Fargo	Lehr	Punt	Wass
Foster, W. W.	Levi	Reber	Wogan
Foster, Jr., A.	McClatchy		

NOT VOTING—4

Flick	Freind	Gladeck	Spitz
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EXCUSED—2

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its statement that HB 969 had passed third consideration as amended. Is there objection? Then the Chair has rescinded its statement that HB 969—

Does the gentleman from Lehigh, Mr. Snyder, wish to object to the Chair's ruling.

Mr. D. W. SNYDER. Yes, Mr. Speaker, I do. I call for a roll-call vote.

The SPEAKER. The gentleman from Lehigh, Mr. Snyder, having objected to the Chair's rescission of a statement, it is now a question of the members of the House. Those who agree with the Chair's statement that the bill be returned to third reading will vote "aye"; those who agree with the gentleman from Lehigh will vote "no." The members will proceed to vote.

The following roll call was recorded:

YEAS—100

Afflerbach	Donatucci	Lloyd	Rudy
Alderette	Duffy	Lucyk	Rybak
Baldwin	Evans	McCall	Saloom
Barber	Fattah	McHale	Showers
Battisto	Fee	McIntyre	Steighner
Belfanti	Freeman	McMonagle	Stewart
Beloff	Fryer	Maiale	Stuban
Blaum	Gallagher	Manderino	Sweet
Broujos	George	Markosek	Taylor, F. E.
Caltagirone	Gruitza	Mayernik	Tigue
Cappabianca	Haluska	Michlovic	Trello
Carn	Harper	Miscevich	Truman
Cawley	Hoeffel	Mrkonic	Van Horne
Clark	Hutchinson	Murphy	Wachob
Cohen	Itkin	O'Donnell	Wambach
Colafella	Jarolin	Oliver	Wargo
Cole	Kasunic	Petrarca	Wiggins
Cordisco	Kosinski	Petrone	Williams
Cowell	Kowalshyn	Pievsky	Wozniak
Coy	Kukovich	Pistella	Wright, D. R.
Deluca	Laughlin	Pratt	Wright, R. C.
DeWeese	Lescovitz	Preston	Zwikel
Daley	Letterman	Rappaport	
Dawida	Levin	Richardson	Irvis,
Deal	Linton	Rieger	Speaker
Dombrowski	Livengood		

NAYS—97

Angstadt	Foster, W. W.	McVerry	Salvatore
Armstrong	Foster, Jr., A.	Mackowski	Saurman
Arty	Gallen	Madigan	Scheetz
Belardi	Gannon	Manmiller	Schuler
Book	Geist	Marmion	Semmel
Bowser	Gladeck	Merry	Serafini
Boyes	Godshall	Micozzie	Sirianni
Brandt	Greenwood	Miller	Smith, B.
Bunt	Grieco	Moehlmann	Smith, L. E.
Burd	Gruppo	Mowery	Snyder, D. W.
Burns	Hagarty	Nahill	Snyder, G. M.
Cessar	Hasay	Noye	Spencer
Cimini	Hayes	O'Brien	Spitz
Civera	Herman	Perzel	Stairs
Clymer	Hershey	Peterson	Stevens
Cornell	Honaman	Phillips	Swift
Coslett	Jackson	Piccola	Taylor, E. Z.
DeVerter	Johnson	Pitts	Telek
Davies	Kennedy	Pott	Vroon
Dietz	Klingaman	Punt	Wass
Dininni	Lashingner	Reber	Weston
Dorr	Lehr	Reinard	Wilson
Durham	Levi	Robbins	Wogan
Fargo	McClatchy	Ryan	Wright, J. L.
Flick			

NOT VOTING—4

Freind	Gamble	Olasz	Seventy
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EXCUSED—2

Fischer	Morris
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The question was determined in the affirmative.

On the question recurring,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

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

Mr. LEVIN. Mr. Speaker, I move that HB 969 revert to a prior printer's number, PN 1437.

The SPEAKER. The Chair thanks the gentleman.

It is the Chair's understanding that the substance of the motion, if adopted by the House, would remove the language placed into the bill by the Peterson amendment. Is that correct, Mr. Levin?

Mr. LEVIN. That is correct, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of the Levin motion will vote "aye"; those opposed will vote "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—94

Afflerbach	Duffy	Lucyk	Rieger
Alderette	Evans	McCall	Rybak
Barber	Fattah	McHale	Seventy
Battisto	Fee	McIntyre	Steighner
Belfanti	Freeman	McMonagle	Stewart
Beloff	Gallagher	Maiale	Stuban
Blaum	George	Manderino	Sweet

Broujos	Gruitza	Markosek	Taylor, F. E.
Cappabianca	Haluska	Mayernik	Tigue
Carn	Harper	Michlovic	Trello
Cawley	Hoeffel	Miscevich	Truman
Clark	Hutchinson	Mrkonic	Van Horne
Cohen	Itkin	Murphy	Wachob
Colafella	Jarolin	O'Donnell	Wambach
Cole	Kasunic	Olasz	Wargo
Cordisco	Kosinski	Oliver	Wiggins
Cowell	Kowalyszyn	Petrarca	Williams
Deluca	Kukovich	Petrone	Wozniak
DeWeese	Laughlin	Pievsky	Wright, D. R.
Daley	Lescovitz	Pistella	Wright, R. C.
Dawida	Letterman	Pratt	Zwikl
Deal	Levin	Preston	
Dombrowski	Linton	Rappaport	Irvis,
Donatucci	Livengood	Richardson	Speaker

NAYS—107

Angstadt	Flick	Lloyd	Saloom
Armstrong	Foster, W. W.	McClatchy	Salvatore
Arty	Foster, Jr., A.	McVerry	Saurman
Baldwin	Freind	Mackowski	Scheetz
Belardi	Fryer	Madigan	Schuler
Book	Gallen	Manmiller	Semmel
Bowser	Gamble	Marmion	Serafini
Boyes	Gannon	Merry	Showers
Brandt	Geist	Micozzie	Sirianni
Bunt	Gladeck	Miller	Smith, B.
Burd	Godshall	Moehlmann	Smith, L. E.
Burns	Greenwood	Mowery	Snyder, D. W.
Caltagirone	Grieco	Nahill	Snyder, G. M.
Cessar	Gruppo	Noye	Spencer
Cimini	Hagarty	O'Brien	Spitz
Civera	Hasay	Perzel	Stairs
Clymer	Hayes	Peterson	Stevens
Cornell	Herman	Phillips	Swift
Coslett	Hershey	Piccola	Taylor, E. Z.
Coy	Honaman	Pitts	Telek
DeVerter	Jackson	Pott	Vroon
Davies	Johnson	Punt	Wass
Dietz	Kennedy	Reber	Weston
Dininni	Klingaman	Reinard	Wilson
Dorr	Lashingner	Robbins	Wogan
Durham	Lehr	Rudy	Wright, J. L.
Fargo	Levi	Ryan	

NOT VOTING—0

EXCUSED—2

Fischer Motris

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?

The SPEAKER. Does the gentleman, Mr. Peterson, wish to pursue his additional amendments? The bill is available for amendment, if the gentleman wishes.

Mr. PETERSON. Just a moment, please.

WELCOME

The SPEAKER. We have with us from Shippensburg State College Dean Jones, Pam Blanding, and a group of students who are with the Act 101 program at the school. They are here as the guests of Representative Fattah and Representative Linton.

CONSIDERATION OF HB 969 CONTINUED

QUESTION OF INFORMATION

The SPEAKER. Does the gentleman from Philadelphia, Mr. Levin, wish to be recognized?

Mr. LEVIN. A point of information.

The SPEAKER. Will the gentleman state his point of information.

Mr. LEVIN. Is it permissible for me to move HB 969 to a deferred position so that we could deal with a problem in the bill on a subsequent day?

The SPEAKER. Yes. The bill is available for any amendment or any other purpose, any other movement, any motion which a bill ordinarily would be on third consideration.

Mr. LEVIN. Could you enlighten me as to what would be the best motion to place to put it in a deferred category?

The SPEAKER. A motion to place it on third reading postponed would be sufficient.

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

Mr. LEVIN. I therefore move that HB 969 be placed upon the third reading postponed calendar, and I would like to address the reasons for that.

The SPEAKER. The motion by the gentleman, Mr. Levin, would be to place this bill on third reading postponed.

On the question,

Will the House agree to the motion?

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

Mr. PETERSON. I never was aware that I gave up the floor. I just asked for a few moments for a conference.

The SPEAKER. The Chair had not recognized you, Mr. Peterson. The Chair asked you if you wished to, and you said nothing except wait a minute. Now, if you object to this, we will ask Mr. Levin to withdraw his motion, because I do not wish to be unfair, but the Chair did not know whether or not you wished to pursue this. If you are concerned about whether you may later offer your amendment, if the House adopts his motion, you will still be in order to offer any amendments at a later time. It will be on third passage postponed, which means its third passage, and therefore, you would be allowed to offer your amendments, if that is your concern. His motion does not deny that to you.

Does the minority whip wish to comment on the motion?

Mr. HAYES. Yes, Mr. Speaker. We at some length debated this bill just a few legislative days ago. It is obvious that those who are opposed to the legislation want to delay it further. I respect their point of view, but I do not believe that a majority in this House of Representatives should reverse themselves today from a position they took on an earlier day, and I oppose the gentleman's motion. I think we ought to get to final passage. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LAUGHLIN. Mr. Speaker, I do not wish to debate the issue nor do I wish to confuse it by telling the whip from the minority side that just the other day this House of Representatives reversed itself on a very important issue dealing with legal fees, and I certainly feel that this issue is of comparable importance and deserves that consideration. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Fischer, has requested that he be taken off leave of absence, and the gentleman's request is granted.

CONSIDERATION OF HB 969 CONTINUED

The SPEAKER. The gentleman, Mr. Levin, is recognized to debate the motion.

Mr. LEVIN. All right. That is what I wondered. Am I permitted to debate that motion and give my reasons for it?

The SPEAKER. The motion is debatable. The gentleman is recognized.

Mr. LEVIN. All right. Mr. Speaker, a packet was placed on your desks today which indicated that an enormous number of difficulties had arisen because of the all-encompassing nature of the amendment which was adopted. Now, I believe that part of the problem today is that information has either not been read or not argued to you. I do not want to argue the total wisdom of the attempt made by this House to restrict payments in certain situations; that is the House's choice. But I believe most of you were not aware when you passed that that the action also precluded children who are living with grandparents—

The SPEAKER. Will the gentleman yield.

For what purpose does the minority leader rise?

Mr. RYAN. I think the gentleman is going far afield on his motion to postpone. Now he is getting into the merits of the bill.

Mr. LEVIN. No. I do not intend to argue the merits.

The SPEAKER. The Chair disagrees with the gentleman, Mr. Ryan. It is the opinion of the Chair—and the Chair has tried to listen very carefully to all arguments this whole day—that the gentleman is giving reasons why he thinks the bill ought to be delayed. If he goes beyond that, the Chair will stop him. The gentleman may continue.

Mr. LEVIN. I am not arguing the wisdom of the decision, which would be the question of whether we should or should not pass it. What I am arguing is, I believe most of the people, it is my opinion, who voted for this language were unaware of a consequence of the use of the language, which was it would preclude children living with their grandparents from receiving aid. It would also preclude children who are orphaned and living with their brothers and sisters from receiving aid.

The SPEAKER. Will the gentleman yield.

The Chair is not going to permit the gentleman to go into detail. The gentleman may make a general statement as to why he believes that the House should support his motion, but the Chair will not allow him to encompass in that statement all the details of the disagreement with the bill substantively.

Mr. LEVIN. To limit it, I believe this amendment requires additional study from members of both sides of the aisle so that they can understand the consequences of it. I am asking that it be delayed—I do not believe that is too much to ask—so that both sides can take a look at their position and see whether or not it does in fact reflect their view. That is not asking them to change their position on their basic philosophy.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Venango, Mr. Peterson, on the motion.

Mr. PETERSON. Thank you, Mr. Speaker.

I rise to oppose the Levin motion, and I am not going to answer the allegation except to say that most of the people he talked about are excluded through the social security payments which were excluded in my amendment.

The SPEAKER. Then please do not answer it if you are not going to.

Mr. PETERSON. Yes, Mr. Speaker.

The SPEAKER. Thank you. You oppose the motion?

Mr. PETERSON. Yes. I feel that I have facts to further debate this issue.

It is a very simple issue when you get right down to it. I think if we have the opportunity this afternoon to further debate the issue, it can be very clear in most people's minds that this bill should be passed and sent on to the Senate. I urge my colleagues to forbear another hour or whatever it would take here to define what this bill would do and how it would affect those across this Commonwealth. I think we can very clearly and succinctly explain to you, with further study ourselves, just how this would affect our constituents and how it would properly remove from the rolls people who should not be taking funds out of our system away from the truly needy. I ask for that opportunity this afternoon and oppose the motion by Mr. Levin.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Levin, wish to speak for the second time on the motion?

Mr. LEVIN. I just want to add very quickly that I think Mr. Peterson has made the point more tellingly than I have, that the members really need more information, and today we do not have that time. I am not asking that the bill be pushed aside and disposed of, but merely that it be postponed.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—102

Afflerbach	Donatucci	Lloyd	Rudy
Alderette	Duffy	Lucyk	Rybak
Baldwin	Evans	McCall	Saloom
Barber	Fattah	McHale	Seventy
Battisto	Fee	McIntyre	Showers
Belfanti	Freeman	McMonagle	Steighner
Beloff	Gallagher	Maiale	Stewart
Blaum	George	Manderino	Stuban
Broujos	Godshall	Markosek	Sweet
Caltagirone	Gruitza	Mayernik	Taylor, F. E.
Cappabianca	Haluska	Michlovic	Tigue
Carn	Harper	Miscevich	Trello
Cawley	Hoeffel	Mrkonic	Truman
Clark	Hutchinson	Murphy	Van Horne
Cohen	Itkin	O'Donnell	Wachob
Colafella	Jarolin	Olasz	Wambach
Cole	Kasunic	Oliver	Wargo
Cordisco	Kosinski	Petrarca	Wiggins
Cowell	Kowalshyn	Petrone	Williams
Coy	Kukovich	Pievsky	Wozniak
Deluca	Laughlin	Pistella	Wright, D. R.
DeWeese	Lescovitz	Pratt	Wright, R. C.
Daley	Letterman	Preston	Zwikl
Dawida	Levin	Rappaport	
Deal	Linton	Richardson	Irvis,
Dombrowski	Livengood	Rieger	Speaker

NAYS—99

Angstadt	Flick	McClatchy	Salvatore
Armstrong	Foster, W. W.	McVerry	Saurman
Arty	Foster, Jr., A.	Mackowski	Scheetz
Belardi	Fryer	Madigan	Schuler
Book	Gallen	Manmiller	Semmel
Bowser	Gamble	Marmion	Serafini
Boyes	Gannon	Merry	Sirianni
Brandt	Geist	Micozzie	Smith, B.
Bunt	Gladeck	Miller	Smith, L. E.
Burd	Greenwood	Moehlmann	Snyder, D. W.
Burns	Grieco	Mowery	Snyder, G. M.
Cessar	Gruppo	Nahill	Spencer
Cimini	Hagarty	Noye	Spitz
Civera	Hasay	O'Brien	Stairs
Clymer	Hayes	Perzel	Stevens
Cornell	Herman	Peterson	Swift
Coslett	Hershey	Phillips	Taylor, E. Z.
DeVerter	Honaman	Piccola	Telek
Davies	Jackson	Pitts	Vroon
Dietz	Johnson	Pott	Wass
Dininni	Kennedy	Punt	Weston
Dorr	Klingaman	Reber	Wilson
Durham	Lashinger	Reinard	Wogan
Fargo	Lehr	Robbins	Wright, J. L.
Fischer	Levi	Ryan	

NOT VOTING—1

Freind

EXCUSED—1

Morris

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

STATEMENT BY MR. RAPPAPORT

The SPEAKER. Without objection, the Chair returns to reports of committees. The Chair hears none.

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

Mr. RAPPAPORT. Mr. Speaker, HB 100 is reported to be rereferred to the Committee on State Government. Mr. Speaker, HB 1584 is reported as amended.

Mr. Speaker, HB 1579, with leave of the Chair, provides for an additional judge in Westmoreland County. I do this as a courtesy to my good friend, Mr. Petrarca. This bill, however, will be a vehicle for everybody in the State, and we are bringing the bill out at this time to put everybody on notice. Please be so kind as to contact the majority or minority chairman of the Judiciary Committee as to any possible needs in your county. We will take this bill back into committee in several days and develop a comprehensive amendment, which will then be put in in committee after everybody is happy. Thank you, Mr. Speaker.

BILL REPORTED AND REREFERRED TO COMMITTEE ON STATE GOVERNMENT

HB 100, PN 112 By Rep. RAPPAPORT

An Act providing for the education and training of deputy sheriffs; creating the Deputy Sheriffs' Education and Training Commission; providing for the powers and duties of the commission and the Attorney General; establishing the Deputy Sheriffs' Education and Training Fund; providing for a surcharge on sheriffs' fees; and providing penalties.

JUDICIARY.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1579, PN 1972 By Rep. RAPPAPORT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for an additional judge in the tenth judicial district.

JUDICIARY.

HB 1584, PN 2053 (Amended)

By Rep. RAPPAPORT

An Act amending the "Commonwealth Attorneys Act," approved October 15, 1980 (P. L. 950, No. 164), requiring the Attorney General to perform all legal services required for issuance of all State general obligation bonds or notes or other bonds or notes.

JUDICIARY.

REMARKS ON VOTE

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

Mr. GODSHALL. Mr. Speaker, on the Levin motion to postpone HB 969, I was recorded in the affirmative. I wish to be recorded in the negative.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1517, PN 1940**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), requiring the Department of Transportation to do certain work on manhole covers, drains and other devices at the time a road is repaired or resurfaced; and imposing additional duties on the Department of Transportation relating to the raising of certain utility structures to grade level before highway resurfacing projects are instituted.

On the question,

Will the House agree to the bill on third consideration?

Mr. WOZNIAK offered the following amendments No. A3372:

Amend Sec. 1 (Sec. 2005), page 2, line 10, by striking out "road" and inserting
grade

Amend Sec. 1 (Sec. 2005), page 2, line 11, by striking out "road" and inserting
State highway

Amend Sec. 1 (Sec. 2005), page 2, lines 11 through 25, by striking out "The" in line 11, all of lines 12 through 25 and inserting

If the manhole covers, drains and other devices are owned by a municipality or municipal authority, all improvements shall be made by the department and all costs incurred shall be the responsibility of the department. If the manhole covers, drains and other devices are owned by a public utility, the department shall give advance notice and offer to the utility the opportunity to undertake the necessary improvements. If the utility chooses not to make the improvements, the department shall be responsible for making the improvements and any costs incurred shall be charged directly to the appropriate utility.

On the question,

Will the House agree to the amendments?

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

This amendment was hashed out between myself, PennDOT, and Penelec (Pennsylvania Electric Company), a utility company. What it does is it makes exactly accurate what we want PennDOT to do. As it stands now, the local municipalities are responsible for bringing all manhole covers, sewerage covers, and other devices up to the new road surface. What is occurring in my area and throughout Pennsylvania is that we are lacking the coordination with PennDOT in bringing them up at the same time that PennDOT is bringing those new road surfaces up. This will require that PennDOT take care of all the road improvements, including the manhole covers, the sewerage covers, and other devices.

I also have included in it the utility companies, who will have the option of allowing PennDOT to do the work for them or to do the work themselves. If PennDOT does the work for the utility company, the Pennsylvania department will transfer the cost directly to the utility so that no burden will be placed on the taxpayer. This bill will make more effi-

cient roadways, less obstructions, and it would save the municipalities many, many tax dollars.

I would appreciate very much if you would support this bill. It is the first one I ever got out on the House floor, so I sure would appreciate all your support.

The SPEAKER. The Chair thanks the gentleman.

On the Wozniak amendment, the Chair recognizes the gentleman from Bradford, Mr. Madigan.

Mr. MADIGAN. Thank you, Mr. Speaker.

Would the sponsor of the amendment submit to brief interrogation?

The SPEAKER. The gentleman, Mr. Wozniak, indicates he will stand for interrogation. The gentleman, Mr. Madigan, is in order and may proceed.

Mr. MADIGAN. Mr. Speaker, included in your amendment is the word "drains." How extensive is that? If corrections are being made to a storm sewer system which involves a State highway in a municipality, would the Pennsylvania Department of Transportation be responsible for all of the work on those storm drains, or are part of those part of the borough or the borough municipal authority?

Mr. WOZNIAK. My intention, Mr. Speaker, is that PennDOT will be responsible for the drains. Now, when I speak of drains, what PennDOT has intended, when we sat down together, is simply the ones on the side of the road where the water comes down and drains into the sewers underneath. It was our intention not to make any extravagant situation like a major road renovation that would have municipal support in it. This is simply the sewerage drains on the side by the curb.

Mr. MADIGAN. Mr. Speaker, I currently have a municipality which has drain problems and storm sewers which are plugged, and PennDOT has agreed to do the road work in conjunction with the municipality in replacing some of the storm sewers. The question is whether this would make the Department of Transportation responsible for all of the corrections in the borough.

Mr. WOZNIAK. No, this would not, Mr. Speaker. You are touching in a totally separate area, and this will not affect that situation at all.

Mr. MADIGAN. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Beloff	Gallagher	Maiale	Showers
Blaum	Gallen	Manderino	Sirianni
Book	Gamble	Manmiller	Smith, B.

Bowser	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Marmion	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G. M.
Broujos	Gladeck	Merry	Spencer
Bunt	Godshall	Michlovic	Spitz
Burd	Greenwood	Micozzie	Stairs
Burns	Grieco	Miller	Steighner
Caltagirone	Gruitza	Miscevich	Stevens
Cappabianca	Gruppo	Moehlmann	Stewart
Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Nahill	Taylor, E. Z.
Civera	Hayes	Noye	Taylor, F. E.
Clark	Herman	O'Brien	Telek
Clymer	Hershey	O'Donnell	Tigue
Cohen	Hoeffel	Olasz	Trello
Colafella	Honaman	Oliver	Truman
Cole	Hutchinson	Perzel	Van Horne
Cordisco	Itkin	Peterson	Vroon
Cornell	Jackson	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Johnson	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashingner	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwikl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham	Livengood	Rudy	

NAYS—0

NOT VOTING—1

Freind

EXCUSED—1

Morris

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Afflerbach	Fargo	McCall	Rybak
Alderette	Fattah	McClatchy	Saloom
Angstadt	Fee	McHale	Salvatore
Armstrong	Fischer	McMonagle	Saurman
Baldwin	Flick	McVerry	Scheetz
Barber	Foster, W. W.	Mackowski	Schuler
Battisto	Foster, Jr., A.	Madigan	Semmel
Belardi	Freeman	Maiale	Serafini
Belfanti	Fryer	Manderino	Seventy
Beloff	Gallagher	Manmiller	Showers
Blaum	Gallen	Markosek	Sirianni
Book	Gamble	Marmion	Smith, B.

Bowser	Geist	Mayernik	Smith, L. E.
Boyes	George	Merry	Snyder, D. W.
Brandt	Gladeck	Michlovic	Snyder, G. M.
Broujos	Godshall	Micozzie	Spencer
Bunt	Greenwood	Miller	Spitz
Burd	Grieco	Miscevich	Stairs
Burns	Gruitza	Moehlmann	Steighner
Caltagirone	Gruppo	Mowery	Stevens
Cappabianca	Hagarty	Mrkonic	Stewart
Carn	Haluska	Murphy	Stuban
Cawley	Harper	Nahill	Sweet
Cessar	Hasay	Noye	Swift
Cimini	Hayes	O'Brien	Taylor, E. Z.
Civera	Herman	O'Donnell	Taylor, F. E.
Clark	Hershey	Olasz	Telek
Clymer	Hoeffel	Oliver	Tigue
Cohen	Honaman	Perzel	Trello
Colafella	Itkin	Peterson	Truman
Cole	Jackson	Petrarca	Van Horne
Cordisco	Jarolin	Petrone	Vroon
Cornell	Johnson	Phillips	Wachob
Coslett	Kasunic	Piccola	Wambach
Cowell	Kennedy	Pievsky	Wargo
Coy	Klingaman	Pistella	Wass
Deluca	Kosinski	Pitts	Weston
DeVerter	Kowalshyn	Pott	Wiggins
DeWeese	Kukovich	Pratt	Williams
Daley	Lashingner	Preston	Wilson
Davies	Laughlin	Punt	Wogan
Dawida	Lehr	Rappaport	Wozniak
Deal	Lescovitz	Reber	Wright, D. R.
Dietz	Letterman	Reinard	Wright, J. L.
Dininni	Levi	Richardson	Wright, R. C.
Dombrowski	Levin	Rieger	Zwikl
Dorr	Linton	Robbins	
Duffy	Livengood	Rudy	Irvis,
Durham	Lloyd	Ryan	Speaker
Evans	Lucyk		

NAYS—0

NOT VOTING—6

Arty
Donatucci

Freind
Gannon

Hutchinson
McIntyre

EXCUSED—1

Morris

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.

MISS PENNSYLVANIA-USA PRESENTED

The SPEAKER. The gentleman, Mr. Kasunic, from Fayette County, has noted that the Chair has had an almost total inability to command the interest of the membership this day. He remembered that the Chair made a promise that if he could not get the interest of the members by one device, he would go back to a time-tried one, and that is presenting every session a new Miss Pennsylvania. We now have Miss Pennsylvania-USA. If I cannot get your attention one way, I will get it another.

I am pleased to turn the gavel over to Representative Kasunic, who would be delighted to welcome Julie Page, Miss Pennsylvania--USA.

Mr. KASUNIC. Thank you.

It gives me great pride and pleasure to introduce to you Miss Pennsylvania-USA, Miss Julie Page, from Belle Vernon, a constituent of mine from the 52d Legislative District, Fayette County.

Miss PAGE. Thank you, Mr. Speaker, Representative Kasunic, and the House. It is an honor to be here with you today as Pennsylvania's representative to the Miss USA Pageant.

First, let me clear the air. Yes, there are two reigning Miss Pennsylvanias, myself and Jennifer Eshelman, representing the Miss America Pageant. Both pageants are worthwhile organizations, for they offer young women State opportunities to compete, travel, and be an ambassador of goodwill throughout our Commonwealth.

On March 5, 1983, I was crowned Miss Pennsylvania-Miss USA. It was 4 days of constant competition among 117 girls in evening gowns, costumes, swimsuits, and personality. There was a lot of hard work and effort involved, for the State contest is managed with the highest level of quality and integrity.

I entered the pageant, which was my first, at 18 years of age, a senior in high school, and with a teenager's point of view. I competed against girls all older than myself, many who had graduated from college, and felt I did not stand a chance. Seven months have passed since that time and many things have changed. I am still 18 years old, but my viewpoint is that of a young woman. I realize now that the most important part of the pageant was not winning the crown or the title, for every participant is a winner in her own right. What is important is that I have gained new friendships and acquaintances, exchanged ideas and shared new experiences, and realized that as long as you do your best, you will succeed and grow as a person to your fullest potential.

With that in mind, I went on to compete in the national televised competition, the Miss USA Pageant. From this, one can earn the right to compete with representatives from over 80 countries for the coveted title of Miss Universe. Competition is the key word here. It is something everyone in this room can relate to. It can be defined as a struggle with others for victory and supremacy. But let me point out an underlying definition: Competition is the basis of incredible achievement. This is where outstanding abilities and personalities surpass all else. It is the stepping-stone to reaching your future goals. We must remember that dreams still can come true, but they do not come easy.

One category is best State costume. Although it does not count in the final tabulation, it provides each delegate an opportunity to share an outstanding aspect unique to her own State. I chose to represent a Philadelphia harlequin mummer, which, by the way, took first place in the national competition, something proud of Pennsylvania. In that same competition, a gift from our State had to be presented to the judges. My gift was a 3-foot replica of the Liberty Bell. Both the mummer and the Liberty Bell are part of Pennsylvania's history for brotherly love, past and present.

Another category of competition, and probably the most important, was the personality judging. One of the questions I was asked was, if a visitor from another country came to stay with you, what would you tell them about your State? I said that Pennsylvania is a State of diversity. It offers traditional family-oriented communities with an easy access to large metropolitan areas. It is a place for the family, with beautiful scenic lakes and mountains for swimming in the summer and skiing in the winter, and its major service organizations taking an active role in contributing to an improved quality of life for area citizens.

If we combine this with our historical past and proud heritage, we find rich tradition with a promising future for business. Pennsylvania has a growing industrial base and strong business economy, providing integral opportunities for personal and professional growth. Thus, we exemplify why we are called the Keystone State - the center of the arch to come together as a whole united, formed by the original 13 American States and carried over to present Pennsylvania. With virtue, liberty, and independence, I am proud to be a Pennsylvanian.

The Miss USA creed states, "We, representing the States of the United States, in the Miss USA Pageant, in order to further the cause of peace, justice, and mutual understanding, do solemnly dedicate ourselves to the highest ideal of sportsmanship, friendship, and goodwill among all people of the United States." I wish I could express the meaning behind this creed, not only to the Miss USA representatives but to every citizen, both young and old.

I may not have won the Miss USA title, but I acquired something even more valuable - a better understanding of my own State and the common bonds that unite us to make a united nation.

After my reign is over and looking back, one question I am sure I will be asked: What was your most difficult and nerve-racking moment? I would have to say that there were two. The first was being chosen a semifinalist on national TV in front of 70 million people pretending not to be scared; the second, being here speaking in front of the House of Representatives pretending not to be scared. In both situations, I looked into the audience. I could see the reassurance of familiar faces. In Knoxville I saw my parents, my brothers, and my State director. Here I can see Representative Kasunic, who has been at many of my township functions; Representative Fischer, who has spent many Sundays as a lay minister in my church; and the familiar face of Representative Manderino from the valley.

These experiences will prove to be a memorable and rewarding chapter in my life. I would like to extend heartfelt appreciation and my sincerest thank you for having me here today.

The SPEAKER. The Chair has run out of Miss Pennsylvanias for this week, but by the time you come back in 2 weeks, I will have a couple more.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 367, PN 417**, entitled:

An Act amending "The Notary Public Law," approved August 21, 1953 (P. L. 1323, No. 373), further providing for seals.

On the question,

Will the House agree to the bill on third consideration?

Mr. GALLEN offered the following amendments No. A3106:

Amend Title, page 1, line 4, by removing the period after "seals" and inserting
; and making repeals.

Amend Sec. 1 (Sec. 12), page 1, line 15, by inserting after "which"

he shall use to authenticate all his acts, instruments and attestations. The seal

Amend Sec. 1 (Sec. 12), page 2, lines 9 through 17, by striking out all of said lines and inserting

(c) In addition to the official seal required in subsection (a), a notary public shall also use and keep an embosser upon which shall be engraved the words "Notary Public, Commonwealth of Pennsylvania," and the name and surname of the notary. All documents executed shall bear opposite the jurat a legibly embossed impression.

Section 2. Sections 13 and 14 of the act are repealed.

Section 3. This act shall take effect in 90 days.

On the question,

Will the House agree to the amendments?

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

Mr. GALLEN. Mr. Speaker, Mr. Fryer's bill—I would like to applaud him on the bill—was only slightly flawed, and this amendment just corrects a minor problem. The bill permits a rubber stamp to be used as an official seal, and that is really for copying purposes. This amendment requires the use of an embosser and repeals conflicting sections regarding placement of the seal. I know that Mr. Fryer agrees with this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Afflerbach	Fargo	Lloyd	Rudy
Alderette	Fattah	Lucyk	Ryan
Angstadt	Fee	McCall	Rybak
Arty	Fischer	McClatchy	Saloom
Baldwin	Flick	McHale	Salvatore
Barber	Foster, W. W.	McIntyre	Saurman
Battisto	Foster, Jr., A.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Semmel
Belfanti	Fryer	Mackowski	Serafini
Beloff	Gallagher	Madigan	Seventy
Blaum	Gallen	Maiale	Showers
Book	Gamble	Manderino	Sirianni
Bowser	Gannon	Manmiller	Smith, B.
Boyes	Geist	Markosek	Smith, L. E.
Brandt	George	Marmion	Snyder, D. W.

Broujos	Gladeck	Mayernik	Snyder, G. M.
Bunt	Godshall	Merry	Spencer
Burd	Greenwood	Michlovic	Spitz
Burns	Grieco	Micozzie	Stairs
Caltagirone	Gruitza	Miller	Steighner
Cappabianca	Gruppo	Miscevich	Stevens
Carn	Hagarty	Moehlmann	Stewart
Cawley	Haluska	Mowery	Stuban
Cessar	Harper	Mrkonic	Sweet
Cimini	Hasay	Murphy	Swift
Civera	Hayes	Nahill	Taylor, E. Z.
Clark	Herman	Noye	Taylor, F. E.
Clymer	Hershey	O'Brien	Telek
Cohen	Hoefel	O'Donnell	Tigue
Colafella	Honaman	Olasz	Trello
Cole	Hutchinson	Oliver	Truman
Cordisco	Itkin	Perzel	Van Horne
Cornell	Jackson	Peterson	Vroon
Coslett	Jarolin	Petrarca	Wachob
Cowell	Johnson	Petrone	Wambach
Coy	Kasunic	Phillips	Wargo
Deluca	Kennedy	Piccola	Wass
DeVerter	Klingaman	Pievsky	Weston
DeWeese	Kosinski	Pistella	Wiggins
Daley	Kowalshyn	Pitts	Williams
Davies	Kukovich	Pott	Wilson
Deal	Lashinger	Pratt	Wogan
Dietz	Laughlin	Preston	Wozniak
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Reinard	Zwinkl
Duffy	Levin	Richardson	
Durham	Linton	Rieger	Irvis,
Evans	Livengood	Robbins	Speaker

NAYS—1

Dawida

NOT VOTING—3

Armstrong

Freind

Schuler

EXCUSED—1

Morris

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Beloff	Gallagher	Maiale	Showers
Blaum	Gallen	Manderino	Sirianni
Book	Gamble	Manmiller	Smith, B.

Bowser	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Marmion	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G. M.
Broujos	Gladeck	Merry	Spencer
Bunt	Godshall	Michlovic	Spitz
Burd	Greenwood	Micozzie	Stairs
Burns	Grieco	Miller	Steighner
Caltagirone	Gruitza	Miscevich	Stevens
Cappabianca	Gruppo	Moehlmann	Stewart
Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	O'Donnell	Telek
Clymer	Hershey	Olasz	Tigue
Cohen	Hoeffel	Oliver	Trello
Colafella	Honaman	Perzel	Truman
Cole	Hutchinson	Peterson	Van Horne
Cordisco	Itkin	Petrarca	Vroon
Cornell	Jackson	Petrone	Wachob
Coslett	Jarolin	Phillips	Wambach
Cowell	Johnson	Piccola	Wargo
Coy	Kasunic	Pievsky	Wass
Deluca	Kennedy	Pistella	Weston
DeVertter	Klingaman	Pitts	Wiggins
DeWeese	Kosinski	Pott	Williams
Daley	Kowalshyn	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashingner	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwikl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham	Livengood		

NAYS—0

NOT VOTING—2

Freind Nahill

EXCUSED—1

Morris

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

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

* * *

The House proceeded to third consideration of **HB 1445, PN 1999**, entitled:

An Act amending "The C. P. A. Law," approved May 26, 1947 (P. L. 318, No. 140), creating the State Board of Accountancy and granting it powers and duties; further providing for education and experience requirements and permits to practice; and providing for injunctions and penalties.

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

Mr. BOYES offered the following amendments No. A3405:

Amend Sec. 4, page 7, line 7, by striking out "a clause is" and inserting

clauses are

Amend Sec. 4 (Sec. 3), page 9, by inserting between lines 26 and 27

(14) To submit within a reasonable time following the biennial reporting period ending December 31, 1985, to the Professional Licensure Committee of the House and the Consumer Protection and Professional Licensure Committee of the Senate, a list of names of continuing education sponsors approved by the board and a summary of the types of continuing education courses, indicating the course content and subject matter, taken by current licensees in accordance with section 8.2 of this act during such biennial reporting period.

Amend Sec. 10 (Sec. 8.2), page 17, line 17, by striking out the bracket before "eighty"

Amend Sec. 10 (Sec. 8.2), page 17, line 17, by striking out "'] forty-eight"

Amend Sec. 10 (Sec. 8.2), page 17, lines 21 and 22, by striking out "which directly relate to public accounting, as it is defined in this act"

On the question,

Will the House agree to the amendments?

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

Mr. BOYES. Thank you, Mr. Speaker.

The purpose of this amendment is to retain the 80 hours of continuing education that currently exists in the Commonwealth of Pennsylvania. Pennsylvania and 36 other States provide for 80 hours of continuing education.

This amendment also provides a reporting function at the completion of the cycle. That report is to be provided to the respective House and Senate committees on the courses offered and by whom.

It is important to remember that many objections were minimized with the greater freedom granted to accountants to select subjects that meet their particular needs. I would urge an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LINTON. Thank you, Mr. Speaker.

I rise in opposition to the Boyes amendment. We have spent numerous hours doing sunset hearings in the Professional Licensure Committee, interviewing many public accountants and certified public accountants. We also had an opportunity to interview many of those from the professional association. During those interviews, no one was able to adequately indicate how increasing the hours or maintaining the hours of 80 would support competence in the field. No one was able to indicate how they were able to measure whether continuing education in 80 hours made one a competent practitioner.

Mr. Speaker, it has been my concern that the increase or the reversion back to the 80 hours serves to keep out many, many other people who want to be public accountants. It is an excessive regulation, and I rise in opposition to that.

Also, Mr. Speaker, I want to make it very clear that there is a movement throughout the Commonwealth to increase continuing education hours in most of the professions without any clear understanding of the effect of those continuing education hours as to improving those professionals. So I rise in opposition to that.

Also, Mr. Speaker, we passed in 1979 a requirement in the law to ask for 80 hours, but also within that requirement we only asked for 48 of those hours to be directly related to the profession. Over the last 6 years, we have been operating with 48 hours directly related to the profession, and with that operation, Mr. Speaker, there has not been any increase in fraud or incompetent behavior by any public accountant.

So, Mr. Speaker, it seems to me that 48 hours has been adequate in serving our constituency and maintaining some type of professionalism and competence in the field. Therefore, I support the current 48 hours that is currently in the law as reported from the Professional Licensure Committee and as reported after numerous hours of hearings and testimony on sunset legislation. I encourage my colleagues to defeat the Boyes amendment, and I rise in opposition to it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on the Boyes amendment.

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to support the Boyes amendment. I do so with some reservations, because I am not sure that we really have enough information about this continuing education issue to make a valid judgment. What I do know is that a number of years ago the legislature in its wisdom put the continuing education requirement into the law at 80 hours. What I also know is that part of the intent of that at least is to provide some kind of consumer protection so that people who go to a C.P.A. and rely upon his judgment in matters of taxes and financing have the assurance that he has kept current with all of the changes. I also know that those changes have continued to come at a great rate and with great complexity.

Now, the question is, assuming that there should be some continuing education, what is the right amount - 80 hours, 48 hours, 70 hours, 30 hours? My suggestion, Mr. Speaker, is that 48 hours is as arbitrary as 80 hours. Forty-eight hours was picked originally because the board had allowed 32 hours of flexible courses. Some people claimed that there was a hardship with 80 hours, but we have discovered that in fact it is possible to take courses through the mail or your C.P.A. firm can buy a course and put it on for all the members of the firm. Some people have claimed that there were "cake" courses, easy courses that people should not be taking, but what we do not have is any evidence as to the frequency with which those courses are given or taken. Some people claim that it was not fair to make them take 48 hours in accounting and auditing and taxation even though they did not have to do all of those things, but this bill already takes care of that problem by giving them more flexibility in choosing the courses that they will take.

I would not support this amendment today were it not for the fact that this amendment does require a report back to the legislature within 2 years with some details as to what courses are being offered, what courses are being taken. At the present time, when we tried to get into that subject, the records of the most recent cycle that were available to the committee had been destroyed, and so all we had were the

allegations. I suggest that we should not make a judgment to arbitrarily go from 80 to 48 without some idea of what that evidence would indicate. Therefore, I urge a "yes" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Pott, on the Boyes amendment.

Mr. POTT. Thank you, Mr. Speaker.

I rise to support the Boyes amendment. Eighty hours is the national standard adopted by 37 States, including Pennsylvania. To reduce the 80 hours to 48 hours at the present time with the number of changes which are occurring in reporting requirements, in registration requirements with the Securities and Exchange Commission, with the Internal Revenue Service Code, I believe, Mr. Speaker, does a disservice to the public. The more courses a certified public accountant has available to take, the better job that accountant can do for his clients. Therefore, I respectfully request that all members consider very carefully the ramifications of not adopting the Boyes amendment. It will reduce the number of hours required by maintaining the bill the way it is, and it will not serve in the greatest public interest. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Boyes amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I know that I certainly do not qualify as a certified public accountant, but I do know this, Mr. Speaker, that the large firms across this State that are interested in keeping those smaller firms busy with their people in school and not being able to go out and do the job they are hired to do are having an adverse effect on those firms and the income.

They are doing a good job. I have not heard any complaints about the certified public accountants doing a poor job when they testify in court. I have not heard of them being taken up before the IRS for doing a poor job there. I believe they are doing an adequate job, and I believe that the 48 hours is going to continue to help them do that. I do not think they need that excessive number of hours, Mr. Speaker. I have talked to my own personal accountant at home and a number of them across the State, Mr. Speaker, and I would ask for a negative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Boyes amendment, the Chair recognizes the gentleman from Philadelphia, Mr. McMonagle.

Mr. McMONAGLE. Thank you, Mr. Speaker.

Mr. Speaker, during our hearings we heard a lot of testimony on this, and the problem with the 80 hours is, there are only 48 hours required, and for 32 hours they can do what they want, and the large firms which have the in-house seminars, we understand, do not really teach the courses that are needed. On the part of the reciprocal, if any firm, any C.P.A., wants to leave Pennsylvania and go to another State and practice, all they will have to do is take 32 hours so they can go to that State. I mean, we have people here, small people, small C.P.A.'s, one-man operations, that have a

rough time taking 40 hours a year, and the cost is very high. As long as we keep these costs up high, we are going to make it harder on these people, and the only ones you are going to be able to go to are the large firms, and that is exactly what the large firms are trying to do - knock out our small, in-house, "mom and pop" C.P.A.'s. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Boyes amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I rise to strongly support this amendment. I think it is utterly important for everybody in this room to understand the implications of this. I have been in the field of finance and accounting for the last 30 years or more, and I have been involved in every aspect of accounting - public accounting, private accounting, and then in my role as a pension fund manager and the manager of portfolios. I want to emphasize how utterly important it is to get continuing education into this field.

We have no idea as we sit here how sophisticated the world of finance and accounting has become and how much people must depend on the work of these public accountants. These people are not just "mom and pop" shops; they are not just one-man firms that are doing a job here. These people usually serve the smaller companies which, however, at one time or another are going to go public, and when they go public they are not going to be using these small firms either. But it is awfully important for the large firm to be involved for the protection of the public and to the extent that small firms have to give certified statements to banks and other people who lend money.

I cannot overemphasize the importance of sophistication and training in this field. I do not care if you are a public accountant or a C.P.A.; you should be right up to snuff in your training. I would trust the accounting profession a whole lot better if you continued the 80-hour requirement. I would not settle for any less. I strongly urge an affirmative vote for the benefit of all concerned. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Boyes amendment, the Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

I rise in support of the Boyes amendment as a member of the Professional Licensure Committee who heard the testimony and read the reports, but I believe that the 80 hours would be in the best interests of the people whom the accountants of Pennsylvania, the C.P.A.'s, serve. I would ask for approval of the amendment. It was precisely the small firms and the small C.P.A.'s, the individual from my district in the city of Wilkes-Barre, who called and asked for support of the 80-hour amendment. I do not think in any way that this is large versus small, at least not in my view.

So I would ask the members of the House to approve the 80-hours amendment. Again, as Representative Lloyd pointed out, this is a temporary measure that the committees will be able to review over the next 2 years and possibly make some adjustments at that time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Boyes amendment, the Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I cannot believe that we as a legislature would oppose the professional attempts of accountants to keep up to date and current with the regulations and the taxes that we have and the complexity of those regulations and taxes that we have to contend with here in Pennsylvania and across the United States.

As far as the argument that large firms benefit by this and they are the ones who want it, I know that that is incorrect. I happen to be a member of the northwest chapter of C.P.A.'s. We had our meeting last Friday. There are over 300 members in the northwest chapter of C.P.A.'s. There are no large firms involved—that is, the big eight involved—as far as membership is concerned in that chapter, and there was not one dissenting vote in our meeting last Friday as far as encouraging the continuation of, and I want to make sure that we understand it, this is merely the continuation of 80 hours. There has been an indication here that we only require 48 hours at the present time. That is not the case. For the last 4 years, we have required 80 hours for a 2-year period. Now remember, that is 40 hours per year, although the requirements say that you can take those 80 hours at any time during that 2-year period. The only specification as far as the 48 hours is concerned is that 32 hours out of that 80 hours must be in the fields of accounting and auditing and 16 of them in the field of taxes. This, incidentally, has been changed so that at the present time, and starting with this new biennium, we will only require 16 hours of accounting and auditing and 8 hours of taxation, making it so that anyone who is not in the accounting and auditing field will have the opportunity to take other courses which will be helpful to him.

These courses are made available in many, many places and in many, many ways. We in the northwest chapter have courses right at the meetings; we have courses that are held in Meadville, in Warren, in Grove City, so it is an easy situation. There are constant updates across the State, and whenever the profession produces an update—it may be an update on the current regulations as far as the American Institute is concerned—they take that update to three or four locations in the State so that it is an easy, inexpensive way for people to maintain their knowledge as to what is going on.

The financial world depends on the accountant to audit and report on our business in a professional and standardized way. Any time that we do not do that, any time that we do that in a poor way, people who are depending upon us for investment and knowing what each company is doing are going to have a problem if we do not in our situation maintain the necessary competency in this field. The world of taxation and financial management is ever-changing, and the profession has decided that the 80 hours per biennium is needed to maintain that necessary competency. The profession in 37 out of 50 States agrees with this, and I believe that we as a legislature should not change that particular instance and still allow

the C.P.A.'s and the accountants to require that we continue with that same level of competency and have the 80 hours in a biennium period. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader on the Boyes amendment.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the Boyes amendment. The Boyes amendment requires 80 hours of continuing education in a 2-year period for recertification. The present language in the law is 80 hours, but the 80 hours need not be related to the accounting profession; only 48 hours need be related to the accounting profession. The others can be anything. They can be art appreciation or ancient history or any other course. The committee that studied the sunset provisions of the law, that had the accounting board in and questioned them, made a decision that 48 hours was enough if all of it was accounting related, and that is the requirement that they placed in the legislation that is before us. Mr. Boyes wants to return to 80 hours and takes out the requirement that any of those 80 hours be accounting related. Read the last line of his amendment. It eliminates the words "which directly relate to public accounting...."

The question here is not do we expect and do we want our public accountants to go into continuing education courses that are related to their accounting profession so that they can be updated with the new laws that are passed both by this Assembly and the Federal Congress. We all want that. It is a question of how many hours is that going to need; how many hours in a 2-year period, because they must renew their license with the State every 2 years, and what we found is, there are no major abuses. No one is calling the profession to task for not keeping up when they are only receiving 48 hours now of accounting-related courses, and we are simply saying, let them continue with 48 hours of accounting-related courses. Mr. Boyes wants to raise that requirement to 80 hours but says none of it has to be accounting related.

I think that we adequately provide for the public's protection with the bill as it is now, as it was designed by the committee that we appointed to study that question, and as, frankly, it has been recommended, as I understand it, by the Board of Public Accountants that has been appointed to guard the profession here in the Commonwealth. Mr. Speaker, I ask for a negative vote on the Boyes amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Just to be sure the record is abundantly clear, first, it is true that the State Board has reversed itself and recommended legislation setting it at 48 hours. However, it is important that the members know that that was done after a tie developed, and the Commissioner of Professional and Occupational Affairs voted to lower it to 48. So that was by no means an overwhelming decision of the board.

Secondly, this bill, if this amendment were to go in, would not, as the majority leader suggests, open this up to art appre-

ciation unless the board, whose judgment he wants to trust, would approve those kinds of courses. I suggest the board is not going to approve those kinds of courses and that the kind of problem that the majority leader is talking about simply is not going to arise. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Linton, wish to be recognized?

Mr. LINTON. Yes. Thank you.

The SPEAKER. For the second time, the Chair recognizes the gentleman.

Mr. LINTON. Thank you.

After having an opportunity to listen to my colleague, Mr. Lloyd, who himself is concerned about the fact that many of the hours in professional education are not directly related to the field, I am concerned now that he is now saying it is not a problem, that we can leave that to the discretion of the board. It seems to me that he is contradicting his own concerns that he expressed very vehemently in the public hearings.

On top of that, I want to mention to my colleagues that many of those in the medical profession who are doctors, who operate on each and every one of us every day, who handle medicine and prescriptions, are not required to have continuing education hours, even though their profession is constantly changing. Many of you here are lawyers. Every day we change laws here in the Commonwealth, and there are laws changed in Congress, but you are not mandated by any law to go back to school for continuing education so that you can protect the public and be competent in your field. I am quite sure the marketplace will determine who is competent and who is not competent, and all those who want to participate in the marketplace on their own initiative will go back and get continuing education. We as legislators, as this legislative body, should not mandate those requirements.

So often in this legislative body we talk about overrestrictions on small business, all the additional paperwork. Well, here we are again putting excessive requirements on the small C.P.A.'s. And yet the big eight C.P.A.'s, the big eight firms, yes, they are supporting 80 hours, because they make it very easy for the members of the big eight firms to take those 80 hours. Many of those courses are offered within the firms. They have the opportunity to do that, and the small, independent C.P.A.'s have less of an opportunity to do that. So I rise once again, Mr. Speaker, in opposition to the 80 hours. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I am a little concerned about some of the statements that have been made since I last spoke. One thing—and I think that the gentleman, Mr. Lloyd, did refer to this—is the fact that we have always taken accounting-related courses, or at least those courses had to be approved prior to their being taken. The courses that we take, even when they are in-house courses, in-house within the house of a major accounting firm, the curriculum has to be approved and also has to be

certified prior to that being in acceptance as far as a C.P.A. credit is concerned.

It is also not true that there is no government organization which has required this particular function as far as continual professional education is concerned. In fact, many years ago, I would say 8 to 10 years ago, the Securities and Exchange Commission did study the accounting profession, and among many of the things which they required, among many of the items that they recommended, was a definite plan of continued professional education and that that plan be instituted. That really was the start of the requirement that we have continual professional education as we have it in our profession at the present time.

I do not believe, as the last gentleman said, that this is an excessive requirement as far as small organizations are concerned, or small accounting firms are concerned. I believe strongly that these courses are made available in correspondence courses, through cassette courses if they want to take them at home. It is made available to them in their own locality by placing these various C.P.A. courses all over Pennsylvania, and I do not believe that it is an excessive requirement in order to maintain our professional level, the professional level of the accountant. So I would strongly urge that you support this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer, on the Boyes amendment.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support the Boyes amendment. Just two quick comments: Number one, the comment had been made by another member that those in the medical profession do not attend ongoing courses, and that is not true. Having come from a medical background, working in a hospital, I can assure you that doctors do attend seminars and special conferences and spend many hours updating themselves on the new techniques in medicine.

And secondly, I have a brother who is a C.P.A., and I asked him about this very issue. He comes from a small accounting firm where there are seven members, and I would assume that would come under the definition of a small, independent accounting firm, and their accounting firm, as he is, is supportive of 80 hours of continuing work simply because, as he mentioned, it is not so much abuses but the fact that they have to maintain knowledge on the complexity of State and Federal laws that impact on their firm, and this is very helpful when they can have this additional schooling. So I again ask the members to support the Boyes amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Now the Chair recognizes the gentleman, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

I just wish to underscore what Representative Lloyd had stated earlier, that for those 80 hours that we are talking about that is in current law and practice in Pennsylvania, the courses will be set and determined by the Board of Accountancy. That Board of Accountancy is accountable to this legis-

lature and accountable by the amendment to report back to us as far as the courses offered and the people who are taking them and give us a full report. As Representative Blaum stated earlier, we can make adjustments later, after we have that. That is the purpose of it.

The profession wants the 80 hours of continuing education that exists in current law. It is the current practice, and we would be denying reciprocity to our own professions in the Commonwealth of Pennsylvania. Therefore, I urge an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—140

Afflerbach	Durham	Letterman	Rudy
Angstadt	Fargo	Levi	Ryan
Armstrong	Fischer	Levin	Salvatore
Arty	Flick	Livengood	Saurman
Baldwin	Foster, W. W.	Lloyd	Schuler
Blaum	Foster, Jr., A.	McCall	Semmel
Book	Gallagher	McClatchy	Seventy
Bowser	Gallen	McHale	Showers
Boyes	Gamble	McVerry	Sirianni
Brandt	Gannon	Mackowski	Smith, B.
Broujos	Geist	Madigan	Smith, L. E.
Bunt	Gladeck	Manmiller	Snyder, D. W.
Burd	Godshall	Marmion	Snyder, G. M.
Burns	Greenwood	Mayernik	Spencer
Cappabianca	Grieco	Merry	Spitz
Cawley	Gruitza	Micozzie	Stairs
Cessar	Gruppo	Miller	Steighner
Cimini	Hagarty	Moehlmann	Stevens
Civera	Haluska	Mowery	Stewart
Clark	Hasay	Mrkonic	Sweet
Clymer	Hayes	Nahill	Sweet
Cole	Herman	Noye	Taylor, E. Z.
Cordisco	Hershey	O'Brien	Taylor, F. E.
Cornell	Hoeffel	Olasz	Van Horne
Coslett	Honaman	Perzel	Vroon
Cowell	Hutchinson	Peterson	Wachob
Coy	Itkin	Petrone	Wambach
DeVerter	Jackson	Phillips	Wass
DeWeese	Johnson	Piccola	Weston
Davies	Kasunic	Pitts	Wilson
Dietz	Kennedy	Pott	Wogan
Dininni	Klingaman	Punt	Wozniak
Dombrowski	Lashingier	Reber	Wright, D. R.
Dorr	Lehr	Reinard	Wright, J. L.
Duffy	Lescovitz	Robbins	Zwinkl

NAYS—60

Alderette	Fattah	Manderino	Rybak
Barber	Fee	Markosek	Saloom
Battisto	Freeman	Michlovic	Scheetz
Belardi	Fryer	Miscevich	Serafini
Belfanti	George	Murphy	Stuban
Beloff	Harper	O'Donnell	Telek
Caltagirone	Jarolin	Oliver	Tigue
Carn	Kosinski	Petrarca	Trello
Cohen	Kowalyszyn	Pievsky	Truman
Colafella	Kukovich	Pistella	Wargo
Deluca	Laughlin	Pratt	Wiggins
Daley	Linton	Preston	Williams
Dawida	Lucyk	Rappaport	
Deal	McIntyre	Richardson	Irvis,
Donatucci	McMonagle	Rieger	Speaker
Evans	Maiale		

NOT VOTING—2

Freind Wright, R. C.

EXCUSED—1

Morris

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. LLOYD offered the following amendments No. A3472:

Amend Sec. 1 (Sec. 2), page 2, by inserting between lines 15 and 16

“Biennial period” The two-year period beginning May 1, 1986 and ending April 30, 1988 and each subsequent two-year period.

Amend Sec. 1 (Sec. 2), page 2, line 20, by inserting after “expired”

, and a current license issued under section 8.2, 8.3, 8.4, 8.5 or 8.6

Amend Sec. 1 (Sec. 2), page 3, line 9, by inserting after “State”

acting through the Commissioner of Professional and Occupational Affairs

Amend Sec. 1 (Sec. 2), page 3, lines 16 and 17, by striking out “Any reporting or attesting” and inserting

Any report, opinion or assurance

Amend Sec. 1 (Sec. 2), page 3, line 18, by inserting after “standards”

or standards for accounting and review services

Amend Sec. 1 (Sec. 2), page 4, line 7, by inserting after “standards”

or standards for accounting and review services

Amend Sec. 1 (Sec. 2), page 4, line 11, by inserting after “others.”

The term also includes the performance of other professional services in any or all matters relating to accounting procedure and to the recording, presentation or certification of financial information or data.

“Reporting period” The two-year period beginning January 1, 1986 and ending December 31, 1987 and each subsequent two-year period.

Amend Sec. 4 (Sec. 3), page 7, line 10, by striking out the bracket before “for”

Amend Sec. 4 (Sec. 3), page 7, line 10, by inserting a bracket before “and”

Amend Sec. 4 (Sec. 3), page 7, line 22, by striking out “service for the testing” and inserting

organization for the preparation

Amend Sec. 4 (Sec. 3), page 8, line 4, by striking out the brackets before and after “and/or Advisory Grading service”

Amend Sec. 4 (Sec. 3), page 8, line 10, by inserting brackets before and after “permits” and inserting immediately thereafter

licenses

Amend Sec. 4 (Sec. 3), page 8, line 14, by inserting after “request.]”

The department shall furnish copies of such record to the public upon request and may establish a reasonable fee for such copies which shall not exceed the cost of reproduction.

Amend Sec. 5 (Sec. 3.1), page 9, lines 29 and 30, by striking out the brackets before and after “for the certificate of certified public accountant”

Amend Sec. 5 (Sec. 3.1), page 10, line 2, by striking out the bracket before “, is enrolled” in line 7

Amend Sec. 5 (Sec. 3.1), page 10, line 5, by striking out the bracket after “examination,”

Amend Sec. 6 (Sec. 4), page 10, lines 26 and 27, by inserting brackets before and after “of a caliber satisfactory to the board,”

Amend Sec. 6 (Sec. 4), page 10, line 30; page 11, lines 1 and 2, by striking out all of said lines on said pages and inserting General; provided that the public accounting experience or the experience as an auditor with a unit of government was of a caliber satisfactory to the board, required the use of auditing skills and was supervised by a certified public accountant or public accountant, or

Amend Sec. 6 (Sec. 4), page 11, lines 11 and 12, by inserting brackets before and after “of a caliber satisfactory to the board”

Amend Sec. 6 (Sec. 4), page 11, lines 14 through 16, by striking out the comma after “General” in line 14 and all of lines 15 and 16 and inserting

; provided that the public accounting experience or the experience as an auditor with a unit of government was of a caliber satisfactory to the board, required the use of auditing skills and was supervised by a certified public accountant or public accountant.

Amend Sec. 6 (Sec. 4), page 12, line 23, by inserting brackets before and after “of a caliber satisfactory to the board”

Amend Sec. 6 (Sec. 4), page 12, lines 26 through 28, by striking out “, provided the” in line 26 and all of line 27 and 28 and inserting

; provided that the public accounting experience or the experience as an auditor with a unit of government was of a caliber satisfactory to the board, required the use of auditing skills and was supervised by a certified public accountant or public accountant.

Amend Sec. 6 (Sec. 4), page 13, line 8, by inserting brackets before and after “of a caliber satisfactory to the board”

Amend Sec. 6 (Sec. 4), page 13, lines 11 through 13, by striking out “, provided the” in line 11 and all of lines 12 and 13 and inserting

; provided that the public accounting experience or the experience as an auditor with a unit of government was of a caliber satisfactory to the board, required the use of auditing skills and was supervised by a certified public accountant or public accountant.

Amend Sec. 7 (Sec. 5), page 14, line 27, by inserting after “and”

];

Amend Sec. 7 (Sec. 5), page 14, line 28, by striking out “.]” after “act”

Amend Sec. 10 (Sec. 8.2), page 16, line 13, by inserting after “practice”

issued September 1, 1983

Amend Sec. 10 (Sec. 8.2), page 16, line 14, by inserting brackets before and after “August” and inserting immediately thereafter

April of 1986 and on the last day of April

Amend Sec. 10 (Sec. 8.2), page 16, line 15, by striking out the brackets before and after “thereafter”

Amend Sec. 10 (Sec. 8.2), page 16, line 18, by striking out “current licensees” and inserting

such certified public accountants and public accountants upon completion of the continuing education requirement and

Amend Sec. 10 (Sec. 8.2), page 16, line 19, by inserting a bracket before “Failure”

Amend Sec. 10 (Sec. 8.2), page 16, line 20, by striking out the bracket before “permit”

Amend Sec. 10 (Sec. 8.2), page 16, line 20, by striking out “] license”

Amend Sec. 10 (Sec. 8.2), page 16, line 21, by striking out the bracket before “permit”

Amend Sec. 10 (Sec. 8.2), page 16, line 21, by striking out "] license"

Amend Sec. 10 (Sec. 8.2), page 16, line 24, by striking out the bracket before "permit"

Amend Sec. 10 (Sec. 8.2), page 16, line 24, by striking out "] license"

Amend Sec. 10 (Sec. 8.2), page 16, line 26, by striking out the bracket before "permit"

Amend Sec. 10 (Sec. 8.2), page 16, line 26, by striking out "] license"

Amend Sec. 10 (Sec. 8.2), page 16, line 27, by inserting a bracket after "a" where it appears the first time and inserting immediately thereafter

A

Amend Sec. 10 (Sec. 8.2), page 17, line 5, by inserting a bracket before "In"

Amend Sec. 10 (Sec. 8.2), page 17, line 6, by striking out the bracket before "permit"

Amend Sec. 10 (Sec. 8.2), page 17, lines 6 and 7, by striking out "] license"

Amend Sec. 10 (Sec. 8.2), page 17, line 8, by inserting a bracket after "determine."

Amend Sec. 10 (Sec. 8.2), page 17, line 9, by inserting a bracket before "Effective"

Amend Sec. 10 (Sec. 8.2), page 17, line 9, by striking out the bracket before "permits"

Amend Sec. 10 (Sec. 8.2), page 17, line 9, by striking out "] licenses"

Amend Sec. 10 (Sec. 8.2), page 17, line 10, by striking out the bracket before "1981"

Amend Sec. 10 (Sec. 8.2), page 17, lines 10 and 11, by striking out "] 1985"

Amend Sec. 10 (Sec. 8.2), page 17, line 11, by inserting a bracket after "each" and inserting immediately thereafter

Each

Amend Sec. 10 (Sec. 8.2), page 17, line 16, by striking out "by June 1, of the same year in which" and inserting

during the reporting period immediately preceding

Amend Sec. 10 (Sec. 8.2), page 17, line 17, by striking out "occurs"

Amend Sec. 10 (Sec. 8.2), page 17, line 20, by inserting a period after "subjects"

Amend Sec. 10 (Sec. 8.2), page 17, line 22, by removing the period after "act" and inserting

. The reporting period for licenses to be issued May 1, 1986 shall be September 1, 1983 to December 31, 1985.

Amend Sec. 13 (Sec. 9.1), page 24, line 28, by inserting brackets before and after "five" and inserting immediately thereafter

six

Amend Sec. 13 (Sec. 9.1), page 26, line 2, by inserting a bracket before "(1)"

Amend Sec. 13 (Sec. 9.1), page 26, line 3, by striking out the bracket before "permit"

Amend Sec. 13 (Sec. 9.1), page 26, line 3, by striking out "] license"

Amend Sec. 13 (Sec. 9.1), page 26, line 4, by striking out the bracket before "permit"

Amend Sec. 13 (Sec. 9.1), page 26, lines 4 and 5, by striking out "] license"

Amend Sec. 13 (Sec. 9.1), page 26, line 8, by striking out the bracket before "permit"

Amend Sec. 13 (Sec. 9.1), page 26, line 8, by striking out "] license"

Amend Sec. 13 (Sec. 9.1), page 26, line 10, by inserting a bracket after "(2)"

Amend Sec. 15 (Sec. 11), page 27, line 12, by inserting a bracket before "All"

Amend Sec. 15 (Sec. 11), page 27, line 12, by striking out "original"

Amend Sec. 15 (Sec. 11), page 27, line 18, by striking out the bracket before "except"

Amend Sec. 15 (Sec. 11), page 27, lines 21 and 22, by striking out "] shall be and remain the property of the client"

Amend Sec. 15 (Sec. 11), page 27, line 28, by inserting a bracket after "accountant." and inserting immediately thereafter (a) All statements, records, schedules, working papers and memoranda prepared by a licensee or a partner, shareholder, officer, director or employe of a licensee incident to or in the course of rendering services to a client pursuant to the practice of public accountancy, except reports submitted to a client and statements, records, schedules, working papers and memoranda provided by a client to a licensee or a partner, shareholder, officer, director or employe of a licensee, shall be and remain the property of the licensee in the absence of an express agreement between the licensee and the client to the contrary. No such statement, record, schedule, working paper or memorandum shall be sold, transferred or bequeathed, without the consent of the client or his personal representative, successor or assignee, to anyone other than one or more surviving partners or shareholders or new partners or shareholders of the licensee or any combined or merged firm or successor in interest to the licensee.

(b) In addition to any statements, records, schedules, working papers, memoranda or reports required to be furnished or returned to the client in accordance with subsection (a), a licensee shall furnish to his client or former client, upon request made within a reasonable time after original issuance of the document in question:

(1) A copy of a tax return of the client.

(2) A copy of any report or other document issued by the licensee to or for such client and not formally withdrawn or disavowed by the licensee prior to the request.

(3) A copy of the licensee's working papers to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client.

(4) Any accounting or other records belonging to, or obtained from or on behalf of, the client which the licensee removed from the client's premises or received for the client's account. The licensee may make and retain copies of such documents of the client whenever those documents form the basis for work done by him.

Amend Sec. 15 (Sec. 12), page 31, line 27, by inserting a bracket before "It"

Amend Sec. 15 (Sec. 12), page 32, line 3, by inserting a bracket after "firm." and inserting immediately thereafter It is unlawful for a certified public accountant, public accountant, partnership or corporation, engaged in the practice of public accountancy, to use a professional or firm name which is misleading as to the legal form of the firm, or as to the persons who are partners, officers or shareholders of the firm, or as to any other matter: Provided, however, That the names of one or more former partners or shareholders may be included in the name of a firm or its successor.

Amend Sec. 15 (Sec. 12), page 35, line 5, by inserting a bracket before "(p)"

Amend Sec. 15 (Sec. 12), page 35, line 10, by inserting a bracket after "hereof."

Amend Sec. 15 (Sec. 13), page 35, line 26, by inserting a bracket before "or"

Amend Sec. 15 (Sec. 13), page 35, line 29, by inserting a bracket after "country,"

Amend Sec. 15 (Sec. 13), page 35, line 30, by inserting after "subdivision"

or country

Amend Sec. 15 (Sec. 13), page 36, line 1, by striking out "or country"

Amend Sec. 15 (Sec. 13), page 36, line 3, by inserting a bracket before "incident"

Amend Sec. 15 (Sec. 13), page 36, line 4, by inserting a bracket after "Commonwealth"

Amend Sec. 15 (Sec. 13), page 36, line 4, by inserting brackets before and after "temporary"

Amend Sec. 15 (Sec. 13), page 36, lines 5 and 6, by inserting brackets before and after "of professional conduct" and inserting immediately thereafter

governing temporary practice

Amend Sec. 15 (Sec. 14), page 36, line 18, by inserting brackets before and after "five" and inserting immediately thereafter

six

Amend Sec. 15 (Sec. 16), page 37, line 15, by striking out "five" and inserting

six

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

After this bill was reported out of committee, the Commissioner of Professional and Occupational Affairs, the counsel for the board, the Institute of C.P.A.'s, and some members of the House raised a number of questions about the way the bill was drafted, and this amendment attempts to respond to those questions. I will briefly summarize what those changes are, and if anyone wants to interrogate me, I would be happy to answer questions.

First and foremost, there is a change under this amendment in the license period. At the present time your license expires on August 30. Under this amendment the license would expire on April 30. This was a change requested by the C.P.A.'s and one which the commissioner says can be accommodated without any additional problem in the bureau.

Secondly, this bill eliminates the requirement that the board publish a roster of all C.P.A.'s every year. However, a question was raised that maybe the C.P.A.'s or members of the general public who would like to buy a copy of that list would not be permitted to do so, so there is language in this amendment which would clearly give the department the responsibility to produce it at a reasonable price.

In addition, there is language in the bill which attempts to make it easier for people who are working for the Auditor General or for comptrollers in cities and counties and other municipalities to use their government experience to meet the experience requirements. There has been some wordsmithing done to that particular section agreed to by the Auditor General which would make it clear that that experience counts if it is performed under the supervision of somebody who is a public accountant or a certified public accountant.

In addition, there is a loophole in the law now which we did not know about at the time the bill was reported which allows somebody who is a C.P.A. and whose license has run out to continue to practice for 3 years without being subject to any kind of penalty and without having to renew his license. This amendment takes out that right. He still would have the right to ask to be in an inactive status.

In addition, Mr. Speaker, there is in this bill a clarification of the right of clients to get their documents back which they give to the C.P.A.'s and also the right to get copies of tax returns and other kinds of reports generated for the client.

In addition, there is an amendment which deals with a subject which we debated on the floor here either last year or the year before in response to an amendment by Mr. Vroon, and the House at that time had overwhelmingly expressed its view that it should be permissible for accounting firms to use fictitious names as long as they are not misleading. That change which Mr. Vroon had wanted is incorporated into this amendment.

Finally, there is some language which clarifies the right to practice temporarily in Pennsylvania if you are an out-of-State C.P.A. as long as you are in conformity with board regulations.

These amendments, as I indicated, have been worked out by members on both sides of the aisle to take care of concerns expressed by the institute and expressed by the board and expressed by the commissioner, and I ask for a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

On the Lloyd amendment, the Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

We concur with the amendment package that has been offered by Representative Lloyd and would urge an affirmative vote. These are technical amendments; corrections that are necessary for HB 1445. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Fryer	Madigan	Seventy
Beloff	Gallagher	Maiale	Showers
Blaum	Gallen	Manderino	Sirianni
Book	Gamble	Manmiller	Smith, B.
Bowser	Gannon	Markosek	Smith, L. E.
Boyes	Geist	Marmion	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G. M.
Broujos	Gladeck	Merry	Spencer
Bunt	Godshall	Michlovic	Spitz
Burd	Greenwood	Micozzie	Stairs
Burns	Grieco	Miler	Steighner
Caltagirone	Gruitza	Miscevich	Stevens
Cappabianca	Gruppo	Moehlmann	Stewart
Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Sweet
Cessar	Harper	Murphy	Swift
Cimini	Hasay	Nahill	Taylor, E. Z.
Civera	Hayes	Noye	Taylor, F. E.
Clark	Herman	O'Brien	Telek
Clymer	Hershey	O'Donnell	Tig
Cohen	Hoeffel	Olasz	Trello
Colafella	Honaman	Oliver	Truman

Cole	Hutchinson	Perzel	Van Horne
Cordisco	Itkin	Peterson	Vroon
Cornell	Jackson	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Johnson	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kosinski	Pitts	Williams
Daley	Kowalyszyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashinger	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwikl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham	Livengood	Rudy	

NAYS—0

NOT VOTING—1

Freind

EXCUSED—1

Morris

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

On the question recurring,

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

Mr. LINTON offered the following amendment No. A3480:

Amend Sec. 4 (Sec. 3), page 7, line 18, by inserting after "herein"

but the board shall not have the power to require a photograph as part of an application for a certificate of certified public accountant

On the question,

Will the House agree to the amendment?

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

Mr. LINTON. Thank you, Mr. Speaker.

This amendment basically removes the photo as a requirement for application for certified public accountant. In a number of the sunset hearings, you will probably see legislation that is going to come forth where we will no longer require that photos will be required as part of the application for licensing.

A number of years ago we did the same kind of thing with the bar exam where by suit the photo was removed from the application for the bar exam. You will probably also see very soon in the real estate laws we are introducing in terms of sunset that we are also going to remove the photo ID as a requirement for the real estate law. So this will make it very consistent in terms of our dealing with the C.P.A. board, and we are going to remove the photo as a requirement for application. That is all the amendment does, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Mr. Speaker, I support the amendment. To the best of my recollection, when I took the bar exam there was no requirement that I had to submit a picture. I know that the argument has been made that somehow this compromises the security of the exam, but if the legal profession can find a way to have security of people who are taking the exam, I feel sure that third-party testing organizations can do the same thing for C.P.A.'s, and we should eliminate a potential source of discrimination. So I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. POTT. Thank you, Mr. Speaker.

I must vigorously oppose the Linton amendment. I believe that the amendment, if adopted, would open the C.P.A. exam for potential fraud and abuse in the fact that the person who was submitting himself to sit for the examination may not be in fact that person.

One of the requirements that presently the Board of Accountancy requires is that three photographs be submitted with an application to take the examination. One copy of this photograph is forwarded to the proctors at the examination. You are compared with the photograph to determine that you in fact are that person who you purport to be. The photograph is a control procedure that has long been in effect. It is not discriminatory, and let us not even get into that argument.

The photograph protects the integrity of the examination and is a control to prevent someone from sitting for the exam for another person. I know many of us who endured those 3 long, rigorous days of taking the examination certainly would have liked to have had someone else sitting there in our place, especially if he were a Phi Beta Kappa from the Wharton School of Finance or something like that, but that just will not serve the public's interest to create the impression that someone can take the examination for someone else.

I am not familiar with what the Bar Association does. I do not think it is an argument that should even be offered on a C.P.A. bill. It is a control device over the exam, and I strongly and vigorously urge the members to defeat the Linton amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Linton amendment, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

I rise to support the Linton amendment. I agree with the gentleman, Mr. Lloyd. I think that as a principle in professional licensing we ought to be hiring testing organizations which can develop security devices aside from the use of photographs of the people who are involved.

I believe that generally speaking that is true throughout the professional licensing examination field, and I do not see anything that really requires the use of photographs except perhaps history in this case. I think that we can overcome

history, and I agree with the Linton amendment and would urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Linton, indicates he will stand for interrogation. The gentleman, Mr. Vroon, is in order and may proceed.

Mr. VROON. Mr. Speaker, this appears to be a rather trifling matter on the surface, and I am just curious to know from you, sir, what is your motive for launching this amendment? What is your objection to the requirement for submitting a photograph?

Mr. LINTON. My motive, sir?

The SPEAKER. The gentleman, Mr. Linton, is advised that under the rules of the House he is not obliged to give motivation for any action.

Mr. VROON. Mr. Speaker, I just want to correct that language. That is not what I had intended to ask.

The SPEAKER. The gentleman may rephrase the question.

Mr. VROON. What is your purpose for the amendment? What is it intended to achieve? What is the objection for the photograph?

Mr. LINTON. I think it is quite clear, sir, that all we are doing is making this consistent with all the other requirements we have for licensing examinations in the Commonwealth.

Mr. VROON. I am sorry. I did not get the answer. Would you repeat it, please?

Mr. LINTON. Yes, sir.

All I am saying is that this amendment will make this licensing procedure consistent with the licensing procedures that we have throughout the Commonwealth for other professional examinations, including the bar exam. That is all that I am asking you to do, sir.

Mr. VROON. Do you have a specific objection to this, Mr. Speaker?

Mr. LINTON. Yes. My objection, sir, is that it is inconsistent with what we have passed for other exams throughout the Commonwealth.

Mr. VROON. Mr. Speaker, may I interrogate Mr. Lloyd?

The SPEAKER. The gentleman, Mr. Lloyd, indicates he will stand for interrogation. The gentleman, Mr. Vroon, is in order and may proceed.

Mr. VROON. Mr. Speaker, may I ask you that question? What really is the objection to the requirement for a photograph?

Mr. LLOYD. I see no reason that anybody ought to have to submit a photograph that might be used for extraneous reasons at some other point when at least my profession does not require that in order to take the exam.

I am as concerned as the gentleman is that we have security over tests, but I do not really see that if lawyers are capable of figuring out a way that keeps other people from taking the exam fraudulently, surely other people ought to be able to

figure that out as well. We pay the third-party testing organizations a significant amount of money to come up with test security, and it seems to me that the requirement for the photo is pointless, and it also costs people money.

Mr. VROON. But what is the objection? It is a trifling matter, and it is just another element of security. What is the objection?

Mr. LLOYD. Mr. Speaker, I have given my answer to the question.

Mr. VROON. Mr. Speaker?

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

Mr. VROON. Mr. Speaker, I must take the side of my colleague, Mr. Pott, on this because it is very important. Even if you do not require it for your bar exam, it does not necessarily mean that this is not good protection. I think it is very good protection, and I would like to see this come about. It is such a small requirement. I do not know why we should make such a hullabaloo about it. After all, you have a photograph on your driver's license and you need a photograph for many other things. I think it is reasonable enough and it is just a very trifling requirement. I would say we ought to vote this down.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—146

Afflerbach	Fee	McClatchy	Schuler
Alderette	Flick	McHale	Semmel
Armstrong	Foster, Jr., A.	McMonagle	Seventy
Arty	Freeman	Maiale	Showers
Baldwin	Fryer	Manderino	Sirianni
Barber	Gallagher	Markosek	Smith, B.
Battisto	Gamble	Michlovic	Snyder, D. W.
Belfanti	Geist	Miller	Snyder, G. M.
Beloff	George	Miscevich	Spitz
Blaum	Gladeck	Moehlmann	Steighner
Boyes	Gruitza	Mowery	Stevens
Brandt	Gruppo	Murphy	Stewart
Broujos	Haluska	Nahill	Stuban
Caltagirone	Hasay	Noye	Swet
Cappabianca	Hayes	O'Donnell	Swift
Carn	Herman	Olasz	Taylor, E. Z.
Cawley	Hoeffel	Oliver	Taylor, F. E.
Civera	Honaman	Petrarca	Telek
Clark	Hutchinson	Petrone	Tigue
Cohen	Itkin	Phillips	Trello
Cole	Jackson	Pievsy	Truman
Cordisco	Jarolin	Pistella	Van Horn
Cornell	Kasunic	Pratt	Wachob
Cowell	Kennedy	Preston	Wambach
Coy	Kosinski	Punt	Wargo
Deluca	Kowalshyn	Rappaport	Wass
DeWeese	Kukovich	Reber	Weston
Daley	Lashinger	Reinard	Wiggins
Davies	Laughlin	Richardson	Williams
Dawida	Lescovitz	Rieger	Wozniak
Deal	Letterman	Robbins	Wright, D. R.
Dombrowski	Levin	Rudy	Wright, J. L.
Donatucci	Linton	Ryan	Wright, R. C.
Dorr	Livengood	Rybak	Zwickl
Durham	Lloyd	Saloom	
Evans	Iucyk	Saurman	Irvis,
Fattah	McCall	Scheetz	Speaker

NAYS—51

Angstadt	Dietz	Johnson	Peterson
Belardi	Dininni	Klingaman	Piccola
Book	Duffy	Lehr	Pitts
Bowser	Fargo	Levi	Pott
Bunt	Fischer	McVerry	Salvatore
Burd	Foster, W. W.	Madigan	Serafini
Burns	Gallen	Manmiller	Smith, L. E.
Cessar	Gannon	Marmion	Spencer
Cimini	Godshall	Mayernik	Stairs
Clymer	Greenwood	Merry	Vroon
Colafella	Grieco	Mrkonc	Wilson
Coslett	Hagarty	O'Brien	Wogan
DeVerter	Hershey	Perzel	

NOT VOTING—5

Freind	McIntyre	Mackowski	Micozzie
Harper			

EXCUSED—1

Morris

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

FORMER SPEAKER WELCOMED

The SPEAKER. The Chair is delighted to welcome again to the hall of the House the Chair's personal friend, a fine Speaker, the one who probably would not have had all the problems in controlling you if he had been up here instead of me, Herbert Fineman.

Now, Herb, I know I am not doing as well up here as you would do, but just be calm, and I will learn after a while. I will get through it. It is pretty tough up here, as you know.

CONSIDERATION OF HB 1445 CONTINUED

On the question recurring,

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

Mr. HUTCHINSON offered the following amendments No. A3530:

Amend Sec. 12, page 23, line 22, by striking out "8.7(4)" and inserting

8.7

Amend Sec. 12 (Sec. 8.7), page 24, lines 3 through 9, by striking out all of said lines and inserting

(1) Persons who held themselves out to the public as public accountants and who were engaged as principals (as distinguished from employes) within this Commonwealth (i) [at the effective date of this act] on or before December 8, 1976 in the practice of public accounting as their principal occupation, or (ii) at any time within six (6) years prior to [the effective date of this act] December 8, 1976.

(2) Persons serving in the armed forces of the United States of America [at the effective date of this act] on or before December 8, 1976 who immediately prior to entering such service held themselves out to the public as public accountants and were engaged as principals (as distinguished from employes) within this Commonwealth in the practice of public accounting as their principal occupation. [In the case of any such person, the time for registration shall be extended for a period of six (6) months from the time such person is separated from active duty with such service.]

(2.1) The time for registration for persons who meet the requirements of clauses (1) or (2) shall be twelve (12) months from publication in the Pennsylvania Bulletin of the announcement that they are eligible for registration and that application forms are available.

(3) In order to meet the requirements of clauses (1) and (2), the applicant must furnish the board with evidence that he, as a principal (as distinguished from an employe), has held himself out to the public as being engaged in the practice of public accounting as his principal occupation.

(4) The board shall in each case determine whether the applicant qualified for registration. Any individual who is so registered and who holds a permit issued under section 8.2 of this act shall be styled and known as a "public accountant."

(5) The department shall charge a fee for registration hereunder.

(6) Persons who have registered as provided in this section and whose qualifications as set forth in their registration applications are in compliance with this section may continue to hold themselves out to the public as public accountants and engage as principals in the practice of public accounting within this Commonwealth and shall not be subject to sections 12, 14, 15, 16 and 16.2 for a period of one (1) year from the enactment hereof but thereafter shall be subject to the provisions of sections 12, 14, 15, 16 and 16.2.

On the question,

Will the House agree to the amendments?

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

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I always believed that the professional licensure body was a unionism by legislation, everybody wants protected in their job, and I have found out today that there are a heck of a lot of accountants here or people who profess to be.

In 1975 we changed the law to do away with public accountants, and we gave the public accountants 1 year to send in applications and become public accountants with the courses they had to take. There were a lot of people who were uninformed and did not know anything about it, and they missed the boat.

Two years ago I tried to get the amendment in and I could not, and I would like to get it in now to give 1 year from December 6, 1976. They had to be a public accountant at that time. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Hutchinson amendment, the Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

As the gentleman, Mr. Hutchinson, said, back in 1976 we did pass a grandfather clause, and this was at the full agreement of the members of the Pennsylvania Institute of C.P.A.'s and the Pennsylvania Society of Public Accountants. At that particular time the purpose of that grandfather clause was to make it possible for the members and the other public accountants, the members of the Pennsylvania Society of Public Accountants and the other public accountants, to have the same force in their work as the C.P.A.'s had. This meant that they could testify or attest to the financial statements of corporations which, prior to that, they could not do. This meant also that the public accountants could take on

assignments that were normally only available to the C.P.A.'s.

This was done in 1976, and as the gentleman said, there was a year during which all public accountants could, by registering, put themselves in the same position as the certified public accountants in the work that they do. They had 1 year in which to do this, and there was a period of time prior to that during which both professions were given full knowledge as to what was happening.

Then again in 1979, this legislature decided to open this up and to give those public accountants who had not had an opportunity to, or as the gentleman, Mr. Hutchinson, said, those who "missed the boat" in knowing whether they could sign up for the registration. Certainly, they then had 3 more years in which to make up their minds as to whether they wanted to sign and become a registered public accountant. They then had 1 more year in which to do this in 1979, so this statute was opened up at that particular time.

Now, also at that time, the profession instituted the continued professional education requirements that 80 hours every 2 years be taken by all the people who had registered for this and the C.P.A.'s. So now for 4 years those who had registered have submitted themselves to the additional 80 hours every 2 years. They have maintained their level of competency by making certain that they were living up to the requirements of the legislature and their requirements that we do take 80 additional hours.

This has been 4 years of doing this - two bienniums, two licensing periods - and that is since those people who were public accountants had the opportunity to register the second time, had the second year in which to make that decision.

Now we are saying in this particular amendment, let us open it up again for those who have missed it, for those who have not had to take 160 hours of additional continued professional education, and now we are going to open this grandfather clause up again and give them one more year in which to do this. This then puts all those who were timely at the disadvantage of having to comply with the rules and regulations that were set up at that particular time.

I would respectfully ask my colleagues to vote against this amendment.

Mr. HUTCHINSON. Mr. Speaker?

Miss SIRIANNI. Mr. Speaker?

The SPEAKER. Would the gentleman yield to the lady, Miss Sirianni?

Mr. HUTCHINSON. Oh, yes; to the lady anytime.

The SPEAKER. For what purpose does the lady from Susquehanna, Miss Sirianni, rise?

Miss SIRIANNI. I think I should present this clock to Mr. Fineman. It really belongs to him.

The SPEAKER. Would the lady like to present that on the podium? Will the gentleman, Mr. Fineman, step to the podium.

Mr. HUTCHINSON. You always wanted to do that, Herb. Boy, that was a thrill of a lifetime, was it not?

STATEMENT BY FORMER SPEAKER

(Mr. Fineman took the podium and rapped the gavel.)

Mr. FINEMAN. It feels absolutely the same, I tell you. I have missed it, needless to say.

Carmel, what took you so long to give me this clock? How you annoyed me; how you irritated me, but I have forgiven you for all your sins.

I remember first coming to this hall in 1954. I had been a candidate for the legislature for the first time, and I came up, as all new candidates do, to pick my ballot position in the primary election. I remember walking into the back of this chamber and being absolutely awestricken by the beauty and the regalness and the uplifting experience it was to see the magnificence of this room. Needless to say, it spurred me on to greater effort to win that election, living with the anticipation that someday I might be a member of a group of men and women who would deliberate meaningfully in this room.

Now, I have been back here, I think, on two occasions—this is the second time—since 1977, and on each occasion that I have returned, I felt that same delight, that same thrill, walking into this chamber and seeing the magnificence of this room. Believe me, I envy you the right to sit in this room to participate in deliberations that so essentially affect the people of this State.

It is good to be back here, and needless to say, I am deeply grateful to each of you for the kind of welcome you have accorded me today. I am especially grateful to the Speaker, who does not have to take second place to anybody, incidentally, in terms of presiding in this chamber.

I am grateful for the opportunity to return. I notice that the script remains the same, only the players change; only the actors change, but the modus operandi is absolutely the same.

I wish each of you well, and it is delightful to have seen you again. Thank you, Mr. Speaker.

The SPEAKER. Welcome home. Welcome home, Herb.

CONSIDERATION OF HB 1445 CONTINUED

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Hutchinson. Is the gentleman through with his argument on the amendment?

Mr. HUTCHINSON. No, I am not done yet.

The SPEAKER. Not done yet. All right.

The Chair recognizes the gentleman, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Fargo said that the public accountants and the C.P.A.'s got together. They were forced together, because there were a lot of C.P.A.'s coming out of school and they needed work, so they pushed us to this. I think that these people need a chance to go through this again, and I would like everybody to vote for it. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—145

Alderette	Fee	Linton	Rudy
Angstadt	Flick	Livengood	Ryan
Barber	Foster, Jr., A.	Lucyk	Rybak
Battisto	Fryer	McCall	Saloom
Belardi	Gallagher	McIntyre	Salvatore
Belfanti	Gallen	McMonagle	Saurman
Beloff	Gamble	Mackowski	Semmel
Book	Geist	Maiale	Serafini
Bowser	George	Manderino	Seventy
Brandt	Gladeck	Manmiller	Sirianni
Broujos	Godshall	Markosek	Smith, L. E.
Bunt	Greenwood	Michlovic	Spencer
Caltagirone	Grieco	Miscevich	Steighner
Carn	Gruppo	Moehlmann	Stevens
Cessar	Hagarty	Mrkonic	Stewart
Cimini	Haluska	Nahill	Suban
Civera	Harper	Noye	Sweet
Clark	Hasay	O'Brien	Taylor, E. Z.
Cohen	Hayes	O'Donnell	Taylor, F. E.
Colafella	Herman	Olasz	Telek
Cornell	Hoefel	Oliver	Tigue
Coslett	Honaman	Perzel	Trello
Cowell	Hutchinson	Peterson	Truman
Coy	Itkin	Petrarca	Van Horne
Deluca	Jarolin	Petrone	Wachob
DeVerter	Johnson	Phillips	Wambach
DeWeese	Kasunic	Piccola	Wargo
Daley	Klingaman	Pievsky	Wiggins
Dawida	Kowalyshyn	Pistella	Williams
Deal	Kukovich	Pitts	Wilson
Dietz	Lashinger	Pratt	Wogan
Dininni	Laughlin	Preston	Wright, D. R.
Dombrowski	Lehr	Punt	Wright, J. L.
Donatucci	Lescovitz	Rappaport	
Duffy	Letterman	Reber	Irvis,
Evans	Levi	Richardson	Speaker
Fattah	Levin	Rieger	

NAYS—48

Afflerbach	Durham	McVerry	Showers
Armstrong	Fargo	Madigan	Smith, B.
Arty	Fischer	Marmion	Snyder, D. W.
Blaum	Foster, W. W.	Mayernik	Snyder, G. M.
Boyes	Freeman	Merry	Spitz
Burd	Gruitza	Miller	Stairs
Burns	Hershey	Murphy	Swift
Cawley	Jackson	Pott	Vroon
Clymer	Kosinski	Reinard	Wass
Cole	Lloyd	Robbins	Weston
Davies	McClatchy	Scheetz	Wozniak
Dorr	McHale	Schuler	Zwilk

NOT VOTING—9

Baldwin	Freind	Kennedy	Mowery
Cappabianca	Gannon	Micozzie	Wright, R. C.
Cordisco			

EXCUSED—1

Morris

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 PLACED ON THIRD CONSIDERATION
POSTPONED CALENDAR**

The SPEAKER. Please pay attention so nobody has his feelings hurt. There are other amendments which have been announced to the Chair for this bill, HB 1445. We are trying to get the people out of here before it gets entirely too late. So without objection, HB 1445, PN 1999, will appear on the active calendar on third consideration postponed. There being no objection, the Chair orders that HB 1445, PN 1999, be placed on the third consideration postponed calendar.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House a guest of Matthew Ryan, a young gentleman who is a student of economics from Nuremberg, West Germany. He is currently an apprentice for the Philadelphia National Bank. His name is Hermann Eppers.

From Venango County, as the guests of Representatives Levi and Peterson, we welcome Margaret Spence, who is the county treasurer, Jennie Brandon, who is register and recorder, and Donald Fischer, who is the prothonotary.

MR. FISCHER CONGRATULATED

The SPEAKER. Miss Sirianni pointed out to me that we have a highly distinguished athlete in our midst. We understand from Miss Sirianni that one of our members who was in Hawaii recently not only entered out finished the Triathlon, which is an extremely strenuous operation. He finished the swimming part of the meet, the bicycling part of the meet, and the running part of the meet. I knew that Roger Raymond could run for office, but I did not know he could run that well. Congratulations, Roger Raymond Fischer.

Mr. FISCHER. Mr. Speaker, let me relate a moment to you that all of you can understand. Do you all remember the first time that you ran for office? I think we all do. And the first time that that precinct came in that you knew inside that you had won for the first time? Remember that great feeling that God gave us? Well, I will tell you this: I was lucky enough to have it for the second time on Saturday, when, after 16 hours and 42 minutes and 29 seconds - after swimming 2.4 miles in 1 hour and 40 minutes, and bicycling 112 miles through the lava in 8 hours and 30 minutes, and marathoning 26 miles in 6 hours and 32 minutes - in that wind at Kona and in all that heat, God gave me that opportunity to once again have that moment when I remember that great feeling of winning.

Someone asked me, what got you through that? And I can say like you said when you won the first time, the thoughts of the people who helped you and the family who loved you and stood there waiting for you at the finish when you won and the prayers that you said. I am very proud to be Pennsylvania's Iron Man, and I am very happy.

**CONSIDERATION OF SB 11 RESUMED
AMENDMENT A3481 RECONSIDERED**

The SPEAKER. The Chair has received a motion for reconsideration by Mr. Taylor, and seconded by the gentleman, Mr. Wachob, of the vote by which amendment A3481 to SB 11 was passed on October 25, 1983.

That would be the amendment offered by the gentleman, Mr. Taylor. This is a procedural motion. We are trying to get the parliamentary net removed from around our throats.

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

The following roll call was recorded:

YEAS—198

Afflerbach	Durham	Linton	Ryan
Alderette	Evans	Livengood	Rybak
Angstadt	Fargo	Lloyd	Saloom
Armstrong	Fattah	Lucyk	Salvatore
Arty	Fee	McCall	Saurman
Baldwin	Fischer	McClatchy	Scheetz
Barber	Flick	McHale	Schuler
Battisto	Foster, W. W.	McMonagle	Semmel
Belardi	Foster, Jr., A.	McVerry	Serafini
Belfanti	Freeman	Mackowski	Seventy
Beloff	Fryer	Madigan	Showers
Blaum	Gallagher	Maiale	Sirianni
Book	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Marmion	Snyder, G. M.
Broujos	George	Mayernik	Spencer
Bunt	Gladeck	Merry	Spitz
Burd	Godshall	Michlovic	Stairs
Burns	Greenwood	Micozzie	Steighner
Caltagirone	Grieco	Miller	Stevens
Cappabianca	Gruitza	Miscevich	Stewart
Carn	Gruppo	Moehlmann	Stuban
Cawley	Hagarty	Mrkonic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Olasz	Trello
Colafella	Hoeffel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Johnson	Pievsky	Wass
Deluca	Kasunic	Pistella	Weston
DeVerter	Kennedy	Pitts	Wiggins
DeWeese	Klingaman	Pott	Williams
Daley	Kosinski	Pratt	Wilson
Davies	Kowalyszyn	Preston	Wogan
Dawida	Kukovich	Punt	Wozniak
Deal	Lashingner	Rappaport	Wright, D. R.
Dietz	Laughlin	Reber	Wright, J. L.
Dininni	Lehr	Reinard	Wright, R. C.
Dombrowski	Lescovitz	Richardson	Zwinkl
Donatucci	Letterman	Rieger	
Dorr	Levi	Robbins	Irvis,
Duffy	Levin	Rudy	Speaker

NAYS—0

NOT VOTING—4

Freind McIntyre Mowery Petrarca

EXCUSED—1

Morris

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the fact that the gentleman from Chester, Mr. Morris, who was on leave for today, has appeared on the floor of the House. His name will be removed from leaves of absence.

CONSIDERATION OF SB 11 CONTINUED

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

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

At this time I would like to withdraw that amendment and insert in its place amendment A3558, this being of necessity because the Legislative Reference Bureau—

The SPEAKER. The Chair instructs the clerk to read the new amendment and instructs the members to pay attention. We are again trying to untangle the parliamentary mess that we got into earlier.

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

Mr. TAYLOR offered the following amendments No. A3558:

- Amend Title, page 1, line 4, by striking out "AND"
- Amend Title, page 1, line 5, by removing the period after "TAX" and inserting
; and providing for the marketing of gasoline products.

Amend Bill, page 3, by inserting between lines 26 and 27 Section 4. Title 75 is amended by adding a chapter to read:
Chapter

99-A. Marketing of Gasoline Products
CHAPTER 99-A

MARKETING OF GASOLINE PRODUCTS

- Sec.
- 9901-A. Short title of chapter.
- 9902-A. Definitions.
- 9903-A. Assignability.
- 9904-A. Certain operations prohibited.
- 9905-A. Price zones; extension of voluntary allowances.
- 9906-A. Pricing.
- 9907-A. Unlawful restraint.
- 9908-A. Leases.
- 9909-A. Posting requirements.
- 9910-A. Compliance with octane ratings.
- 9911-A. Remedies.
- 9912-A. Penalties.
- 9913-A. Exclusions.
- 9914-A. Enforcement.

9915-A. Civil liability.

9916-A. Severability.

§ 9901-A. Short title of chapter.

This chapter shall be known and may be cited as the Gasoline Marketing Competition Preservation Act.

§ 9902-A. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Annual rental.” The total annual amount of rents, assessments, royalties and any other charges which a manufacturer or refiner or subsidiary thereof imposes upon and collects from a retail service station dealer as consideration for the right to lease, franchise or otherwise use real or personal property for the purpose of operating a retail service station.

“Controlled outlet.” An outlet which is operated by a manufacturer or refiner or by partners or employees of a manufacturer or refiner, a subsidiary company of a manufacturer or refiner, commissioned agent of a manufacturer or refiner or by any person who manages the outlet on a fee arrangement with the manufacturer or refiner.

“Fair market value.” The value of the property based upon its present and actual use. It is the value that a willing buyer would pay a willing seller for the property, each being under no compulsion to buy or sell.

“Gasoline.” Gasoline, benzol, benzine, naphtha and any other liquid prepared, advertised, offered for sale, sold for use as, or used for the generation of power for the propulsion of motor vehicles including any product obtained by blending together any one or more products of petroleum with or without other products, if the resultant product is capable of the same use.

“Independent jobber.” A person, firm or corporation, other than a retail service station dealer, which purchases gasoline from a manufacturer, refiner or subsidiary thereof for resale.

“Low octane unleaded grade of gasoline.” This term has the meaning provided by Federal statute or regulation.

“Major brand.” The primary trade name or trademark most commonly associated with and identified with a manufacturer or refiner’s retail service station.

“Manufacturer” or “refiner.” Any person, partnership, firm or corporation engaged in producing, blending or compounding gasoline.

“Person.” An individual, corporation, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest or any other legal or commercial entity.

“Premium grade of gasoline.” This term has the meaning provided by Federal statute or regulation.

“Regular grade of gasoline.” This term has the meaning provided by Federal statute or regulation.

“Retail sale.” The sale of gasoline at retail.

“Retail service station dealer.” Any person, firm or corporation maintaining a place of business where gasoline is sold at retail and delivered into the tanks of motor vehicles.

“Secondary brand.” A trade name or trademark, other than a major brand, used to identify a manufacturer and refiner’s retail service station.

“Subregular grade of gasoline.” This term has the meaning provided by Federal statute or regulation.

“Subsidiary.” A company in which a manufacturer or a refiner has more than a 50% beneficial or legal interest.

“Terminal price.” The price at which a refiner or manufacturer or subsidiary thereof sells gasoline in like quantities and qualities F.O.B. terminal, branded or unbranded, according to buyer’s trade classification within those categories.

“Truck stop.” An outlet specializing in sales of diesel fuel and associated services, principally to over-the-road truckers,

with gasoline, other than diesel fuel, accounting for no more than 15% of total revenue excluding taxes.

“Unbranded.” A retail service station marketing gasoline or other petroleum products under its own brand, trade name or trademark other than those of a manufacturer or refiner or any subsidiary thereof.

“Unleaded premium grade of gasoline.” This term has the meaning provided by Federal statute or regulation.

“Unleaded regular grade of gasoline.” This term has the meaning provided by Federal statute or regulation.

§ 9903-A. Assignability.

A manufacturer or refiner may not unreasonably withhold certain consents. The manufacturer or refiner may not unreasonably withhold its consent to any assignment, transfer, sale or renewal of a business of a retail service station dealer.

§ 9904-A. Certain operations prohibited.

(a) Operations prohibited.—No manufacturer or refiner of gasoline or subsidiary thereof whose gasoline sales for the preceding calendar year exceed 7% of all gasoline sales in this Commonwealth for such period shall open a major brand, secondary brand or unbranded retail service station in this Commonwealth and operate it with company personnel, commissioned agent or under a contract with any person, firm or corporation managing a service station on a fee arrangement or other basis with the manufacturer, refiner or subsidiary thereof. The station must be operated by an independent retail service station dealer.

(b) Reports.—No later than January 31 of each year, every manufacturer or refiner of gasoline or subsidiary thereof who sells gasoline in this Commonwealth shall file a report with the Governor’s Energy Council setting forth its total sales of gasoline in gallons in this Commonwealth as defined in subsection (f). No later than the last day of February of each year, the Governor’s Energy Council shall notify each manufacturer or refiner or subsidiary thereof filing under this subsection of its percentage of gasoline sales in this Commonwealth in relation to the total gasoline sales in this Commonwealth as determined in accordance with subsection (a).

(c) Operation of controlled outlets.—In the event of the closing or termination due to unfair competitive practices by a manufacturer or refiner or subsidiary thereof of the business operated by one of its retail service station dealers which is located within a one mile radius of a controlled outlet of the manufacturer or refiner or subsidiary thereof of such retail service station dealer, the manufacturer, refiner or subsidiary thereof shall, within 90 days, reopen the closed or terminated station to be operated by a retail service station dealer or discontinue the operation of such controlled outlet or thereafter change the operation of the controlled outlet to the operation of a retail service station dealer. Actions to enforce the provisions of this subsection shall be commenced in the court of common pleas of the county where the closed or terminated business operated by the retail service station dealer was located and may be commenced by the Commonwealth, the aggrieved retail service station dealer or any other aggrieved party. The prevailing party shall be entitled to all fees, costs and expenses of such action, including reasonable attorney fees.

(d) Replacement of controlled outlets.—In the event of the closing or termination of a controlled outlet under circumstances other than that contained in subsection (c), a manufacturer or refiner or subsidiary thereof, which otherwise is prohibited by subsection (a) from operating a controlled outlet, may open one controlled outlet for such controlled outlet so closed or terminated.

(e) Temporary operation.—The Governor’s Energy Council shall have the authority to and may adopt rules and regulations defining the circumstances in which a manufacturer or refiner temporarily may operate a retail service station for a period not exceeding six months.

(f) Definition.—For the purpose of this subsection, the term “gasoline sales” means retail gasoline sales by a manufacturer, refiner or subsidiary thereof through its controlled outlets, its retail service station dealers and its branded jobbers for the preceding calendar year.

§ 9905-A. Price zones; extension of voluntary allowances.

A manufacturer or refiner of gasoline or subsidiary thereof who establishes price zones within this Commonwealth shall establish no more than one such price zone for each primary metropolitan statistical area and each metropolitan statistical area within this Commonwealth as determined by the Office of Management and Budget of the United States. All areas within this Commonwealth not within a primary metropolitan statistical area or a metropolitan statistical area shall constitute no more than five price zones. Every manufacturer or refiner of gasoline or subsidiary thereof shall extend all voluntary allowances uniformly to all retail service station dealers supplied within the same price zone.

§ 9906-A. Pricing.

Within each price zone, a refiner or manufacturer or subsidiary thereof selling gasoline of any grade through controlled outlets shall be required to offer any retail service station dealer of such refiner or manufacturer or subsidiary thereof within that same price zone, gasoline delivered at a wholesale price or tank wagon price which is 5% less than the price such grade of gasoline is being offered for sale to the public at retail at the controlled outlet of such manufacturer or refiner or subsidiary thereof which is nearest to the dealer. The provisions of this section notwithstanding, a refiner, manufacturer or subsidiary thereof shall, in no event, be required to sell for less than its terminal price.

§ 9907-A. Unlawful restraint.

(a) Purchases.—It shall be unlawful for any manufacturer or refiner or subsidiary thereof to prohibit, restrain, interfere with or in any way prevent a retail service station dealer from purchasing gasoline from any source.

(b) Trademark.—No retail service station dealer shall, at a retail service station displaying a trademark, trade name, service mark or other identifying symbol or name owned by a manufacturer or refiner or subsidiary thereof, sell gasoline which is not provided by such manufacturer or refiner or subsidiary thereof without providing reasonable notice at the point of sale to each purchaser of such gasoline that such gasoline is not produced, blended or compounded by such manufacturer or refiner or subsidiary thereof.

(c) Requirement to sell.—A manufacturer or refiner or subsidiary thereof or independent jobber shall not refuse to sell gasoline to any retail service station dealer, provided that such dealer agrees to comply with the provisions of subsection (b), and the manufacturer or refiner or subsidiary thereof or independent jobber has gasoline available for sale after fulfilling its contractual obligations relative to supplying gasoline.

§ 9908-A. Leases.

(a) Agreements.—For all agreements initially entered into or renewed on or after the effective date of this chapter, no manufacturer or refiner or subsidiary thereof may require a retail service station dealer under the terms of any agreement to pay an annual rental for a retail service station in an amount which exceeds 12% of the fair market value. Fair market value shall be an amount determined acceptable by mutual agreement of the manufacturer or refiner or subsidiary thereof and the retail service station dealer prior to the date of entry into the agreement, in the case of initial entry into an agreement, or 90 days prior to the expiration date of an agreement, in the case of renewal of the agreement. In the event the parties cannot agree upon a mutually acceptable fair market value of the property by a date which is prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 90 days prior to the expiration date of an agreement, in the case of renewal of an

agreement, fair market value shall be determined in accordance with subsection (c).

(b) Notification.—On and after the effective date of this chapter, every agreement entered into or renewed shall contain and conspicuously display in writing a provision specifying the maximum annual rent permissible under subsection (a) and notifying the retail service station dealer of his right to participate in the determination of fair market value of the leased retail service station. In addition, each agreement shall clearly and explicitly explain in writing the method of fair market value determination as required by this chapter.

(c) Determination of fair market value.—In the event that the parties cannot mutually agree on the property’s fair market value prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 90 days prior to the expiration date of an agreement, in the case of renewal of an agreement, fair market value shall be determined in the following manner:

(1) The manufacturer or refiner or subsidiary thereof and the retail service station dealer shall each select a duly certified and qualified real estate appraiser who is not an employee of the respective party by a date which is prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 75 days prior to the expiration of the agreement, in the case of renewal of an agreement. Each appraiser so selected shall mutually agree upon and select a third duly certified and qualified appraiser by a date which is prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 65 days prior to the expiration date of the agreement, in the case of renewal of an agreement. Each party shall bear the cost of the appraiser so selected and the cost of the third appraiser shall be divided equally.

(2) The three appraisers so selected shall each conduct and complete an independent appraisal by a date which is prior to the date of entry into an agreement, in the case of initial entry into an agreement, or 45 days prior to the expiration date of the agreement, in the case of renewal of an agreement. The appraisals shall be ordered in increasing magnitude and that appraisal which is most removed from the middle appraisal shall be discarded. Fair market value shall then be determined by averaging the remaining two appraisals.

(d) Petition; court of common pleas.—In the event of fraud, misrepresentation or other allegations of wrongdoing in connection with the determination of fair market value under this section, the manufacturer or refiner or subsidiary thereof or retail service station dealer may petition the court of common pleas of the county wherein the subject property is located for a hearing on the allegations. If the court determines such claims to be substantiated by a preponderance of the evidence, the court shall appoint three duly qualified and certified appraisers. Upon report of the appraisers to the court, the appraisals shall be ordered in increasing magnitude and that appraisal which is most removed from the middle shall be discarded. Fair market value shall then be determined by averaging the remaining two appraisals. If the court determines that the allegations of fraud, misrepresentation or other wrongdoing are unsubstantiated by a preponderance of the evidence, the determination of fair market value made under this section shall be final. Any party prevailing in an action appealing the determination of fair market value made under this section shall be entitled to costs of the action, including, but not limited to, reasonable attorney fees.

(e) Refusal to renew.—Failure of the parties, for whatever reason, to agree upon fair market value by the expiration date of an agreement shall not constitute grounds for a manufacturer or refiner or subsidiary thereof to refuse to renew an agreement. Unless the agreement has been lawfully terminated or nonrenewed pursuant to the Petroleum Marketing Practices Act (15 U.S.C. § 2801 et seq.), the act of November 26, 1975 (P.L.454,

No.126), entitled "An act regulating the practices of suppliers, distributors and dealers of gasoline, petroleum products and accessories for motor vehicles and providing remedies for violations," or any other State or Federal statutes, the agreement shall be renewed at the previous rental rate with adjustments to be made retroactively following the final determination of fair market value.

(f) Determination binding.—The fair market value determined under this section, whether determined by agreement of the parties or by appraisal, shall be binding on both parties for at least three full years from the date on which the rentals based upon such value are to take effect.

(g) Short term option.—Lease agreements subject to this section shall be for a term of not less than one year and shall provide an option to the retail service station dealer to renew the lease agreement for two successive one-year terms at annual rentals to be determined in accordance with the provisions of this section.

§ 9909-A. Posting requirements.

(a) Price per gallon.—The owner or operator of a retail service station shall post on the property of the business a sign or signs displaying the price per gallon currently being charged for its regular grade of gasoline and unleaded regular grade of gasoline. If an unleaded regular grade of gasoline is not offered for sale, the price for the unleaded premium grade of gasoline shall be posted. Nothing in this subsection shall preclude the posting of prices for other grades of gasoline offered for sale.

(b) Size and display of numerals.—The numerals on such signs, together with the words "Regular," "Unleaded Regular" or "Unleaded Premium" for each such grade of gasoline, shall be displayed in bold block lettering at least three inches in height on a sign or signs clearly visible from the primary roadway bordering the business property.

(c) Self-service.—If the prices displayed refer to the price charged on condition that the customer operate the pump, then the sign or signs displaying the prices shall bear the words "Self-service" in bold block lettering at least three inches in height.

(d) Price posted shall be identified.—If the owner or operator of a retail service station chooses to display the price of grades of gasoline other than as required by subsection (a) on a sign visible from a public highway, the sign shall identify the grade and prices of the gasoline in bold block lettering at least three inches in height. If the prices displayed refer to the price charged on condition that the customer operate the pump, then the sign shall also bear the words "Self-service" in the same size bold block lettering.

§ 9910-A. Compliance with octane ratings.

No person shall sell or offer for sale gasoline represented as a particular grade of gasoline unless such gasoline is in conformance with the standard octane ratings as defined in section 9902-A (relating to definitions).

§ 9911-A. Remedies.

A manufacturer or refiner or subsidiary thereof who fails to comply with the provisions of this chapter, other than sections 9909-A (relating to posting requirements) and 9910-A (relating to compliance with octane ratings), shall be subject to a fine of \$1,000 per day per service station. A retail service station dealer may bring an action against a manufacturer or refiner or subsidiary thereof for violations of this chapter in the respective court of common pleas of the county wherein such retail service station dealer's retail service station is located to recover damages sustained by a willful and intentional violation of this chapter and, where appropriate, shall be entitled to injunctive relief. Such retail service station dealer, if successful, shall also be entitled to the costs of the action, including, but not limited to, reasonable attorney fees.

§ 9912-A. Penalties.

Any owner or operator of a retail service station who violates the provisions of section 9909-A (relating to posting requirements) or 9910-A (relating to compliance with octane ratings) commits a summary offense and shall, upon conviction, for the first offense be sentenced to pay a fine not exceeding \$150 and for a second and each subsequent offense be sentenced to pay a fine not exceeding \$300.

§ 9913-A. Exclusions.

Except for sections 9907-A (relating to unlawful restraint), 9909-A (relating to posting requirements) and 9910-A (relating to compliance with octane ratings), the provisions of this chapter shall not apply to truck stops, independent jobbers, farm cooperatives and service plazas administered by the Pennsylvania Turnpike Commission.

§ 9914-A. Enforcement.

When the Attorney General has reason to believe that any person has violated the provisions of this chapter, he shall have standing to bring a civil action for injunctive relief and such other relief as may be appropriate to secure compliance with this chapter.

§ 9915-A. Civil liability.

No manufacturer or refiner or subsidiary thereof shall be civilly liable to any person for damages resulting from the dispensing of a brand of gasoline which is different from that of such manufacturer or refiner or subsidiary thereof on the premises of a retail service station leased from it.

§ 9916-A. Severability.

If any section, sentence, clause or part of section 9904-A(a) (relating to certain operations prohibited) is for any reason held to be unconstitutional, the remaining provisions of section 9904-A, other than subsection (c), shall be null and void. It is hereby declared to be the legislative intent that those provisions would not have been adopted had such unconstitutional section, sentence, clause or part thereof not been included therein.

Amend Sec. 4, page 3, line 27, by striking out "4" and inserting

5

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

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor. We are now on your new amendment.

Mr. TAYLOR. Thank you, Mr. Speaker.

The reason for this is very clear. This morning we got involved in a parliamentary entanglement because the Legislative Reference Bureau inaccurately drew two titles to the same bill. We at this time submit this so that there is only one title in the bill, and we would appreciate an affirmative vote so that we can get this matter over with. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—107

Afflerbach	Fee	Laughlin	Rybak
Alderette	Foster, Jr., A.	Lescovitz	Scheetz
Angstadt	Freeman	Letterman	Semmel
Baldwin	Fryer	Livengood	Serafini
Battisto	Gallagher	McClatchy	Seventy
Belfanti	Gamble	McHale	Snyder, D. W.
Book	Gannon	Manderino	Snyder, G. M.
Boyes	Geist	Manmiller	Steighner
Broujos	George	Markosek	Stevens
Bunt	Gladeck	Mayernik	Stuban

Caltagirone	Godshall	Michlovic	Sweet
Cappabianca	Gruitza	Micozzie	Taylor, F. E.
Cawley	Gruppo	Miscevich	Tigue
Cessar	Hagarty	Moehlmann	Trello
Civera	Haluska	Morris	Truman
Clark	Harper	Mrkonic	Van Horne
Clymer	Hayes	Murphy	Wachob
Cohen	Hoeffel	O'Donnell	Wargo
Colafella	Hutchinson	Olasz	Wass
Cordisco	Itkin	Oliver	Williams
Cornell	Jackson	Petrarca	Wilson
Cowell	Jarolin	Petrone	Wozniak
Deluca	Kasunic	Pievsky	Wright, D. R.
DeWeese	Kosinski	Pistella	Zwilk
Daley	Kowalshyn	Pratt	
Dawida	Kukovich	Preston	Irvis,
Dombrowski	Lashinger	Reber	Speaker
Duffy			

NAYS—91

Armstrong	Evans	McMonagle	Ryar
Arty	Fargo	McVerry	Saloom
Barber	Fattah	Mackowski	Salvatore
Belardi	Fischer	Madigan	Saurman
Beloff	Flick	Maiale	Schuler
Blaum	Foster, W. W.	Marmion	Showers
Bowser	Gallen	Merry	Sirianni
Brandt	Greenwood	Miller	Smith, B.
Burd	Grieco	Nahill	Smith, L. E.
Burns	Hasay	Noye	Spencer
Carn	Herman	O'Brien	Spitz
Cimini	Hershey	Perzel	Stairs
Cole	Honaman	Peterson	Stewart
Coslett	Johnson	Phillips	Swift
Coy	Kennedy	Piccola	Taylor, E. Z.
DeVerter	Klingaman	Pitts	Telek
Davies	Lehr	Pott	Vroon
Deal	Levi	Rappaport	Wambach
Dietz	Levin	Reinard	Weston
Dininni	Linton	Richardson	Wiggins
Donatucci	Lloyd	Rieger	Wogan
Dorr	Lucyk	Robbins	Wright, J. L.
Durham	McCall	Rudy	

NOT VOTING—5

Freind	Mowery	Punt	Wright, R. C.
McIntyre			

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?

AMENDMENTS WITHDRAWN

The SPEAKER. The gentleman from York, Mr. Foster, has agreed very graciously, I might say, because we have been jerking him around on this thing for hours, that he will withdraw his amendment because of the importance of this bill. He will offer his amendment at another time to another bill.

The Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I do have an amendment, and I reluctantly withdraw it, because I do not want the title that Mr. Petrarca has, "Mr. Studs." So I am withdrawing it at this time.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the gentleman from Chester, Mr. Vroon, rise?

Mr. VROON. Mr. Speaker, now that we have untangled the parliamentary mess, I would like to state that I have a number of amendments I would like to offer. But now I must have a proper reference for those amendments, and I would like to receive your wisdom as to how you wish to have me proceed, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, the bill has been called up for final passage, and I insist on a vote.

Mr. VROON. Mr. Speaker, I insist I have that right, because I did not have that privilege before because you denied the privilege to one of our other members when he tried to amend the amendments. Now it is no longer the amendment that I want to amend; I want to amend the bill just as it is for final passage. I did not have that privilege or that opportunity before, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

Will the gentleman come to the podium? The minority leader and the majority leader, please, also. The House will stand at ease.

(Conference held at Speaker's podium.)

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Cumberland, Mr. Mowery, rise?

Mr. MOWERY. Mr. Speaker, on the Taylor amendment A3558 on SB 11, I was not recorded, and I would like to be recorded in the negative.

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

Mr. MOWERY. Thank you.

**CONSIDERATION OF SB 11 CONTINUED
BILL PLACED ON THIRD CONSIDERATION
POSTPONED CALENDAR**

The SPEAKER. The gentleman, Mr. Vroon, has asked that the bill be delayed so that he may order amendments. The gentleman now knows the correct motion to place in order to bring that about, if the House agrees with him. The Chair recognizes the gentleman to place that motion.

Mr. VROON. Mr. Speaker, I move that this bill be placed on the third consideration postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I simply would like the members to cast a negative vote.

POINT OF ORDER

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

Mr. VROON. A point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. VROON. That only those in their seats be permitted to vote, Mr. Speaker.

The SPEAKER. That is the rule of the House.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, there are obviously many people voted on the board who are not here. I ask you to strike the vote, Mr. Speaker.

The SPEAKER. The clerk will strike the vote.

The rules of the House are very clear. Only those members who are present and in their seats have the right to vote. You do your fellow Representative a disservice if you do other than follow the rules of this House.

For what purpose does the majority leader rise?

Mr. MANDERINO. Mr. Speaker, can we be at ease for one moment?

The SPEAKER. Certainly. The House will stand at ease.

STATEMENT BY MR. DAVIES

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

Mr. DAVIES. Mr. Speaker, unanimous consent in reference to the same matter that I requested that consent earlier.

The SPEAKER. Without objection, the gentleman is recognized under unanimous consent to make a statement. The Chair hears no objection.

Mr. DAVIES. Mr. Speaker, in the spirit of fair play, let the record clearly show that the member of the Fourth Estate whom I was seeking out in this a.m. session has blessed this body with his presence in the press section for all of 2 hours in the p.m. session of our deliberations. My only concern now is, sir, how do I determine what might constitute ghostwriting in any reference to any materials that would appear under that byline as opposed to the proper firsthand method of reporting?

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

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

Mr. WILLIAMS. Mr. Speaker, on SB 11, amendment No. A3558, I inadvertently voted in the affirmative and I would like to be recorded in the negative.

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

BIPARTISAN ANTIGAMBLING COALITION MEETING

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Clymer, rise?

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to remind the members of the Bipartisan Antigambling Coalition that we will be meeting tomorrow morning at 9:30 in the minority caucus room. Those members to my left, do you remember where that is? We will see you there bright and early at 9:30. Thank you, Mr. Speaker.

BILL SIGNED BY SPEAKER

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

SB 21, PN 1376

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring certain passenger restraint systems.

CONSIDERATION OF SB 11 CONTINUED

The SPEAKER. Does the minority leader seek recognition?

Mr. RYAN. I was curious as to whether or not the motion was still pending when other business intervened. I understand what the Speaker did, just trying to get some of the business out of the way.

Mr. MANDERINO. Mr. Speaker, is the Legislative Reference Bureau working right now? I think we ought to have his amendments prepared. We can work the rest of the night.

The SPEAKER. The Legislative Reference Bureau is working, and if the gentleman, Mr. Vroon, has amendments to offer, the Chair would instruct the gentleman to offer those amendments.

Is it the desire on the part of the majority leader to pass over temporarily SB 11?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. On that question, passing over temporarily, the Chair recognizes the minority leader.

Mr. RYAN. It is my understanding there is still a motion to place this bill on the third reading calendar. I do not know that that has been withdrawn.

Mr. MANDERINO. I think the effect of the motion is the same, because it can be called from the third reading postponed in an hour.

The SPEAKER. Does the gentleman, Mr. Vroon, wish to pursue his motion?

Mr. VROON. Yes, Mr. Speaker. I certainly do.

The SPEAKER. The gentleman, Mr. Vroon, has insisted on his motion to place this bill on third consideration postponed.

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

POINT OF ORDER

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

Mr. OLIVER. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. OLIVER. Mr. Speaker, could this bill be passed over until tomorrow?

The SPEAKER. The Chair suggested that and that has been rejected. The majority leader has suggested that if Mr. Vroon has amendments, the majority leader is agreeing that we will stay in session until those amendments are drafted and are duly offered by Mr. Vroon. Mr. Vroon, however, says that he wishes to place the bill on third consideration postponed, which is his right to offer that motion.

Mr. VROON. Mr. Speaker, I would be glad to let this thing be tabled until tomorrow and make the motion at that time, besides which, Mr. Speaker, I still have to say this: I do not have a point of reference for the amendments. I must have a printer's number, and that is not available at this time, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vroon, is informed that the printer's number has not changed. The printer's number to the bill is still 1351.

Does the gentleman insist on pursuing his motion?

Mr. VROON. Mr. Speaker, that is the old printer's number and that does not include the amendment, which is a major part of the bill at this point.

The SPEAKER. Does the gentleman wish to pursue his motion?

Mr. VROON. It is up to the Speaker whether or not you want to pursue it tonight. I will be glad to wait until tomorrow. But if you would like to have me do it tonight, I will be glad to pursue it, but I do want to pursue that motion, absolutely.

The SPEAKER. The question then is on the motion. It is moved by the gentleman, Mr. Vroon, that SB 11, PN 1351, be placed on the third consideration postponed calendar. Those in favor of the motion will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—108

Angstadt	Evans	Levin	Reinard
Armstrong	Fargo	Linton	Richardson
Arty	Fattah	McClatchy	Robbins
Belardi	Fischer	McIntyre	Ryan
Beloff	Flick	McVerry	Salvatore
Blaum	Foster, W. W.	Mackowski	Saurman
Book	Foster, Jr., A.	Madigan	Scheetz
Bowser	Gallen	Maiale	Schuler
Boyes	Geist	Manmiller	Semmel
Brandt	Gladeck	Marmion	Serafini
Burd	Godshall	Merry	Sirianni
Burns	Greenwood	Miller	Smith, B.

Carn	Grieco	Moehlmann	Smith, L. E.
Cessar	Gruppo	Mowery	Snyder, D. W.
Cimini	Hagarty	Nahill	Snyder, G. M.
Civera	Hasay	Noye	Spencer
Clymer	Hayes	O'Brien	Spitz
Cohen	Herman	Oliver	Stairs
Cornell	Hershey	Perzel	Stevens
Coslett	Honaman	Peterson	Taylor, E. Z.
DeVerter	Jackson	Phillips	Telek
Davies	Johnson	Piccola	Truman
Deal	Kennedy	Pitts	Vroon
Dietz	Klingaman	Pott	Williams
Donatucci	Lashinger	Punt	Wilson
Dorr	Lehr	Rappaport	Wogan
Durham	Levi	Reber	Wright, J. L.

NAYS—88

Afflerbach	Freeman	McCall	Saloom
Alderette	Fryer	McHale	Seventy
Baldwin	Gallagher	McMonagle	Showers
Battisto	Gamble	Manderino	Steighner
Belfanti	Gannon	Markosek	Stewart
Broujos	George	Mayerink	Stuban
Bunt	Gruitza	Michlovic	Sweet
Caltagirone	Haluska	Miscevich	Swift
Cappabianca	Harper	Morris	Taylor, F. E.
Cawley	Hoefel	Mrkonic	Tigue
Clark	Hutchinson	Murphy	Trello
Colafella	Itkin	O'Donnell	Van Horne
Cole	Jarolin	Olasz	Wachob
Cordisco	Kasunic	Petrarca	Wambach
Cowell	Kosinski	Petrone	Wargo
Coy	Kowalyshyn	Pievsyky	Wass
Deluca	Kukovich	Pistella	Wozniak
DeWeese	Laughlin	Pratt	Wright, D. R.
Daley	Lescovitz	Preston	Zwift
Dawida	Letterman	Rieger	
Dombrowski	Livengood	Rudy	Irvis,
Duffy	Lloyd	Rybak	Speaker
Fee	Lucyk		

NOT VOTING—7

Barber	Freind	Weston	Wright, R. C.
Dininni	Micozzie	Wiggins	

EXCUSED—0

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

The SPEAKER. SB 11, PN 1351, will appear on the active calendar under third consideration postponed, available now for Mr. Vroon's amendments.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Crawford, Mr. Swift, rise?

Mr. SWIFT. Mr. Speaker, I was called off the floor for a meeting in the back of the House. Had I been in my seat, I would have liked my vote to reflect a positive vote on the Taylor amendment A3558 to SB 11.

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

BILLS PASSED OVER

The SPEAKER. Without objection, all the bills currently on the calendar which have not been called up are over for today. The Chair hears none.

ANNOUNCEMENTS BY SPEAKER

The SPEAKER. We shall be in session at 10 o'clock tomorrow morning. That will give Mr. Vroon opportunity to have the amendments drawn to SB 11.

Before you leave the floor, the gentleman from Cumberland, Mr. Broujos, has drawn a resolution concerning the American dead in Beirut. I am sure that when the gentleman offers it, he will be glad to add the names of every single man and woman on the floor of the House.

Without objection—and the Chair hears none—the Chair instructs him to add the names of all the members on the floor of this House. Before the memorial resolution is voted on, however, the Chair will have it read. That will be tomorrow morning.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Lackawanna, Mr. Belardi, rise?

Mr. BELARDI. Mr. Speaker, on SB 11, the Taylor amendment A3558, I inadvertently voted in the negative. I would like the record to show my voting affirmative.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the tabled calendar and placed on the active calendar:

HB 693;
 HB 868;
 HB 1325;
 SB 503;
 SB 504; and
 SB 506.

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

BILLS TABLED

The SPEAKER. The Chair now recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be placed upon the table:

HB 693;
 HB 868;
 HB 1325;
 SB 503;
 SB 504; and
 SB 506.

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 26, 1983, at 10 a.m., e.d.t.

On the question,
 Will the House agree to the motion?
 Motion was agreed to, and at 4:35 p.m., e.d.t., the House adjourned.