

Legislative Journal

WEDNESDAY, OCTOBER 26, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 88

HOUSE OF REPRESENTATIVES

The House convened at 10 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:

Most Holy and Glorious Lord God, Thou who art the creator of everything in heaven and Earth and who bestows upon each of us all the blessings of life itself, we come to Thee with the assurance that where two or three are gathered together in Thy name, Thou art in the midst of them. In Thy name we assemble and meet together, asking that Thou wilt be with us in all of our undertakings, beseeching Thee that we may know Thy will and serve Thee aright, and praying that all our actions may tend to Thy glory and the salvation of our souls. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, October 25, 1983, will be postponed until the Journal is in print. The Chair hears no objection.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair will now take up leaves of absence.

Does the majority whip have any leaves of absence? The gentleman indicates there are no requests for leaves.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request leave for the gentleman from Delaware, Mr. RYAN, for the day.

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

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—201

Afflerbach	Fargo	Lloyd	Rudy
Alderette	Fattah	Lucyk	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Fischer	McClatchy	Salvatore
Arty	Flick	McHale	Saurman
Baldwin	Foster, W. W.	McIntyre	Scheetz
Barber	Foster, Jr., A.	McMonagle	Schuler
Battisto	Freeman	McVerry	Semmel
Belardi	Freind	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	Morris	Stuban
Cawley	Haluska	Mowery	Sweet
Cessar	Harper	Mrkonc	Swift
Cimini	Hasay	Murphy	Taylor, E. Z.
Civera	Hayes	Nahill	Taylor, F. E.
Clark	Herman	Noye	Telek
Clymer	Hershey	O'Brien	Tigue
Cohen	Hoefel	O'Donnell	Trello
Cole	Honaman	Olasz	Truman
Cordisco	Hutchinson	Oliver	Van Horne
Cornell	Jtkin	Perzel	Vroon
Coslett	Jackson	Peterson	Wachob
Cowell	Jarolin	Petrarca	Wambach
Coy	Johnson	Petrone	Wargo
Deluca	Kasunic	Phillips	Wass
DeVerter	Kennedy	Piccola	Weston
DeWeese	Klingaman	Pievsky	Wiggins
Daley	Kosinski	Pistella	Williams
Davies	Kowalshyn	Pitts	Wilson
Dawida	Kukovich	Pott	Wogan
Deal	Lashinger	Pratt	Wozniak
Dietz	Laughlin	Preston	Wright, D. R.
Dininni	Lehr	Punt	Wright, J. L.
Dombrowski	Lescovitz	Rappaport	Wright, R. C.
Donatucci	Letterman	Reber	Zwikl
Dorr	Levi	Reinard	
Duffy	Levin	Richardson	Irvis,
Durham	Linton	Rieger	Speaker
Evans	Livengood	Robbins	

ADDITIONS—1

Colafella

NOT VOTING—0

EXCUSED—1

Ryan

LEAVE ADDED—1

Spitz

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1391, PN 1677, be lifted from the tabled calendar and placed on the active calendar.

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

The SPEAKER. The Chair would advise the members to pay attention. It is necessary that HB 1391, PN 1677, be given second consideration and then be referred to the Committee on Appropriations. In order to do this, the rules of the House must be suspended.

The Chair recognizes the minority whip. Mr. HAYES. Has the majority leader made that motion? The SPEAKER. He will make that motion.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be suspended temporarily so that HB 1391, PN 1677, may be given second consideration and moved to the Committee on Appropriations for a fiscal note.

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

The SPEAKER. On the motion, the Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I respectfully suggest that all Representatives support the majority leader's motion to suspend the rules. Thank you, Mr. Speaker.

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—193

Table listing names of representatives who voted 'YEAS' (193 total): Afflerbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Battisto, Belardi, Fargo, Fattah, Fee, Fischer, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McMonagle, McVerry, Mackowski, Robbins, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini.

Table listing names of representatives who voted 'NAYS' (0 total): Belfanti, Beloff, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Caltagirone, Cappabianca, Carn, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Dorr, Duffy, Durham, Evans, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Hoeffel, Honaman, Hutchinson, Iltkin, Jackson, Jarolin, Johnson, Kasunic, Kennedy, Klingaman, Kosinski, Kowalshyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Linton, Madigan, Maiale, Manderino, Manmiller, Markosek, Marmion, Mayernik, Merry, Michlovic, Micozzie, Miller, Miscevic, Moehimann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Preston, Punt, Rappaport, Reber, Reinard, Richardson, Rieger, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swift, Taylor, E. Z., Taylor, F. E., Telek, Tigie, Trello, Truman, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Weston, Wiggins, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Zwickl, Irvis, Speaker.

NAYS—0

NOT VOTING—9

Table listing names of representatives who did not vote (9 total): Cohen, Colafella, Donatucci, Flick, McIntyre, Pratt, Rudy, Sweet, Wright, R. C.

EXCUSED—1

Ryan

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 ON SECOND CONSIDERATION

Under suspension of the rules, the House proceeded to second consideration of HB 1391, PN 1677, entitled:

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.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1391, PN 1677, 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.

**MEMBER'S PRESENCE RECORDED**

The SPEAKER. The gentleman, Mr. Colafella, is on the floor of the House, and his name will be added to the master roll.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1632** By Representatives MERRY, HUTCHINSON, FARGO, PETRONE, NOYE, HALUSKA, MADIGAN, ROBBINS, COLAFELLA, SAURMAN, DeLUCA, BOWSER, WOZNIAK, SIRIANNI, MRKONIC, LASHINGER, PRATT, BOYES, ALDERETTE, McVERRY, MORRIS, PETERSON, AFFLERBACH, GEIST, SEMMEL, FLICK, REBER, SCHEETZ, BOOK, POTT, JOHNSON, GODSHALL, SCHULER, HERSHEY, MICOZZIE, B. SMITH, HERMAN and WOGAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the registration or operation of a motor vehicle without security.

Referred to Committee on TRANSPORTATION, October 26, 1983.

**No. 1633** By Representatives HASAY, JAROLIN, STUBAN, CIMINI, DOMBROWSKI, WASS, GODSHALL, CAWLEY, BELARDI, TIGUE, DALEY, PUNT and BLAUM

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), excluding military pensions from benefit rate computation.

Referred to Committee on LABOR RELATIONS, October 26, 1983.

**No. 1634** By Representatives GRIECO, LETTERMAN and CIMINI

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for countrywide transfers of licenses.

Referred to Committee on LIQUOR CONTROL, October 26, 1983.

**No. 1635** By Representatives RYBAK, HUTCHINSON, STEIGHNER, KOWALYSHYN, AFFLERBACH, FREEMAN, McHALE, ZWIKL, GRUPPO, D. W. SNYDER, SEMMEL, MRKONIC, BATTISTO, MORRIS, BELFANTI, COLAFELLA, LINTON, CARN, TRELLO, GALLAGHER, PETRONE, FATTAH, WOZNIAK, MERRY, DeLUCA, VROON, POTT, MILLER, BOYES and ANGSTADT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for points and approved driver improvement schools.

Referred to Committee on TRANSPORTATION, October 26, 1983.

**No. 1636** By Representatives COLAFELLA, MORRIS, RYBAK, KOWALYSHYN, PETRARCA, GALLAGHER, ANGSTADT, HALUSKA, WOZNIAK, GRUPPO, DeWEESE, ALDERETTE, WAMBACH, BOOK, DALEY, PETRONE, PISTELLA, SEVENTY, LESCOVITZ, DeLUCA, E. Z. TAYLOR, ITKIN, MAIALE, VAN HORNE, PRATT and VROON

An Act amending the "Steel Products Procurement Act," approved March 3, 1978 (P. L. 6, No. 3), further defining "steel products" to include machinery and equipment.

Referred to Committee on BUSINESS AND COMMERCE, October 26, 1983.

**No. 1637** By Representatives HUTCHINSON and PETRARCA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing political activity by judges.

Referred to Committee on STATE GOVERNMENT, October 26, 1983.

**No. 1638** By Representatives GRUPPO, TRELLO, HERSHEY, HASAY, CLYMER, GANNON, PETRONE, COLAFELLA, PISTELLA and DeLUCA

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing that parent-teacher associations affiliated with nonprofit educational institutions shall not pay sales tax on certain items or services purchased.

Referred to Committee on FINANCE, October 26, 1983.

**No. 1639** By Representatives TRUMAN, WILLIAMS, PRESTON, OLIVER, CARN, RICHARDSON, MILLER, WIGGINS, BARBER, AFFLERBACH, EVANS, McMONAGLE, RIEGER, FATTAH, KOSINSKI, DEAL, O'DONNELL, SCHEETZ, MAYERNIK and PRATT

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), granting additional rights to private citizens and community groups to seek injunctions barring nuisances.

Referred to Committee on LIQUOR CONTROL, October 26, 1983.

**No. 1640** By Representatives TRUMAN, WILLIAMS, PRESTON, OLIVER, CARN, RICHARDSON, JAROLIN, WIGGINS, BARBER, AFFLERBACH, EVANS, McMONAGLE, RIEGER, FATTAH, KOSINSKI, DEAL, LINTON, SCHEETZ and PRATT

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing penalties, revocations and suspensions for violations relating to minors; and making editorial changes.

Referred to Committee on LIQUOR CONTROL, October 26, 1983.

**No. 1641** By Representatives IRVIS, MANDERINO, WACHOB, TRELLO, KUKOVICH, HOFFEL, RICHARDSON, PRESTON, PETRONE, MISCEVICH, PISTELLA, BARBER, FATTAH, LINTON, RYBAK and HARPER

An Act providing emergency shelter assistance to certain individuals and families.

Referred to Committee on HEALTH AND WELFARE, October 26, 1983.

**No. 1642** By Representatives B. SMITH, MRKONIC, CIMINI, GRIECO, LUCYK, JOHNSON and J. L. WRIGHT

An Act designating December 7 as Pearl Harbor Remembrance Day.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, October 26, 1983.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 149** By Representatives HASAY, COLE, LESCOVITZ, COLAFELLA, GODSHALL, McCALL, RAPPAPORT, COSLETT, STEVENS, PHILLIPS, G. M. SNYDER, GEIST, MACKOWSKI, HERMAN, PUNT and WASS

Urging Congress to rescind the new Social Security Benefit Law which discriminated against some older retired persons.

Referred to Committee on FEDERAL-STATE RELATIONS, October 26, 1983.

**No. 150** By Representatives COLE, COLAFELLA, MILLER, McMONAGLE, D. W. SNYDER, LESCOVITZ and R. C. WRIGHT

Establishing a special task force to study export trade from the Commonwealth.

Referred to Committee on RULES, October 26, 1983.

### SENATE BILL FOR CONCURRENCE

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

**SB 453, PN 493**

Referred to Committee on STATE GOVERNMENT, October 26, 1983.

### SENATE MESSAGE

#### HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 7, PN 13**; and **HB 573, PN 1121**, with information that the Senate has passed the same without amendment.

### BILLS SIGNED BY SPEAKER

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

**HB 7, PN 13**

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

**HB 573, PN 1121**

An Act designating the bridge on L.R. 37089 in Lawrence County as the Lieutenant Colonel John B. Brettell Bridge.

### RULES SUSPENDED

The SPEAKER. The gentleman from Cumberland, Mr. Broujos, wishes to file a resolution in respect to the dead and the wounded at Beirut. In order that this may be read and approved by the House, it is necessary that the House suspend its rules at this time.

For the purpose of considering this special resolution, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I move that the rules of the House be suspended.

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

The following roll call was recorded:

YEAS—194

Afflerbach	Duffy	Linton	Richardson
Alderette	Evans	Livengood	Rieger
Angstadt	Fargo	Lloyd	Robbins
Armstrong	Fattah	Lucyk	Rudy
Arty	Fec	McCall	Rybak
Baldwin	Fischer	McClatchy	Saloom
Barber	Foster, W. W.	McHale	Salvatore
Battisto	Foster, Jr., A.	McIntyre	Saurman

Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	Mackowski	Schuler
Beloff	Fryer	Madigan	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Brandt	Geist	Marmion	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Stairs
Caltagirone	Grieco	Miller	Steighner
Cappabianca	Gruitza	Miscevich	Stevens
Carn	Gruppo	Moehlmann	Stewart
Cawley	Hagarty	Morris	Stuban
Cessar	Haluska	Mowery	Sweet
Cimini	Hasay	Mrkonic	Swift
Civera	Hayes	Murphy	Taylor, E. Z.
Clark	Herman	Nahill	Taylor, F. E.
Clymer	Hershey	Noye	Telek
Cohen	Hoeffel	O'Brien	Tigue
Colafella	Honaman	O'Donnell	Trello
Cole	Hutchinson	Olasz	Truman
Cordischo	Itkin	Oliver	Van Horne
Cornell	Jackson	Perzel	Vroon
Coslett	Jarolin	Peterson	Wachob
Cowell	Johanson	Petrarca	Wambach
Coy	Kasunic	Petrone	Wargo
Deluca	Kennedy	Phillips	Wass
DeVerter	Klingaman	Piccola	Weston
DeWeese	Kosinski	Pievsky	Wiggins
Daley	Kowalshyn	Pistella	Williams
Davies	Kukovich	Pitts	Wogan
Dawida	Lashingner	Pott	Wozniak
Deal	Laughlin	Pratt	Wright, D. R.
Dietz	Lehr	Preston	Wright, J. L.
Dininni	Lescovitz	Punt	Zwinkl
Dombrowski	Letterman	Rappaport	
Donatucci	Levi	Reber	Irvis,
Dorr	Levin	Reinard	Speaker

**NAYS—0**

**NOT VOTING—8**

Durham	Harper	Spencer	Wilson
Flick	McVerry	Spitz	Wright, R. C.

**EXCUSED—1**

Ryan

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.

**HR 151 ADOPTED**

The SPEAKER. The Chair would appreciate it at this time if the members would be in their seats and quiet. We are about to take up the Broujos resolution, which the Chair will read, and then will recognize the gentleman, Mr. Broujos, to make a statement.

The Chair asks that, out of respect to those Marines who died in Beirut, we be silent.

WHEREAS, The United States maintains a peace-keeping force in the State of Lebanon; and

WHEREAS, The force includes members of the various armed forces of the United States; and

WHEREAS, On October 23, 1983, a vehicle loaded with explosives destroyed a building in which Marine and Navy personnel were housed; and

WHEREAS, As a result of the attack, over 190 of our Marines and Sailors and other peacekeeping personnel were killed and many were wounded; therefore be it

RESOLVED, That the House of Representatives hereby expresses its profound grief at the tragic loss of these servicemen, calls upon members of the General Assembly and upon the citizens of the Commonwealth of Pennsylvania to express their condolences to the families of Pennsylvanians who have sacrificed their lives in the line of duty for their country and pauses in the midst of its deliberations to pay silent homage to our departed servicemen; and be it further

RESOLVED, That the President of the United States be advised by appropriate communication to take all steps necessary to ensure the safety of our armed forces consistent with the performance of their assigned tasks.

On the question,

Will the House adopt the resolution?

The SPEAKER. Those in favor of that resolution will rise. (Members stood.)

The SPEAKER. The resolution is unanimously adopted.

The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. The commitment by the United States was made in the Middle East, and as a result of that conflict, an extraordinary number of casualties has been sustained. Their loss is our loss and the grief of their families is our grief, and therefore, I wanted the motion to be made and the motion made to adopt that resolution. Thank you.

The SPEAKER. The Chair thanks the gentleman.

As the Chair anticipated, on Monday when we gathered here and stood in a moment of silent prayer, there would be Pennsylvanians dead in the rubble of Beirut. That has come to pass.

The Chair recognizes at this time the gentleman from Allegheny, Mr. Miscévich.

Mr. MISCEVICH. Thank you, Mr. Speaker.

It is with great sadness that I stand here today to announce that one of my constituents and dear friend, Lance Corporal Richard Morrow of Clairton, was killed Sunday, October 23, in Beirut, Lebanon. Lance Corporal Morrow was 21 years old on August 14. He was a very young enlisted marine.

It is very easy to be critical of what is happening in Beirut and Grenada today. However, without knowing the full details of our government's foreign policy and for the protection of our troops on the foreign soil, I feel that the people who are in the responsible positions to make these decisions and choices must make them no matter how we feel.

I was terribly saddened by the news of the bombing in Beirut. However, it weighs more heavily on one's heart when it is so close to home.

I would like to extend my deepest sympathy to one and all who had loved ones in Beirut and in any way involved in the tragic incident that did occur Sunday, October 23, 1983. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### CALENDAR SPECIAL ORDER OF BUSINESS

The SPEAKER. Without objection, the Chair turns, under special order of business, to page 7, SB 11, PN 1351. The Chair hears no objection.

Is the gentleman, Mr. Vroon, on the floor of the House?

The minority whip has advised the Chair that the gentleman, Mr. Vroon, is on his way. So that the members may not be overly puzzled—The gentleman, Mr. Vroon, is here.

The House will stand at ease.

### LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman from Cambria, Mr. Stewart, rise?

Mr. STEWART. For an announcement, Mr. Speaker.

The SPEAKER. The gentleman is in order and may make the announcement.

Mr. STEWART. The Labor Relations Committee meeting that was previously scheduled for 10:30 will be called off the floor at the noon recess.

The SPEAKER. The Chair thanks the gentleman.

### CONSIDERATION OF SB 11 CONTINUED

The SPEAKER. The House will not be prepared at this time to take up SB 11. The Chair will explain to the members when we do take up SB 11 what the problem has been.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 758, PN 1944**, entitled:

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), providing for repayment of interest on money borrowed from the State Lottery Fund.

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?

The Chair recognizes, on final passage, the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Mr. Speaker, I would like to interrogate the sponsor, please.

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

Mr. CAWLEY. Mr. Speaker, where is the State going to get the moneys to pay the interest on borrowing of the lottery funds?

Mr. KUKOVICH. Mr. Speaker, this is not new money. What has currently been happening is, whenever the money has been borrowed and is put in another department or agency and interest accrues to it, that money should then go back to the Lottery Fund. We are not talking about new money; we are talking about interest that has accrued.

Mr. CAWLEY. All right. Thank you.

The SPEAKER. The Chair thanks both gentlemen.

The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, the lady from Delaware, Mrs. Arty, is conferring with the majority leader at the present time concerning a prospective amendment to this bill.

The SPEAKER. The Chair thanks the gentleman.

The House will stand at ease.

### LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. If, while we wait, you would return to leaves of absence.

The SPEAKER. Without objection, the Chair does return to leaves of absence.

The Chair recognizes the minority whip.

Mr. HAYES. I would request a leave of absence for the gentleman from Delaware, Mr. SPITZ, for the remainder of the day.

The SPEAKER. Without objection, the leave of absence will be granted. The Chair hears no objection.

### CONSIDERATION OF HB 758 CONTINUED

#### BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 758 will go over temporarily.

\* \* \*

The House proceeded to third consideration of **HB 882, PN 1003**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), prohibiting the transfer and certain distribution of moneys appropriated to the Crime Victim's Compensation Board; establishing the Pennsylvania Academic Commission on Technological Development; and providing for its powers and duties.

On the question recurring,

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 882, PN 1003, be lifted from the active calendar and placed on the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Mr. Speaker, I move that HB 882, PN 1003, be placed on the active calendar.

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

\* \* \*

The House proceeded to third consideration of **HB 778, PN 865**, entitled:

An Act amending the "Public Employee Retirement Study Commission Act," approved July 9, 1981 (P. L. 208, No. 66), establishing the Public Employee Retirement Study Commission as an independent agency; and adding to the membership of the Municipal Pension Advisory Committee.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority whip. Mr. O'DONNELL. Mr. Speaker, I move that HB 778, PN 865, be placed upon the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 778, PN 865, 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.

\* \* \*

The House proceeded to third consideration of **HB 846, PN 1963**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for absentee ballots for religious holidays and for the delivery and mailing of ballots.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. ITKIN offered the following amendments No. A3497:

Amend Bill, page 1, line before line 1, by striking out "AN ACT" and inserting

A JOINT RESOLUTION

Amend Title, page 1, lines 1 through 13, by striking out all of said lines and inserting  
Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

Amend Enacting Clause, page 1, line 15, by striking out "enacts" and inserting  
resolves

Amend Bill, page 1, lines 16 through 22; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 14, Article VII be amended to read:  
§ 14. Absentee voting.

The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the State or county of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a polling place because of the observance of a religious holiday, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

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

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

Mr. ITKIN. Mr. Speaker, this amendment is offered to alleviate a possible problem with respect to the legislation. The bill would originally amend the Election Code to permit absentee balloting for persons who, because of religious observances, would not be able to vote.

Because it appears that the Constitution talks about who may receive an absentee ballot, we felt it might be better in changing the bill from a statute to a proposed amendment to the Pennsylvania Constitution. The amendment that I am offering now will do just that.

The substance of the bill stays the same, but instead of being a proposed statute, it is now a proposed amendment to the Constitution.

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

The following roll call was recorded:

**YEAS—198**

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

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

NAYS—1

Dorr

NOT VOTING—2

Pievsky

Wright, R. C.

EXCUSED—2

Ryan

Spitz

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—197

Alderette	Fargo	Lloyd	Robbins
Angstadt	Fattah	Lucyk	Rudy
Armstrong	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	Schuler
Belfanti	Freind	Mackowski	Semmel
Beloff	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Marmion	Smith, L. E.
Broujos	George	Mayernik	Snyder, D. W.

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

NAYS—2

Afflerbach

Dorr

NOT VOTING—2

Hoeffel

Wright, R. C.

EXCUSED—2

Ryan

Spitz

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.

**CONSIDERATION OF HB 758 RESUMED**

**DECISION OF CHAIR RESCINDED**

**BILL PASSED OVER**

The SPEAKER. Without objection, the Chair rescinds its announcement that this bill is agreed to on third consideration, and without objection, the bill will go over for today. The Chair hears no objection. Mark HB 758 over for today.

\* \* \*

The House proceeded to third consideration of **HB 902, PN 1964**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for absentee ballots for certain county employees and for the delivery and mailing of ballots.



On the question,  
Will the House agree to the bill on third consideration?  
Mr. ITKIN offered the following amendments No. A3496:

Amend page 1, line before line 1, by striking out "AN ACT" and inserting

A JOINT RESOLUTION

Amend Title, page 1, lines 1 through 13, by striking out all of said lines and inserting

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee ballots.

Amend Enacting Clause, page 1, line 15, by striking out "enacts" and inserting resolves

Amend Bill, page 1, lines 16 through 22, pages 2 through 5, lines 1 through 30, page 6, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 14, Article VII be amended to read:

§ 14. Absentee voting.

The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the State or county of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who can not vote because of election day duties, in the case of a county employe, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

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

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

Mr. ITKIN. Mr. Speaker, this is also absentee voting legislation. The same concerns apply to this bill as in the prior bill. This bill would permit those county employees whose duties require them to conduct election activities on primary day the opportunity to have absentee voting privileges. In many of our counties we have county employees who must spend most if not all of the day involved in their election activities at the courthouse and other locations, and this would allow them to vote prior to election day so that their activities would not be encumbered by themselves having to vote and would insure that they would not be disenfranchised.

This amendment does the same thing. Because of a concern that we perhaps cannot do this statutorily by amending the Election Code, this would change the form of the bill to a proposed amendment to the Pennsylvania Constitution. That is the nature of the amendment, just to make it a proposed amendment, and I would urge adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Indiana, Mr. Wass, wish to be recognized? The Chair recognizes the gentleman.

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

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

Mr. WASS. Mr. Speaker, I tried to follow your explanation of your amendment, but could you be a little more specific about in what instances an employee would find that they were unable to vote on election day, inasmuch as they work for the election, you say?

Mr. ITKIN. Mr. Speaker, I would prefer to defer that question until final passage. I would suggest that we do that at that time.

Mr. WASS. Thank you very much.

The SPEAKER. The Chair thanks both gentlemen.

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

The following roll call was recorded:

YEAS—193

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

NAYS—2

Fryer                      Levin

## NOT VOTING—6

O'Donnell Sweet Williams Wright, R. C.  
Pratt Truman

## EXCUSED—2

Ryan Spitz

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?

The Chair recognizes the gentleman from Indiana, Mr. Wass, who asks that he be permitted to interrogate the gentleman, Mr. Itkin.

The gentleman, Mr. Itkin, indicates he will stand for interrogation. The gentleman, Mr. Wass, is in order and may proceed.

Mr. WASS. Mr. Speaker, I am concerned about extending the privileges of voting by absentee, and in this case would you help me understand under what circumstances we would need this type of legislation?

Mr. ITKIN. This legislation would apply to county employees who are involved in election-day duties and because of their involvement in those duties are extremely inconvenienced and in essence precluded from voting on that particular day.

Mr. WASS. Mr. Speaker, could you be more specific about what type of duty would require a county employee not to have the privilege of voting?

Mr. ITKIN. For example, we have county employees who must be at the courthouse to handle election complaints even prior to the polls opening, and—

Mr. WASS. Excuse me.

Mr. Speaker, I honestly cannot hear the gentleman.

The SPEAKER. The Speaker certainly can understand that problem; the Speaker has that problem also.

The gentleman, Mr. Wass, is trying to get elucidated the reasons why this bill is important. The Speaker heard enough of the interrogation to understand that Mr. Wass' questions are honestly asked, not to delay the action of the House. Give him an opportunity to ask his questions and get an answer.

The gentleman may go ahead.

Mr. WASS. Thank you, Mr. Speaker.

Would you continue, Mr. Speaker?

Mr. ITKIN. This amendment would basically assist those people who, on primary and election day, have to be at other locations in the county outside and away from their resident polling place and are not in a position to cast their vote. The only way they have been able to cast their vote in the past is to travel perhaps 20 or 25 miles to their work location and then during some part of the day for some reason get excused and

go all the way back 20 or 25 miles to their location, their home resident district, to vote and then return to their work location. This seems to be very inefficient. It also puts a great burden on the employee who has to do this, and on a number of occasions this has created a problem for certain county employees whether they should in fact cast a vote or not. This particular bill was requested by our elections department to assist those few people who are in critical work situations on election day, and to allow them this time is not in the best interests of efficient election operations.

Mr. WASS. Mr. Speaker, thank you for your explanation.

Mr. Speaker, may I make a statement?

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Wass, is in order and may proceed.

Mr. WASS. Mr. Speaker, I have a great concern about the privilege that we are extending to so many people as we give them the right to vote by absentee. The explanation by the maker of the amendment has failed to convince me that there are needs whereby county employees do not have the privilege of voting, and inasmuch, I would ask for a "no" vote on the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on final passage, the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, my concern with this bill, as it was with the previous bill, would be a matter of how the Commonwealth can regulate the operation that we are now authorizing on a constitutional basis, and I would like to interrogate the gentleman, Mr. Itkin, if he would stand for interrogation, please.

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

Mr. DORR. Mr. Speaker, would it be the gentleman's understanding that subsequent to passage by the General Assembly and the voters of this constitutional amendment, the General Assembly would then need to write legislation which would authorize and perhaps would give us an opportunity to somehow regulate how this particular voting privilege could be exercised?

Mr. ITKIN. I am not certain. I do not think that this constitutional provision would be self-implementing. That would have to occur through statutory legislation.

Mr. DORR. Mr. Speaker, would it be the gentleman's opinion that it might be possible, for example, for the General Assembly to indicate that such a privilege can be exercised only upon an affidavit having been filed, for example, with the election board locally and attested by whatever supervisory personnel are involved to the effect that this person does in fact have election duties, my concern being that in certain highly politicized counties there might be a wholesale absentee ballot effort conducted among county employees by courthouse personnel.

Mr. ITKIN. I think it would be most appropriate for the General Assembly to set forth those conditions and requirements on such employees, since what would have to be deter-

mined was the nature of the election-day duties that would preclude them from easily voting. And, of course, the question of an affidavit, I think, would have to also be included just as we now handle it for other types of absentee voting.

Mr. DORR. I thank the speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I would like to ask Mr. Itkin a question.

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

Mr. DAVIES. Mr. Speaker, under this legislation, does the same provision apply to those Federal employees and State employees who would have to be engaged in employment within the county that particular day, or are they not to be included in this, only those county employees?

Mr. ITKIN. Mr. Speaker, all other persons who, because of business, are outside the county may under current law elect to vote absentee. That is not at issue. The problem that arises here is because—

Mr. DAVIES. Mr. Speaker, my question does not address those out of the county, sir; it addresses those who have assignments within the county but have assignments which may be the entire day because they may be in the Federal courts awaiting appeals, such as the appellate court in Philadelphia or in Pittsburgh, or those who may have assignments that they cannot leave that post because of that same reason, or we are talking about constables who have been assigned to some other segment other than their own district and they have an assignment that lasts the entire day and cannot make it either. I am addressing the same issue for those Federal, State, and municipal employees who are not able to get to the polls because of those various assignments. I am not talking about out of the county.

Mr. ITKIN. Mr. Speaker, this would only apply to county employees and to none other, the way the amendment is currently drafted. I would like to point out, however, that with the other examples you raised, these individuals could vote when the polls open at 7 and be at their activity at 9 or 10 o'clock.

We are talking about—let me give you an example—an employee who might be a person who fixes voting machines, and prior to the polls opening an election board finds out that a machine is not functioning properly and immediately calls to have that machine repaired. The individual who goes out has to be on call, not only throughout the 12 or 13 hours the polls are open but also before the polls close and many times after the polls close in case there are some problems in trying to get the results off the machines. It is these types of individuals that this particular bill has been drafted towards, because these people are on call at all times.

We do have people who work in Allegheny County in regional centers, and they are required to be at that regional center prior to the polls opening and are required to stay there

until way after the polls close. It is to this type of person that this amendment speaks.

Mr. DAVIES. Mr. Speaker, I still do not understand why those Federal court employees or others who may have an assignment that is for the entire day would be excluded from the same privilege that you would extend to county employees. There may be those who are going to fall in between the cracks on this thing, and I do not think that your amendment is inclusive enough to bring those people in. I would express my concern about that, not only by the fact that it will deny them that same privilege but also be a matter of being somewhat discriminatory in not offering them the same opportunity. Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—175

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

NAYS—23

Belfanti	Dininni	Levin	Phillips
Book	Fryer	Lloyd	Pitts
Brandt	Godshall	Marmion	Scheetz
Bunt	Hershey	Moehlmann	Swift

Clymer	Jackson	Morris	Wass
Dietz	Levi	Peterson	
NOT VOTING—3			
Donatucci	Fargo	Wright, R. C.	
EXCUSED—2			
Ryan	Spitz		

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 1332, PN 1938**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for points and penalties related to speeding.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1332, PN 1938, be recommitted to the Committee on Appropriations.

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

**SB 11 PASSED OVER TEMPORARILY**

The SPEAKER. This brings us to SB 11, PN 1351. The Chair recognizes the gentleman from Chester, Mr. Vroon. Where is the gentleman?  
Would the gentleman, Mr. Hayes, advise the Chair, is the gentleman temporarily off the floor?

Mr. HAYES. He is in his office working on his amendments.

The SPEAKER. Without objection, we will pass over temporarily SB 11. The Chair hears no objection.

**BILL ON THIRD CONSIDERATION POSTPONED**

The House proceeded to **HB 1445, PN 1999**, on third consideration postponed, 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 recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. BOYES offered the following amendments No. A3406:

Amend Sec. 3 (Sec. 2.3), page 5, line 17, by striking out "thirteen" and inserting fifteen

Amend Sec. 3 (Sec. 2.3), page 5, line 21, by striking out "eleven" and inserting thirteen

Amend Sec. 3 (Sec. 2.3), page 5, line 23, by striking out Six and inserting Eight

Amend Sec. 3 (Sec. 2.3), page 5, line 30, by striking out "and"

Amend Sec. 3 (Sec. 2.3), page 5, line 30, by removing the period after "part" and inserting , and two from any part of the State.

Amend Sec. 3 (Sec. 2.3), page 6, line 19, by striking out "seven" and inserting Eight

Amend Sec. 13 (Sec. 9.1), page 24, line 28, by inserting brackets before and after "five" and inserting immediately thereafter seven

Amend Sec. 15 (Sec. 14), page 36, line 18, by inserting brackets before and after "five" and inserting immediately thereafter seven

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

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

Mr. BOYES. Thank you, Mr. Speaker.

The purpose of the amendment is to retain the same membership ratio that exists in current legislation. It allows for all members of the Board of Accountancy to be full voting members, and I would urge an affirmative vote on this amendment. 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—198**

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

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

NAYS—0

NOT VOTING—3

Donatucci Piccola Wright, R. C.

EXCUSED—2

Ryan Spitz

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. BOYES offered the following amendments No. A3410:

Amend Sec. 6, page 10, line 13, by inserting after "amended" and a section is added

Amend Bill, page 14, by inserting between lines 6 and 7

Section 4.1. Education and Experience Requirements.—

(a) Before any person is permitted to take the examination on or after January 1, 1989, or is issued a certificate of certified public accountant on or after January 1, 1989, the board shall be satisfied that he has complied with the following requirements:

(1) Graduation with a baccalaureate degree from a college or university approved at the time of graduation by the Department of Education, pursuant to policies and standards promulgated by the State Board of Education, or an education which the equivalent thereof, and completion, not necessarily as part of his undergraduate work, of at least twenty-four semester credits in accounting subjects and twenty-four semester credits in business subjects not to exceed six semester credits in any one business subject, or

(2) Graduation with a Master's Degree or Doctor's Degree from a college or university approved at the time of graduation by the Department of Education, pursuant to policies and standards promulgated by the State Board of Education, and completion of at least fifteen graduate level semester credits in accounting subjects and fifteen graduate level credits in business subjects not to exceed four semester credits in any one business subject. Any person who has graduated with a Master's Degree or Doctor's Degree may combine undergraduate and graduate level credits to meet either the undergraduate or graduate requirement, if such credits are in accounting or business subjects.

(b) For the purpose of subsection (a), accounting subjects shall include, but not be limited to auditing, taxes and manage-

ment information systems and other accounting subjects; business subjects shall include, but be limited to, commercial law, economics, management, marketing, statistics, mathematics, finance and banking.

(c) Subject to the general qualifications of section 3.1, the department, upon authorization of the board, shall issue a certificate of certified public accountant to a person who has qualified for permission to take the examination under subsection (a)(1) or (2), provided he has passed the written examination of the board in general accounting, theory of accounts, accounting practice, auditing and related subjects.

(d) Notwithstanding the provisions of this section, the board shall permit an applicant to take the examination during the final term, semester or quarter of the school year in which he will graduate, if it is reasonably expected that he will fulfill the educational requirements of this section and receive the required degree: Provided, however, That he must receive the required degree within one hundred and twenty days after the date of the examination in order to fulfill the educational requirements set forth in this section.

(e) Notwithstanding the provisions of this section and subject to such regulations as the board may adopt governing reexaminations, a candidate shall be entitled to retake the examination referred to in this section.

(f) A person who has previously taken the examination under the provisions of section 4 shall continue to be permitted to take the examination and receive a certificate subject to section 4 on and after January 1, 1989.

(g) Subject to the general qualifications of section 3.1, the department, upon authorization of the board, shall issue a certificate of certified public accountant to a person who has qualified for permission to take the examination under this section provided he has passed the written examination as provided for in section 3, further provided he has at least two years of public accounting experience or two years experience as an auditor with a unit of Federal, State or local government including, but not limited to, employment with the Department of the Auditor General. Provided the experience was of a caliber satisfactory to the board, required the use of auditing skills and was supervised by a certified public accountant.

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.

I circulated to the members of this House a memorandum listing the number of institutions of higher education in the Commonwealth of Pennsylvania that currently require, as part of their courses in accounting, to be an accountant major, 24 semester credit hours to be an accounting major in that respective school of higher education.

Present law in the Commonwealth requires 12 semester credit hours plus 2 years' experience before they are eligible to sit for the examination. My amendment will allow the students who have graduated from the 71 institutions of higher education in the Commonwealth to apply their acquired skills immediately, because it waives the experience requirement. Upon completion of what the schools require, 24 semester credit hours, they will be able to sit for the examination immediately, so there will be a better correlation between their courses that are offered in the institutions of higher education and the examination, and maybe we can achieve a better pass

ratio than we have in the past and a better coefficient between the courses that are offered in those institutions and the examination.

After they have successfully completed the required educational courses and successfully completed the examination and passed the examination, then they will still, as current law requires, acquire the 2 years of experience.

I would ask the members of the House to support the institutions of higher education in this State and support the students so they will be on line with the credit hours that they are currently being required to take to become an accountant major rather than a reduced number of hours of 12 and have a lag period of time take place where they have 2 years to wait to apply to take that examination. I would ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Thank you, Mr. Speaker.

I oppose the Boyes amendment. If this amendment were only creating yet another option for people to get into the profession, it might be all right, but it is not doing that at all. It is saying that we are going to get rid of the experience requirement, but we are going to greatly increase the education requirement.

Under present law, if you have a little more education, you can take the exam before you have any experience at all. And if you pass that exam and work for a year, then you get your certificate. So we really have already taken care of that problem.

What this bill does, however, is amount to a full employment for business school professors, because under the existing law, in order to go the normal route with 12 hours of accounting in your undergraduate career, under the amendment that would be doubled to 24 hours of accounting, and in addition to that you would have to have 24 hours of other business courses.

Mr. Speaker, I do not think that we need to do that. There was no testimony presented before the Professional Licensure Committee to justify this. In fact, this suggestion was not even made before the committee, and I see no reason why we ought to make it harder for people who have a somewhat more varied educational background to get into the profession. And in the absence of that kind of compelling reason, I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

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

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

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

Mrs. TAYLOR. Mr. Speaker, in order for me to thoroughly understand this, are you saying in this amendment that you are recommending or that you are forcing the colleges and universities in the Commonwealth to change their curric-

ulum requirements? Are you saying that? That is my question.

I will rephrase it. Will this amendment change, by law, what we are already offering in our colleges and universities?

Mr. BOYES. Thank you, Mr. Speaker. I understand the question. The answer is a negative.

What the amendment does, Mr. Speaker, is it follows the lead of the colleges and the institutions of higher education that are already leading the pack and leading the way in Pennsylvania by establishing the 24-hour requirement. It does not require or mandate it. It sort of supports what they are already doing and allows the General Assembly to affirm that practice.

Mrs. TAYLOR. Mr. Speaker, I understand the answer; I would like to make a statement.

As long as the amendment is not dictating to the colleges and universities what they should do as far as curriculum requirements are concerned and also as far as the number of credits needed in this field, then I can support it. I urge the support of this amendment.

The SPEAKER. The Chair thanks the lady and the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Linton, on the Boyes amendment.

Mr. LINTON. Thank you, Mr. Speaker.

I rise in opposition to the Boyes amendment.

We spent numerous hours in sunset hearings listening to positions that were being taken by those who are in the profession and also the professional association. At no point in time did the professional association put forth this proposal before our committee. We went through elaborate research to examine facts and information to determine what kind of recommendations we were going to make to this body for consideration for new legislation, and once again, we were not given an opportunity to get that information from the professional association.

I believe, Mr. Speaker, that this is an effort by the professional association, once again, to screen out competition; to once again make it difficult for those folks to get involved in taking the examination and be licensed certified public accountants in the State of Pennsylvania.

Mr. Speaker, we currently have a nationally recognized examination that does a very good job in terms of screening out applicants who are not qualified to be certified public accountants.

Also, Mr. Speaker, it seems to me that once again we are making an effort to fix something that is not broken; that the colleges are moving and have moved in the direction of putting forth hours which they feel are necessary to make someone qualify to pass the C.P.A. examination. Also, Mr. Speaker, if we take a close examination of those who sit for the C.P.A. examination, you will find out that close to 80 to 90 percent of those students on their own initiative will take additional courses to qualify for the examination because they know that the examination is extremely rigid.

We also heard yesterday in testimony from many of the members of this body who have taken and passed the C.P.A. examination that it is an examination that requires numerous hours of study, numerous hours of test-taking responsibilities and time in the test process. So I believe, Mr. Speaker, that we have given all those colleges and institutions time to develop students who can be C.P.A.'s.

Also, Mr. Speaker, during our hearings we found that there were numerous students who did not get an opportunity to make the experience requirements and therefore were not allowed the opportunity to take the examination. So we fixed that. We now allow those students who have 24 hours in accounting to take the examination prior to receiving that experience, so that allows those students to have that opportunity.

Mr. Speaker, I think that this is a further effort of the profession at this point in time to screen out those who want to be C.P.A.'s in the Commonwealth of Pennsylvania, and it does nothing to help the consumers throughout the Commonwealth. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LEVI. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

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

Mr. LEVI. Thank you, Mr. Speaker.

Mr. Speaker, if I understand this properly, you are changing the criteria from the 12 hours plus 2 years' experience to solely 24 hours of academic— It is not an either-or; it is just this one. Is that correct, sir?

Mr. BOYES. Mr. Speaker, the gentleman is correct in the sense that to sit for the examination, he will have to successfully complete 24 semester credit hours.

As it is now required by current law and in the current proposed law, it will be 12 hours plus he would have to delay that period of time until he has successfully achieved the 2 years' experience. We are trying to draw a closer relationship between his college courses and his college preparation. Does that answer the gentleman's question?

Mr. LEVI. That answers that question, sir.

My next question is, under the present law, with the 12 hours of accounting plus 2 years' experience, does that individual require a baccalaureate degree to sit for the exam?

Mr. BOYES. Mr. Speaker, the answer is in the affirmative.

Mr. LEVI. Thank you, Mr. Speaker.

That is all the interrogation. I would like to make a comment.

The SPEAKER. The gentleman is in order. He may make his comment.

Mr. LEVI. Thank you, Mr. Speaker.

I believe we are narrowing the opportunity for people to enter the field of accounting or to become a certified public

accountant. I firmly believe that we should have the two options available for the young men and women in our universities to either take the 24 hours and sit for the exam or, if they choose, just take the 12 hours and receive their degree and work the 2 years and then have an opportunity to sit. But to narrow it one way or the other, I think we are precluding a lot of young people from entering this field, and I would say that we should refuse this amendment as it is presently drafted.

The SPEAKER. The Chair thanks the gentleman.

On the Boyes amendment, the Chair recognizes, for the second time, the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, just if the members are concerned, Mrs. Taylor's question about the changes which would be made in college curriculum was answered correctly. However, members ought to be aware, according to the data which Mr. Boyes distributed to them, that there are currently only 71 of the 133 colleges and universities in this State which provide the 24 semester credit hours in accounting and 24 semester credit hours in other business-related courses, which this amendment would require. So what that means is unless those schools chose to much beef up their accounting and business programs, students would not be able to go to those schools and subsequently go on to be C.P.A.'s. I think that when you are talking about eliminating almost half of the colleges and universities in the State, that is a mistake. I would just like to bring that to the members' attention. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BOYES. Thank you, Mr. Speaker. I will make it very brief.

Representative Linton stated in the testimony to the House—and I agree with the gentleman—that it is a rigid examination. It has been pointed out on the House floor that we may be precluding some students by asking for 24 semester hours to be granted. But at the same time, I have a genuine concern with the number of students who are being precluded from entering the profession because of the time lag between the 12 hours and the 2 years of experience. There are many students and we have a high fail ratio in that particular area.

Addressing the particular concerns about the number of colleges that are offering the 24 hours, I suggest to the gentleman, Mr. Lloyd, that the list is growing. The effective date of this particular amendment is not until 1989-1990, and as the trend continues, the list is going to grow, and it is already the majority that requires the 24 hours.

I would urge that we stand with the institutions of higher learning in the Commonwealth of Pennsylvania, and I would urge an affirmative vote. 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.

It is my opinion that we are really making more out of this amendment than the amendment itself is attempting to address. I really feel that as has already been stated by Repre-

sentative Taylor, what we are doing is trying to bring our statutes into agreement with what is presently being required in the colleges, and at the same time, I guess, attempting to make certain that the person who is taking the exam has that necessary overall business background to really take the exam successfully.

I do not believe that the number of colleges that are listed on Representative Boyes' list are the only colleges that are requiring 24 hours in taking or in passing a business major. I believe he is only showing the ones that he has the information on. And to say that that eliminates another 50 colleges in Pennsylvania, I do not believe that that is true. I think the vast majority of colleges that have an accounting degree or a business degree major are requiring 24 hours in that area. It should be noted that we are not just talking about accounting courses; we are talking about accounting courses and business-related courses, including mathematics, statistics, all of those types of educational courses that really do give you the background for the accounting profession. I would respectfully ask that this amendment be considered in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Boyes amendment, the Chair recognizes, for the second time, the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Mr. Speaker, I would just like to add some clarity to this issue. I just want to make sure the members understand that this is not the continuing education issue that we were dealing with yesterday where we were talking about continuing professional education. This is a separate issue. It is a different issue.

Beyond that, Mr. Speaker, I keep hearing my colleagues talk about 24 hours. If you look very closely at the amendment, you will clearly see that we are talking beyond 24 hours, because we are talking about 24 hours in accounting. Then on top of that, we are mandating that they have 24 hours in business-related courses. So actually, Mr. Speaker, we are talking about 48 hours; it is not 24 hours.

Also, Mr. Speaker, we are even going beyond that. We are even outlining specific courses, Mr. Speaker, that should be included within those hours, over and beyond those 24 hours of accounting.

I am quite sure that many of my colleagues who are certified public accountants, if they had to go through this procedure today, would be opposed to it. But now that they are locked into the profession and they are in a position where they can prosper and earn a living, now they want to eliminate those other college students who are currently going to school and who will be going to school in the future who want to be certified public accountants. I urge my colleagues to vote against the Boyes 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—69

Angstadt	Fischer	Kennedy	Reinard
Armstrong	Flick	Lashinger	Robbins
Arty	Foster, W. W.	Lehr	Saurman
Book	Foster, Jr., A.	McClatchy	Schetz
Bowser	Freind	McVerry	Schuler
Boyes	Gallen	Madigan	Sirianni
Brandt	Gannon	Manmiller	Smith, B.
Bunt	Gladeck	Merry	Smith, L. E.
Burns	Godshall	Micozzie	Snyder, G. M.
Cessar	Greenwood	Miller	Spencer
Clymer	Gruppo	Moechlmann	Stairs
Coslett	Hasay	Mowery	Taylor, E. Z.
DeVerte	Herman	Nahill	Taylor, F. E.
Davies	Hershey	Noye	Vroon
Dietz	Honaman	Piccola	Wachob
Dininni	Jackson	Pott	Wass
Dorr	Johnson	Punt	Wright, J. L.
Fargo			

NAYS—129

Afflerbach	Evans	McCall	Rudy
Alderette	Fattah	McHale	Rybak
Baldwin	Fee	McIntyre	Saloom
Barber	Freeman	McMonagle	Salvatore
Battisto	Fryer	Mackowski	Semmel
Belardi	Gallagher	Maiale	Serafini
Belfanti	Gamble	Manderino	Seventy
Beloff	Geist	Markosck	Showers
Blaum	George	Marmion	Snyder, D. W.
Broujos	Grieco	Maycrnik	Steighner
Burd	Gruitza	Michlovic	Stevens
Caltagirone	Hagarty	Miscevich	Stewart
Cappabianca	Haluska	Morris	Suban
Carn	Harper	Mrkonic	Sweet
Cawley	Hayes	Murphy	Swift
Cimini	Hoefel	O'Brien	Telek
Civera	Hutchinson	O'Donnell	Tigue
Clark	Itkin	Olasz	Trello
Colafella	Jarolin	Oliver	Truman
Cole	Kasunic	Perzel	Van Horne
Cordisco	Klingaman	Peterson	Wambach
Cornell	Kosinski	Petrarca	Wargo
Cowell	Kowalshyn	Petrone	Weston
Coy	Kukovich	Phillips	Wiggins
DeLuca	Laughlin	Pievsky	Wilson
DeWeese	Lescovitz	Pistella	Wogan
Daley	Letterman	Pitts	Wozniak
Dawida	Levi	Pratt	Wright, D. R.
Deal	Levin	Preston	Zwinkl
Dombrowski	Linton	Rappaport	
Donatucci	Livengood	Reber	Irvis,
Duffy	Lloyd	Richardson	Speaker
Durham	Lucyk	Rieger	

NOT VOTING—3

Cohen	Williams	Wright, R. C.
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EXCUSED—2

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

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

Bill as amended was agreed to.

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



The question is, shall the bill pass finally?

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

YEAS—199

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

NAYS—0

NOT VOTING—2

Cohen Wright, R. C.

EXCUSED—2

Ryan Spitz

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

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

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House Mr. Ralph Davis, formerly of Washington County and now coming to us from El Paso, Texas. Mr. Davis would understand what happened over in Beirut; he is a Navy veteran of World War II, and he is the brother-in-law of Representative Broujos and is his guest here today.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1448, PN 2001**, entitled:

An Act amending the "Real Estate Licensing and Registration Act," approved February 19, 1980 (P. L. 15, No. 9), adding and amending definitions; creating, empowering and governing a commission; eliminating confidentiality requirements; changing hours of study and specifying areas of study for applicants; eliminating fee requirements; imposing reporting duties on the Pennsylvania Human Relations Commission; adding a prohibition; broadening the scope of regulation of promotional sales and requiring public accounting for promotional sales; requiring contractual disclosures; regulating reinstatement of revoked licenses; changing limits of liability and increasing assessments for the recovery fund; making editorial changes; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments No. A3495:

Amend Title, page 1, line 14, by inserting after "fund;" establishing a study committee;

Amend Sec. 5 (Sec. 401), page 11, line 14, by inserting before "It"

(a)

Amend Sec. 5 (Sec. 401), page 11, lines 17 through 27, by striking out "However, the department shall not issue any license" in line 17 and all of lines 18 through 27 and inserting

(b) The department shall establish a special ad hoc committee charged to undertake a study of third-party brokerage activities. It shall make specific inquiry into those transactions wherein a real estate entity transacts in an agency capacity for residential real property as a licensee under the Real Estate Licensing and Registration Act, and makes first lien residential real estate loans as well, for the purchase of such property, either by itself, through an affiliate, or both, and whether existing law or regulations affecting these entities adequately safeguard the interests of Pennsylvania consumers for available competitive housing financing within this Commonwealth. The special committee shall be known as the Third Party Real Estate Brokerage Ad Hoc Review Committee. The members of the committee shall consist of the Secretary of Banking, the Commissioner of Professional and Occupational Affairs and the Chairman of the Pennsylvania Securities Commission. It shall also include the Majority and Minority Chairmen of the Business and Commerce Committee or their designees and Professional Licensure Committee of the House of Representatives, the Majority and Minority Chairmen of the Banking and Insurance Committee or their designees and the Consumer Protection and Professional Licensure Committee of the Senate. The committee shall proceed with all due diligence and report its findings to this session of the General Assembly within three months of the effective date of this act.

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deletes language on page 11, lines 17 through 27. That language would prohibit any individual, partnership, corporation, or affiliate from receiving a real estate license if they transacted more than 12 mortgages a year within another affiliate or corporate or partnership arrangement. That language is deleted because it will have a major impact in a rapidly changing industry. In its place, language is put in to establish an ad hoc committee that would for 3 months look at the whole issue of third-party brokerage in the Commonwealth. The committee would be composed of the Secretary of Banking, the Commissioner of Professional Licensure, the Chairman of the Pennsylvania Securities Commission, and various House and Senate chairmen. The committee would look at this issue which is very critical as to how our constituents and the consumers in Pennsylvania buy and sell houses and how they finance houses.

The amendment has a major impact, and it is important to look at this issue for the future of our constituents and for the future of the real estate and financial industries in Pennsylvania. I urge your support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**QUESTION OF GERMANENESS**

The SPEAKER. On the Murphy amendment, the Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Point of order, or, I guess, a parliamentary inquiry, Mr. Speaker.

The SPEAKER. What is the gentleman's point?

Mr. DALEY. I question the germaneness of adding this special ad hoc committee to this amendment, Mr. Speaker.

The SPEAKER. Does the gentleman raise the question of germaneness on this issue?

Mr. DALEY. Yes.

The SPEAKER. The gentleman has.

The gentleman, Mr. Daley, has suggested that the amendment offered by the gentleman, Mr. Murphy, is not germane. The question of germaneness is for the House to decide.

Those who believe the Murphy amendment to be germane will vote "aye"; those who believe the Murphy amendment is not germane will vote "no."

On the question,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

**YEAS—195**

Afflerbach	Evans	Linton	Rieger
Alderette	Fargo	Livengood	Robbins
Angstadt	Fattah	Lloyd	Rudy
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Saloom
Baldwin	Flick	McClatchy	Salvatore

Barber	Foster, W. W.	McHale	Saurman
Battisto	Foster, Jr., A.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Fryer	Mackowski	Semmel
Beloff	Gallagher	Madigan	Serafini
Blaum	Gallen	Maiale	Seventy
Book	Gamble	Manmiller	Showers
Bowser	Gannon	Markosek	Sirianni
Boyes	Geist	Marmion	Smith, B.
Brandt	George	Mayernik	Smith, L. E.
Broujos	Gladeck	Merry	Snyder, D. W.
Bunt	Godshall	Michlovic	Snyder, G. M.
Burd	Greenwood	Micozzie	Spencer
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	Wargo
Coy	Kasunic	Phillips	Wass
Deluca	Kennedy	Piccola	Weston
DeVerter	Klingaman	Pievsky	Wiggins
DeWeese	Kosinski	Pistella	Williams
Davies	Kowalshyn	Pitts	Wilson
Dawida	Kukovich	Pott	Wogan
Deal	Lashinger	Pratt	Wozniak
Dietz	Laughlin	Preston	Wright, D. R.
Dininni	Lehr	Punt	Wright, J. L.
Dombrowski	Lescovitz	Rappaport	Zwikel
Donatucci	Letterman	Reber	
Dorr	Levi	Reinard	Irvis,
Duffy	Levin	Richardson	Speaker
Durham			

**NAYS—3**

Daley	Manderino	Wambach
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**NOT VOTING—3**

Freind	McIntyre	Wright, R. C.
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**EXCUSED—2**

Ryan	Spitz
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendments were declared germane.

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

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

Mr. DORR. Thank you, Mr. Speaker.

I urge the members to vote affirmatively on the Murphy amendment. In my judgment, the issue which is dealt with in the Murphy amendment is one which is the best possible answer to this problem as far as the members of the General Assembly are concerned and as far as the public of Pennsylvania is concerned. It is a very serious issue. It needs to be dealt with in a very serious way, and I think the establishment

of this commission to study the issue is an appropriate thing for this General Assembly to do at this particular point in time and not to act precipitously on this particular issue in the context of a sunset bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach, on the Murphy amendment.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I concur with this amendment and I concur with the remarks made by the gentleman, Mr. Dorr.

The gentleman, Mr. David Wright, stated, I think, a very important point in our caucus earlier this week, and that is the fact that sunset was not necessarily intended to make substantive changes in the law. Certainly the situation between the third-party financing parties would require substantive changes that need considerably more study than we have been able to give them in accordance with this bill. I would therefore urge adoption of this amendment to provide the time necessary to view thoroughly the arguments made by all parties on this issue.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman from Cumberland, Mr. Mowery, is recognized.

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

I, too, would like to echo what the two previous speakers have already said in regard to the Murphy amendment. As many of you know, the Federal Government right now is reviewing the role that banks and so forth are going to be playing in the future regarding diversification of their financial interests. I think the time allocated by this amendment of 3 months would be appropriate and ask that we support it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the gentleman from Berks, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would just suggest to the members that they do support the Murphy amendment, because it is the most equitable solution to this problem that is currently before the House with the industry disagreements, and to insure that HB 1448 is approved to reauthorize the licensing commission before it automatically sunsets at the end of 1983. So I would certainly ask for your support for the Murphy amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FLICK. Thank you, Mr. Speaker.

I would like to concur with all remarks said and urge a positive vote on the Murphy 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—182

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

NAYS—17

Blaum	Daley	Lloyd	Reinard
Burns	Greenwood	Manderino	Spencer
Cimini	Grieco	Markosek	Tigue
Clymer	Hoeffel	Nahill	Wambach
Cornell			

NOT VOTING—2

Miller Wright, R. C.

EXCUSED—2

Ryan Spitz

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. MURPHY offered the following amendments No. A3535:

Amend Sec. 13 (Sec. 605), page 27, line 1, by striking out "a" and inserting  
the

Amend Sec. 13 (Sec. 605), page 27, line 2, by striking out "member shall be assigned" and inserting shall assign a member of its staff who is not a member of the commission

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

This is amendment A3535. Mr. Speaker, what this amendment does is deal with the question of the real estate commissioners traveling out of State to inspect promotional property. Now, I am sure all of you would want this job if you knew that you could travel 40 times a year to such places as Jamaica, Florida, California, Colorado, and have all of your expenses paid by the developer. That is in fact what has happened in the Commonwealth with the real estate commissioners. One commissioner traveled 40 times last year out of State to inspect promotional properties. What I mean by promotional properties is, you have seen the ads in magazines and such that say, buy a lot in Florida for \$10 down and \$10 a month. In order for them to advertise in Pennsylvania, it must be approved by the Real Estate Commission, and the commissioners have seen fit to visit these sites, visits in terms of hundreds of visits annually.

This amendment will stop the practice of a commission member making those visits and will require the commission to assign a staff person, the reason being in part that the Ethics Commission ruled that they felt it was at least an apparent conflict of interest for commission members to visit on sites, come back and discuss it and make a decision about it, and further, to have developers then pay the commissioners directly for the trip without going through the Commonwealth.

In another section of this bill, we deal with payment. This deals with the fact that the commissioners would no longer do the inspection, but a staff member would be assigned to do those inspections. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Fattah.

Mr. FATTAH. Mr. Speaker, I rise in support of the Murphy amendment. I think in light of his comments and recent news reports about the travel of the commissioners, we should indeed support this amendment, and I would urge my colleagues to do that. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the Murphy amendment, the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I would have to oppose the amendment. I think the members of the commission have been appointed for the exact purpose of examining whether or not it is proper for such offerings to be made in Pennsylvania, and who best can view the premises than those who will make the decision?

I think that there have been problems in the past. Those problems have been pointed out appropriately and they have been dealt with in the context of this legislation. No longer will those problems with payments and direct reimbursements and so forth arise because of other things that we have done.

I would recommend that the members vote in opposition to this amendment so the commissioners themselves can be allowed to view what is going to be offered to the people of Pennsylvania.

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

Afflerbach	Evans	Lucyk	Rybak
Alderette	Fattah	McCall	Saloom
Baldwin	Fee	McHale	Seventy
Barber	Fischer	McIntyre	Showers
Battisto	Freeman	McMonagle	Smith, B.
Belfanti	Fryer	Madigan	Snyder, G. M.
Beloff	Gallagher	Maiale	Stairs
Blaum	Gamble	Manderino	Steighner
Burd	George	Markosek	Stewart
Burns	Gruitza	Mayernik	Stuban
Caltagirone	Haluska	Michlovic	Sweet
Cappabianca	Harper	Miscevich	Taylor, F. E.
Carn	Hasay	Morris	Telek
Cawley	Hayes	Mowery	Tigue
Clark	Hoefel	Mrkonic	Trello
Cohen	Hutchinson	Murphy	Truman
Colafella	Itkin	O'Donnell	Van Horne
Cole	Jackson	Olasz	Wachob
Cordisco	Jarolin	Oliver	Wambach
Cowell	Kasunic	Petrarca	Wargo
Coy	Kosinski	Petrone	Weston
Deluca	Kowalshyn	Phillips	Wiggins
DeVerter	Kukovich	Pievsky	Williams
DeWeese	Laughlin	Pistella	Wilson
Daley	Lescovitz	Pratt	Wozniak
Dawida	Letterman	Preston	Wright, D. R.
Deal	Levin	Rappaport	Zwinkl
Dietz	Linton	Richardson	
Dombrowski	Livengood	Rieger	Irvis,
Donatucci	Lloyd	Rudy	Speaker
Duffy			

NAYS—81

Angstadt	Flick	Lehr	Reber
Armstrong	Foster, W. W.	Levi	Reinard
Arty	Foster, Jr., A.	McClatchy	Robbins
Belardi	Freind	McVerry	Salvatore
Book	Gallen	Mackowski	Saurman
Bowser	Gannon	Manmiller	Scheetz
Boyes	Geist	Marmion	Schuler
Brandt	Gladeck	Merry	Semmel
Broujos	Godshall	Micozzie	Serafini
Bunt	Greenwood	Miller	Sirianni
Cessar	Grieco	Mochlmann	Smith, L. E.
Cimini	Gruppo	Nahill	Snyder, D. W.
Civera	Hagarty	Noye	Spencer
Clymer	Herman	O'Brien	Stevens
Cornell	Hershey	Perzel	Swift
Coslett	Honaman	Peterson	Taylor, E. Z.
Davies	Johnson	Piccola	Vroon
Dininni	Kennedy	Pitts	Wass
Dorr	Klingaman	Pott	Wogan
Durham	Lashinger	Punt	Wright, J. L.
Fargo			

## NOT VOTING—1

Wright, R. C.

## EXCUSED—2

Ryan Spitz

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. MURPHY offered the following amendments No. A3534:

Amend Sec. 14 (Sec. 607), page 28, line 8, by striking out "together with a description of that classification"

Amend Sec. 14 (Sec. 608), page 28, line 23, by inserting a period after "property"

Amend Sec. 14 (Sec. 608), page 28, lines 23 and 24, by striking out "and a" in line 23 and all of line 24

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. The amendment is A3534.

Presently in the language of the bill we require a real estate broker or agent to notify a prospective purchaser of a house what the zoning of the area is, and we also include "together with a description of that classification." I am removing the language "together with a description of that classification" and only requiring the agent to notify the person of the zoning. I believe that after he has done that, if the person wants to find out further what the zoning information is, they could go to the local municipality, but I do not want to require the real estate agent to provide that description. There is obviously some interpretation in that, and it leaves the real estate agent open for potential liability, if it is interpreted improperly. So I want to strike that language. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

I concur with the gentleman, Mr. Murphy, on this amendment and would urge the members to vote in favor.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Would the gentleman from Allegheny consent to interrogation?

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

Mr. RAPPAPORT. Mr. Speaker, as I understand it under the present law, a broker must include a description of the zoning classification of the property being sold. Am I correct on that?

Mr. MURPHY. Mr. Speaker, you are not correct statewide. In certain municipalities in the Commonwealth -

Pittsburgh, Harrisburg, Philadelphia - local ordinance requires that description to be provided. That is not true for everywhere in the Commonwealth. This bill attempts to set that as a standard for the Commonwealth.

Mr. RAPPAPORT. I see. And this bill would require a description of the zoning classification?

Mr. MURPHY. It would require only a notification of the zoning, not an actual description.

Mr. RAPPAPORT. I am talking about the bill, not your amendment.

Mr. MURPHY. What the amendment does is strike the language that a description would be required. It requires only that the zoning classification be made known to the purchaser.

Mr. RAPPAPORT. In other words, if your amendment is not approved by this House, the broker will be under the requirement of providing a description of the zoning classification.

Mr. MURPHY. Also.

Mr. RAPPAPORT. Yes.

And does this apply to commercial properties or just to residential properties?

Mr. MURPHY. It would be required for all properties.

Mr. RAPPAPORT. I see. Thank you, Mr. Speaker.

May I be recognized?

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

Mr. RAPPAPORT. In my opinion—and I come across these problems—somebody buying a commercial property I have no sympathy for. They should know how to take care of their own business and find out about it. However, this amendment applies to home buyers, people who are not sophisticated. They may be buying a duplex, and to tell them it is zoned R-3, according to some zoning ordinance in some municipality, does not really tell them anything. What they really want to know is, is the duplex legal? In many municipalities it is difficult to find out what that particular classification is. It is not uniform throughout the Commonwealth. Frequently, the zoning ordinance is in typewritten form in the kitchen drawer of the township secretary, and I know it is true.

I speak against this amendment. I think purchasers of homes in this Commonwealth should have the protection of having a brief description. If the broker does not feel that his description is accurate, he can just put in an excerpt from the zoning code in that language, but I think in this case buying a home is a consumer transaction, and that consumer is entitled to that protection. Unfortunately, they do not always hire lawyers to be at settlements, and I recognize that fact—perhaps I would be happier if they did—but I think that homeowners should be protected. Therefore, I would ask for a "no" vote on this particular amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

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

The SPEAKER. Would the gentleman, Mr. Rappaport, stand for interrogation? The gentleman indicates he will so stand. The gentleman, Mr. Flick, is in order and may proceed.

Mr. FLICK. Thank you, Mr. Speaker.

In the event, as you state, that the zoning classification and the actual description of zoning is in someone's desk drawer, informally speaking, how are the sales associates who are active in the field going to be able to obtain a copy of that in order to incorporate it into the agreement of sale?

Mr. RAPPAPORT. I would suggest, Mr. Speaker, that when a broker gets a listing, he is getting compensated for this; he will know what it is in that township. I assume he is active in that township. And if he does not, he is going to find out about it, and it is a lot easier for the broker, with his expertise, to find out about it than a purchaser of a home. I would be happy if the amendment was really restricted, putting this duty on brokers in residential purchases, but I did not draw the amendment. But I think that since the overwhelming majority of transactions are home transactions, we should have this protection in the bill.

Mr. FLICK. Thank you.

May I make a statement, Mr. Speaker?

The SPEAKER. The gentleman is in order and may proceed with his statement.

Mr. FLICK. Thank you, Mr. Speaker.

I think it is important for the members to know that in the real estate community the individual members are certainly trying to upgrade their profession, and in many instances, the board of realtors, to which many of these real estate brokers belong, has already compiled what the zoning classifications are within their locality. I think that many real estate firms have this information available also.

I do believe that it is important to have in the contract the zoning classification, but I do not think it takes much for a buyer who is about to invest quite possibly the largest substantial portion of funds that they have at that point into a property to ask a simple question for clarification.

I would question what the penalties would be, and quite possibly, I might direct this question to whoever might answer it, as I am not an attorney but a real estate broker. What would the legal ramifications be if the zoning description were not contained in the agreement of sale? Would it invalidate the agreement of sale, Mr. Speaker?

The SPEAKER. Would the gentleman, Mr. Murphy, care to attempt to answer the question? Did the gentleman hear the question?

The gentleman, Mr. Murphy, indicates he will stand for interrogation.

Mr. MURPHY. Thank you, Mr. Speaker.

Let me, I guess, describe a typical situation. A young couple purchases a house; the realtor presents the house as a three-family unit—you know, and an opportunity for income to help with the mortgage. A few weeks after they purchase

the house, typically, the city or the municipality which they were in might be looking at their papers, the papers passing across the desk, and realize that it is a three-unit property in an area reserved for single-family residential. At that point, the zoning administrator will come out and say, we are sorry, but you have to go and get variances or change the zoning in order to put this in, and very often they are not able to do that. Consequently, they end up losing money that they hoped to use to pay for the mortgage.

What I am attempting to do is to require the realtor to provide them—and that is in the bill—with the zoning classification. My concern is to go further than that, to provide them with a description of that classification. If any of you have seen zoning books, you will know that very often they are 6 inches thick, and I am concerned that in a realtor's presenting a description of that classification to that person, it would be open and it is open to interpretation. I would much prefer for the realtor simply to say it is an R-1 or an R-2 zone; if you have questions about what you can do in that, go to the local zoning administrator and he will explain to you what your options are. To have the realtor provide a description and then attempt to interpret it for the purchaser of the property, I believe, is dangerous to do. That is why I am removing that portion of the language while still requiring the zoning classification to be given.

I hope that answered your question.

Mr. FLICK. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman wish to make a statement?

Mr. FLICK. Yes, I would.

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

Mr. FLICK. Thank you.

I concur with the gentleman, Mr. Murphy, and the gentleman, Mr. Dorr, that this should be stricken from the bill, as I do feel it is a matter which can best be locally handled with the member boards and the realtors. And I do think that it serves not in the best interest to have a broad statement that the classification itself and the description of the zoning must be incorporated into every agreement of sale, when in fact there are so many municipalities within our Commonwealth, so many variations of zoning, and so many reconsiderations of zoning in that they are changing on a day-to-day basis. I would urge support of this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I do not know if the members of the House recall a few years back when we considered legislation that gave information to prospective home buyers that provided that a test for percolation of soil and so on be taken with regard to the use of that land as a home site with regard to septic tank use so that a home in fact could be built. The result of that, Mr. Speaker, was that millions and millions of dollars were saved statewide by the fact that people were then warned and then had a guarantee of getting

their money back if in fact that property did not carry that information as a part of the arrangement.

Mr. Speaker, I think that any information that is given and available for a prospective buyer should be made available. I do not believe it is too much of a difficulty for any realtor or any owner of this property who wishes to convey it to find someone who is going to sell it who is going to provide that information and protect the interests of the consumers of this State, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, may I interrogate Mr. Murphy?

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

Mr. BURNS. Mr. Speaker, a few minutes ago in your remarks you pointed out that it was dangerous to have a written description put in a lease or an agreement of sale. If you as a realtor know that a property is R-2, zoned that way by the local community, what in the devil is wrong with putting in what R-2 means?

Mr. MURPHY. Mr. Speaker, the R-2 is a factual definite description of the property. All you have to do is look at a map and you will know what zone it is in. If you have seen a description of what an R-2 zone is, you will know that there is a great deal of interpretation. Sometimes that will be 15 or 20 pages long of what you can and cannot do in an R-2 zone. I do not believe that it is the realtor's responsibility to make that interpretation. I first of all think the realtor might not be qualified; and secondly, it also opens the door for the realtor to be liable if they interpret that R-2 description wrong. A description of an R-2 zone is not set in concrete; it is a very, very flexible description that permits variances and permits a lot of different uses, and it is dangerous for somebody who is not a professional or the zoning administrator of the municipality to make that interpretation. That is why I am striking only that language. I do believe that the zoning classification ought to be given to an individual.

Mr. BURNS. Thank you, Mr. Speaker.

But, Mr. Speaker, if a township or a municipality or whatever has adopted an ordinance, that ordinance is spelled out. The township attorneys draw it up, and it is enacted by the supervisors, and it is strictly an ordinance. It may be 20 pages long, but it would seem to me that all you would have to do is photostat it and attach it to the agreement. You are not making any interpretation. You are just telling them exactly what the township supervisors or the township governing body has adopted. You are not interpreting a thing.

Mr. MURPHY. That is correct, Mr. Speaker. Conceivably, we could require the real estate agent simply to Xerox the zoning ordinance of the township and give it to the individual. I would prefer that if the individual wants to know about it, that he go into the legal entity responsible for it, and that is the township municipality, beyond the zoning classification. If he wants a description of that classification, let him then go

to the municipality to get it and to sit down with the zoning administrator and discuss it.

Mr. BURNS. Thank you, Mr. Speaker.

If I may say just a word or two here.

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

Mr. BURNS. I think Mr. Rappaport is exactly right, and for those people living in cities it is very easy to go to city hall and to find what the ordinance is. But believe me, as one who lives in a, well, no longer rural, but it used to be a rural area of Bucks County, when people moved out of Philadelphia, they did not have any idea where a township building was. They had no idea what five supervisors were, and in some of the municipalities, at least in Bucks County, the borough secretary is someone who lives in a house somewhere. To try to find that someone, if you are not absolutely familiar with the community and you are from a municipality like Philadelphia, where everything is spelled out pretty clearly, it is very difficult. Believe me, when a young couple comes into a municipality like that and tries to get that information, it is very, very difficult, not because the community tries to make it difficult but because the systems are so different that people are living under.

So I would strongly urge that the description of the zoning be kept in, and if it takes a 30-page lease, so be it. At least the people will know what they have and maybe will write it in plain language someday.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. The speaker, Mr. Burns, has raised an issue that should be resolved in the minds of the Representatives before they vote. The issue he has raised is not a question of how thick that package is going to be; the question is what effect it is going to have on the buyer. If you are going to have a realtor presenting material and representing that that is the classification and that is the description, he is going to be lulled into a false sense of security that that in fact legally is. It is going to be misleading; it is going to cause him to rely on it, possibly to his detriment.

Now, nobody has talked about what has happened to attorneys in all this process, and with the advent of title insurance, the title insurance companies and the banks are simply saying, get the title clean, tell the man that it is clear, and that is all you have to do, and then let that poor buyer swim. Now you are saying, in effect, to the real estate man, real estate man, you perform the function of an attorney, and he is not trained to do it, and the risk is great.

If you have all of that reference to description, you are going to have this: A zoning area—we will say it is zoned R-2—will have a description. It will then say, setback lines in accordance with section 52. It will say parking allocations in accordance with another section. Where does a realtor stop? A realtor will not know where to stop, and what he is going to do is pay \$15 or \$20 for every zoning ordinance, and he will duplicate it. It will cost more money. It will be another regulation Z situation.

I strongly urge the support of this amendment, because with a description you are going to create more confusion and create more problems for the buyer and hurt the man you are attempting to help.

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

Afflerbach	Fattah	Linton	Pistella
Angstadt	Fee	Livengood	Pitts
Armstrong	Fischer	Lloyd	Preston
Arty	Flick	Lucyk	Richardson
Barber	Foster, Jr., A.	McClatchy	Rieger
Battisto	Freind	McHale	Robbins
Belardi	Fryer	McIntyre	Rudy
Belfanti	Gallagher	McMonagle	Salvatore
Beloff	Gallen	McVerry	Scheetz
Book	Gamble	Mackowski	Schuler
Bowser	Gannon	Manderino	Semmel
Boyes	Geist	Manmiller	Seventy
Brandt	George	Markosek	Showers
Broujos	Greenwood	Marmion	Smith, L. E.
Burd	Gruitza	Mayernik	Snyder, D. W.
Caltagirone	Gruppo	Merry	Snyder, G. M.
Cappabianca	Haluska	Michlovic	Spencer
Carn	Harper	Micozzie	Stairs
Cawley	Herman	Miller	Steighner
Civera	Hershey	Moehlmann	Stevens
Clymer	Honaman	Morris	Swift
Cohen	Hutchinson	Mowery	Taylor, E. Z.
Cole	Itkin	Mrkonic	Taylor, F. E.
Coslett	Jackson	Murphy	Trello
Cowell	Jarolin	Noye	Truman
DeVerter	Johnson	O'Brien	Van Horne
DeWeese	Kasunic	O'Donnell	Vroon
Davies	Kennedy	Olasz	Wambach
Dawida	Klingaman	Oliver	Wargo
Deal	Kosinski	Perzel	Wass
Dininni	Kowalshyn	Peterson	Wiggins
Dombrowski	Kukovich	Petrarca	Williams
Donatucci	Lashingier	Petrone	Wilson
Dorr	Lehr	Phillips	Wogan
Durham	Letterman	Piccola	Wright, D. R.
Evans	Levin	Pievsky	Zwinkl
Fargo			

NAYS—54

Alderette	Dietz	McCall	Sirianni
Baldwin	Duffy	Madigan	Smith, B.
Blaum	Foster, W. W.	Maiale	Stewart
Bunt	Freeman	Nahill	Stuban
Burns	Gladeck	Pott	Sweet
Cessar	Godshall	Pratt	Telek
Cimini	Grieco	Punt	Tigue
Clark	Hagarty	Rappaport	Wachob
Colafella	Hasay	Reber	Weston
Cordisco	Hayes	Reinard	Wozniak
Cornell	Hoeffel	Rybak	Wright, J. L.
Coy	Laughlin	Saloom	
Deluca	Lescovitz	Saurman	Irvis,
Daley	Levi	Serafini	Speaker

NOT VOTING—2

Miscevich Wright, R. C.

EXCUSED—2

Ryan Spitz

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. DALEY offered the following amendments No. A3418:

Amend Sec. 5 (Sec. 401), page 11, lines 17 through 27, by striking out "However, the department shall not issue any license" in line 17 and all of lines 18 through 27

Amend Sec. 10 (Sec. 571), page 16, line 7, by striking out the brackets before and after "(a)"

Amend Sec. 10 (Sec. 571), page 16, line 12, by striking out the bracket before "(b)"

Amend Sec. 10 (Sec. 571), page 16, line 12, by inserting a bracket before "(1)"

Amend Sec. 10 (Sec. 571), page 16, by inserting between lines 21 and 22

No savings and loan company or savings and loan service corporation, or any subsidiary or affiliate of the foregoing, may be licensed under this act.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise today to offer an amendment to HB 1448 which, if adopted, would clearly and simply prohibit State-chartered savings and loans from engaging and being licensed to engage in the real estate business on a third-party basis.

Many of your constituents have corresponded with you over the summer and most recently requesting you to support the proposed amendment. I offer this amendment on behalf of the nearly 56,000 realtors in the Commonwealth and for the protection of the buying and selling public.

The reason I offer this amendment should be very clear, Mr. Speaker. Many of you were here 9 years ago when the General Assembly passed a very similar prohibition on insurance licensing procedures in Pennsylvania through the Pennsylvania Insurance Code. The General Assembly at that time recognized that chartered lending institutions had a clear and unmistakable competitive advantage over the entrepreneurs in the insurance field. As the General Assembly of 1974 recognized and what we who are here today must again reaffirm is that we, too, want to minimize the possibilities of unfair competitive advantages by savings and loans over the brokers and salespeople of Pennsylvania.

I rise most importantly, Mr. Speaker, to ask your support for this amendment on behalf of the buyers and sellers of real estate in Pennsylvania, the consumers.

I need not go further than to read the legal proceedings currently on appeal in Commonwealth Court in the case of I. Marvin Miller vs. Department of Banking to recognize that, in my opinion, the department acted improperly by authorizing certain savings and loans through their service corporations to engage in the brokerage of real estate on a third-party basis without first enacting the necessary rules and regula-



tions. These rules and regulations are necessary to insure the public's protection and equal access to credit.

Mr. Speaker, for 50 years there has stood a clear and distinct separation of banking activities and entrepreneurial ventures in this country. That separation was created in the early 1930's because of a failed economy and unsound banking procedures and practices which left many of the Nation's citizens penniless.

*Aside from the abuses that could and will be perpetrated on the users of credit, the consumer, the notion that this new activity will enhance competition is absolutely ludicrous. It is hard to fathom how anyone could believe that by allowing the originators of credit and the arrangers of credit to coexist as the same entity, particularly blessed by the government's advantages of savings and loans, are, at the very least, not thinking clearly.*

Mr. Speaker, again I ask for your support and affirmative vote on this much-needed addition to HB 1448, *not only for the consumers but to maintain a free competitive real estate brokerage business where there exists a level playing field for all brokers, not just a few fortunate brokers subsidized by the Commonwealth's depositors. Thank you, Mr. Speaker.*

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I rise to strenuously oppose this amendment. Just a few moments ago this chamber approved by a vote of 182 to 17 an amendment to establish an ad hoc committee to study the very problem the Daley amendment attempts to address. In short, *should we now approve the Daley amendment, we would negate what we decided to do just a few moments ago.*

In addition to that, the Daley amendment is highly discriminatory and highly prejudicial. It speaks only to savings and loan associations. It makes no statement whatsoever to any other financial institution or mortgage corporation or so-called semifinancial institution that is getting into the mortgage market. I do not believe this Assembly should approve an amendment that is so highly discriminatory to one branch of our mortgage industry, and I urge a very strong defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MURPHY. Thank you, Mr. Speaker.

Very briefly, we have just overwhelmingly accepted an amendment that established an ad hoc committee for 3 months to look at this very issue. We are dealing with two industries, the real estate industry and the financial industry, and they are undergoing revolutions in the way they do business and their effect on all of our lives and our constituents' lives. To draft this amendment to affect only one segment of that industry and one segment of the market in Pennsylvania is nothing short of discrimination to that industry. Further, it could have a serious impact on the availability of mortgage financing for consumers in this Commonwealth, so I urge your opposition to this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

For the reasons stated very well by both previous speakers, Mr. Speaker, I urge all of the members to oppose this amendment. We need to deal with this very important issue on a considered, responsible basis. When we held the hearings on sunset, this issue was not even raised by anyone in those hearings. We have not considered it in committee appropriately, and in my judgment, the members will all be better off, as will the public of Pennsylvania, if we defeat this amendment soundly.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Daley amendment, and I think I can clearly show what Mr. Daley has shown about unfair competitive advantage. On August 4 of 1983 I received a letter from John Glise Realtors, a local real estate company, and he talked about the unfair competition. He stated that his company recently lost their largest account to a local savings and loan service corporation broker because their client, a developer, was advised that the savings and loan would provide financing for the developer's project only if the developer listed the houses to be sold in the development with the savings and loan subsidiary real estate broker. This was in fact their largest client, Mr. Speaker.

Recently I received a letter from the Pennsylvania Savings League talking about the newest financial institutions, the Merrill Lynches and the Sears Roebucks, et cetera. I think we really have to bring into focus here the question of private money versus public money. The savings and loan is in fact public dollars, public dollars from those people who in fact put money into accounts with the savings and loans.

Another point that Mr. Daley brought out was what has been in existence for a number of years with the insurance companies. The insurance company, through law, restricts licenses for general use, so they cannot use their licenses for third-party arrangements, and if in fact they do say they will not use them just for general use, then they are issued limited licenses. So I believe that the Secretary of Banking, by establishing this policy, did so without enacting any oversight regulations, without establishing a formal application procedure, and indeed without any planning or forethought allowed savings and loan service corporations to enter into third-party real estate brokerage businesses.

For all of those above reasons, Mr. Speaker, I encourage all the members to support the Daley amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Daley amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise to support the Daley amendment. Rather than negate what we did just a few

minutes ago in asking for a study commission, I think the Daley amendment is addressed at the problem, as I see it anyway, in the fact that we so overwhelmingly passed the Murphy amendment. The Murphy amendment passed overwhelmingly because we have all been besieged by the realtors who have connections in the mortgage business who did not like the Murphy amendment and they wanted to continue to do that, and the Murphy language that was originally in the bill was likewise opposed by the lending institutions and the savings and loans because they would have been prohibited from entering into the real estate business. The Federal Government presently prohibits the Federally chartered savings and loans and the Federally chartered banks from engaging in the real estate business. Our Secretary of Banking, without any specific authority, has seen fit to license already six savings and loans in the real estate business. There are four more applications of savings and loans to set up their own real estate entities.

Mr. Speaker, if you are concerned with the small realtor, without the Daley amendment you will soon have in Pennsylvania a situation where you will have the Sears Roebucks, you will have the Merrill Lynchs, you will have the Coldwell Banker tieup, you will have direct linkage between the real estate sales organization and the mortgage financing organization, and each of those will deal with their own organization. Merrill Lynch will finance what Merrill Lynch sells, and Sears will finance what their real estate group sells. And there is a difference.

It bothers me some that the realtors are facing that kind of competition, the small realtors, but they still have a place to go today to finance their sales. They have to go to the people's thrift organizations. That is not private money; that is the money of the people in the community in that particular savings and loan organization. Once you let the savings and loan organizations set up their own real estate businesses, they will finance only the deals from that real estate agency, and unless a real estate agent, a small real estate agent within the Commonwealth, has a direct tieup with his own mortgage institution of whatever nature, he will be forced out of the business.

That is what the Daley amendment is all about. There is a difference between what is happening with the Merrill Lynchs in the real estate and financing business. That is private money. The motivation is profit. The motivation there is return to investor, and each is complying with the laws of the Commonwealth. But when you are talking about savings and loans, you are talking about a government-chartered institution, mainly with the people's money, set up in the first place to finance in that community with the people's money the people's purchase of homes, and what you will do if you do not adopt the Daley amendment is to within the very near future take all your small realtors who do not have the wherewithal to have their own mortgage companies, you will have them without a place to go to finance sales. I speak in favor of the Daley amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. I will yield at this time, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Thank you, Mr. Speaker.

I rise also to support the Daley amendment. I was a member of this body that just minutes ago voted for the Murphy amendment, but I do not believe that we can afford to wait 3 months to make a decision on the savings and loan issue. I agree with the previous speakers, there is a very distinct difference between the savings and loans, the Merrill Lynchs, the Coldwell Bankers, et cetera. I think we need to face this issue squarely today. We cannot afford to put off this decision. The savings and loans are government chartered. They are given distinct advantages over other real estate third-party brokerages now in existence, and I think they would present unfair competition. I ask for support of the Daley amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Daley amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the majority leader in concept. I agree that there are indeed some concerns. We do need to look into the problems that are occurring in the real estate industry and the savings and loan industry. However, Mr. Speaker, I think that this body just a few minutes ago voted overwhelmingly to allow a commission to look into the process for 3 months to evaluate and come back and make some recommendations in giving us more information to decide on that issue. I question now, right after doing that, that now we are coming back again saying we want to institute some law to take care of the problem. Either we are going to go with the commission or we are going to institute some law. I think this body needs to make a decision, and I thought we did just a few minutes ago when we supported the Murphy amendment which asked for a commission.

Therefore, Mr. Speaker, I rise in opposition to the Daley amendment, and I would ask the members of this body to stay consistent and look into a commission that will allow us to evaluate the situation and bring back more information so that we will make the right and correct decision to impact upon the consumers throughout the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Now the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Mr. Speaker, I rise to oppose the Daley amendment. I am saddened by the fact that the members of this House are being forced into this decision when the members of the House Professional Licensure Committee and the members of the Ad Hoc Sunset Review Committee spent countless hours trying to fashion or craft a compromise on

this issue. We found, after dedicating, again, countless hours on both sides of the aisle on this specific issue of third-party brokerage, that there was no one clear-cut decision. It is just the reason that 90 days, that short time period, was included in the Murphy amendment - so that we in speedy fashion could come back, after those people, who probably maintain more expertise in this area than we do as members of the General Assembly, come back and file a report with this body. We will then take their report and make the final decision based on that expert information that is being supplied to this House.

If our adopting the Daley amendment today was going to change things during this 90-day period that the study commission was in effect, then I would suggest that the members seriously consider supporting the Daley amendment. However, nothing is going to happen during the next 90 days if we adopt in the area of third-party brokerage. One, we cannot affect the licenses that have already been issued, in my estimation. Two, the cases are in litigation. The realtors have chosen—and I think fairly and rightfully so—to litigate that issue as to whether those licenses should have been granted. But our voting the Daley amendment up or down, or accepting, let us say, the Daley amendment today will make no difference, because those cases are in litigation. In talking with the Banking Secretary, there are no new applications now that there will be a decision upon within the next 90 days and probably the next 180 days, according to the Banking Secretary. So I think we have time—I think we have 180 days, after talking with the Banking Department—to render a decision regarding third-party brokerage.

I agree with a lot of the comments made by Mr. Manderino. I disagree with the ultimate conclusion that the Daley amendment today is the answer. And I can only assure the members of the House, if that were the case, if it were that clear cut, and if the parties—and let us be candid—if the parties who were involved in this debate over the issue of third-party brokerage were more willing to have a meeting of the minds on this issue— We went through countless numbers of recommendations and they were rejected by one or the other party, so we made, as members of the committee, a legislative decision through Representative Murphy that the best way to deal with this matter was to allow those people who would have time, who would have the experience, the expertise, to make a decision and come back to us with that decision and then allow us to move some legislation on this issue.

Because, again, reiterating, adopting the Daley amendment will have no change on this issue between now and the time when we come back and face this issue in the proper way, I would suggest that the House vote against the Daley amendment and suggest to the members that you have already answered this question by adopting the Murphy amendment overwhelmingly. Thank you, Mr. Speaker.

## PARLIAMENTARY INQUIRY

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

Mr. PISTELLA. I raise a parliamentary inquiry, please.

The SPEAKER. Will the gentleman state that point of parliamentary inquiry.

Mr. PISTELLA. Yes, sir.

Mr. Speaker, we adopted the Murphy amendment A3495, which amends section 5, instituting a special committee. I am wondering what the impact will be if the House adopts the Daley amendment, which would amend section 10, which would eliminate the savings and loans from being able to engage in third-party real estate brokerage. The question I have is, what is the impact, and then what would be the instructions to the committee should the Daley amendment be adopted?

The SPEAKER. The Chair thanks the gentleman. We will try to ascertain the answers.

It is the casual—and I say that in the correct usage of the word—belief of the Chair and in casual reading the Chair is of the opinion that, one, the Daley amendment would not cancel out any language of the amendment offered by the gentleman, Mr. Murphy, and adopted by the House.

Now, as to what instructions would be given to the committee were the Daley amendment to be adopted, the Chair would rather have Mr. Daley answer that rather than the Chair inasmuch as it is not the Chair's amendment. The Chair agrees with the gentleman, Mr. Pistella, that there would be a problem of instructions to give this ad hoc committee. Having created it, if we did by law, there would be a problem as to what those instructions would be, but the Chair is not prepared to answer that question.

The Chair recognizes the gentleman, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, then on the first portion of your response, you are instructing the House that we are in fact permitted to amend an amendment?

The SPEAKER. Absolutely not. Do not get me into that. No.

Mr. PISTELLA. Are we in fact also, Mr. Speaker, then amending an amendment?

The SPEAKER. No.

Mr. PISTELLA. And the other part then would be the question for Mr. Daley as to what then would be the instructions to the committee. Would there be a committee?

The SPEAKER. Would the gentleman, Mr. Daley, yield to the majority leader?

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I do not understand the problem. I do not see any language in the Murphy amendment instructing the committee to do anything except make a study, and certainly they would make a study. If they came back to us and told us that the action we took in prohibiting savings and loans from being in the real estate business was an unwise action, so be it.

The SPEAKER. The gentleman, Mr. Pistella, has the floor.

Mr. PISTELLA. The question then would be, does the committee in fact exist?

The SPEAKER. If the bill as amended by the House were to be passed, and adopted, of course, by the Senate and signed by the Governor, the committee would in fact exist, yes.

Mr. PISTELLA. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the amendment. I see absolutely no necessity for this amendment whatsoever since the study has already been voted in. I think we are just wasting a lot of time. We should vote the amendment down, get on and vote the bill, and let us get out of here today.

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—81

Alderette	Fee	Lloyd	Salvatore
Angstadt	Fischer	McHale	Schuler
Armstrong	Freeman	Manderino	Serafini
Arty	Fryer	Markosek	Showers
Battisto	Gallagher	Mayernik	Sirianni
Belardi	Gallen	Merry	Spencer
Blaum	George	Micozzie	Stairs
Broujos	Greenwood	Miller	Stewart
Burd	Grieco	Moehlmann	Stuban
Burns	Gruitza	Mowery	Sweet
Cawley	Hagarty	O'Brien	Taylor, F. E.
Cimini	Haluska	Perzel	Tigue
Civera	Hasay	Petrarca	Wachob
Clymer	Hoeffel	Piccola	Wambach
Cohen	Hutchinson	Pievsky	Weston
Cornell	Kasunic	Pistella	Wilson
Coy	Kosinski	Punt	Wogan
Deluca	Kowalyszyn	Reinard	Wozniak
Daley	Laughlin	Rybak	Wright, D. R.
Davies	Livengood	Saloom	Zwikl
Dombrowski			

NAYS—117

Afflerbach	Evans	Lucyk	Richardson
Baldwin	Fargo	McCall	Rieger
Barber	Fattah	McClatchy	Robbins
Belfanti	Flick	McIntyre	Rudy
Beloff	Foster, W. W.	McMonagle	Saurman
Book	Foster, Jr., A.	McVerry	Scheetz
Bowser	Freind	Mackowski	Semmel
Boyes	Gamble	Madigan	Seventy
Brandt	Gannon	Maiiale	Smith, B.
Bunt	Geist	Manmiller	Smith, L. E.
Caltagirone	Gladeck	Marmion	Snyder, D. W.
Cappabianca	Godshall	Michlovic	Snyder, G. M.
Carn	Gruppo	Miscevich	Steighner
Cessar	Harper	Morris	Stevens
Clark	Hayes	Mrkonic	Swift
Colafella	Herman	Murphy	Taylor, E. Z.
Cole	Hershey	Nahill	Telek
Cordisco	Honaman	Noye	Trello
Coslett	Jackson	O'Donnell	Truman
Cowell	Jarolin	Olasz	Van Home
DeVertter	Johnson	Oliver	Vroon
DeWeese	Kennedy	Peterson	Wargo
Dawida	Klingaman	Petrone	Wass

Deal	Kukovich	Phillips	Wiggins
Dietz	Lashinger	Pitts	Williams
Dininni	Lehr	Pott	Wright, J. L.
Donatucci	Lescovitz	Pratt	
Dorr	Levi	Preston	Irvis,
Duffy	Levin	Rappaport	Speaker
Durham	Linton	Reber	

NOT VOTING—3

Itkin	Letterman	Wright, R. C.
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EXCUSED—2

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

On the question recurring,

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

Mr. GREENWOOD offered the following amendments No. A3521:

Amend Title, page 1, line 14, by inserting after "fund"  
; requiring statements as to the fair market value and odds of receiving any prize in relation to certain offerings of real property;

Amend Sec. 12 (Sec. 604), page 23, line 7, by inserting after "paragraph."

Any offering by mail or by telephone of any prize in relation to the offering of sale of real property, including time sharing, shall be accompanied by a statement of the fair market value, not suggested retail price, of all prizes offered, plus a statement of the odds of receiving any such prize. If the offering is by mail the statement of value and odds shall be printed in the same size type as the prize description and shall appear immediately adjacent to said description.

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

Section 604 of HB 1448 relates to prohibited acts. Subsection 18 of section 604 refers to promotions, among other things, and it prohibits the influencing by deceptive conduct of any purchaser or prospective purchaser of real property.

What my amendment does is it specifies in one instance what would constitute deceptive conduct. What it does is it requires that when a real estate company is offering, as an inducement to purchase, prizes, as they often do in promotional letters, that the odds of receiving those prizes and the fair market value of the prize would be included in that offering and written in the same type size adjacent to the prize description.

This is the same language as a bill that I have recently introduced which is sponsored by some 20 or more members of the House. I believe it to be a very proconsumer amendment. I would ask for the support of the House.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Greenwood amendment, although I wish it would go further.

Just a few short weeks ago I was contacted by telephone about a sales promotion in the Poconos. I took the time to get into extensive conversation, not only with the young operator but also the supervisor and the manager of that operation. It seems that my wife, a number of months previously, had signed up in a shopping center for a possible free trip to Hawaii. She obviously lost. Then those forms were turned over, if you will, to a company up in the Poconos. When I went into deep discussion on this matter, they told me that she is one of the six runners-up entitled to a free prize, and they enumerated a 35-millimeter camera, \$1,000 in cash, a bicycle, et cetera. What happened was, I decided to, the following day, contact the Attorney General's Office. I contacted an agent there in the Allentown office who told me that what these sales promotion agencies do is, for instance, just one item, the 35-millimeter camera. The 35-millimeter camera would probably be an off brand. It is a 35-millimeter camera but purchased probably in a situation where it would cost less than \$10 to the promotion agency.

I think this is unfair. Obviously, I am supporting the Greenwood amendment, but I only wish it went a little further in really putting down the price which the company actually paid for the item being offered. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Greenwood amendment, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

I agree with the gentleman, Mr. Greenwood, and I would urge the members to vote in favor of the 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—199

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

Cohen	Hershey	Noye	Tigue
Colafella	Hoeffel	O'Brien	Trello
Cole	Honaman	O'Donnell	Truman
Cordisco	Hutchinson	Olasz	Van Horne
Cornell	Itkin	Oliver	Vroon
Coslett	Jackson	Pezel	Wachob
Cowell	Jarolin	Peterson	Wambach
Coy	Johnson	Petrarca	Wargo
Deluca	Kasunic	Petrone	Wass
DeVerter	Kennedy	Phillips	Weston
DeWeese	Klingaman	Piccola	Wiggins
Daley	Kosinski	Pievsky	Williams
Davies	Kowalyshyn	Pistella	Wilson
Dawida	Kukovich	Pitts	Wogan
Deal	Lashingier	Pott	Wozniak
Dietz	Laughlin	Pratt	Wright, D. R.
Dininni	Lehr	Preston	Wright, J. L.
Dombrowski	Lescovitz	Punt	Zwikl
Donatucci	Letterman	Rappaport	
Dorr	Levi	Reber	Irvis,
Duffy	Levin	Reinard	Speaker
Durham			

NAYS—0

NOT VOTING—2

Serafini Wright, R. C.

EXCUSED—2

Ryan Spitz

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. WILSON. Thank you, Mr. Speaker. Would the gentleman, Mr. Murphy, consent to interrogation?

The SPEAKER. The gentleman, Mr. Murphy, indicates he will stand for interrogation, and the gentleman, Mr. Wilson, is in order and may proceed.

Mr. WILSON. Mr. Speaker, on page 27 of the bill, line 21, item (1) says, "A statement that the broker's commission and the time period of the listing are negotiable." And that refers back to line 18 that says that that disclosure shall be a part of the listing agreement. Is that the intent there?

Mr. MURPHY. Excuse me, Mr. Speaker. I did not hear the last part of your question.

Mr. WILSON. It says that the listing agreement shall contain the following language, of which is line 21, "A statement that the broker's commission and the time period of the listing are negotiable." A statement that it is negotiable.

Mr. MURPHY. Yes.

Mr. WILSON. Suppose the broker does not wish to negotiate his commission. He wants 6 percent or 7 percent and he does not want to negotiate. Then it is not negotiable, is it?

Mr. MURPHY. The commission is negotiable. It has been held in court to be negotiable. There is a consent order in Allegheny County requiring that commission to be negotiable with the Board of Realtors.

Mr. WILSON. Well, the Board of Realtors is different from a broker.

If I, as a broker, do not wish to negotiate - I want 6 percent and if you do not want to pay me the 6 percent you go elsewhere - do I still have to negotiate? Suppose the seller says, I will give you 5 percent. Do I have to take it?

Mr. MURPHY. No, you can negotiate.

Mr. WILSON. Well, I do not want to negotiate. I want 6 percent.

Mr. MURPHY. Well, then you say no.

Mr. WILSON. That is not negotiating.

On page 28 of the bill, again it requires certain information to be disclosed or given in some form to the seller and to the buyer in due course of this operation.

Mr. MURPHY. Yes.

Mr. WILSON. What is the penalty if that information is not provided exactly like this specifies?

Mr. MURPHY. There is no penalty stated within the bill.

Mr. WILSON. Okay.

On page 28, continuing on lines 10, 11, and 12, it says, "At the initial interview with a prospective buyer or seller the broker or salesperson must provide that person with a pamphlet printed and distributed by the commission, which explains all the following." By that, is it my understanding that the commission will supply free of charge, at no cost to the broker, this pamphlet?

Mr. MURPHY. That is correct, Mr. Speaker.

Mr. WILSON. Thank you.

Down below on line 22, which you have amended, it says—that is item (4)—"That any sales agreement or sales contract must contain the zoning classification of the property." Let us suppose that I have an agreement at sale today and I inform the buyer that it is zoned R-3. That is today; and tonight the board of supervisors or the borough council meet and they change it to R-2. Prior to the settlement, that becomes effective. How does this affect this agreement?

Mr. MURPHY. Mr. Speaker, I would not venture to guess what that would do.

Mr. WILSON. We have to go back to the trial lawyers, I guess.

Mr. MURPHY. I would think we would have to go to the lawyers to solve that one.

Mr. WILSON. I figured they would get into this someplace.

Mr. MURPHY. Excuse me, Mr. Speaker?

Mr. WILSON. I figured the lawyers would get into this someplace.

Mr. MURPHY. I think they would.

Mr. WILSON. I have just one final question which is a point of interest to me. In your commission, which has historically always been that way, there are no salespeople on the commission but all brokers. Is there any particular reason that we did not include somebody who just sells real estate but is not in fact a broker?

Mr. MURPHY. Well, Mr. Speaker, by law the sales agent in effect is the creature of the broker. A sales agent can only be a sales agent if they are sponsored by the broker, and the broker is responsible for the actions of that salesperson. If a salesperson misrepresents a property or breaks any one of the laws or regulations, the broker is responsible for that. So consequently, it is important for the broker to sit on the commission to make the regulations.

Mr. WILSON. I understand that part, but I thought we should get a different point of view.

Mr. MURPHY. As you may know, Mr. Speaker, we did add another consumer member in, the director of the Department of Consumer Protection or his designee.

Mr. WILSON. I congratulate you on that.

I thank the gentleman, Mr. Speaker. That is all the inter-rogation I have.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—199

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

Donatucci	Letterman	Rappaport	Zwilk
Dorr	Levi	Reber	
Duffy	Levin	Reinard	Irvis,
Durham	Linton	Richardson	Speaker
Evans			

NAYS—0

NOT VOTING—2

Battisto Wright, R. C.

EXCUSED—2

Ryan Spitz

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.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, who wishes to call a meeting.

Mr. PIEVSKY. Thank you, Mr. Speaker.

There will be a meeting of the House Appropriations Committee in the majority caucus room immediately upon the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

### LABOR RELATIONS COMMITTEE MEETING

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

Mr. COHEN. Mr. Speaker, there will be a meeting of the Labor Relations Committee in room 401 immediately upon the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

### REMARKS ON VOTES

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, on HB 1448, amendment 3418, I was not recorded and I was in my seat. I would like to be recorded in the negative.

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

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

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I was recorded in the negative on HB 1445, amendment 3410, and I wish the record to indicate that I voted in the affirmative. Thank you.

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

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

Mr. WASS. Mr. Speaker, I am recorded in the negative on HB 1448, amendment A3418. I would like the record to show that I wanted to vote in the affirmative.

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

The Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

My vote was not recorded on HB 902, PN 1964. I would like it to be recorded in the affirmative. Thank you.

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

The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, on the vote on HB 1448 I was in my seat. I pushed the button, but evidently it was not working. I want to be recorded in the affirmative.

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

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

Mr. CLYMER. Mr. Speaker, yesterday I was recorded in the affirmative on HR 140, PN 1946. I wish the record to show that I would have cast a negative vote.

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

### HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, for the benefit of the members, the Senate right now is in the process of debating prescription drugs and placing, perhaps, an amendment for prescription drugs in a House bill that will come here for concurrence. I would like to continue to work for a few minutes to see if that comes over, so that our lunch break can be combined with a caucus break on that particular measure.

The SPEAKER. The Chair thanks the gentleman.

### BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **SB 11, PN 1351**, on third consideration postponed, 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 recurring,

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

Mr. VROON offered the following amendments No. A3601:

Amend Bill (A3558), Table of Contents, page 1, line 20, by striking out all of said line

Amend Bill (A3558), Table of Contents, page 1, line 21, by striking out "9909-A" and inserting  
9908-A

Amend Bill (A3558), Table of Contents, page 1, line 22, by striking out "9910-A" and inserting  
9909-A

Amend Bill (A3558), Table of Contents, page 1, line 23, by striking out "9911-A" and inserting  
9910-A

Amend Bill (A3558), Table of Contents, page 1, line 24, by striking out "9912-A" and inserting  
9911-A

Amend Bill (A3558) Table of Contents, page 1, line 25, by striking out "9913-A" and inserting  
9912-A

Amend Bill (A3558), Table of Contents, page 1, line 26, by striking out "9914-A" and inserting  
9913-A

Amend Bill (A3558), Table of Contents, page 1, line 27, by striking out "9915-A" and inserting  
9914-A

Amend Bill (A3558), Table of Contents, page 1, line 28, by striking out "9916-A" and inserting  
9915-A

Amend Bill (A3558), page 5, lines 2 through 59; page 6, lines 1 through 47, by striking out all of said lines on said pages

Amend Bill (A3558), page 6, line 48, by striking out "9909-A" and inserting  
9908-A

Amend Bill (A3558), page 7, line 19, by striking out "9910-A" and inserting  
9909-A

Amend Bill (A3558), page 7, line 24, by striking out "9911-A" and inserting  
9910-A

Amend Bill (A3558), page 7, line 27, by striking out "9909-A" and inserting  
9908-A

Amend Bill (A3558), page 7, line 27, by striking out "9910-A" and inserting  
9909-A

Amend Bill (A3558), page 7, line 40, by striking out "9912-A" and inserting  
9911-A

Amend Bill (A3558), page 7, line 42, by striking out "9909-A" and inserting  
9908-A

Amend Bill (A3558), page 7, line 43, by striking out "9910-A" and inserting  
9909-A

Amend Bill (A3558), page 7, line 48, by striking out "9913-A" and inserting  
9912-A

Amend Bill (A3558), page 7, line 50, by striking out "9909-A" and inserting  
9908-A

Amend Bill (A3558), page 7, line 50, by striking out "9910-A" and inserting  
9909-A

Amend Bill (A3558), page 7, line 55, by striking out 9914-A" and inserting  
9913-A

Amend Bill (A3558), page 8, line 2, by striking out "9915-A" and inserting  
9914-A

Amend Bill (A3558), page 8, line 8, by striking out "9916-A" and inserting  
9915-A

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 now has before it the Vroon amendment A3601. In the opinion of the Chair, the Legislative Reference Bureau has erred in drawing this amendment. It is not Mr. Vroon's fault whatsoever. It has drawn the amendment in part to a blank page on PN 1351. That the Chair cannot permit. Both leaders have been advised of this position, and it is the opinion of the Chair that the only way the Vroon amendment and others so drawn may be offered on the floor of the House is if the House suspends its rules so that the amendment would in fact be amending an amendment.

On that question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I intend to ask for that motion to suspend the rules, but prior to that, from time to time members of this House have risen to chastise the Legislative Reference Bureau for work that they do. Let me join the chorus.

Yesterday we spent 4 hours working on the floor of the House on amendments to this particular bill, drawn by the Legislative Reference Bureau and given to a member of this House, telling that member of the House that the amendments were proper. Where I come from, if an order man in the steel mill sends an order to the floor of the mill and for 4 hours they roll steel and it is the wrong steel, somebody's head is going to roll.

Mr. Speaker, again this morning I am sure the Legislative Reference Bureau knew what the procedure was on the floor of this House and knew what kind of amendments to draw. They obviously did not, and again gave poor advice. I think that we ought to have our Chief Clerk and perhaps the Speaker look into what is occurring in the Legislative Reference Bureau.

### RULES SUSPENDED

Mr. MANDERINO. Mr. Speaker, I move that the rules be suspended so that the amendments prepared for Mr. Vroon, which violate the rules of this House because they are amendments to an amendment, may be offered on the floor of the House today, the amendments that he has drawn.

The SPEAKER. It is moved by the majority leader that the rules of the House be temporarily suspended so that the amendments offered by the gentleman, Mr. Vroon, may be considered.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I support the gentleman's motion.

The SPEAKER. The Chair thanks the gentleman.



### PARLIAMENTARY INQUIRY

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

Mr. PICCOLA. I would like a point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. PICCOLA. Is the motion of the majority leader to suspend the rules to permit amendments to amendments, or is it his motion because the Vroon amendment was improperly drawn? I would like a clarification of that, Mr. Speaker, because I think what the majority leader is asking us to do is similar to what we did during last session's debate on the anti-abortion legislation. If it is, I would like to know what I am voting to suspend the rules for.

The SPEAKER. Will the gentleman, Mr. Manderino, answer the question?

Mr. MANDERINO. Mr. Speaker, my understanding is that all of the Vroon amendments have been drawn as amendments to the Taylor amendment. That being so, and that violating the rules of the House, I move that the rules be suspended so that the amendments to the amendment can be made.

Mr. PICCOLA. Then the statement of the Chair was somewhat inaccurate in that it would be impossible to draw the Vroon amendments properly. Am I correct?

The SPEAKER. The problem, Mr. Piccola, is that when the Chair looks down at the first Vroon amendment, the first part of the amendment obviously intends to amend the amendment offered by the gentleman, Mr. Taylor, and adopted by the House. But when you come over to page 2 of this particular amendment, you find it says in the second paragraph, "Amend Bill (A3558), page 5...." Then it drops down and says, "Amend Bill (A3558), page 7...." and all the way down to the end of the amendment. There is no page 5 on the printer's number of this bill; there is no page 7.

The Chair's opinion is that the amendments were not skillfully drawn on two points: one, because they seek to amend an amendment, which is contrary to our rules; and two, because they seek to amend blank pages on a printer's numbered bill where no lines are there to be amended. So there are two reasons why.

Mr. PICCOLA. Okay, Mr. Speaker, then my inquiry is, what two rules are we seeking to suspend to permit us to vote on the Vroon amendment?

The SPEAKER. Specifically, the Chair is advised that what we are doing is suspending rule 27, "No amendment to an amendment shall be admitted nor considered." Specifically, that is enough to take us out of the rules. But as the Chair explained, there are two faults in the drafting, not one - the first one being that it sought to amend an amendment, which is contrary to our rules; and the second, that it sought to amend blank pages on a printer's number, which is obviously ridiculous.

Mr. PICCOLA. Okay, Mr. Speaker.

Assuming for the moment that we suspend the rules, rule 27, to permit the Vroon amendment to be offered, which

would amend the Taylor amendment of yesterday, you still have the deficiency which the Chair has cited that the amendment amends blank pages, and some rule of the House must prohibit that, and I would like to know if we are going to suspend that. I personally would be opposed to suspending that, because I really do not know what we are amending.

### PARLIAMENTARY INQUIRY

Mr. MANDERINO. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman, Mr. Manderino, is recognized. What is the point?

Mr. MANDERINO. Mr. Speaker, is it the Chair's opinion and the Parliamentarian's opinion that if the rules of the House are suspended, the Vroon amendment that you have looked at, and conceivably all the rest, can be molded by the Legislative Reference Bureau, as has been the practice in the past?

The SPEAKER. The answer is that we believe here at the Chair that that is possible, and again, I sympathize with the question raised by the gentleman, Mr. Piccola. The Chair is demonstratively unhappy with the way the Legislative Reference Bureau has drawn these amendments.

I say, in answer to the majority leader, those amendments can be tailored later to the bill very carefully. But if the House adopts the amendments offered by the gentleman, Mr. Vroon, then it will be very difficult for other members to offer other amendments, because we do not know in what lines and on what page or what pages these amendatory languages would appear.

Mr. MANDERINO. Mr. Speaker, it seems to me that the practice in this House, prior to last session—and I understand we returned to the practice this session—was for members to draw their amendments to the bill as they saw it, and the Legislative Reference Bureau drew the amendments to the bill as the bill existed. Many times those amendments had to be molded by the Legislative Reference Bureau to effectuate the sense of the House. Many times amendments fit into other amendments and crossed lines and took lines out of other amendments, but we did not do that; we did not follow the letter of their amendment because the sense of the House was surely known. That is the process of molding by the Legislative Reference Bureau.

It seems to me, Mr. Speaker, that that process can be followed here rather than to entail another delay—deliberate, in my opinion—regarding the bill before us.

The SPEAKER. The Chair thanks the gentleman.

The Chair suggests that we get on with the substantive debate on the amendments.

Again, the Chair repeats and wants it in the record that the Chair is quite disturbed, and the members may be certain, those who understand the Chair, that the Chair will give evidence of its concern to the proper authorities.

**PARLIAMENTARY INQUIRY**

Mr. PICCOLA. Mr. Speaker?

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

Mr. PICCOLA. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. PICCOLA. What is the question now before the House?

The SPEAKER. Whether or not the rules of the House be suspended so that amendments offered by the gentleman, Mr. Vroon, which in part at least contradict the rules of the House against amending amendments, may be considered.

Mr. PICCOLA. Then specifically we are seeking, by the motion before the House of the majority leader, to suspend rule 27?

The SPEAKER. That is correct.

Mr. PICCOLA. Nothing else, Mr. Speaker?

The SPEAKER. No; the Chair will not agree with that. That narrows the choice too sharply, and I can understand, as a lawyer, why Mr. Piccola would like it narrowed, but the Chair will not rule that narrowly. We will say that the motion encompasses all the rules of the House and any precedents which may be contrary to those rules.

Mr. PICCOLA. By one vote, Mr. Speaker, we are suspending all of the rules of the House?

The SPEAKER. We have done it many times before. This is not unusual.

Mr. PICCOLA. Okay, Mr. Speaker.

The SPEAKER. But if anybody tries to violate one of the rules with which the Speaker disagrees, that person will regret it. All right?

**PARLIAMENTARY INQUIRY**

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter. Are you going to debate this, too?

Mr. DeVERTER. No. I am as thoroughly confused, I am sure, and I would like to add to that, sir, if you do not mind—

The SPEAKER. That is why the Chair has gray hairs.

Mr. DeVERTER. —as far as the gentleman's motion, and I would like to ask a parliamentary question, if I may, sir.

The SPEAKER. You may.

Mr. DeVERTER. What other motion will take precedence over the motion to suspend rules, at the moment, other than adjournment?

The SPEAKER. Does the gentleman insist on that question?

Mr. DeVERTER. Sir, it was my intention—

The SPEAKER. The motion to adjourn will take precedence over all other motions.

Mr. DeVERTER. I understand that, sir, but I am prone, because of this nightmare that we now seem to be faced with—and there are, I do not know, at least 15 amendments, I think, that Mr. Vroon has passed across our desks—to make a motion to recommit this bill back to the committee from whence it came until this whole mess can be straightened out.

Quite frankly, I think this is ridiculous, and to keep members on this floor while we try to interpret amendments to blank pages is absolutely absurd, and I hope this time the press reports it as such, sir. I would so move, if that motion is in order.

The SPEAKER. For the gentleman's information, it is our opinion that his motion would not be timely at this time. After the vote is taken, regardless of whether the House votes "aye" or "nay," then the gentleman's remarks will be well taken and if he wishes to offer the motion to recommit, he may.

Mr. DeVERTER. I will then so make it, sir.

**PARLIAMENTARY INQUIRY**

Mr. WILSON. Mr. Speaker?

The SPEAKER. The Chair just is not going to recognize any more debate on the motion.

Mr. WILSON. No; it is not on the motion, Mr. Speaker.

The SPEAKER. What is it now, Mr. Wilson?

Mr. WILSON. Parliamentary inquiry.

The SPEAKER. What is the gentleman's parliamentary inquiry?

Mr. WILSON. Does a motion to table the bill take precedence?

The SPEAKER. We do not believe here that any motion would take precedence, except that of adjournment, until after the House has acted.

**PARLIAMENTARY INQUIRY**

Mr. PICCOLA. Mr. Speaker, parliamentary inquiry.

The SPEAKER. State it, please.

Mr. PICCOLA. Under what rule of the House is the Speaker ruling that a motion to suspend the rules is not debatable?

The SPEAKER. Rule 77.

Mr. PICCOLA. I am reading rule 77, Mr. Speaker, and I do not see where it says that a motion to suspend the rules is not debatable. It says it "...may not be laid on the table, postponed, committed or amended," but it does not say it is not debatable.

The SPEAKER. Let us check Mason's so we are correct. The House will stand at ease.

Under Mason's Legislative Manual, which is probably not immediately available to the gentleman, but we have it here at the Chair, "What Motions Are Not Debatable," section 82, subsection (g), "Suspension of the rules" - not debatable.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—179**

Afflerbach	Fee	Lloyd	Rieger
Alderette	Fischer	Lucyk	Robbins
Arty	Flick	McCall	Rudy
Baldwin	Foster, Jr., A.	McClatchy	Rybak
Barber	Freeman	McHale	Saloom
Battisto	Freind	McIntyre	Salvatore

Belardi	Fryer	McMonagle	Saurman
Belfanti	Gallagher	McVerry	Scheetz
Beloff	Gallen	Mackowski	Serafini
Blaum	Gamble	Madigan	Seventy
Book	Gannon	Maiale	Showers
Boyes	Geist	Manderino	Smith, B.
Brandt	George	Manmiller	Smith, L. E.
Broujos	Gladeck	Marmion	Snyder, G. M.
Burd	Greenwood	Mayernik	Stairs
Burns	Gruitza	Merry	Steighner
Caltagirone	Gruppo	Michlovic	Stevens
Cappabianca	Hagarty	Micozzie	Stewart
Carn	Haluska	Miller	Stuban
Cawley	Harper	Miscevich	Sweet
Cessar	Hayes	Moehlmann	Swift
Civera	Herman	Morris	Taylor, E. Z.
Clark	Hershey	Mowery	Taylor, F. E.
Clymer	Hoeffel	Murphy	Telek
Cohen	Honaman	Nahill	Tigue
Colafella	Hutchinson	Noye	Trello
Cole	Itkin	O'Brien	Truman
Cordisco	Jackson	O'Donnell	Van Horne
Coslett	Jarolin	Olasz	Vroon
Coy	Johnson	Oliver	Wachob
Deluca	Kasunic	Perzel	Wambach
DeVerter	Kennedy	Peterson	Wargo
DeWeese	Klingaman	Petrarca	Wass
Daley	Kosinski	Petrone	Weston
Davies	Kowalyshyn	Phillips	Wiggins
Dawida	Kukovich	Pievsky	Williams
Deal	Lashingier	Pistella	Wilson
Dininni	Laughlin	Pitts	Wogan
Dombrowski	Lehr	Pott	Wozniak
Donatucci	Lescovitz	Pratt	Wright, D. R.
Dorr	Letterman	Preston	Wright, J. L.
Duffy	Levi	Rappaport	Zwinkl
Durham	Levin	Reber	
Evans	Linton	Reinard	Irvis,
Fargo	Livengood	Richardson	Speaker
Fattah			

NAYS—17

Angstadt	Cornell	Grieco	Schuler
Armstrong	Dietz	Hasay	Semmel
Bowser	Foster, W. W.	Piccola	Sirianni
Bunt	Godshall	Punt	Snyder, D. W.
Cimini			

NOT VOTING—5

Cowell	Mrkonic	Spencer	Wright, R. C.
Markosek			

EXCUSED—2

Ryan	Spitz
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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.

MOTION TO RECOMMIT

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, we have just gone through an exercise in parliamentary procedure, and although the majority of the members agreed to suspend the rules to have Mr. Vroon's amendments considered, I hardly think that we can honestly, in our own conscience, sit here this afternoon and amend blank pages to a bill that I, quite frankly, cannot even find in my bill book.

I would therefore respectfully request, sir, that we recommit this measure to the committee from whence it came. I am not sure of that, because I do not know where it came from, because I do not have the bill in front of me. I so move.

The SPEAKER. It has been moved by the gentleman, Mr. DeVerter, that SB 11, PN 1351, be recommitted to the Committee on Transportation.

Mr. HUTCHINSON. No, sir. We do not want it. No, sir. Give it to Fish and Game.

Mr. DeVERTER. Mr. Speaker?

The SPEAKER. Thank you very much, Amos.

You may as well wait. He has upstaged all of us.

Mr. DeVERTER. I understand that, sir. I was not sure, but since you have indicated it is Transportation, perhaps since the bill was considered originally in the Committee on Business and Commerce, then I would make the motion to place it there.

The SPEAKER. It has been moved by the gentleman, Mr. DeVerter, that SB 11, PN 1351, be recommitted to the Committee on Business and Commerce.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I ask that the members vote in the negative. This is not a question of amending blank pages. The only reason that the Speaker has alluded to blank pages is there are not that many pages in the bill, but there certainly are that many pages in the Taylor amendment. The amendments have been drawn as amendments to the Taylor amendment, and it is easy to follow. We have done it many, many times on the floor of this House. Mr. DeVerter has been a part of that process. There will not be confusion, Mr. Speaker. I ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

On the DeVerter motion, the Chair recognizes the gentleman, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, I think the majority leader is in error. I have never offered amendments to blank pages, nor have I requested the rules to be suspended to do so. But beyond that, I would at least like to have seen the bill be reprinted, if we had done nothing else yesterday. Unfortunately, that has not taken place, and I see this as the only solution to correct the error which we now seem bound to compound. I ask the members for an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—81

Angstadt	Durham	Letterman	Pott
Armstrong	Fargo	Linton	Rappaport
Arty	Fischer	Lloyd	Reinard
Barber	Flick	McIntyre	Richardson
Blaum	Foster, W. W.	McVerry	Rieger
Book	Gallen	Mackowski	Robbins
Bowser	Geist	Madigan	Scheetz
Brandt	Godshall	Maiale	Schuler

Burd	Greenwood	Marmion	Semmel
Burns	Grieco	Mery	Sirianni
Cessar	Gruppo	Mowery	Smith, L. E.
Cimini	Hasay	Nahill	Spencer
Coslett	Hayes	Noye	Stairs
DeVerter	Herman	O'Brien	Swift
Davies	Hershey	Oliver	Telek
Deal	Honaman	Perzel	Weston
Dietz	Johnson	Peterson	Wiggins
Dininni	Kennedy	Phillips	Wogan
Donatucci	Klingaman	Piccola	Wozniak
Dorr	Lehr	Pitts	Wright, J. L.
Duffy			

NAYS—114

Afflerbach	Fattah	McCall	Serafini
Alderette	Fee	McClatchy	Seventy
Baldwin	Foster, Jr., A.	McHale	Showers
Battisto	Freeman	Manderino	Smith, B.
Belardi	Fryer	Manmiller	Snyder, D. W.
Belfanti	Gallagher	Markosek	Snyder, G. M.
Boyes	Gamble	Mayernik	Steighner
Broujos	Gannon	Michlovic	Stevens
Bunt	George	Micozzie	Stewart
Caltagirone	Gladeck	Miller	Stuban
Cappabianca	Gruitza	Miscevich	Sweet
Carn	Hagarty	Moehlmann	Taylor, E. Z.
Cawley	Haluska	Morris	Taylor, F. E.
Civera	Harper	Murphy	Tigue
Clark	Hoeffel	O'Donnell	Trello
Clymer	Hutchinson	Olasz	Truman
Cohen	Itkin	Petrarca	Van Horne
Colafella	Jackson	Petrone	Vroon
Cole	Jarolin	Pievsky	Wachob
Cordisco	Kasunic	Pistella	Wambach
Cornell	Kosinski	Pratt	Wargo
Cowell	Kowalshyn	Preston	Wass
Coy	Kukovich	Punt	Williams
Deluca	Lashinger	Reber	Wilson
DeWeese	Laughlin	Rudy	Wright, D. R.
Daley	Lescovitz	Rybak	Zwilk
Dawida	Levin	Saloom	
Dombrowski	Livengood	Salvatore	Irvis,
Evans	Lucyk	Saurman	Speaker

NOT VOTING—6

Beloff	Levi	Mrkonjic	Wright, R. C.
Freind	McMonagle		

EXCUSED—2

Ryan	Spitz
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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. We are now on the Vroon amendment A3601.

The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I want to preface my remarks on this amendment by saying to the membership as a whole, this is not my fault that all of this tangled-up mess occurred. What I want to say in advance is, I do not intend to offer all of the amendments that you have on your desks, so do not worry about that.

Number two, my whole intent here is sincere. It is something which I am doing on my own. I am not being goaded on

by anyone else. It is all my idea, and it comes about like this: This bill came to us in the form of an amendment. It bypassed committee, and I think that we as a committee of the whole should therefore carefully consider some of the salient facts in this bill. That is all I am trying to do. I will go as quickly as I can, and I urge your patience and your cooperation.

Amendment A3601 deals with the all-important section in this bill having to do with the leasing of service stations. My amendment 3601 would eliminate the entire section having to do with leasing of service stations. The reasons for it are, very quickly, like this: Number one, this is in the nature and absolutely is nothing less than rent control. We do not favor rent control, and we have repeatedly rejected rent control in the Commonwealth and in this House and in the Senate. This is rent control with a vengeance.

Number two, the formula, the 12-percent formula, here is very ill conceived. This says 12 percent of fair market value of a leased property, and you can say all you want about getting people together to judge on what is a fair market value, but nobody mentioned a word about the cost value, the cost value being the amount of money that the oil company has invested in the service station. It is very well possible, Mr. Speaker, that the cost value could be way above the market value, and I would certainly think that if a company had a cost value, they should at least be able to make this return on its cost, on their investment. This is only good economic sense, and I do not think it is right to leave that gaping hole there, because there are many situations where the cost is far greater than the market value. If the station is poor, the market value would be low. If the station is good, the market value would be high. It ought to be the higher of cost or market value.

It is very poorly drawn, and because it is poorly drawn and because it is in an area which I think is taboo in this State, I strongly urge that we eliminate this.

One more comment about this: If everything else stays put in the bill, we will not need this, because there will not be any motive at all—if there ever was one—for any oil company to exploit little dealers by means of rentals. I strongly urge a "yes" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

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

I intend to be very brief on all of these amendments that Mr. Vroon is offering here today.

Yesterday this House spoke, I think, very loudly and clearly by a vote of 109 or 110 in support of my amendment. I would ask those same members to vote in the negative against the Vroon amendment. This is a very critical section of the whole proposal, and therefore, I ask you for a negative vote. 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—58

Armstrong	Flick	McMonagle	Rappaport
Barber	Foster, W. W.	McVerry	Rieger
Beloff	Freind	Mackowski	Rudy
Blaum	Gallen	Madigan	Salvatore
Book	Herman	Maiale	Schuler
Brandt	Hershey	Miller	Smith, L. E.
Burd	Honaman	Mochlmann	Spencer
Carn	Johnson	Mowery	Telek
Coslett	Kennedy	Nahill	Truman
DeVertter	Laughlin	Noye	Vroon
Davies	Levi	Oliver	Weston
Diminni	Levin	Phillips	Wiggins
Donatucci	Lloyd	Pitts	Williams
Dorr	McCall	Pott	Wogan
Evans	McIntyre		

NAYS—138

Afflerbach	Duffy	Lashinger	Saloom
Alderette	Durham	Lehr	Saurman
Angstadt	Fargo	Lescovitz	Scheetz
Arty	Fattah	Letterman	Semmel
Baldwin	Fee	Linton	Serafini
Battisto	Fischer	Livengood	Seventy
Belardi	Foster, Jr., A.	Lucyk	Showers
Belfanti	Freeman	McClatchy	Sirianni
Bowser	Fryer	McHale	Smith, B.
Boyes	Gallagher	Manderino	Snyder, D. W.
Broujos	Gamble	Manmiller	Snyder, G. M.
Bunt	Gannon	Markosek	Stairs
Burns	Geist	Marmion	Steighner
Caltagirone	George	Mayernik	Stevens
Cappabianca	Gladeck	Merry	Stewart
Cawley	Godshall	Michlovic	Stuban
Cessar	Greenwood	Micozzie	Sweet
Cimini	Grieco	Miscevich	Swift
Civera	Gruitza	Morris	Taylor, E. Z.
Clark	Gruppo	Murphy	Taylor, F. E.
Clymer	Hagarty	O'Donnell	Tigue
Cohen	Haluska	Olasz	Trello
Colafella	Harper	Peterson	Van Horne
Cole	Hasay	Petrarca	Wachob
Cordisco	Hayes	Petrone	Wambach
Cornell	Hoeffel	Piccola	Wargo
Cowell	Hutchinson	Pievsky	Wass
Coy	Itkin	Pistella	Wilson
Deluca	Jackson	Pratt	Wozniak
DeWeese	Jarolin	Preston	Wright, D. R.
Daley	Kasunic	Reber	Wright, J. L.
Dawida	Klingaman	Reinard	Zwikl
Deal	Kosinski	Richardson	
Dietz	Kowalshyn	Robbins	Irvis,
Dombrowski	Kukovich	Rybak	Speaker

NOT VOTING—5

Mrkonjic	Perzel	Punt	Wright, R. C.
O'Brien			

EXCUSED—2

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

On the question recurring,

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

Mr. VROON offered the following amendments No. A3593:

Amend Bill (A3558), Table of Contents, page 1, lines 17 and 18 of (A3558), by striking out all of said lines pertaining to sections 9905-A (relating to price zones; extension of voluntary allowances) and 9906-A (pertaining to pricing)

Amend Bill (A3558), Table of Contents, page 1, line 19 (A3558), by striking out "9907-A" and inserting 9905-A

Amend Bill (A3558), Table of Contents, page 1, line 20 (A3558), by striking out "9908-A" and inserting 9906-A

Amend Bill (A3558), Table of Contents, page 1, line 21 (A3558), by striking out "9909-A" and inserting 9907-A

Amend Bill (A3558), Table of Contents, page 1, line 22 (A3558), by striking out "9910-A" and inserting 9908-A

Amend Bill (A3558), Table of Contents, page 1, line 23 (A3558), by striking out "9911-A" and inserting 9909-A

Amend Bill (A3558), Table of Contents, page 1, line 24 (A3558), by striking out "9912-A" and inserting 9910-A

Amend Bill (A3558), Table of Contents, page 1, line 25 (A3558), by striking out "9913-A" and inserting 9911-A

Amend Bill (A3558), Table of Contents, page 1, line 26 (A3558), by striking out "9914-A" and inserting 9912-A

Amend Bill (A3558), Table of Contents, page 1, line 27 (A3558), by striking out "9915-A" and inserting 9913-A

Amend Bill (A3558), Table of Contents, page 1, line 28 (A3558), by striking out "9916-A" and inserting 9914-A

Amend Bill (A3558), page 4, lines 13 through 38 (A3558), by striking out all of said lines

Amend Bill (A3558), page 4, line 39 (A3558), by striking out "9907-A" and inserting 9905-A

Amend Bill (A3558), page 5, line 2 (A3558), by striking out "9908-A" and inserting 9906-A

Amend Bill (A3558), page 6, line 48 (A3558), by striking out "9909-A" and inserting 9907-A

Amend Bill (A3558), page 7, line 19 (A3558), by striking out "9910-A" and inserting 9908-A

Amend Bill (A3558), page 7, line 24 (A3558), by striking out "9911-A" and inserting 9909-A

Amend Bill (A3558), page 7, line 27 (A3558), by striking out "9909-A" and inserting 9907-A

Amend Bill (A3558), page 7, line 27 (A3558), by striking out "9910-A" and inserting 9908-A

Amend Bill (A3558), page 7, line 40 (A3558), by striking out "9912-A" and inserting 9910-A

Amend Bill (A3558), page 7, line 42 (A3558), by striking out "9909-A" and inserting 9907-A

Amend Bill (A3558), page 7, line 43 (A3558), by striking out "9910-A" and inserting 9908-A

Amend Bill (A3558), page 7, line 48 (A3558), by striking out "9913-A" and inserting 9911-A

Amend Bill (A3558), page 7, line 49 (A3558), by striking out "9907-A" and inserting 9905-A

Amend Bill (A3558), page 7, line 50 (A3558), by striking out "9909-A" and inserting  
9907-A

Amend Bill (A3558), page 7, line 50 (A3558), by striking out "9910-A" and inserting  
9908-A

Amend Bill (A3558), page 7, line 55 (A3558), by striking out "9914-A" and inserting  
9912-A

Amend Bill (A3558), page 8, line 2 (A3558), by striking out "9915-A" and inserting  
9913-A

Amend Bill (A3558), page 8, line 8 (A3558), by striking out "9916-A" and inserting  
9914-A

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Thank you, Mr. Speaker.

Amendment A3593 deals with sections 9905-A and 9906-A in the amendment, which have to do with price zones and pricing.

In the first paragraph, 9905-A, there is an attempt being made here to change the price zones, and I must object very much to that, because I think these price zones are based on proper economic considerations, and any attempt on our part to change that price-zoning mechanism is just going to be tinkering with something that is working and is working properly.

The second area has to do with pricing within each price zone. A refiner or manufacturer shall be required to offer any retail service station dealer of such refiner or manufacturer gasoline delivered at a wholesale price or tank wagon price which is 5 percent less than the price such grade of gasoline is being offered for sale to the public at retail at the controlled outlet nearest the dealer.

Now, here we have a blatant case of price control, pure and simple. If you do not think this is going to go contrary to the consumer, have a second guess. As soon as something like this would be adopted by this House and by this legislature and become law, the price of gasoline to our consumers would rise by anywhere from 5 to 10 cents a gallon almost immediately, and we would have no more price wars to the benefit of our consumer. We would have a rather stable situation which is giving a built-in protected price and a built-in protected profit to all of the independent dealers throughout the State. Is that what you want? It is not what I want. It is not what my consumer wants either. My consumer likes to shop for his gas; my consumer wants to know that he can buy gas for what it is really worth and it is not fixed by the General Assembly.

I ask for an affirmative vote on this amendment because of that very salient fact, that price control is taboo, and we should not get involved in it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Fayette, Mr. Taylor, on the amendment.

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

For the same reasons that I stated in opposition to the original, first amendment of Mr. Vroon's, I also ask you for that same negative vote on this amendment. One step further: I think there is just a smoke screen being thrown up here. If you are able to reduce the price of gasoline by 5 percent and in no instance lower than the terminal price, that does not indicate a rise in the price of gasoline. I therefore ask for a negative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob, on the amendment.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, the maker of the amendment is absolutely wrong in regard to this amendment, if his intent and his words are accurate as far as the description of the amendment. This does not eliminate price zones; rather, it cuts down the number of price zones that are currently instituted mainly by only one company. Atlantic Richfield Company is the only one in this Commonwealth that institutes the number of price zones that they are operating right now. It eliminates several hundred price zones down to 15 price zones, Mr. Speaker.

### POINT OF ORDER

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

The SPEAKER. For what purpose does the gentleman, Mr. Vroon, rise to a point of order?

Mr. VROON. Mr. Speaker, the gentleman is speaking about an amendment which was just voted upon and failed.

The SPEAKER. Is the gentleman aware that we are on 3593 now?

Mr. WACHOB. I am only responding to what Mr. Vroon said. He said that this amendment before him would eliminate the section in the Taylor amendment that addresses price zones.

The SPEAKER. That is correct.

Mr. WACHOB. That was through his own description.

The SPEAKER. The gentleman may continue.

Mr. WACHOB. Thank you, Mr. Speaker.

What I was saying, Mr. Speaker, was this does not eliminate price zones. It cuts down the number of price zones to be consistent with the standard metropolitan statistical areas, so there still will be allowed to be 15 price zones in Pennsylvania. The current practice right now is that you can drive down Main Street of any town or any city in this Commonwealth and buy gas on different sides of the street and it is at different prices because of the different price zones that Atlantic Richfield has implemented.

I think this attacks the heart of the bill and should be defeated, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Vroon, wish to close the debate on his amendment or participate at this time? I have you at the closing of the debate. It is your choice.

Mr. VROON. I do not understand what you are saying.

The SPEAKER. There are other people who have asked to debate your amendment. I have Mr. Laughlin, Mr. Levin, and then you. Now, it is your amendment, and I assume you want to close the debate, finish it. Is the Chair correct? Very well. Then the Chair will recognize you at the end.

The Chair recognizes the gentleman from Beaver, Mr. Laughlin, on the Vroon amendment.

Mr. LAUGHLIN. Mr. Speaker, would the gentleman, Mr. Taylor, stand for interrogation?

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

Mr. LAUGHLIN. Mr. Speaker, the idea of pricing zones as opposed to distribution centers— I know that one of the majors, which is Gulf, has six distribution spots across the State, and they make their distributions out of those particular terminals.

Now, how would your amendment, with regard to these zones, affect those areas? Are we going to have zones that in fact cause a price of one type on one side of the street and a price for another, or are we talking about a complete community and a region to clarify what Mr. Vroon had said?

Mr. TAYLOR. First of all, the question before the House is not my amendment; it is Mr. Vroon's amendment.

Mr. LAUGHLIN. I am well aware of that, Mr. Speaker. I asked you a question relative to that statement you made on his amendment.

Mr. TAYLOR. It eliminates those.

Mr. LAUGHLIN. That is what I was asking you, Mr. Speaker. Does it eliminate them to that extent?

Mr. TAYLOR. It makes it possible that you will have more level prices in those particular areas.

Mr. LAUGHLIN. Mr. Speaker, that is exactly what I wanted to get at. If, in the event that this legislation that we are considering right now—that I do not fully agree with but I am going to support—if that does not occur, Mr. Speaker, I can assure you that many of us who are concerned about the price our consumers are going to pay because of this legislation are going to be back here demanding a change, and you are going to be held responsible for it, Mr. Speaker.

Mr. TAYLOR. I will join you at that particular time, Mr. Speaker.

The SPEAKER. I wish the gentleman, Mr. Laughlin, would not put it that way. Every time my wife hears things over the loudspeaker when you gentlemen and ladies are cussing people out, she says, why are they so angry with you? See, they always say, you will hear from us, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, a clarification. I am not angry at Mr. Taylor in any way, shape, or form, and I do not think we made any corrections on Mr. Ryan the other day when he said that some of us had deprived childhoods because we were not able to attend law school, Mr. Speaker. So I do not think that correction is necessary.

The SPEAKER. The Chair thanks the gentleman.

## WELCOMES

The SPEAKER. The Chair has given permission at this time for two young men, who are here as visitors from Denmark as guests of Representative DeLuca, Chris Bursche and Jaesper Jensen, to take some still pictures at the rear of the hall of the House.

And the Chair is delighted to welcome Doug Colafella, who is the young son of Representative Nick Colafella, here as a page this week.

## CONSIDERATION OF SB 11 CONTINUED

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

Mr. LEVIN. Mr. Speaker, I rise to support the amendment.

The problem that I think Mr. Vroon is trying to address and a problem created by this bill is, in my view, more important to those of us who live on the periphery, the outside, of the State of Pennsylvania. If the State of New Jersey or the State of Maryland or the State of West Virginia or the State of Ohio or, to the north, the New York stations have a lower price, it has been my experience that those stations in our immediate area respond very promptly and lower the price to their consumer to remain competitive.

If the Taylor amendment is not modified by the Vroon amendment, what we are doing is saying to the oil companies that you cannot fine-tune and respond to that competition; you cannot reduce your prices in those areas unless you are willing to do it in an entire large area; you cannot do it in competition in particular stations that are affected. Now, what we are really saying to them is, do not compete in those limited stations, and if you suffer a loss of gallonage, so what? The effect is that my constituents, and, I believe, many of your constituents, will be denied the benefits of that price war. I think that that is an anticonsumer effect of this bill, and I would hope we would have the good sense to support Mr. Vroon on this.

The SPEAKER. The Chair thanks the gentleman.

On the Vroon amendment, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I am asking for a point of personal privilege, please.

The SPEAKER. Will the lady state the point.

Miss SIRIANNI. I would like to make a statement regarding this.

The SPEAKER. Will the lady state her point of personal privilege. That is a very limited—

Miss SIRIANNI. I would like to make a statement concerning this process that we are going through.

The SPEAKER. The lady would be advised that she may want to raise a parliamentary point rather than a point of personal privilege.

Miss SIRIANNI. Well, I will raise a parliamentary point.

The SPEAKER. What is the lady's parliamentary point?

Miss SIRIANNI. I do not believe that we, as legislators, were sent down here by our constituents to ram something

through at the last minute, and we seem to be going down in history doing this all the time. I think that rather than representing our constituents, we are playing tricks with them, because it is not possible to understand all of these amendments without the proper information before us. I think it behooves you to remember who sent you here and why you got here, and I do not think they sent you here for this, and I am speaking to each and every one of you. Let your conscience be your guide, if you have one.

**MOTION TO TABLE**

Miss SIRIANNI. I would like to make a motion that this bill be tabled until we have time to take it up properly, until we have time to have something before us so that we know what is going on.

The SPEAKER. It has been moved by the lady, Miss Sirianni, that SB 11, PN 1351, be placed upon the table.

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

The SPEAKER. On the motion, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, this debate has gone on now for 2 days. I think those of us who are going to understand it already understand what it is about. Those of us who will never understand it will never understand it if we have another 2 weeks here. Mr. Speaker, I ask a defeat of the motion to table.

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

The following roll call was recorded:

**YEAS—81**

Angstadt	Fargo	Klingaman	Rappaport
Armstrong	Fischer	Lehr	Reinard
Arty	Flick	Levi	Richardson
Blaum	Foster, W. W.	Linton	Robbins
Book	Gallen	Lloyd	Rudy
Bowser	Gannon	McMonagle	Scheetz
Brandt	Geist	McVerry	Schuler
Burd	Godshall	Mackowski	Semmel
Burns	Greenwood	Maiale	Sirianni
Carn	Grieco	Manmiller	Smith, L. E.
Cawley	Gruppo	Marmion	Snyder, D. W.
Cessar	Haluska	Moehlmann	Snyder, G. M.
Cimini	Hasay	Mowery	Spencer
DeVerter	Hayes	Nahill	Stairs
Davies	Herman	Noye	Swift
Deal	Hershey	Peterson	Taylor, E. Z.
Dietz	Honaman	Phillips	Telek
Dininni	Jackson	Piccola	Weston
Dorr	Johnson	Pitts	Wiggins
Durham	Kennedy	Pott	Wilson
Evans			

**NAYS—114**

Afflerbach	Duffy	McClatchy	Saurman
Alderette	Fee	McHale	Serafini
Baldwin	Foster, Jr., A.	McIntyre	Seventy
Battisto	Freeman	Manderino	Showers
Belardi	Freind	Markosek	Smith, B.
Belfanti	Fryer	Mayernik	Steighner
Beloff	Gallagher	Merry	Stevens
Boyes	Gamble	Michlovic	Stewart

Broujos	George	Mioozzie	Stuban
Bunt	Gladeck	Miscevich	Sweet
Caltagirone	Gruitza	Morris	Taylor, F. E.
Cappabianca	Hagarty	Mrkonic	Tigue
Civera	Harper	Murphy	Trello
Clark	Hoeffel	O'Donnell	Truman
Clymer	Hutchinson	Olasz	Van Horne
Cohen	Itkin	Oliver	Vroon
Colafella	Jarolin	Perzel	Wachob
Cole	Kasunic	Petrarca	Wambach
Cordisco	Kosinski	Petrone	Wargo
Cornell	Kowalshyn	Pievsky	Wass
Coslett	Kukovich	Pistella	Williams
Cowell	Lashinger	Pratt	Wogan
Coy	Laughlin	Preston	Wozniak
DeLuca	Lescovitz	Punt	Wright, D. R.
DeWeese	Letterman	Reber	Wright, J. L.
Daley	Levin	Rieger	Zwilk
Dawida	Livengood	Rybak	
Dombrowski	Lucyk	Saloom	Irvis,
Donatucci	McCall	Salvatore	Speaker

**NOT VOTING—6**

Barber	Madigan	O'Brien	Wright, R. C.
Fattah	Miller		

**EXCUSED—2**

Ryan	Spitz
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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 Philadelphia, Mr. Rappaport, on the Vroon amendment.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, one of the prime problems with this bill is that it is a price-fixing bill, and like most price fixing, we in America have found out it is anticonsumer. I think the gentleman, Mr. Wachob, made the point very clear when he said Arco has pricing zones throughout the State, and the result is that you drive down a main street of any town in Pennsylvania or Broad Street in Philadelphia and you see different prices at different gas stations for gasoline. And apparently the gentleman feels that there is something wrong with that; we should have a uniform price in every standard metropolitan area.

Well, I would submit that that is what is wrong with this whole bill, with the whole Taylor amendment, that this amendment is trying to get rid of. We should have different prices. If Arco wants to charge one price and Mobil another price, is that not wonderful? We have competition, and the competition is bitter, and the consumer benefits. That is the name of the game. I have such a competitive area in my district on South Broad Street, where there are six gas stations in two blocks, some dealer, some company, and that is some of the cheapest gas in the State. They are bitterly competitive, and we buy the gas for lovely prices, very low prices, and that is what the competitive system is all about - low prices for the consumer.

Price fixing is bad and should be bad. Let them compete. That is the name of the game, and this amendment says just that - let the consumer pay the lowest price that competition can produce. Thank you, Mr. Speaker.



The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Laughlin, for the second time on the amendment.

Mr. LAUGHLIN. Mr. Speaker, I can certainly appreciate the previous speaker's statements about pricing. However, the gentleman does not deal with the fact that we are not talking about different companies pricing gas at different prices throughout their station system. What we are talking about here, Mr. Speaker, is the same company selling gas to a dealer at \$1.19 at a wholesale price and selling gas at \$1.17 at the stations they own. That is the differential we are talking about, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Vroon amendment, the Chair now recognizes, for the second time, the gentleman, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I could not care less what they sell gas to the dealers at. I am concerned about what they are selling it to the public for, and I want to get the cheapest possible price for the public.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the amendment, the gentleman, Mr. Vroon.

Mr. VROON. Mr. Speaker, I have no further comments. I just ask the members to please vote "yes" on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Taylor.

Mr. TAYLOR. I just ask for a negative vote, Mr. Speaker.

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

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—114

Armstrong	Fattah	McIntyre	Richardson
Arty	Flick	McMonagle	Rieger
Barber	Foster, W. W.	McVerry	Robbins
Battisto	Gallen	Mackowski	Rudy
Belardi	Geist	Madigan	Saloom
Beloff	Gladeck	Maiale	Salvatore
Blaum	Godshall	Manmiller	Scheetz
Bowser	Greenwood	Marmion	Schuler
Brandt	Grieco	Merry	Serafini
Burd	Gruitza	Moehlmann	Showers
Burns	Hagarty	Morris	Sirianni
Carn	Haluska	Mowery	Smith, L. E.
Cawley	Hasay	Mrkonic	Spencer
Cessar	Hayes	Nahill	Stairs
Cimini	Herman	Noye	Stevens
Cohen	Hershey	O'Brien	Stewart
Cornell	Honaman	Oliver	Swift
Coslett	Jackson	Perzel	Taylor, E. Z.
Coy	Johnson	Peterson	Telek
DeVerter	Kennedy	Phillips	Truman
Davies	Klingaman	Piccola	Van Horne
Deal	Kosinski	Pitts	Vroon
Dietz	Laughlin	Pott	Weston
Dininni	Lehr	Preston	Wiggins
Donatucci	Letterman	Punt	Williams
Dorr	Levi	Rappaport	Wilson
Durham	Levin	Reber	Wogan
Evans	Linton	Reinard	Wright, J. L.
Fargo	Lloyd		

NAYS—85

Afflerbach	Dombrowski	Iescovitz	Semmel
Alderette	Duffy	Livengood	Seventy
Angstadt	Fee	Lucyk	Smith, B.
Baldwin	Fischer	McCall	Snyder, D. W.
Belfanti	Foster, Jr., A.	McClatchy	Snyder, G. M.
Book	Freeman	McHale	Steighner
Boyes	Freind	Manderino	Suban
Broujos	Fryer	Markosek	Sweet
Bunt	Gallagher	Mayernik	Taylor, F. E.
Caltagirone	Gamble	Michlovic	Tigue
Cappabianca	Gannon	Micozzie	Trello
Civera	George	Miscevich	Wachob
Clark	Gruppo	Murphy	Wambach
Clymer	Harper	O'Donnell	Wargo
Colafella	Hoeffel	Olasz	Wass
Cole	Hutchinson	Petrarca	Wozniak
Cordisco	Itkin	Petrone	Wright, D. R.
Cowell	Jarolin	Pievsky	Zwilk
Deluca	Kasunic	Pistella	
DeWeese	Kowalshyn	Pratt	Irvis,
Daley	Kukovich	Rybak	Speaker
Dawida	Lashingier	Saurman	

NOT VOTING—2

Miller Wright, R. C.

EXCUSED—2

Ryan Spitz

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

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the debate in the Senate, although progressing on prescription drugs, appears that it will be extended.

I would ask that we break now for lunch for a period of 45 minutes and return to the floor.

The SPEAKER. The Chair agrees.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Hutchinson, rise?

Mr. HUTCHINSON. I would like to call a meeting of the Transportation Committee off the floor of the House.

The SPEAKER. A meeting of the Transportation Committee immediately during this recess—immediately—off the floor of the House. A meeting of the Transportation Committee immediately off the floor of the House.

STATEMENT BY MR. DORR

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

Mr. DORR. Unanimous consent, Mr. Speaker, for just 30 seconds of remarks.

The SPEAKER. Without objection, unanimous consent is granted. The Chair hears no objection.

Mr. DORR. Mr. Speaker, I just wanted to say that in regard to HB 846, I was one of very few, maybe perhaps the only vote, in the negative on that bill. It concerns me, because it is a constitutional amendment and I think a very important one.

I just wanted to state that my opposition to the bill is not really in opposition to the intent, I think, of Representative Itkin, but rather my concern is about how we would control and define what is a "religious holiday." I think that would lend itself to a great deal of abuse, and I am very concerned that we do not open up the election process to abuse over a definition of what is a "religious holiday."

The second reason for my rising, Mr. Speaker, is to indicate that we have now dealt with two of the bills on sunset which went through the process in the Professional Licensure Committee. I think before we go by that and forget what has happened, I wanted to just comment that I think the members of the House, both sides of the aisle, should be commended for the great deal of work that went into that process. I think most importantly we ought to be highly commendatory towards the staff who—on both sides of the aisle again—went to a great deal of effort in the sunset process. I did not want to let this opportunity go by without indicating that, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

#### REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Cumberland, Mr. Broujos, rise?

Mr. BROUJOS. I should have been registered to vote on the last amendment, A3593 to SB 11, in the affirmative rather than in the negative.

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

#### RECESS

The SPEAKER. The House stands in recess until 20 minutes after 2.

#### AFTER RECESS

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

#### SENATE MESSAGE

##### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 690, PN 2037**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

#### 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 632, PN 1400**.

#### SENATE MESSAGE

##### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 822, PN 1789**, with information that the Senate has passed the same without amendment.

#### COMMUNICATION FROM GOVERNOR

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

##### 1983 SURPLUS PROPERTY DISPOSITION PLAN.

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

October 25, 1983

##### TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA

By the authority vested in me by Article XXIV-4 of the act of July 1, 1981 (P.L. 143, No. 48) entitled "Disposition of Commonwealth Surplus Land," I transmit herewith the 1983 Surplus Property Disposition Plan.

The annual Surplus Property Disposition Plan, required by Act 48 of 1981, provides for the systematic management of Commonwealth-owned real estate assets and the efficient disposition of surplus holdings. The Plan also ensures that all conveyances are made for fair consideration predicated upon fair market value.

Contained in the Plan for 1983 are four (4) properties whose usefulness to State Government has ceased. However, their desirability and value for other purposes is substantial. The properties vary in size, nature, and geographic locations. Any special considerations, such as zoning restrictions, agricultural and open space requirements, retention of mineral rights, and easements and leases presently in effect, have been identified for each parcel.

Pursuant to Act 48 of 1981, the Plan has been transmitted to the Chairmen and the Minority Chairmen of the House and Senate State Government Committees. The House and Senate Committees conducted a joint public hearing on September 27, 1983, as a part of their review of the Plan and have advised the Department of General Services of their findings.

The Department of General Services has also invited public comments on the Plan through publication in the *Pennsylvania Bulletin*, Vol. 13, No. 35, Saturday, August 27, 1983. In addition, pursuant to Act 48, the Department has requested and received the Attorney General's review of the Plan for form and legality.

Legislative consideration of the sale of the properties contained in the Plan will result in substantial benefits to the Commonwealth, including the return of idle real estate to local tax rolls, the reduction of state exposure to liability and other insurance risks, and the elimination of excessive security and maintenance costs.

I, therefore, transmit to you and urge your approval of the 1983 Surplus Property Disposition Plan.

Dick Thornburgh  
Governor

(Copy of plan is on file with the Journal clerk.)

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I submit for the record the following list of additions and deletions of sponsorships of bills.

#### ADDITIONS:

HR 143, Burd, Preston, Carn, Baldwin, Steighner; HB 382, Cimini; HB 824, Reber, McVerry, Dawida, Piccola, Blaum, Mayernik, Cordisco, Spencer; HB 825, Dawida, McVerry, Reber, Piccola, Blaum, Mayernik, Spencer, Cordisco; HB 923, Kosinski; HB 1203, Mayernik; HB 1241, Steighner; HB 1258, Broujos; HB 1259, Broujos; HB 1450, Baldwin; HB 1517, Broujos; HB 1550, Petrone, E. Z. Taylor, Micozzie, Battisto, Olasz, Wargo, Vroon; HB 1564, Johnson; HB 1572, Vroon; HB 1573, Vroon; HB 1590, Steighner, Mayernik.

#### DELETIONS:

HB 538, Letterman; HB 1130, Sirianni.

### BILLS SIGNED BY SPEAKER

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

#### HB 822, PN 1789

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey a certain lot or tract of land situate in the City of Erie, Erie County, Pennsylvania.

#### SB 428, PN 468

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.

### CALENDAR

#### CONSIDERATION OF SB 11 RESUMED

On the question recurring,

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

Mr. VROON offered the following amendments No. A3595:

Amend Bill (A3558), page 4, lines 40 through 44, by striking out all of lines 40 through 43 and "(b)" in line 44 and inserting

(a)

Amend Bill (A3558), page 4, line 53, by striking out "(c)" and inserting

(b)

Amend Bill (A3558), page 4, line 57, by striking out "(b)" and inserting

(a)

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, the next amendment, which is A3595, is on the all-important subject of purchases. There is a small paragraph in the amendment which reads as follows: "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," with the emphasis on those last three words, "from any source."

Now really, what are we trying to do here? Number one, I have to ask the question, is this particular provision an integral part of a bill that is designed to achieve divorcement? Really, I think that is going overboard and gilding the lily when you can tell Sun Oil, Arco, and all these major oil companies that a dealer can fly your sign out front and then when people come in there and expect to get Arco gas or Sunoco or whatever you want to call it and then find out by word of mouth or the guy in the station, I do not have any Sunoco gas today but I have a brand that I can sell you cheaper, well now, is that not something? Sunoco is paying all the expenses of the signs and everything else and leasing the station to the guy, very likely, and here is the insult. He is having his nose rubbed in it. He is paying all the expenses. He is renting the station to the dealer, and the dealer must have the right to sell anybody else's gas in that station. How ridiculous can we be? I think that is one of the most ridiculous parts of this whole bill. Think about it. I think when you think about it very seriously, you will realize this is utterly ridiculous. I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

I would have to oppose the Vroon amendment, because basically this is the part of this legislation that is most proconsumer. This is really in the consumers' interests.

Open supply is now practiced in our Commonwealth. There are service stations out there that are supplied, and all they have to do at the point of sale is mark the debranding. That is called for in the legislation. There are presently, as I said, some companies that even furnish their service stations with a kit that lets them cover up their name and go ahead and sell another brand of gasoline.

This really is the meat of the consumer part of this legislation. It really gives the consumer a break and allows that dealer to buy the gasoline at the lowest possible price. Also, the amendment that is in there under my amendment provides that it exempts them from any liability, the refinery. Therefore, I would adamantly oppose this amendment, because I think really what he is trying to do here is take away from the

consumer that advantage that he may have by being able to buy cheaper gasoline. I would ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Vroon amendment. As Representative Taylor said, this amendment that Mr. Vroon has put forward would take out of the Taylor amendment one of the most proconsumer pieces and one of the most proconsumer sections of that amendment.

Just as you and I would like to be able to ride down the street and buy the cheapest gas available, so would the dealers like to purchase the cheapest gas available to them. This only says, Mr. Speaker, that for the independent service station dealer or anyone else, if they are at their station and they cannot reach an agreement with their supplier and if the price of the gasoline that they are being asked to pay for is too high, they can go out and shop around just like you and I can go out and shop around for the most competitive, lowest prices available.

This is not a new provision. This is currently in practice in Pennsylvania. The Exxon Oil Company currently uses this practice. It is also a provision of Federal law. The open supply provision is a portion of Federal law.

I think that everyone here has to be very careful not to listen so much to what Mr. Vroon is saying about the technicalities of what we are doing and really realize what you are doing. By passing the Vroon amendment, you will have taken out one of the most consumer-oriented pieces of the Taylor amendment that is currently embodied in that. I urge a "no" vote, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Vroon amendment, for the second time the gentleman from Chester, Mr. Vroon, is recognized.

Mr. VROON. Mr. Speaker, the least you could do, for goodness' sake, is to insist on having some kind of standard of quality. You do not even have that in here. You can go into a station where a guy is selling an off brand, let us call it a generic brand, whatever you want to call it. He could sell you something that is about 80 octane, whereas the usual accepted standard is 87. You would not know the difference. You do not have any requirement there at all as to what has to be specified. Okay? And you can have a guy come in there and buy some gasoline which is so badly diluted that his car will not run good. Are you going to try to protect the consumer with this? I do not think that is protecting the consumer.

It is a general law of economics that everybody who does business through retail outlets has an outlet to sell its products. For goodness' sake, do not expect them to furnish outlets and then have the guy in the gas station sell the other people's products, sucking them in under the name of Sun or Arco or one of these other names. That is what you are doing. You are going to suck them in under one of these good names and then you are going to sell them some junk. That is what you can do, the way this is. I cannot see that at all, and I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, I am somewhat hesitant to get into this argument, but as I have listened to the oral arguments presented so far, they have not really noted the provision following the provision which Mr. Vroon seeks to take out, which is called "Trademark" and which would prevent the service station dealer from selling some unbrand name under the name of one of the regular companies.

While I realize that that does not satisfy the large company entirely, because they may well have provided the advertising and so on, at least the consumer will not be confused by this if this section is adhered to under the Taylor amendment as it now stands. I think that is important for us all to realize and to note.

The SPEAKER. The Chair thanks the gentleman.

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

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

I want to make it emphatically clear that provisions in the amendment as now in the bill provide that at the point of sale, the price has to be marked over and the brand has to be notified right then and there as far as the octane rating. That octane rating would have to be on there. All the things that are presently called for, all the protections called for under the present system of doing business out there, are adhered to in the amendment that we have in the bill. The only thing this allows is the open supply. It allows that dealer to shop around and buy gas at a cheaper price and, therefore, give the consumer a break. I urge a "no" vote on the Vroon amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to question the maker of the amendment, please.

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

Mr. LETTERMAN. Mr. Speaker, do you remember when we had a quota here not too long ago when people were running out of gas and could not buy gas? If your amendment spoke to that subject and dealt with that problem, I could probably buy your amendment, but it does not.

You know, if they run out of gas and a certain company cannot supply them, I do not see anything the matter with a dealer going out and getting gas so that he can keep his station open and continue to pay his bills. This is one of the things that is the matter with your amendment. Do you agree with me?

Mr. VROON. Mr. Speaker, I grant you those things can happen, but this particular section in the bill throws this wide open and it leaves it available to dealers as a regular practice. Surely, when crises occur, there are special regulations passed or at least officially adopted which will govern that particular situation that you are talking about.

Mr. LETTERMAN. They never have.

Mr. VROON. Well, I believe there was a very concerted effort followed by the energy people in the State at the time of our last crisis to try to allocate gasoline.

Mr. LETTERMAN. Yes; I agree with that, but it was never taken care of so they could use gasoline under another name. That is why I would object to your amendment and ask for a "no" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Mr. Speaker, I rise to oppose this amendment as well. I think there is some confusion from the standpoint of Representative Vroon. I think what the service station dealers want to do is to have the opportunity to buy an additional product for sale in their outlets. It is no different, Mr. Speaker, than to have a grocery store buy another shelf to add a new product available for sale.

For this reason, Mr. Speaker, I would oppose the Vroon amendment.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Mr. Speaker, I do not want to belabor this issue, but this is one of the provisions that is very important if you are going to have any sort of divorcement in Pennsylvania. As Representative Letterman pointed out, we are all familiar with the case a couple of years ago or a few years ago when there was an oil shortage, when gasoline station attendants were calling us up asking us if we could go to the Governor's Energy Council and try to get them an extra allocation. Well, the problem is, Mr. Speaker, that at that time the major oil companies of this State made the conscious decision to supply their own stations rather than the independent stations. I know that in my legislative district some of those guys sat on the corner for 2 weeks without gasoline. Now, why should we force them to go out of business because the company will not supply them with gasoline?

All this provision will do and all the Fred Taylor amendment does in regard to the open supply section is say that if the company will not supply you or you can get a better deal from someone else, then you have the right to go out and do that, and you should go out and do that because it ultimately will be in the better interests of the consumers through lower prices. I urge a "no" vote on the Vroon 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—18

Blaum	Flick	Piccola	Saurman
Brandt	Hershey	Pitts	Sirianni
Dininni	McMonagle	Rappaport	Spencer
Dombrowski	Maiale	Saloom	Vroon
Donatucci	Phillips		

NAYS—177

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

NOT VOTING—6

Cohen	Gamble	Salvatore	Telek
DeWeese	Harper		

EXCUSED—2

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

On the question recurring,

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

Mr. VROON offered the following amendment No. A3596:

Amend Bill (A3558), page 4, lines 49 through 52 of (A3558), by striking out "without providing reasonable notice at the" in line 49 and all of lines 50 through 52 and inserting a period

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Thank you, Mr. Speaker.

This next amendment goes right down to the next paragraph where they are talking about trademarks. It again addresses what I was saying before, that when a person has a trademark at a gasoline station, he should not be compelled to allow people to sell another brand in that gas station. So this amendment eliminates these words of the last part of that paragraph: "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."

Now, to get back to the point that we were talking about before—and this is addressing the same thing—this weak, watered-down language only says that reasonable notice must be given to somebody coming into your gas station that this is not the gas that is being sold by the guy whose sign is up in front of the gas station. Okay? By eliminating these words, we are making it impossible for anybody who has a trademark up there to sell any other brand of gasoline there.

Now, we had talked about this back and forth many times, saying that this is one of the good things about this bill because they are going to be able to buy any kind of gas they want; this is a consumer section in this bill that is really worthwhile. I say, now wait a minute; I do not think this is anything like it, because regardless of what has been said, there is nothing here or anywhere else which says you have to offer a similar quality of gasoline, even if it is a different brand. Your customers are going to come in there and they are going to just take your word for it, and as far as I can read this, "without reasonable notice" could mean as little as saying to him, oh, by the way, I am not selling Sun products today; I am selling "moon" products. Okay?

So this is where we have a very weak section of the bill, and I am just saying, because this is so weak, we ought to eliminate it. It does not belong there at all. It is not necessary either, as far as I am concerned.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the amendment, the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Mr. Speaker, I rise in opposition to this amendment on the same basis that I rose to oppose the previous amendment. If one of the motorists drives down the road and he expects to buy Mobil gasoline, he should be able to buy Mobil gasoline. He should also have the option of buying another product at that Mobil outlet at a cheaper price if he so desires to do so. But Mr. Vroon, through his amendment, would like to suggest that a service station dealer will try to market an independent gas through a trademark name, and that is not true. There are already Federal and State laws to deal with that situation. For that reason I oppose this amendment as well.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

I ask for a "no" vote on this particular amendment. Mr. Vroon is trying to do here what he was unable to do in the previous amendment, and the overwhelming vote that was given against that amendment should be placed now, because he is trying to do now exactly what he could not do before. I would highly recommend a negative vote.

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—5

Maiale	Pitts	Saurman	Vroon
Phillips			

NAYS—194

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

NOT VOTING—2

Foster, W. W. Wiggins

EXCUSED—2

Ryan Spitz

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

On the question recurring,

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

Mr. VROON offered the following amendment No. A3597:

Amend Bill (A3558), page 4, lines 53 through 59; page 5, line 1, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, this goes to the next paragraph, entitled "Requirement to sell," and it is a followup to the previous two amendments. The only thing about this is that it is even more specifically insulting to a gas company in that it forces everybody to sell to whoever wants to buy from them. So here we have a situation where we are not even going to be able to say to the oil companies, you can sell to your dealers, and if you do not want to sell to another dealer, you do not have to. I think that is their prerogative. I think that is part of the open marketplace. I think it is downright insulting to let them put all the money into these gas stations and then turn around and tell them, sorry, you have to sell to whoever asks for it.

Again, I think this is a violation of the free enterprise system. We are constantly trying to tell them what they can do with their business, and I think we are going too far. I urge an affirmative vote for this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

This is the third time that Mr. Vroon is trying to do what he was unsuccessful in doing in the previous two amendments. We have provided in the bill that after they have met their contractual obligations, then they be permitted to sell that surplus gasoline to anyone who wanted to buy it. What Mr. Vroon is attempting to do with this amendment is try to restrict that, and I ask for a negative vote. He was unsuccessful in the two other attempts, and I think he should be unsuccessful in this attempt also. Thank you, Mr. Speaker.

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—8

Beloff	McVerry	Maiale	Pott
Brandt	Mackowski	Phillips	Vroon

NAYS—186

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

NOT VOTING—7

Armstrong	Cohen	Durham	Wiggins
Barber	DeWeese	Freind	

EXCUSED—2

Ryan Spitz

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

On the question recurring,

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

Mr. VROON offered the following amendment No. A3600:

Amend Bill (A3558), page 7, by inserting between lines 18 and 19

(e) Prices to be posted where no self-service offered.—If no self-service is offered, the price of full-service shall be posted in the manner provided for in this section.

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, this is something which should be dear to the hearts of everybody present here, as we have had legislation on this subject before, and I have been the author, or cosponsor at least, of legislation like this many times. Now we have requirements in this bill that prices should be posted, but we left out one area. We left out the area where the gas station has no self-service. Where a gas station has no self-service, I think that they, too, should post their prices visibly from the street.

I think this is a good amendment. I do not think anybody can go wrong by voting for this. This is truly a consumer-oriented amendment. I think all of us like to see what we are buying before we drive in. If I come up to a gas station and I do not see any self-service and I do not see any other prices either, I am going to go in there at my own risk, and who knows how much I am going to get soaked. I think this is a good requirement, and I ask you all to pass this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the Vroon amendment, the gentleman, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

After reading this amendment, I see that it does not do any violence to the amendment that is already in there, and therefore, I would ask for an affirmative vote. Thank you, Mr. Speaker.

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—192

Afflerbach	Evans	Linton	Reinard
Alderette	Fargo	Livengood	Richardson
Angstadt	Fattah	Lloyd	Rieger
Armstrong	Fee	Lucyk	Rudy
Arty	Fischer	McCall	Rybak
Baldwin	Flick	McClatchy	Saloom
Barber	Foster, W. W.	McHale	Salvatore
Battisto	Foster, Jr., A.	McIntyre	Saurman
Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	McVerry	Schuler
Beloff	Fryer	Mackowski	Semmel
Blaum	Gallagher	Madigan	Serafini
Book	Gallen	Maiale	Seventy
Bowser	Gamble	Manderino	Showers
Boyes	Gannon	Manmiller	Sirianni
Brandt	Geist	Markosek	Smith, B.
Broujos	George	Marmion	Smith, L. E.
Bunt	Gladeck	Mayernik	Snyder, D. W.
Burd	Godshall	Merry	Snyder, G. M.
Burns	Greenwood	Michlovic	Spencer
Caltagirone	Grieco	Micozzie	Stairs
Cappabianca	Gruitza	Miller	Steighner
Carn	Gruppo	Miscevich	Stevens
Cawley	Hagarty	Moehlmann	Stewart
Cessar	Haluska	Morris	Stuban
Cimini	Hasay	Mowery	Taylor, E. Z.
Civera	Hayes	Mrkoncic	Taylor, F. E.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tigue
Cohen	Hoefel	O'Brien	Trello

Colafella	Honaman	O'Donnell	Truman
Cole	Hutchinson	Olasz	Van Horne
Cordisco	Itkin	Oliver	Vroon
Cornell	Jackson	Perzel	Wambach
Coslett	Jarolin	Peterson	Wargo
Cowell	Johnson	Petrarca	Wass
Coy	Kasunic	Petrone	Weston
Deluca	Kennedy	Phillips	Williams
DeVerter	Klingaman	Piccola	Wilson
Daley	Kosinski	Pievsky	Wogan
Davies	Kowalyshyn	Pistella	Wozniak
Dawida	Kukovich	Pitts	Wright, D. R.
Deal	Lashinger	Pott	Wright, J. L.
Dietz	Laughlin	Pratt	Wright, R. C.
Dininni	Lehr	Preston	Zwinkl
Dombrowski	Lescovitz	Punt	
Donatucci	Letterman	Rappaport	Irvis,
Duffy	Levi	Reber	Speaker
Durham	Levin		

NAYS—4

Dorr	Noye	Robbins	Swift
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NOT VOTING—5

DeWeese	Sweet	Wachob	Wiggins
Harper			

EXCUSED—2

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

On the question recurring,

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

Mr. VROON offered the following amendments No. A3608:

Amend Bill (A3558), Table of Contents, page 1, by inserting between lines 25 and 26

9914-A. Wholesale distributors.

Amend Bill (A3558), Table of Contents, page 1, line 26, by striking out "9914-A" and inserting

9915-A

Amend Bill (A3558), Table of Contents, page 1, line 27, by striking out "9915-A" and inserting

9916-A

Amend Bill (A3558), Table of Contents, page 1, line 28, by striking out "9916-A" and inserting

9917-A

Amend Bill (A3558), page 7, by inserting between lines 54 and 55

§ 9914-A. Wholesale distributors.

Persons involved in the wholesale distribution of gasoline shall be subject to the provisions of this chapter.

Amend Bill (A3558), page 7, line 55, by striking out "9914-A" and inserting

9915-A

Amend Bill (A3558), page 8, line 2, by striking out "9915-A" and inserting

9916-A

Amend Bill (A3558), page 8, line 8, by striking out "9916-A" and inserting

9917-A

On the question,

Will the House agree to the amendments?



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

Mr. VROON. Mr. Speaker, this gets to the point of wholesale distributors. This is a point which is not covered under the bill, and if we are going to regulate the large oil companies, we should also regulate the wholesale distributors, because this is an open loophole, if you will. There can be a lot of games played between oil companies and distributors.

I think it will do justice to the bill; it will not do any harm at all if we make it mandatory to include wholesale distributors. There are a lot of games that can be played in that area. I urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

I am in opposition to this amendment, basically because the wholesale distributors and jobbers are not covered under the Taylor amendment that I inserted, and one of the reasons why we did not do that is because they are not the refineries; they are not the people who are the bankers, the landlords of these independent dealers, and therefore, they should be excluded. They are just independent businessmen. They are not in the process of refining. They do not have that clout in the marketplace. They should be excluded and have been, and through all of our deliberations there was never any intent to include the wholesale jobbers and distributors of this Commonwealth from day 1, even under pure divorcement. Thank you, Mr. Speaker. I ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, for some years and for the last number of legislative sessions, we have had retail divorcement in front of us, and that has always been the divorcement of those who produced gasoline and sold it to the general public from the retail market. There has never been an attempt to include the jobbers and the wholesalers who are all throughout our districts, and, I think, for good reason, Mr. Speaker. They have not committed the abuses, they have not tried to take over the marketplace like the large companies have, and I think that the Vroon amendment and the intent of this legislation should be to get at the large companies who are really putting on a stranglehold and eliminating some of the small businesspeople from the marketplace. The jobbers and the wholesalers have not been doing that, and I urge a negative vote on the Vroon amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the Vroon amendment, the gentleman, Mr. Vroon.

Mr. VROON. Mr. Speaker, I am very well aware of the fact that this has not been a problem in the past, but you are about to pass a law which is going to handcuff the major oil companies, and I say, if you do not have something like this, a safeguard like this, in this bill, watch out, because somebody is going to play games with it. This can mushroom into a fantas-

tic threat to the consumer and will do exactly what you do not want them to do. This is another avenue of approach, and I am just saying I am warning you, if you want to protect your consumer, you should put this in there.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the amendment, the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment, and the reason I oppose this amendment is I believe we are trying to solve a problem here with divorcement for the independent gas station operator, and if we do not get some solution here with this piece of legislation, I think the next move by the big oil companies is to get rid of the little wholesale jobber who is around there taking care of the oil customer and maybe the rural farmer out there and handling small amounts of gasoline. So I believe a negative vote here will help that little consumer out there a lot more than supporting the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for one question of interrogation?

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

Mr. DAVIES. Mr. Speaker, what games were you alluding to? Has this occurred in any of the two States, either Maryland or Connecticut, where they already have the divorcement? Would you just give me some kind of clarification on those games that you were referring to?

Mr. VROON. Mr. Speaker, what I am getting at is this: If you handcuff the major oil companies, you have a lot of enterprising people out there with a lot of bucks, and with the major oil companies on the ropes, some enterprising people are going to take their cue from this, and if you do not protect this, you may find the whole thing being repeated again, only under a different sign, the wholesale distributor. Okay; it has not happened yet, but you have not had this law yet either, and I am just warning you that this can happen, and watch out. There are enterprising people around who are ready to go tomorrow if they see something like this pass, and they are going to be wholly protected, and they can exploit the public just as much as you say the major oil companies do now.

Vote as you will. But I am warning you, this is a wide-open loophole, and I urge your positive vote. It will not weaken the bill one bit.

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—15

Beloff	Haluska	Rappaport	Tigue
Burns	Levi	Reinard	Vroon
Coslett	Mackowski	Saurman	Wright, J. L.
Dininni	Maiale	Schuler	

NAYS—182

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

NOT VOTING—4

DeWeese	Freind	Harper	Wright, R. C.
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EXCUSED—2

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

On the question recurring,

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

Mr. PETERSON offered the following amendments No. A3603:

Amend Bill (A3558), page 7, line 53 of (A3558), by striking out "and" and inserting a comma

Amend Bill (A3558), page 7, line 54 of (A3558), by removing the period after "Commission" and inserting  
and any Pennsylvania independent refinery whose daily capacity does not exceed 75,000 barrels.

On the question,

Will the House agree to the amendments?

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

Mr. PETERSON. Thank you, Mr. Speaker.

The amendment I am offering will add to the exclusion section. We presently are excluding truckstops, independent jobbers, farm cooperatives, and service plazas from the provisions of this bill. I am asking that my amendment will include Pennsylvania independent refineries whose daily capacity does not exceed 75,000 barrels.

The small Pennsylvania independent refineries have not been the cause of the problem that we are trying to address today, and they have had their own difficulties in trying to compete with the international oil companies and stay alive here and provide jobs within the Commonwealth of Pennsylvania. Presently, one of the larger ones—it is in my district—is in chapter 11. I would hope the members of this House will join me in giving them this exclusion so that we do not take the chance of doing anything to lose those precious jobs in the Commonwealth. I am sure the argument could be made that they are excluded in the 7-percent feature, but I would rather not gamble with that. I have no doubt in my mind that the major international oil companies will take that provision to court, and if they would be successful, this would be a double protection for our small, independent Pennsylvania refineries which have not been a part of the problem and would help preserve jobs within the Commonwealth.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, I am not exactly certain that this amendment is necessary, because under the provisions of the Taylor amendment, it protects those companies who have less than 7 percent of the market share. Also, I think the amendment goes a little bit too far, because the United Refinery, which is in Warren, only has a capacity for processing 60,000 barrels per day, and here we are trying to vote on an amendment that is allowing for 75,000 barrels. Also, at the United plant right now they are probably only producing at about 35,000 to 40,000 barrels per day.

I agree with Representative Peterson that we should be concerned about the small independent refineries, which we only happen to have a few of here that produce gasoline in Pennsylvania. I see nothing wrong with the amendment and urge an affirmative vote.

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—194

Afflerbach	Fargo	Livengood	Rieger
Alderette	Fattah	Lloyd	Robbins
Angstadt	Fee	Lucyk	Rudy
Armstrong	Fischer	McCall	Rybak
Arty	Flick	McClatchy	Saloom
Baldwin	Foster, W. W.	McHale	Salvatore

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

NAYS—5

Battisto	Cole	Maiale	Tigue
Caltagirone			

NOT VOTING—2

Gladeck	Wachob
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EXCUSED—2

Ryan	Spitz
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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. WILSON offered the following amendments No. A3578:

Amend Title, page 1, line 3, by inserting after "crossings;" further providing for speed timing devices;

Amend Sec. 1, page 1, line 8, by striking out "Section 3342" and inserting

Sections 3342 and 3368(c)

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

Amend Sec. 1, page 3, by inserting between lines 6 and 7 § 3368. Speed timing devices.

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(c) Mechanical, electrical and electronic devices authorized.—

(1) The rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device. No person may be convicted upon evidence obtained through the use of such devices unless the speed recorded is ten or more miles per hour in excess of the legal speed limit.

(2) Electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police. No person may be convicted upon evidence obtained through the use of such devices unless the speed recorded is [six] ten or more miles per hour in excess of the legal speed limit.

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On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Mr. Speaker, this amendment speaks to the timing or the conviction of a person violating the speed limit by the use of electronic device, and I am talking here of the type of device where they put two strips down on a roadway 6 feet apart, and you are going 26 miles an hour in a 25-mile zone and they give you a ticket. All we are saying in here is you have to be at the 10th mile over the limit to be convicted by the use of an electronic device. It does not prohibit the use of following for a quarter mile or timing for a quarter-mile distance, but simply using that short instant.

I have a case where they put these tapes on a downhill section of a 25-mile zone and they catch you at 26 and 27 miles an hour. I think this is not the intent of the law. We do not change the fines or any of that other stuff, just the method used by the police for conviction.

The SPEAKER. The Chair thanks the gentleman.

On the Wilson amendment, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, could we have the benefit of having a copy of that amendment?

The SPEAKER. The Chair apologizes. The Chair assumed that the amendment had been distributed. It has been distributed. Will one of the pages give the gentleman, Mr. Davies, a copy? Thank you.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—138

Angstadt	Evans	Levi	Pitts
Arty	Fargo	Levin	Pott
Baldwin	Fee	Linton	Preston
Barber	Fischer	Livengood	Punt
Beloff	Flick	Lueyk	Reinard
Book	Foster, W. W.	McCall	Richardson
Bowser	Freind	McClatchy	Rieger
Boyes	Fryer	McIntyre	Rybak
Brandt	Gallagher	McMonagle	Saloom
Bunt	Gallen	McVerry	Salvatore

Burd	Gamble	Mackowski	Semmel
Burns	Geist	Madigan	Serafini
Caltagirone	George	Maiale	Seventy
Carn	Gladeck	Markosek	Smith, B.
Cessar	Godshall	Marmion	Smith, L. E.
Cimini	Greenwood	Mayernik	Snyder, D. W.
Clark	Grieco	Merry	Spencer
Clymer	Gruppo	Michlovic	Stairs
Cohen	Haluska	Miller	Stevens
Colafella	Hasay	Miscevich	Stewart
Cole	Hayes	Moehlmann	Suban
Coslett	Herman	Morris	Taylor, E. Z.
Cowell	Hershey	Mowery	Taylor, F. E.
Coy	Honaman	Mrkonic	Telek
Deluca	Hutchinson	Murphy	Trello
DeVerter	Johnson	Nahill	Van Horne
Daley	Kasunic	Noye	Vroon
Dawida	Kennedy	O'Brien	Weston
Deal	Klingaman	Olasz	Wiggins
Dietz	Kowalyszyn	Oliver	Wilson
Dininni	Lashinger	Perzel	Wogan
Donatucci	Laughlin	Peterson	Wright, D. R.
Dorr	Lehr	Petrarca	Wright, J. L.
Duffy	Lescovitz	Petrone	Wright, R. C.
Durham	Letterman		

NAYS—62

Afflerbach	Fattah	Manmiller	Snyder, G. M.
Alderette	Foster, Jr., A.	Micozzie	Steighner
Armstrong	Freeman	Phillips	Sweet
Battisto	Gannon	Piccola	Swift
Belardi	Gruitza	Pievsky	Tigue
Belfanti	Hagarty	Pistella	Truman
Blaum	Harper	Pratt	Wachob
Broujos	Hoeffel	Rappaport	Wambach
Cappabianca	Itkin	Reber	Wargo
Cawley	Jackson	Robbins	Wass
Civera	Jarolin	Rudy	Williams
Cordisco	Kosinski	Saurman	Wozniak
Cornell	Kukovich	Scheetz	Zwinkl
DeWeese	Lloyd	Schuler	
Davies	McHale	Showers	Irvis,
Dombrowski	Manderino	Sirianni	Speaker

NOT VOTING—1

O'Donnell

EXCUSED—2

Ryan Spitz

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

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, who, the Chair puts into the record, was very courteous yesterday in withdrawing his amendment so that the House might finish its job, and incidentally, the House did not, so the Chair has encouraged him to offer his amendment.

On the question recurring,

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.

When I drew my amendment to this bill, I thought the vehicle was a simple little six-cylinder family automobile. I did not realize I was getting aboard a racing Ferrari.

My amendment deals with a problem relating to motor vehicle sales tax. The fact is that the taxpayers of this Commonwealth are being asked to pay more sales tax than they should be paying upon certain transactions, because the department takes the rigid and unyielding position on the so-called red book value of vehicles. In short, they do not necessarily pay attention to what you have paid for the vehicle, but they may ask you to pay sales tax based upon what the red book arbitrarily says the vehicle might be worth. If you avoid paying the additional tax at all, it is only through a paper chase involving notarized statements from dealers, notarized bills of sales, et cetera.

What I am asking is that in conformance with the sales tax law, the department will not issue a title for the vehicle in question, but they shall issue the registration. They may, if they wish, hold the title until such time as the matter is settled, but no longer will they turn people away and send them back to Pittsburgh or Erie just because they do not happen to meet with someone's exalted view of what a vehicle is worth.

I would ask for an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, it is absolutely impossible to hear Mr. Foster. I will just ask him a quick question.

As I understand—I think I understand—you said that the amendment does this—I do not have a copy incidentally, but

that does not matter. The amendment says that if the sales tax is not paid by the dealer with the money given to him for that purpose by the purchaser, the registration will be issued but not the title certificate. Is that correct?

Mr. A. C. FOSTER. No. Mr. Speaker, I am not dealing with the question of dealers and remission of sales tax. I am dealing strictly with the question of individuals who purchase a vehicle for a given price and then are suddenly informed by PennDOT, hey, the red book says this vehicle ought to be more valuable than this; you will have to pay based on the red book value. It does not have anything to do with the remission of sales tax by dealers.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

I rise to support this amendment. I believe it is a good amendment, and it will save a lot of problems for a lot of people who stand at the window at PennDOT and realize what this problem is. It also gives PennDOT the right to hold the title, and if they want to check on it or send a State policeman out there or get some verification by notarization, they are still able to do this. But to hold some poor innocent person out there without being able to use their automobile, I do not think that is right.

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

Alderette	Evans	Livengood	Robbins
Angstadt	Fargo	Lucyk	Rudy
Armstrong	Fattah	McCall	Rybak
Arty	Fee	McClatchy	Saloom
Baldwin	Fischer	McHale	Salvatore
Barber	Flick	McIntyre	Saurman
Battisto	Foster, W. W.	McMonagle	Scheetz
Belardi	Foster, Jr., A.	McVerry	Schuler
Belfanti	Freeman	Mackowski	Semmel
Beloff	Freind	Madigan	Serafini
Blaum	Fryer	Maiale	Seventy
Book	Gallagher	Manderino	Showers
Bowser	Gallen	Manmiller	Sirianni
Boyes	Gamble	Markosek	Smith, B.
Brandt	Gannon	Marmion	Smith, L. E.
Broujos	Geist	Mayernik	Snyder, D. W.
Bunt	George	Merry	Snyder, G. M.
Burd	Gladeck	Michlovic	Spencer
Burns	Godshall	Micozzie	Stairs
Caltagirone	Greenwood	Miller	Steighner
Cappabianca	Grieco	Miscevich	Stevens
Carn	Gruitza	Moehlmann	Stewart
Cawley	Gruppo	Morris	Stuban
Cessar	Hagarty	Mowery	Sweet
Cimini	Haluska	Mrkonic	Swift
Civera	Harper	Murphy	Taylor, E. Z.
Clark	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Cohen	Herman	O'Brien	Trello
Colafella	Hershey	O'Donnell	Truman
Cole	Hoeffel	Olasz	Van Horne
Cordisco	Honaman	Oliver	Vroon
Cornell	Hutchinson	Perzel	Wachob
Coslett	Itkin	Peterson	Wambach
Cowell	Jackson	Petrarca	Wargo

Coy	Jarolin	Petrone	Wass
Deluca	Johnson	Phillips	Weston
DeVerte	Kasunic	Piccola	Wiggins
DeWeese	Kennedy	Pievsky	Williams
Daley	Klingaman	Pistella	Wilson
Davies	Kosinski	Pitts	Wogan
Dawida	Kowalshyn	Pott	Wozniak
Deal	Kukovich	Preston	Wright, D. R.
Dietz	Lashingier	Punt	Wright, J. L.
Dininni	Lehr	Rappaport	Wright, R. C.
Dombrowski	Lescovitz	Reber	Zwikl
Donatucci	Letterman	Reinard	
Dorr	Levi	Richardson	Irvis,
Duffy	Levin	Rieger	Speaker
Durham	Linton		

NAYS—3

Afflerbach	Lloyd	Tigue
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NOT VOTING—2

Laughlin	Pratt
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EXCUSED—2

Ryan	Spitz
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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?

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

Mr. DORR. Mr. Speaker, I am not anxious to delay this bill. I have an amendment in preparation at the now infamous Legislative Reference Bureau which was started at 10 o'clock this morning and which came down a while ago incorrectly prepared. I sent it back, but it is not down here yet.

The SPEAKER. The Chair apologizes to the gentleman. The Chair was not advised of this amendment at all. Is the gentleman insisting on his amendment at this time?

Mr. DORR. No, Mr. Speaker, but I would like to make a brief remark, if I may, concerning it.

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

Mr. DORR. The amendment would have dealt with a problem that I think all of us would be in sympathy with. Many of our small jobbers and distributors across the Commonwealth are being acquired slowly but surely by manufacturers that they have been dealing with for years. Most of those, in fact, are not over-7-percent marketholders. The amendment would have exempted the rent provisions of this bill from applying to the under-7-percent manufacturers and refiners, because the people whom we are dealing with out there on the wholesaler and jobber basis generally have two or three gasoline stations that they lease to dealers. They have long-established, more or less family-type relationships with them in connection with the leasing arrangements, and I do

not think we want to subject them to the kind of red tape that is involved in the leasing provisions of this bill. It would have exempted them.

I appreciate the remarks of the chief proponents of the legislation, who indicate that they will address the problem should the bill reach conference committee level, but I just wanted to make the members aware of that problem so that they can perhaps urge that to take place and be in touch with their local jobbers and distributors to see if it might be a problem for them, too. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—119

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

NAYS—81

Armstrong	Fargo	McVerry	Reinard
Arty	Fattah	Mackowski	Richardson
Barber	Fischer	Madigan	Robbins
Beloff	Flick	Maiale	Rudy
Blaum	Freind	Marmion	Salvatore
Bowser	Gallen	Merry	Schuler
Brandt	Greenwood	Miller	Showers
Burd	Grieco	Mowery	Sirianni
Burns	Herman	Nahill	Smith, L. E.
Carn	Hershey	Noye	Spencer
Cimini	Honaman	O'Brien	Stairs
Coslett	Kennedy	Oliver	Stewart
Coy	Klingaman	Perzel	Taylor, E. Z.
DeVerter	Lehr	Peterson	Truman
Davies	Letterman	Phillips	Vroon
Deal	Levi	Piccola	Wambach
Dietz	Levin	Pitts	Wiggins
Dininni	Linton	Pott	Williams
Dorr	Lloyd	Punt	Wogan
Durham	Lucy	Rappaport	Wright, J. I.
Evans			

NOT VOTING—1

Cole

EXCUSED—2

Ryan Spitz

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

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

BILLS REREPORTED FROM COMMITTEE

**HB 1391, PN 1677** By Rep. PIEVSKY

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.

APPROPRIATIONS.

**HB 1454, PN 2079 (Amended)**

By Rep. PIEVSKY

An Act providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties.

APPROPRIATIONS.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**HB 126, PN 140** By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for ice grips and tire studs.

TRANSPORTATION.

**HB 535, PN 2075 (Amended)**

By Rep. COHEN

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties," providing for inclusion of special police officers along with fire police or auxiliary personnel.

LABOR RELATIONS.

**HB 1209, PN 2080 (Amended)**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for parking for handicapped persons; further providing for the use of hearing impairment devices; providing for inspection of motorcycles; and adding provisions relating to motorcycle safety.

TRANSPORTATION.

**HB 1288, PN 1519**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exceptions to assessment of points.

## TRANSPORTATION.

**HB 1578, PN 1958**

By Rep. COHEN

An Act requiring a day of rest and for absences on religious holidays.

## LABOR RELATIONS.

**HB 1629, PN 2076 (Amended)**

By Rep. PIEVSKY

A Supplement to the act of (P. L. , No. ), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing public improvement, furniture and equipment and transportation assistance projects to be constructed or acquired by the Department of General Services or the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services or the Department of Transportation; stating the estimated useful life of the projects; and making an appropriation.

## APPROPRIATIONS.

**HB 1630, PN 2077 (Amended)**

By Rep. PIEVSKY

A Supplement to the act of (P. L. , No. ), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing highway safety and improvement projects to be constructed by the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors or the utilization of current funds for the purpose of financing the projects to be constructed by the Department of Transportation; stating the estimated useful life of the projects; and making an appropriation.

## APPROPRIATIONS.

**HB 1631, PN 2078 (Amended)**

By Rep. PIEVSKY

An Act amending the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," approved December 8, 1982 (P. L. 848, No. 235), adding a State bridge project in Montgomery County and Luzerne County and local bridge projects in Bucks County.

## APPROPRIATIONS.

**SENATE MESSAGE**

AMENDED HOUSE BILLS  
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 6, PN 2056**; and **HB 501, PN 2055**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**DEMOCRATIC CAUCUS**

The SPEAKER. It will be necessary for both parties to caucus. The Chair recognizes, on that question, the majority leader.

Mr. MANDERINO. Mr. Speaker, the Senate this afternoon passed a prescription drug program and placed the same into HB 6. It is my understanding that both caucuses have

been given the contents of the prescription drug program. The staffs have worked on analyses, and I think that we ought to go to caucus and return to the floor to deal with that particular bill, which will be on a supplemental calendar. I would expect that we would be able to conclude our business on prescription drugs in the caucus, Mr. Speaker, by 4 o'clock.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

We are prepared to meet as a Republican Caucus, and an analysis has been written on HB 6, as amended by the Senate. It does pertain to a prescription drug program for senior citizens, and I see no reason why we cannot return to the floor of the House by 4 o'clock. I would ask all Republicans to go to caucus immediately. Thank you, Mr. Speaker.

**BILL ON FINAL PASSAGE POSTPONED**

The House proceeded to **HB 1469, PN 1939**, on final passage postponed, 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 recurring,

Shall the bill pass finally?

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1469, PN 1939, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**RECESS**

The SPEAKER. This House stands in recess until 4 p.m.

**RECESS EXTENDED**

The time of recess was extended until 4:15 p.m.; further extended until 4:30 p.m.; further extended until 4:45 p.m.; further extended until 5 p.m.; further extended until 5:15 p.m.; further extended until 5:30 p.m.

**AFTER RECESS**

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

**SENATE MESSAGE****HOUSE BILL  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 96, PN 1688**, with information that the Senate has passed the same without amendment.

**SENATE MESSAGE****HOUSE AMENDMENTS  
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 206, PN 1238**, and has appointed Senators LOEPER, FISHER and O'PAKE a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

**BILLS SIGNED BY SPEAKER**

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

**HB 96, PN 1688**

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a tract of land in Lower Yoder Township, Cambria County, acquired pursuant to the Project 70 Land Acquisition and Borrowing Act, in exchange for another tract located in the same township.

**SB 632, PN 1400**

An Act amending the act of August 31, 1955 (P. L. 531, No. 131), entitled "Pennsylvania Athletic Code," regulating kick boxing; further regulating amateur boxing; establishing a State boxing register; providing for medical training seminars; requiring certain emergency medical equipment to be at situs of certain events; further providing for suspension; further defining referee's role in boxing contest; prohibiting tough guy contests or battle of the brawlers contests; and providing a penalty.

**WELCOME**

The SPEAKER. The Chair is delighted to welcome to the hall of the House John Longmore of Pittsburgh, who is here as the guest of Representative Pistella.

**SUPPLEMENTAL CALENDAR A****BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 6, PN 2056**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act establishing a program of limited pharmaceutical assistance for the elderly; granting powers to and imposing duties on the Department of Aging; establishing a payment system; making provisions for funding; providing for reports; and fixing penalties for violations of the pharmaceutical assistance program.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I request that this House concur in the amendments inserted in HB 6 by the Senate.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I support the gentleman's motion to concur.

**MOTION TO SUSPEND RULES**

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a motion to suspend the rules in order to amend the bill and put in an amendment that would raise the copay to \$5 and raise the income eligibility from \$12,000 to \$15,000, which the House overwhelmingly passed a couple of weeks ago.

The SPEAKER. The gentleman, Mr. Murphy, has moved for a suspension of the rules of the House.

On the question,

Will the House agree to the motion?

The SPEAKER. The question is on the motion. Suspension is not debatable.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I understand that under the rules of the House and the precedence of the House, a comment on the rules suspension may be made by the respective floor leaders.

The SPEAKER. That is correct. No one else may, but the floor leaders are privileged.

Mr. MANDERINO. Mr. Speaker, I ask that a negative vote be cast on the suspension of the rules. I do not think there is a question that the majority of this House is in favor of the amendment that might be offered if the rules were suspended. I have problems with what would occur if the rules were suspended and the amendment inserted in the bill. I can envision that the matter would then be subject to further suspensions and further amendments, and we would be back in the battle again on what is a proper program, whether it is the program that is before us, whether it is a reimbursement program, whether we should have copay, whether we should have percentage copay. Mr. Speaker, once the rules are suspended, I have no idea, if we insert the amendment, what will happen when it gets to the Senate. Because of all of those uncertainties, Mr. Speaker, I ask that we deal with the bill that is before us without taking the unusual action of suspending the rules. Thank you, Mr. Speaker.



The SPEAKER. The Chair thanks the majority leader.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I support the majority leader in his comments. I think if you were to summarize what he said, this would be the result: If we begin suspending rules tonight, we will surely do but one thing, and that is to delay enactment of this legislation. I oppose the gentleman's motion to suspend rules. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRIES

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Cowell, rise?

Mr. COWELL. Point of parliamentary inquiry.

The SPEAKER. What is the gentleman's point?

Mr. COWELL. Mr. Speaker, I understand that the rules permit only the majority and minority leaders to speak on motions to suspend the rules.

The SPEAKER. That is correct.

Mr. COWELL. There are probably a number of members who feel the odds are a bit stacked against them on this particular issue, rank-and-file members. Would it be in order to make a motion to suspend that rule which provides that only the respective floor leaders can address this type of issue?

The SPEAKER. It is the opinion of the Chair that Mr. Murphy's motion and the one proposed by Mr. Cowell are both motions to suspend the rules. We already have a motion to suspend the rules. If Mr. Cowell's motion were placed, he would be under the same provision of the rules which have not yet been suspended, that it could not be debated by anyone except minority and majority leader. That is a ridiculous position for us to be in, so the Chair will not accept the motion.

Mr. COWELL. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. State the point.

Mr. COWELL. It was my understanding that Mr. Murphy made a motion to suspend a specific rule. It is my understanding that from time to time this chamber chooses to suspend a specific rule in contrast to suspending all the rules. Is that correct?

The SPEAKER. That is correct. But the gentleman, Mr. Murphy, did not specify which rule was to be suspended. Even if he had, even if he had, the rules of the House would still be invoked until that rule is suspended, in which case you still could not debate Mr. Murphy's motion.

Now please, you will have an opportunity, all of you, to make your arguments on the floor. Let us get the procedural argument out of the way. If you disagree with the majority leader and the minority whip, you can do so on your vote. It is that simple.

Mr. COWELL. Mr. Speaker, further parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. COWELL. Earlier in today's session, there was a motion made and approved by this House to suspend all of the rules of the House.

The SPEAKER. That is correct.

Mr. COWELL. At what point during the process today did that decision become rescinded?

The SPEAKER. It was automatically rescinded when the business which caused the suspension of the rules had been taken care of by the House, which did occur.

Mr. COWELL. Mr. Speaker, one further point of parliamentary inquiry, if I may?

The SPEAKER. You may.

Mr. COWELL. Could the Chair cite that specific rule which prohibits other members from addressing the issue of suspension of the rules?

The SPEAKER. It will take the Chair approximately 3 hours to look that up. After that time, the Chair will be ready to give you an opinion.

Mr. COWELL. Mr. Speaker, there is a question in my mind whether there is such a rule. That is why I was wondering if—

The SPEAKER. The gentleman is an honest gentleman and there may indeed be a question, but it is the opinion of the Chair there is such a rule. If the Chair is in error, it will apologize.

Mr. COWELL. Mr. Speaker?

The SPEAKER. Are we going to continue to match wits about this or are we going to get about the business of the House?

Mr. COWELL. Mr. Speaker, as very much tempted as I am to appeal that particular ruling since you cannot cite a particular rule, I will not give you that discourtesy at this point.

The SPEAKER. That is very kind of the gentleman.

Now, if you will extend the courtesy of allowing the Speaker to continue, the Speaker would like to do so.

Mr. COWELL. Mr. Speaker, I would in return like the courtesy of finishing my question.

I would ask that the Speaker respond to my request for a citation of that particular rule at the earliest time possible, because that issue may come up in the future.

The SPEAKER. The Speaker is promised that it would take approximately 3 hours to check it. He will have it checked, and then he will give you a written report on the rule.

Mr. COWELL. That will be fine, Mr. Speaker.

I think the point has been made about how some members feel about their inability to speak on this particular issue, and they shall have their opportunity to reflect their opinion in their votes. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman for his courtesy.

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

The following roll call was recorded:

YEAS—80

Angstadt	Dawida	Laughlin	Petrone
Arty	Deal	Lescovitz	Pistella
Baldwin	Duffy	Letterman	Pott
Barber	Durham	Levin	Preston
Belardi	Evans	Linton	Richardson
Belfanti	Fattah	Livengood	Serafini
Beloff	Fischer	Lucyk	Seventy
Blaum	Freeman	McHale	Snyder, D. W.
Boyes	Fryer	McVerry	Steighner
Burd	Gamble	Manmiller	Sweet
Burns	Gannon	Markosek	Tigue
Caltagirone	Greenwood	Marmion	Trello
Cappabianca	Harper	Mayermik	Truman
Cawley	Hoeffel	Michlovic	Van Horne
Clark	Itkin	Miscevich	Wambach
Cohen	Jarolin	Mrkonic	Wiggins
Cordisco	Johnson	Murphy	Williams
Cowell	Kosinski	Olasz	Wilson
Deluca	Kukovich	Oliver	Wogan
DeWeese	Lashinger	Petrarca	Wright, J. L.

NAYS—117

Afflerbach	Freind	Madigan	Scheetz
Alderette	Gallagher	Maiale	Schuler
Armstrong	Gallen	Manderino	Semmel
Battisto	Geist	Merry	Showers
Book	George	Micozzie	Sirianni
Bowser	Gladeck	Miller	Smith, B.
Brandt	Godshall	Moehlmann	Smith, L. E.
Broujos	Grieco	Morris	Snyder, G. M.
Bunt	Gruitza	Mowery	Spencer
Cessar	Gruppo	Nahill	Stairs
Cimini	Hagarty	Noye	Stevens
Civera	Haluska	O'Brien	Stewart
Clymer	Hasay	O'Donnell	Stuban
Colafella	Hayes	Perzel	Swift
Cole	Herman	Peterson	Taylor, E. Z.
Cornell	Hershey	Phillips	Taylor, F. E.
Coslett	Honaman	Piccola	Telek
Coy	Jackson	Pievsky	Vroon
DeVerter	Kasunic	Pitts	Wachob
Daley	Kennedy	Punt	Wargo
Davies	Klingaman	Rappaport	Wass
Dietz	Kowalyshyn	Reber	Weston
Dombrowski	Lehr	Reinard	Wozniak
Donatucci	Levi	Rieger	Wright, D. R.
Dorr	Lloyd	Robbins	Wright, R. C.
Fargo	McCall	Rudy	Zwikel
Fee	McClatchy	Rybak	
Flick	McIntyre	Saloom	Irvis,
Foster, W. W.	McMonagle	Salvatore	Speaker
Foster, Jr., A.	Mackowski	Saurman	

NOT VOTING—4

Carn	Dininni	Hutchinson	Pratt
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EXCUSED—2

Ryan	Spitz
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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 concur in Senate amendments?

STATEMENT BY MR. GAMBLE

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Gamble, rise?

Mr. GAMBLE. I would like to make a statement, Mr. Speaker, and then a motion.

The SPEAKER. There is nothing before the House except the motion of the majority leader.

Mr. GAMBLE. Okay.

The SPEAKER. Does the gentleman's motion supersede that?

Mr. GAMBLE. I would like to have unanimous consent, Mr. Speaker, to make a short statement and then a motion.

The SPEAKER. Is unanimous consent granted? Is there an objection?

There is no objection? Unanimous consent is granted. The gentleman may make the statement.

Mr. GAMBLE. Mr. Speaker, there is confusion, there is division, and I see no need to rush the judgment this evening. There are a lot of different opinions on how to achieve what we want to achieve for the senior citizens.

MOTION TO ADJOURN

Mr. GAMBLE. I would like to make a motion that we adjourn and take this up when we come back in 2 weeks.

The SPEAKER. The gentleman's motion is in order. The adjournment motion is always in order and supersedes all else.

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

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. What is the gentleman's parliamentary inquiry?

Mr. DAVIES. May that motion to adjourn be amended?

The SPEAKER. The Chair is unable to discern whether you may or not, and it will take approximately 2 hours for the Chair to decide that, in which case the Chair will give you a written response.

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

The following roll call was recorded:

YEAS—27

Barber	Evans	McVerry	Pott
Beloff	Foster, Jr., A.	Marmion	Richardson
Boyes	Freind	Michlovic	Snyder, D. W.
Civera	Fryer	Micozzie	Van Horne
Dawida	Gamble	Murphy	Wiggins
Deal	Gannon	Petrarca	Wilson
Duffy	Hutchinson	Pitts	

NAYS—168

Afflerbach	Fargo	Lloyd	Rybak
Alderette	Fattah	Lucyk	Saloom
Angstadt	Fee	McCall	Salvatore
Armstrong	Fischer	McClatchy	Saurman
Arty	Flick	McHale	Scheetz
Baldwin	Foster, W. W.	McIntyre	Schuler
Battisto	Freeman	McMonagle	Semmel

Belardi	Gallagher	Mackowski	Serafini
Belfanti	Gallen	Madigan	Seventy
Blaum	Geist	Maiale	Showers
Book	George	Manderino	Sirianni
Bowser	Gladeck	Manmiller	Smith, B.
Brandt	Godshall	Markosek	Smith, L. E.
Broujos	Greenwood	Merry	Snyder, G. M.
Bunt	Grieco	Miller	Spencer
Burd	Gruitza	Miscevich	Stairs
Burns	Gruppo	Moehlmann	Steighner
Caltagirone	Hagarty	Morris	Stevens
Cappabianca	Haluska	Mowery	Stewart
Cawley	Hasay	Mrkonic	Stuban
Cessar	Hayes	Nahill	Sweet
Cimini	Herman	Noye	Swift
Clark	Hershey	O'Brien	Taylor, E. Z.
Clymer	Hoefel	O'Donnell	Taylor, F. E.
Cohen	Honaman	Olasz	Telek
Colafella	Itkin	Oliver	Tigue
Cole	Jackson	Perzel	Trello
Cordisco	Jarolin	Peterson	Vroon
Cornell	Johnson	Petrone	Wachob
Coslett	Kasunic	Phillips	Wambach
Cowell	Kennedy	Piccola	Wargo
Coy	Klingaman	Pievsky	Wass
DeLuca	Kosinski	Pistella	Weston
DeVertter	Kowalshyn	Pratt	Wogan
DeWeese	Kukovich	Preston	Wozniak
Daley	Lashingner	Punt	Wright, D. R.
Davies	Laughlin	Rappaport	Wright, J. L.
Dietz	Lehr	Reber	Wright, R. C.
Diminni	Lescovitz	Reinard	Zwilk
Dombrowski	Levi	Rieger	
Donatucci	Levin	Robbins	Irvis,
Dorr	Linton	Rudy	Speaker
Durham	Livengood		

## NOT VOTING—6

Carn	Letterman	Truman	Williams
Harper	Mayernik		

## EXCUSED—2

Ryan Spitz

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

## CONSIDERATION OF HB 6 CONTINUED

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

The SPEAKER. Is the gentleman, Mr. DeLuca, seeking—  
The motion before the House is not debatable, Mr. DeLuca.

Mr. LAUGHLIN. Mr. Speaker, the motion before the House is debatable.

The SPEAKER. Mr. DeLuca is being recognized, not Mr. Laughlin.

Mr. LAUGHLIN. Well, Mr. Speaker, you made a misstatement, and I would not want that to stand.

The SPEAKER. That is very kind of you, Mr. Laughlin. It exhibits your general kindness toward the Speaker.

## MOTION TO ADJOURN

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

Mr. DeLUCA. I do not know if I am in order or not, but I would like to make a motion to adjourn until tomorrow at 10 o'clock.

The SPEAKER. The Chair rules that that is a dilatory motion and does not accept it.

## RULING OF CHAIR APPEALED

Mr. DeLUCA. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER. Fine. In that case, we will ask Mr. Laughlin to preside.

The gentleman, Mr. DeLuca, has challenged the ruling of the Chair that his motion immediately following a motion which failed to adjourn but which merely inserted "until tomorrow at 10 o'clock" is dilatory. The Chair has ruled that it is dilatory.

On the question,  
Will the House sustain the ruling of the Chair?

## APPEAL WITHDRAWN

Mr. DeLUCA. Mr. Speaker, I withdraw the appeal.

## CONSIDERATION OF HB 6 CONTINUED

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

The SPEAKER. The Chair recognizes the gentleman who would have been the pro tempore Speaker, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I admire the Representative for withdrawing that, because he would have certainly known the House was not in good hands.

But, Mr. Speaker, I do request an opportunity to address the concurrence motion on the fact that the Senate did make a number of changes within the structure of the bill, and I believe it is in order always to debate any change that was made in the structure of the bill with regard to a concurrence amendment.

The SPEAKER. The Chair has already ruled, Mr. Laughlin, that the only people who may debate this are the majority— No; I am sorry. The Chair is wrong. The Chair is wrong. I am sorry.

The question recurs as to whether or not the House will adopt or reject the Senate amendments. The gentleman, Mr. Laughlin, is correct, and the Chair is wrong. On that question, all members, each and every separate one, ad seriatim and almost into infinity, may address this question. All of you who are boiling over with these things which must be said, this is the opportunity.

The Chair recognizes, on the question, the majority leader.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, the bill before us, as Mr. Laughlin has indicated, has a number of features that are different than the bill that passed the House of Representatives. In the main, it is my opinion that the bill, however, does track HB 1301, which was sponsored by Representative Barber, and in the main, the bill

that passed this House is before us today in a different form, in a different vehicle, but incorporates a senior citizens paid prescription program with a \$4 copay.

Mr. Speaker, the income limits, which seem to be causing the consternation of many members of this side of the aisle and perhaps some members on the other side of the aisle—I am not sure—were indeed changed by the Senate. The Senate changed the \$12,000 eligibility limit for single persons and \$15,000 for a couple that was in the bill that left the House and changed it to \$9,000 per single individual and \$12,000 per couple.

Mr. Speaker, the bill that left the House I think was a bill that the Lottery Fund could afford. I indicated that on the floor of the House in the debate of that measure, and I indicated that I thought that down the line, though the projections that were before us by the statisticians indicated that some 3 or 4 years down the line there would be financial problems in the Lottery Fund given the revenue that had been estimated, I at that time indicated that I thought we had always estimated revenues conservatively and estimated expenditures liberally. It is my honest belief that a \$12,000 and \$15,000 eligibility limit could be sustained by the Lottery Fund, especially looking down the line and knowing that we will not be playing Lotto in the Commonwealth for the same 50 cents forever. I am sure that that is going to bring additional revenue, and all the other games and lotteries that are run by the commission will likewise be increased in revenues by the increase in the purchase price of the tickets.

Mr. Speaker, but immediately upon passage of HB 1301 the Governor of this Commonwealth saw fit to call the House big spenders, although I think that bill passed 198 to 0. We were called big spenders, and he insisted that no program of paid prescriptions would be signed by him unless the income levels were at \$7,000 per individual and \$9,000 per couple.

Perhaps the Governor was leaving room in lottery revenues so that he could continue the raids that he has made on the Lottery Fund every year since he has been in office. He has raided the Lottery Fund for administrative costs for the Department of Aging, for hospital costs that used to be paid by the General Fund, and for a number of other things in the administration of the Lottery Fund. He has seen fit to borrow from the Lottery Fund without the permission of the General Assembly to pay the general expenses of the government of this Commonwealth and not to promptly pay the money back or pay the proper interest to the Lottery Fund.

Mr. Speaker, it is my belief that his scare tactics on big spending have caused the Senate to pass a piece of legislation with lower income limits than were in the bill that passed the House. The Governor of this Commonwealth will have to answer, I believe, to those people, those 150,000 people who are in the category from \$12,000 to \$15,000, especially when he continues, as I am sure he will, to find ways to spend the senior citizens' lottery money on items that ought to be paid for and have heretofore in the past been paid for by the General Fund.

Mr. Speaker, I am not happy with the piece of legislation that is before us today because of the income limits. I am also not happy with the constraints put on the Lottery Fund of \$300 million for the paid prescription program in a 3-year period. Mr. Speaker, this again can be laid at the Governor's doorstep.

I firmly believe, Mr. Speaker, if the Governor had sat down and reviewed the debate in the House and the history of the lottery programs that we have started and the projections that had been made on those programs, he would have been convinced as we are still convinced that the Lottery Fund 3 years down the line and even now would have been able to afford a continuous program for the senior citizens in the \$12,000 to \$15,000 limit. We will continue, Mr. Speaker, so far as this side of the aisle is concerned, to push for that kind of a program.

Mr. Speaker, though I have made these statements, I have also conferred with the leaders in the Senate, and I have conferred with the individuals who championed the cause of the senior citizens in the Senate to get a paid prescription program that was copay in contrast to what the Governor has been pushing, a reimbursement program. I have spoken to them and I am assured by them and I am convinced in my own mind that the bill that is before us is about the best we are going to be able to do at this particular time in the Senate of Pennsylvania. For all of those reasons, Mr. Speaker, I am urging concurrence, although I, like many others, am not happy with the bill. To take any other action, whether it be suspending the rules to allow amendments, whether it be non-concurrence and sending the bill to conference at this time, would, I think, jeopardize what we have gained for the senior citizens in this bill.

We have been talking about a paid prescription program for senior citizens for the last 8 years at least in the Assembly, and finally we have a bill today that we can vote in the affirmative on that is, I think, 80 percent of the loaf. I think that we can continue to work to improve what we have, to expand the eligibility, to look at the copay to see whether there is a better way to do it. All of the suggestions that have been made by many of the members I think we ought to continue to pursue, but I also think it would be folly to let this matter fall back to a conference committee by a negative vote on concurrence in Senate amendments, because the leadership in the other body that will control the conference committee has and continues to put forth as their proposition for senior citizens a reimbursement program that does not track what we passed here in the House, does not come close to what the senior citizens testified that they wanted. I urge an affirmative vote on what is before us today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I am really appalled at what the Senate sent over to us. The Health and Welfare Committee and the Finance Committee reached out and touched every senior citizens group in this State to find out exactly how they

felt about the surplus money that they feel belongs to them. It was almost unanimous all over this great State exactly what they wanted, and in no uncertain terms they mentioned \$12,000 and \$15,000 income to qualify for the program.

The Senate never went out into each corner of our State to determine what is to happen, and now I am appalled at their figures. They say we have to be fiscally responsible. They call us big spenders. Well, you know, they can have it add up to anything they want. The House Finance Committee and the House Health and Welfare Committee figure that 80 percent participation is involved as far as tax and rent rebates are concerned, and we felt that 80 percent would participate in the prescription program also. So to make themselves not big spenders, what they have done is they figured 60 percent participation to go over the \$100-million guideline. Well, in fact, this is not going to cost \$300 million in 3 years; it is going to cost \$356 million in 3 years, simply because they lowered the percentage from 80 percent to 60 percent.

I do not know of anybody in this room who is going to vote against this, but if they are calling us big spenders and they say they are not big spenders just by making the figures exactly what they want to make them to have them come out to \$300 million, then they are in for a big surprise.

That is all I have to say, Mr. Speaker. I am very, very sorry that we could not suspend the rules to do what should be done for our senior citizens in the State of Pennsylvania. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, Representative Manderino has already indicated that the most substantial change in the report that we have received back from the Senate, as compared to what we passed in the House unanimously, is that change in the eligibility ceilings from \$12,000 and \$15,000 caps to \$9,000 and \$12,000. That is a rough number, and I guess people can guess at the significance. What we ought to keep in mind is, what we do by accepting the Senate version is to tell approximately 150,000 seniors in Pennsylvania who happen to fall in that other category—somewhere between the \$9,000 and the \$12,000 as individuals and the \$12,000 and the \$15,000 as couples—we tell 150,000 of them that they are again, once again, going to get nothing from this program that was established to provide benefits to senior citizens.

What we in this House are being asked to do—I believe it was 198 members who unanimously voted in favor of the \$12,000 and \$15,000 ceilings and then went back to our legislative districts and said, we fought for that and we accomplished that and there was unanimity in the House of Representatives on that issue—we are forced to go back to those folks and say, we have been forced; we have been intimidated—whatever characterization we use—we have been made to change our minds; we have been made to tell 150,000 of you that you are going to get nothing out of this program from which you were led to believe you would receive something just a couple weeks ago.

I think we are telling that same group of people, too, who already are ineligible for any help under the property tax and rent rebate program that you are going to get nothing. That is not just everybody above \$15,000 but that 150,000 folks who felt that they were going to get something out of this new program, something at last from the lottery program. Once again this program that was to provide benefits to senior citizens is going to be more selective than we originally wished to have it and more selective than many of us believe it need be because of the version the Senate has sent back to us, this version that we probably will approve this evening.

I think we need to keep in mind also that the philosophy of Governor Thornburgh, as he expressed it in reaction to the bill we passed, was that even this \$9,000 and \$12,000 figure is too liberal. The Governor in his remarks favored \$7,000 and \$9,000. I think folks who are going to wonder why they do not get anything out of their senior citizens benefit program ought to keep that in mind, too, because that obviously has been part of the pressure that the Senate felt and part of the pressure that we are feeling this evening as we consider this issue.

The question again occurs whether or not there are sufficient dollars available to provide for that more liberal ceiling level. I think we need to keep in mind what is happening with some of the senior citizen money this year. For I believe it is the second or third year, we are spending about \$16 million to finance the area agencies on aging, programs that have existed for many, many years, programs that before 2 or 3 years ago were never financed with lottery programs. But instead, this administration and a majority of legislators at that time felt it desirable or necessary to not supplement benefits for senior citizens, not supplement the State dollars that were being spent out of our general revenues to finance the Triple A's, but instead saw fit to supplant those State revenue dollars needlessly using every year now \$15 million, \$16 million of the Lottery Fund. This year, as a result of the 1983-84 budget that was approved, \$100 million was taken out of the lottery program to provide for those benefits that are paid for through our nursing home program. Again, there is great question whether any additional senior citizen is receiving nursing home care as a result of that expenditure of \$100 million.

The point again is, if we do not have sufficient dollars in the Lottery Fund to pay for the \$12,000 and \$15,000, and that is debatable, but if we do not have those funds, we ought to be using those moneys that we are spending not on new senior citizen benefits like the Triple A's and that nursing home program; we ought to be using those dollars we are spending over there and use them for this new benefit program, this prescription drug program, to maximize the number of people who would in fact benefit from it. But that obviously is not the position of this administration, and that certainly is not the position that the Senate has chosen to adopt, and that is not the position that is reflected in HB 6, which is currently before us for concurrence.

Mr. Speaker, I think we need to pass this this evening, because we are going to, through HB 6 and its provisions, be

able to benefit some 600,000 Pennsylvanians who do need help on this particular issue. But let us not forget that by adopting this Senate version rather than the House version that we unanimously agreed to, we are failing to help 150,000 others to whom we did promise some help only a couple of weeks ago. That is a situation which should be avoidable; that is a situation that, as Representative Manderino has suggested, we should immediately begin to try to remedy. But let us keep in mind that that money we have spent on the Triple A's and proposed to spend in the next year or two on Triple A's in the projected budgets and that money that we spent on nursing home care this year out of lottery funds rather than using general revenues as we have done in the past, if you add what we spent the last couple of years and the nursing home money this year and what is projected in the next couple of years for nursing home programs, we would have more than enough money to provide this modest benefit program to those who do fall under those income ceilings of \$12,000 for individuals and \$15,000 for couples.

I would urge in the very near future that this legislature, the House and Senate, and this administration reconsider its position of spending \$100 million out of lottery moneys on those nursing home programs when in fact that \$100 million is providing nothing new to any senior citizen in this State but simply provides the same services to the same people as have been provided in the past. If we would not have done that, we would have had plenty of money to finance that bill. There would be no question of our ability to finance that bill that this House of Representatives passed just a couple of weeks ago.

Mr. Speaker, somewhat reluctantly I urge that we do concur in this particular bill, but I also urge that we not deny the fact that 150,000 people are being denied benefits who could be receiving benefits as a result of legislation. I urge that we promptly, in the very near future, go about the task of trying to find ways through legislation to extend this prescription drug benefit to those others who equally need this kind of help, who equally deserve it, and who in fact did expect it until earlier today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LAUGHLIN. Mr. Speaker, I realize that I can only speak with regard to the changes within the structure of the bill that have been brought about by Senate amendments, but before I do that, Mr. Speaker, I would ask for just brief latitude of the Chair in saying that any misunderstanding that you may have had or any misunderstanding that may have occurred on this floor today, Mr. Speaker, in no way would reflect my feelings for you personally or my respect for the job you do. I feel very strongly that your leadership has been responsible for a great deal of legislation that has passed through this House over the years, and I would not mean to demean in any way the office that you hold.

Now that I have guaranteed the fact that I will not lose my office and my seat and my chair, I would like to speak to the changes, Mr. Speaker.

The changes that were brought by the Senate, Mr. Speaker, are certainly not a reflection of the vision of this House or the leadership of this House on both sides of the parties. The minority as well as the majority voted unanimously to provide better coverage for a greater number of people in this State. Mr. Speaker, the Senate has reduced that coverage. They claim it is because they do not have the necessary funds available; down the road they will not be able to pay. But, Mr. Speaker, Representative Hayes, Representative Manderino, myself, and every other member in this House who has been here since 1974 remembers their vote on legislation that I introduced, Mr. Speaker, that required that we use advance revenues of the coming year to pay the obligations of the lottery so that there would not be any reduction in benefit for our senior citizens.

Mr. Speaker, I have confidence in that lottery as I had then. When we were \$50 million in the hole, the lottery managed to make it up by their efforts, Mr. Speaker; one of the best we have in the Nation. Mr. Speaker, I am confident that the money will be there down the road to help our seniors.

I am very much perplexed by the fact that we have a great number of people in this State who reside between the income levels of \$12,000 and \$15,000 who have not been able to benefit over the years from this program and who complain to us constantly that they are not getting any benefit. We also have people who are 50 years of age who are single who are not receiving benefit while widows and widowers are. Mr. Speaker, all of these things could have been treated in this legislation if handled properly, and I for one am going to vote for it only because we could not get the best that we had to offer. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair assures the gentleman that nothing that the gentleman would say or any other member of this House would say would the Chair take personally. The Chair means that sincerely; I am not being facetious about it. The Chair defends the rules of the House as fiercely as the Chair knows how because those rules have stood the test of time. But in the give and take of parliamentary debate, the Chair is not so thinskin as to think the attack is on the person rather than on the ruling, and the Chair wants all of you to know that. The Chair warns you, it will continue to fiercely defend the rules of the House against all comers, one at a time or three at a time, it does not make any difference.

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

Mr. BARBER. Mr. Speaker, when I look down at the calendar and I see HB 6, I would love to see HB 1301, but I have been here for 16 years and I know that I cannot win.

HB 6 is better than nothing at all. I am not deviating from the bill that I did a lot of work on, my subchairmen, my staff. We worked extremely hard for HB 1301. To me, HB 6 deviated just a little from HB 1301. I cannot win, so I am going to vote for concurrence because I am forced to, but that is part of the game. So therefore, I would ask everybody to vote to concur. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair will put into the record, and let it be known, that the chairman of the Health and Welfare Committee has endangered his very personal health in the battle to bring to the senior citizens of this Commonwealth some modicum of benefit in a prescription drug program. That will be officially in the record, and the Chair will stand by it.

The Chair recognizes, on the question, the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

You know, this is a very hard vote. I know I have to vote for it because I know in Allegheny County I probably represent one of the lowest income areas that exists. At the same time, I have to admit that I feel like I am being shortchanged because of what the Senate has done and also the posture of the administration as far as the Commonwealth of Pennsylvania is concerned.

Just a couple of months ago I sat down here for my first budget, and I watched the Governor say he was going to take \$300 million and give it to a group of individuals per se who were used to making over \$25,000 as far as the steel industry is concerned, but yet at the same time it is not enough to give as far as the health and welfare of the people of the Commonwealth of Pennsylvania between the income brackets of \$12,000 and \$15,000. I see a lack of consistency here. I also see a lack as far as the attitude for the concern of those people who deserve it most. I think it is part of our responsibility to be able to deal with those people who have need for the proper health care, but yet in a sense there is a lack of sensitivity here. I cannot imagine the Senate separating and sending us back a bill in this present posture. It is a shame we have to vote for this, because it is still not enough. I am going to go home with something, but it should have been more, because as one of the few people, I really could have used it within my district.

I ask the members of this House to concur, to support it, and let us go home with something. Unfortunately, we are going to have to try to work out something later, but just think about it. The difference is \$56 million, but how do you put a price on the health and welfare of any senior citizen in the State of Pennsylvania? How do you say it is worth \$1, \$5, or \$100 million if one person possibly lives because of the financial assistance that we might have provided out of this bill? Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have long supported the concept of a copay prescription drug card program for senior citizens here in Pennsylvania. Earlier this spring I introduced my own measure, HB 451, and later cosponsored Representative Barber's measure, HB 1301. I still feel both of those measures are far more appropriate. Nevertheless, I intend to vote for concurrence, but with reservations.

I feel that the income levels are too low in this bill, and it would be more appropriate to raise them to \$12,000 for a

single person and \$15,000 for a married couple. I feel that the language in the paragraph concerning maximum annual income is too vague and may open the door to abuse by the department in terms of what income levels shall be used.

I have concerns about the idea of an outside firm operating the program as opposed to our own Department of Aging, which I feel would be a much more appropriate route to take, and I have concerns about the discretionary powers of the board that are created under this bill, whether we are leaving that too vague as well.

But I have a final concern, Mr. Speaker, and that concern is that if we do not concur in this bill tonight, we may not have a copay prescription drug card program here in Pennsylvania, that the needs of the senior citizens in the area of prescription drugs will be ignored. I also fear that if we do not vote for concurrence, any concept of a copay prescription plan would be deleted by a conference committee.

I hope we can address the problems raised in this bill to strengthen the concept of a copay prescription program in the future and to make this program a better program for senior citizens with a broader reach to aid as many senior citizens as possible. So it is with reluctance that I will vote for this program because of the very crying need for some measure of prescription aid here in Pennsylvania for our seniors. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Philadelphia, Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

I am appalled by the action of the Senate in disenfranchising 150,000 hardworking, dedicated Pennsylvanians from this program. These are people who have worked hard all of their lives; they have saved a couple dollars; they have been looking forward to their golden years and just want a little bit from that Lottery Fund. In return, the Senate has said no.

Mr. Trello and his committee have gone statewide. I myself have traveled through my district in my campaign and afterwards, and the overwhelming majority of the people in my district want the \$12,000 and \$15,000 plans.

It is with a heavy heart that I vote for concurrence on HB 6, but while casting that vote I will think of those 150,000 Pennsylvanians whom the Senate disenfranchised, and I will support every effort in the future for us to raise those income eligibility limits. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, I think many of the members of the House feel that we are in a "Catch 22" situation here tonight. If we delay action by waiting until the election recess, that will be reported in the media. However, if we here tonight pass HB 6 in the waning hours of the evening, as it will be reported, we will also be accused of ramrodding this legislation through, and our accusers will be those individuals who make between \$12,000 and \$15,000 a year as married

couples or \$9,000 to \$12,000 a year as single senior citizens, those individuals who walk into our legislative offices and pick up property tax and rent rebate forms and leave our offices very upset and very disturbed that they are not eligible for that program. This was to be the first program where those individuals were to get some benefit out of the Lottery Fund.

**MOTION TO PLACE BILL ON POSTPONED CALENDAR**

Mr. BELFANTI. Mr. Speaker, if I did not make the following motion, I believe that I would be doing a disservice to my constituents. Therefore, I would ask that we place this bill on the postponed calendar so that the media has a chance to report the difference between the Senate-passed version of this bill and the House-passed version of this bill and so that those Senators and these House members sitting here tonight will have the opportunity for that input. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

It has been moved by the gentleman, Mr. Belfanti, that the House place on the concurrence in Senate amendments postponed calendar HB 6, PN 2056, as amended by the Senate.

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

The following roll call was recorded:

**YEAS—41**

Angstadt	Davies	Itkin	Petrarca
Barber	Dawida	Kasunic	Pistella
Belfanti	Deal	Levin	Richardson
Beloff	Dombrowski	Linton	Seventy
Blaum	Duffy	Lucyk	Steighner
Boyes	Durham	McVerry	Tigue
Cawley	Evans	Michlovic	Trello
Clark	Fattah	Mrkonic	Wiggins
Cowell	Fischer	Murphy	Williams
DeWeese	Harper	Olasz	Wilson
Daley			

**NAYS—154**

Afflerbach	Gallen	McIntyre	Salvatore
Alderette	Gamble	McMonagle	Saurman
Armstrong	Gannon	Mackowski	Scheetz
Arty	Geist	Madigan	Schuler
Baldwin	George	Maiale	Semmel
Battisto	Gladeck	Manderino	Serafini
Belardi	Godshall	Manmiller	Showers
Book	Greenwood	Markosek	Sirianni
Bowser	Grieco	Marmion	Smith, B.
Brandt	Gruitza	Mayernik	Smith, L. E.
Broujos	Gruppo	Merry	Snyder, D. W.
Bunt	Hagarty	Micozzie	Snyder, G. M.
Burd	Hafuska	Miller	Spencer
Burns	Hasay	Miscevich	Stairs
Caltagirone	Hayes	Moehlmann	Stevens
Cappabianca	Herman	Morris	Stewart
Cessar	Hershey	Mowery	Stuban
Cimini	Hoeffel	Nahill	Sweet
Civera	Honaman	Noye	Swift
Clymer	Hutchinson	O'Brien	Taylor, E. Z.
Cohen	Jackson	O'Donnell	Taylor, F. E.
Colafella	Jarolin	Oliver	Telek
Cole	Johnson	Perzel	Truman
Cornell	Kennedy	Peterson	Van Horne

Coslett	Klingaman	Petrone	Vroon
Coy	Kosinski	Phillips	Wachob
Deluca	Kowalyshyn	Piccola	Wambach
DeVerter	Kukovich	Pievsky	Wargo
Dietz	Lashinger	Pott	Wass
Dininni	Laughlin	Preston	Weston
Dorr	Lehr	Punt	Wogan
Fargo	Lescovitz	Rappaport	Wozniak
Fee	Letterman	Reber	Wright, D. R.
Flick	Levi	Reinard	Wright, J. L.
Foster, W. W.	Livengood	Rieger	Wright, R. C.
Foster, Jr., A.	Lloyd	Robbins	Zwikl
Freeman	McCall	Rudy	
Fryer	McClatchy	Rybak	Iris, Speaker
Gallagher	McHale	Saloom	

**NOT VOTING—6**

Carn	Donatucci	Pitts	Pratt
Cordisco	Freind		

**EXCUSED—2**

Ryan	Spitz
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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 concur in Senate amendments?

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, it is amazing. I have been sitting here for the last hour or so listening to debate and I have yet to hear any speaker stand and say that this is a good bill. Each and every speaker who has said that they will vote for it has criticized the bill as not being acceptable but imminent. I would urge my colleagues that it is not imminent.

Approximately 2 weeks ago, we as a body, regardless of party affiliation, voted unanimously for HB 1301, the copy program for prescriptions for senior citizens. Now we are asked to vote for something over which we have had no input; we have had no compromise. I am not saying that my idea of the \$12,000 and \$15,000 or anyone else's support of it is correct, but at least we should have a chance to compromise.

If we concur, what we are saying once again, both sides of the aisle, is, what are we doing here? Let us let the leadership in the Senate decide what goes on.

Each and every one of us represents approximately the same number of people. Surprising as it may seem, in my district I probably have the highest proportion of senior citizens in the entire Commonwealth. I will vote against concurrence because I am not going to punish those who are in the income range of \$12,000 to \$15,000.

What we have decided is, we cannot win. Again, we can win. All you have to do is press your red button.

We talk about solvency of the fund. What we are deciding here is whether the solvency between \$9,000 and \$12,000 will take longer than between \$12,000 and \$15,000. Let us not kid ourselves.

We have no guarantees that we have any control whatsoever over the program the Senate passed, because now an administrative board will decide it. How many times have we



sat on the House floor and listened to the argument that the bureaucrats run the government? Well, let us give them another chance if you want to concur in this bill.

What I am saying is, do not be afraid to vote "no." The only reason to vote "yes" is to hurry up and wash your hands of it. By voting "yes" you will eliminate a number of people. Again, the figures are arbitrary; I understand that, but in my district, and I will bet in many of your districts, you have already told the senior citizens what you voted for. You have told them that you are for the \$12,000 to \$15,000 range. Now all of a sudden, at the last hour to hurry up and quit for the week and let us get home for 2 weeks, we want to lower it to \$9,000 and \$12,000.

The majority leader made a statement which was concurred in by the minority leader: we can remedy this situation quickly. Well, let us remedy it right now tonight. Vote non-concurrence. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Thank you, Mr. Speaker.

I never thought that I would be agreeing with Representative Laughlin, but when he stated his remarks earlier, I did have to agree with 99 percent of what he said. He said—the part that I disagree with—"However, I am going to vote for this because...."

You know, there are two ways that we are going to be voting HB 6 - a political vote and a practical vote. I say to the other side, I will be back next year if I choose to run—got that, Jim? You tried before—but we must do what I believe to be the responsible thing. I will vote "no" because this is not right, what we are considering. There are a considerable number of people out there who are not being considered in this proposal. There are a lot of people who have retired long before 65 years of age. There are a lot of individuals who are 60 who have not been married who could very much use benefits from a program such as this.

Though we may be faced with a practical and political vote, I believe we must cast a responsible vote. I am going to vote "no," and I would ask the members to concur with a "no" vote and nonconcur with HB 6.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Gannon, on the question.

Mr. GANNON. Mr. Speaker, I guess I would be remiss if I did not make some comment on this bill that is before the House.

Mr. Speaker, I think what we are all going to do here is we are probably going to vote for this amendment and then we are going to go back home and tell our senior citizens that we gave them a copay program or a prescription program. Some of us will, Mr. Speaker, but I guess some of us will be honest enough to tell them what it is going to do to the Lottery Fund and what the costs are going to be. If you take a closer look at this amendment before us, it does not even talk about administrative costs. It does not even talk about the administrative

costs, Mr. Speaker; it talks about a \$300-million copay prescription program over a 3-year period that is to be let out to some private contractor who would probably—it is not said in the bill, but he would probably be a fool to take a contract like that, but that is what we are looking at.

It does not talk about the bureaucracy that we are creating over in the Department of Aging, and it does not talk about the millions and millions of dollars we are going to be paying out over the next infinite number of years to pay for the people to run this program, Mr. Speaker, and I would venture to say that we will all happily vote for this amendment this evening, and then we will be back here a couple of years from now looking at the Lottery Fund and wondering where the money went. And then we will probably be back a little bit later than that and we will be trying to scrounge up the money to pay for this program, Mr. Speaker. And probably in the course of that, we will be voting amendments to do certain things to raise income limits, to expand benefits, to some type of illusory lottery surplus, Mr. Speaker.

So I think that is what the future holds for the General Assembly with this piece of legislation that is before us. One thing I guess we should keep in mind, Mr. Speaker, as we look at the political side of this particular vote, and I will paraphrase a comment that was made by author Mario Puzo in "The Godfather." Somewhere in the book it says as a reminder to someone that gratitude is as fleeting as beauty. I would venture to say that at some point the gratitude for what we have done here tonight will drift off into the netherworld, and then we will be confronted with the realities of addressing a Lottery Fund that has been drained.

I want to thank the Republican members for their attentiveness.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, not to debate the issue at hand, but I would like to publicly, even though the hour grew late and the House floor got a little rowdy during his comments, taking nothing away from anyone else, I do not believe that there has been anyone who worked any harder than Representative Tom Gannon on a medical assistance program for senior citizens. While his idea was well thought out and he put in a great number of hours, days, weeks, and months, it did not cut mustard here on the floor of the House. But I have been here long enough to know that good ideas do not always pass the first time, and while the gentleman was kind of applauded down at the end this evening, I would like to publicly compliment Tom Gannon for the work he has done also. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Hayes, is, as always, a gentleman, and the gentleman's remarks were exceedingly well taken, and the Chair endorses them.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—198

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

NAYS—2

Tigue Wright, J. L.

NOT VOTING—1

Dorr

EXCUSED—2

Ryan Spitz

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, the gentleman, Mr. Dorr, was across the hall when the vote was taken on HB 6. I believe the gentleman wanted to be recorded.

The SPEAKER. How does the gentleman wish to be recorded?

Mr. DORR. Mr. Speaker, I would like to be recorded in the affirmative.

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

There will be no further votes. The House will adjourn until November 14, unless sooner recalled by the Speaker.

HOUSE BILL  
INTRODUCED AND REFERRED

No. 1672 By Representatives SWEET, RAPPAPORT, SPENCER, HAGARTY, LASHINGER, COY, O'DONNELL, MANDERINO, EVANS, MAIALE, HOFFEL, WOGAN, KASUNIC, BURD, KUKOVICH, FATTAH, D. R. WRIGHT, WOZNIAK, BELFANTI, TRUMAN, WACHOB, CALTAGIRONE, WAMBACH, PISTELLA, KOSINSKI, RYBAK, KOWALYSHYN, MRKONIC, PHILLIPS, MORRIS, CAWLEY, TIGUE, MICHLOVIC, GEIST, PRATT, CIMINI, JOHNSON, DeLUCA, COLAFELLA, VAN HORNE, OLASZ, DEAL, GALLAGHER, WIGGINS, LINTON, OLIVER, CARN, HARPER, BARBER, LESCOVITZ, DOMBROWSKI, DALEY, LEHR, ARTY, BELOFF, PETRARCA, TRELLO, McVERRY, SAURMAN, D. R. WRIGHT, PETRONE, MAYERNIK, AFFLERBACH, E. Z. TAYLOR, PRESTON, DAWIDA, BLAUM, WILLIAMS, LEVIN, CORDISCO, R. C. WRIGHT, REBER and STEVENS

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for provisions relating to crime victims' compensation; reestablishing and continuing the Crime Victim's Compensation Board; and making an editorial change.

Referred to Committee on JUDICIARY, October 26, 1983.

BILL SIGNED BY SPEAKER

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

HB 6, PN 2056

An Act establishing a program of limited pharmaceutical assistance for the elderly; granting powers to and imposing duties on the Department of Aging; establishing a payment system; making provisions for funding; providing for reports; and fixing penalties for violations of the pharmaceutical assistance program.

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**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

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

Mr. GODSHALL. Mr. Speaker, I move that this House do now adjourn until Monday, November 14, 1983, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:43 p.m., e.d.t., the House adjourned.