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169TH OF THE GENERAL ASSEMBLY

No. 12

HOUSE OF REPRESENTATIVES

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

Eternal and ever-vigilant Lord, Thy providential care has been shown to us as a people as well as a nation. In this time of year when we celebrate the birthdays of Abraham Lincoln and George Washington, we know that Thou didst guide the destiny of this land of ours during their tenures of office. We not only thank Thee for Thy care in times past, but in confidence and assurance we thank Thee for Thy continued care and concern.

O God, direct the destiny of this Keystone State through her leaders, impart to them a measure of Thy competency, and guide them as Thou didst guide those stalwart patriots of old. In Thy blest name, we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, February 12, 1985, will be postponed until that Journal is in print, and the Chair hears no objection thereto.

LEAVE OF ABSENCE GRANTED

The SPEAKER. On leaves of absence, the Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, I request a leave for the gentleman from Westmoreland, Mr. HUTCHINSON, for today. That is all.

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

The minority whip indicates for the record that there are no requests for leaves.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair now turns to the master roll for today. Members will proceed to vote on the master roll.

The following roll call was recorded:

PRESENT—201

Acosta	Dietz	Laughlin	Rieger
Afflerbach	Dininni	Lescovitz	Robbins
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levdansky	Ryan
Arty	Donatucci	Levin	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fattah	McClatchy	Serafini
Birmelin	Fee	McHale	Seventy
Black	Fischer	McVerry	Showers
Blaum	Flick	Mackowski	Sirianni
Book	Foster, Jr., A.	Maiale	Smith, B.
Bortner	Fox	Manderino	Smith, L. E.
Bowley	Freeman	Manmiller	Snyder, D. W.
Bowser	Freind	Markosek	Snyder, G. M.
Boyes	Fryer	Mayernik	Staback
Brandt	Gallagher	Merry	Stairs
Broujos	Gallen	Michlovic	Steighner
Bunt	Gamble	Micozzie	Stevens
Burd	Gannon	Miller	Stewart
Burns	Geist	Moehlmann	Stuban
Bush	George	Morris	Sweet
Caltagirone	Gladeck	Mowery	Swift
Cappabianca	Godshall	Mrkonic	Taylor, E. Z.
Carlson	Greenwood	Murphy	Taylor, F. E.
Carn	Gruitza	Nahill	Taylor, J. J.
Cawley	Gruppo	Noye	Telek
Cessar	Hagarty	O'Brien	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Truman
Civera	Hasay	Oliver	Van Horne
Clark	Hayes	Perzel	Veon
Clymer	Herman	Petrarca	Vroon
Cohen	Hershey	Petrone	Wambach
Colafella	Honaman	Phillips	Wass
Cole	Howlett	Piccola	Weston
Cordisco	Itkin	Pievsky	Wiggins
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pitts	Wogan
Cowell	Johnson	Pott	Wozniak
Coy	Josephs	Pratt	Wright, D. R.
Deluca	Kasunic	Pressmann	Wright, J. L.
DeVerter	Kennedy	Preston	Wright, R. C.
DeWeese	Kenney	Punt	Yandrisevits
Daley	Kosinski	Raymond	
Davies	Kukovich	Reber	Irvis,
Dawida	Langtry	Reinard	Speaker
Deal	Lashingier	Richardson	

ADDITIONS—0
 NOT VOTING—0
 EXCUSED—2

Hutchinson Williams

FILMING PERMISSION GRANTED

The SPEAKER. Permission has been granted to Mackenzie Carpenter of "The People's Business" to film on the floor of the House.

MUSCULAR DYSTROPHY POSTER CHILD WELCOMED

The SPEAKER. We have a most distinguished guest among us. We have with us the Pennsylvania State Muscular Dystrophy Association Poster Child. I have met him, and he is charming. He has promised to make no speeches, however, on the floor of the House, which ought to delight everybody. His name is Christopher Pittman. He is here with his parents, Mr. and Mrs. Ron Pittman. Christopher's sister Wendy is here; his grandparents, Mr. and Mrs. Bill Trogler; and his second group of grandparents—he is lucky; he has all four of them—Mr. and Mrs. Rotz. Debra A. Gober is the MDA district director, and Carol Eyer, the MDA patient service director. He has brought an entourage with him. I ask you to welcome Christopher Pittman.

Will the chief page please bring Christopher out here, center aisle, so we may see him.

I will ask Representative Gruppo, whose guest he is today, to come to the podium to read the citation.

FILMING PERMISSION GRANTED

The SPEAKER. Mike Ross of channel 27 is being given permission at this point to film on the floor, and WHP-TV also. You may begin any time you wish.

CITATION PRESENTED

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Thank you, Mr. Speaker.

I am very delighted to present Christopher Pittman, the Pennsylvania Muscular Dystrophy Poster Child to the House of Representatives today. Chris is here with his parents and grandparents.

I want to show you all this. I do not know how well you can see it, but Chris drew this with just pencil, it looks like, and it is a drawing of a tavern called the 1818 Tavern in the Palmer Township area of Northampton County where Chris lives. I think he is a great artist, and I just wanted to show you all his good work. He is going to be presenting this to the Governor later today.

Now, Chris is down there and paying attention to everything that is going on, so I am going to read this citation, Chris:

WHEREAS, Christopher Pittman, the eight year old son of Ron and Kaye Pittman of Easton, was chosen as the 1985 Pennsylvania State Muscular Dystrophy Association Poster Child; and

WHEREAS, Chris has been the Lehigh Valley Area Chapter Poster Child for three years. He enjoys collecting stickers and loves to draw, color and paint.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends hearty congratulations to Christopher Pittman on being named the 1985 Pennsylvania State Muscular Dystrophy Association Poster Child; wishes him the best in his future endeavors; and further directs that a copy of this citation be delivered to Christopher Pittman, 213 East Applewood Drive, Easton, Pennsylvania 18042.

It is signed by myself, Representative Freeman, Representative Rybak, and Representative Yandrisevits, all of Northampton County. I would like them to join me to present this to Christopher down in the well of the House. Thank you.

I just wanted to tell you what Christopher said. He is very happy to be here, and he wanted to thank me and all the other members of the House of Representatives. Thank you.

The SPEAKER. Christopher, all of us on the floor of the House are happy that you are here. We all take heart from your courage. Thank you for coming.

WELCOMES

The SPEAKER. We have with us also to the left of the Speaker, Superintendent Kroner of the Allegheny County Police, Assistant Superintendent Alberts, Chief Mac Villani, and their other honored policemen from Allegheny County. They are here as the guests of Representatives Gamble, Trello, and the rest of the Allegheny County delegation. Welcome to the hall of the House.

Representative Hershey has here as his guests from the Chester County Student Forum, Lori Conners and Becky McBride. Welcome to the hall of the House.

Bill Rybak has as his guests here Mary Cochran and her granddaughter, Jennifer Davis. You may be interested in knowing that Mary Cochran's husband, John, is the Postmaster General of Washington, D.C. Welcome to the hall of the House, Mrs. Cochran.

Ken Brandt is hosting today a special guest from Columbia, Pennsylvania, Bob Herman, Jr., who is 9 years old and who won the trip, the tour, and the lunch as a prize raffled off at St. Peter's Church Bazaar in Columbia. Bob is accompanied by his father, Bob, Sr., his mother, Sylvia, and his sister, Ricole. Welcome to the hall of the House.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 91, PN 325 (Amended)

By Rep. LAUGHLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing that the transcript of public hearings be considered part of the record in proceedings before the commission.

CONSUMER AFFAIRS.

WELCOME

The SPEAKER. Representative Greenwood has as his guests Kim Wright and Mark Woytowich. Welcome to the hall of the House, children.

STATEMENT BY MR. LETTERMAN

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, who wishes to make an announcement.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have always been interested since I have been here in reducing the corporate tax in order to try to bring industry to the State of Pennsylvania, and I thought last year the Governor of Pennsylvania was on the right track when he gave us a 1-percent reduction. Therefore, I am going to present a bill that will reduce the corporate tax by 1 percent again this year, and anybody who would like to sign that piece of legislation may call my office and have their names added.

One other announcement I would like to make and ask my friends is that when they break their chair to report it to John Zubeck and not swap chairs with me. And if they do not and I catch them, I am going to break their neck, and that is going to be it.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 285, PN 302**, entitled:

An Act creating a special fund in the Treasury Department for the use in attracting major industry into this Commonwealth; establishing a procedure for the appropriation and use of moneys in the fund; and making an appropriation.

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 the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker.

This bill, HB 285, establishes a "sunny day" fund to be used in the attraction of a major new industry to the Commonwealth. Money from this fund will be appropriated when the Governor has managed to attract a major employer to the Commonwealth. At that time he would present his proposal

for the expenditure of these funds, and the legislature is then empowered to appropriate moneys out of this fund.

In the past State aid has been aimed almost exclusively toward small businesses. There is no current program that speaks to our State's need to attract major industry which in turn would justify State aid at the multimillion-dollar level.

In the budget that the Governor presented to us a few days ago, he requested General Fund expenditures for the Software Institute at Carnegie-Mellon University and for the conversion of the Gulf Oil research park. The combined total of these requests is \$7 1/2 million, and the only reason that we were able to think about fulfilling these requests, which were really of medium size, as such projects go, is because we happen to have a budget surplus. For the future we cannot rely on luck or the business cycle.

The need to create jobs is still the most fundamental issue in our Commonwealth today, and the "sunny day" fund would give the Commonwealth and the Governor the tool he needs to attract large plants that offer substantial job opportunities. We need to set aside funds into a special fund and outside of the normal budget process so that we can move quickly and effectively in locating major plants in our State. This bill actually has no net cost since the appropriation in this bill has been transferred from the General Fund to the new "sunny day" fund that is created by this bill.

Last year the General Assembly and this State made history in enacting the economic development bond issue. That bond issue is among the most significant public-private partnerships for job development ever enacted by any State. I urge you yet today to take a step forward in the economic development initiatives with the passage today of this bill, the "sunny day" fund. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

I would just like to rise here briefly to support my colleague, Mr. Fee, in urging the support of the House on this measure.

Coming from a borderline community on the Ohio border, we are quite familiar with the media coverage in the Youngstown-Cleveland region, and I can tell the members here that Ohio's State legislature is aggressively pursuing measures to attract large industries such as the Saturn company. I think that it is incumbent upon us to set aside a fund that the Governor can turn to if it is necessary to act as an enticement to bring new and large industries into our State. Across the Midwest the competition is fierce for this particular project, and I think that Pennsylvania would be remiss and our legislature would be remiss if we did not act in a timely fashion to arm our Governor with the funding necessary to be able to sit down at the table and offer an attractive package to bring these jobs into the State. I think it is an excellent idea, and I urge your support of the bill.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate Mr. Fee, please?

The SPEAKER. Mr. Fee indicates he will stand for interrogation.

Mr. WASS. Mr. Speaker, what is the length of this legislation? How long will it continue to enforce a \$25-million fund?

Mr. FEE. This fund does not lapse. It will stay there forever.

Mr. WASS. Forever.

Mr. FEE. This fund is to be used to attract any major industry, not just the one that everybody is talking about today in the numerous States across this great country.

Mr. WASS. So it has no fiscal bearing.

Mr. RYAN. Mr. Speaker?

Mr. WASS. It will not—

The SPEAKER. Will the gentleman, Mr. Wass, yield.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I apologize for interrupting the gentleman. I think there is too much noise on the floor.

The SPEAKER. There certainly is.

Mr. RYAN. Our members are not completely familiar with this bill, and I thank the gentleman, Mr. Wass, for interrogating. I would just ask if the interrogation would bring out as much as is possible on the legislation. I think we are in favor of it, but, frankly, I do not understand enough about it right now, and I would appreciate a full explanation, which I know is what Mr. Wass wants.

The SPEAKER. The Chair concurs with the minority leader. There is entirely too much background noise.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I am just trying to determine how long that \$25 million will be intact in this fund.

Mr. FEE. It will be in this fund until it is used up, Mr. Speaker.

Mr. WASS. So once we designate that \$25 million goes into the fund, those dollars will not be used for any other purpose than to advance what the Governor and the Secretary of Commerce may determine is necessary to enhance employment or industry?

Mr. FEE. That is absolutely right; any major industry.

Mr. WASS. Okay.

Mr. Speaker, once the Governor has determined that he has a cause and he has a need, what steps does he follow then to have the money distributed to the need?

Mr. FEE. The Governor simply makes a recommendation to the chairman of the Appropriations Committee as to what he wants to use the funds for and it is simply brought out here in the normal procedure for him to expedite the funds.

Mr. WASS. Mr. Speaker, are you telling me that we do not have to have any other legislative action by this body or the General Assembly to appropriate these funds?

Mr. FEE. No. We have to appropriate them for the Governor and the Secretary of Commerce's specific purpose, for that particular issue that they are addressing.

Mr. WASS. Okay. I want to accept what you are saying, but I am continuing to struggle with it.

The Governor and the Secretary of Commerce will be in full control of the \$25 million. Is that right?

Mr. FEE. No. The legislature will appropriate the money to them once they have attracted some major industry to the Commonwealth.

Mr. WASS. Then there will be a vehicle appear before us again for a vote?

Mr. FEE. Yes.

Mr. WASS. All right.

Now, the Governor or the Secretary of the Department of Commerce has an idea; that idea then is presented in legislative form to the Appropriations Committee?

Mr. FEE. That is right.

Mr. WASS. Then the Appropriations Committee presents that to the General Assembly for approval?

Mr. FEE. That is right.

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

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader. Do you have any further interrogation?

Mr. RYAN. Mr. Speaker, I initially would like to make a request of the Chair that "The People's Business" have their camera closer to the piano so that I can see my good friend, Mr. Manderino, over there from time to time.

Aside from that, Mr. Speaker, I am going to ask our members to support this particular bill, despite the fact that there are, I think, a large block of unanswered questions associated with the bill. Hopefully this bill, together with the so-called "rainy day" fund bill, will be put before the legislature, and then I suspect that at the time of a general appropriation meeting the merits of all this legislation can be looked at more carefully.

One of the things that I definitely approve of, which is in keeping with our recommendations and I know Mr. Manderino's recommendations from time to time over the years, is the idea of one-time spending as opposed to creating programs that are on an ongoing basis with surplus moneys. We definitely approve of that approach to using up some of this surplus money.

I think that the legislation as drafted is very sparse in its definition of requirements for expenditure of this money. I think if we had given greater thought to it, it may be that stealing an idea from the so-called "rainy day" fund and putting it into the "sunny day" fund would have been good; that idea being the requirement of a two-thirds vote of the House and/or Senate to do something like this.

If I may, Mr. Speaker, I would like to interrogate Mr. Fee for a moment.

The SPEAKER. The gentleman, Mr. Fee, indicates he will stand for interrogation, and the minority leader is in order and may proceed.

Mr. RYAN. Mr. Speaker, assuming there is a major industry that wants to locate in Pennsylvania that could make use of some of these moneys, do you visualize a request being

made by us to the Governor naming a given firm? In other words, would it be for a specific purpose as opposed to just general purposes?

Mr. FEE. It would be for a specific major industry after the Governor and the Secretary have made contact with them to locate in our Commonwealth or anything that may be needed in order to entice them to relocate in our Commonwealth. For instance, when the Governor and Secretary Pickard go to General Motors in Detroit on February 19 to present a package or whatever is necessary to Mr. Fox and the executive director of General Motors, if they need some things, whatever it may take, this is the purpose of this fund, so that they can negotiate with some capital in their hands for whatever may be needed; for instance, acquisition of land or maybe sewer lines, utility lines, infrastructure, things of that nature, whatever it may be, or things that we do not even know about. If it is going to take some money in the hand, they have it there so they can see that they are ready to do business with a little money in their hands.

Mr. RYAN. Would you visualize, using General Motors for an example, would you visualize the Commonwealth acquiring land and deeding it over to General Motors, by way of example, or any other applicant? Would this be a grant to an industry to entice them to come in, or would this be a loan program, for instance?

Mr. FEE. It would be whatever is permitted within the Constitution, whatever we can give them. But I think that we should be able to lobby intensely for any group that is out there to bring them to the Commonwealth.

Mr. RYAN. Now, I have no problem with that, and I am not trying to be tricky on this.

I guess where I am coming from is, my first remarks indicated that I thought it would be good government or better government if we had a two-thirds control. The point I was trying to make was, is it likely that this would be an appropriation to someone other than a government agency that would require two-thirds in that it is a nonpreferred appropriation? Would that be likely?

Mr. FEE. It is possible to have that kind of vote.

Mr. RYAN. Would you visualize or foresee sometime in the future, assuming this legislation were enacted, some group setting up guidelines, or would you leave it totally open for the Governor and the Secretary of Commerce to go out and deal with prospective major businesses that might be enticed to come into or expand in Pennsylvania?

Mr. FEE. This is for the Governor and Secretary Pickard to actively lobby for any major industry to come into the Commonwealth of Pennsylvania.

Mr. RYAN. Now, when you say it is to be used by them to actively lobby, you are not suggesting that those moneys would be used by them but rather it would be the carrot, and they would be carrying the stick, I suppose.

Mr. FEE. You could say it that way if you want to, but I think the intent of the bill is so they can lobby on behalf of whatever it takes. For instance, if the plant says, you will give us or donate to us 6,000, 8,000, 9,000 acres, they have the

money to buy it; if they have to build a railroad or utility or sewer lines or whatever is necessary in order to say that we will do that if you will locate here.

Mr. RYAN. Mr. Speaker, I thank the gentleman.

I am going to vote for it. I am going to support this bill, and I am going to ask our members to support it, with the hope and expectation, however, that after we and the public have had a better opportunity to digest, perhaps, some of the dangers that we do not see at the moment, we will be able to catch it on its way back from the Senate, or at least the Senate will be able to take a closer look at it. I think this is a little too loose as it is presented to us, but the idea is sufficiently attractive that I am going to ask that we have a positive vote on it.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, may I interrogate the author of the bill, please?

The SPEAKER. The gentleman, Mr. Fee, will stand for interrogation. You are in order and may proceed, Mr. Vroon.

Mr. VROON. Mr. Speaker, what is the exact definition of a "major industrial enterprise"?

Mr. FEE. I suppose it would be one that is going to spend billions of dollars to relocate in our Commonwealth.

Mr. VROON. That is not quite clear in the bill. You say you intend to produce a lot of goods and employ a lot of people, but there is no exact definition. The reason for the question is that would it be possible for us to come up with a combination, let us say, of four or five or six of what we call major enterprises, industrial enterprises, each one of which employs 500 people? Would that be possible under the bill as it is now written? I seem to think it is. Tell me if that is true.

Mr. FEE. I think the Department of Commerce will specify what is a major industry and which industry would qualify for these funds, whether it is 500 employees or whatever. The plant we are talking about now has 6,000 employees, and I am sure that is a major plant.

Mr. VROON. All right. Now, my next question, Mr. Speaker: Do you recall what we went through to attract Volkswagen to the State of Pennsylvania? Do you recall the procedure that we went through at that time?

Mr. FEE. Vaguely, yes.

Mr. VROON. Do you agree, Mr. Speaker, that there is nothing at all that prevents us from following the same procedure we followed then; namely, to take a situation as it arose and then come to the General Assembly and ask for appropriations of funds in order to help attract that enterprise? And did we or did we not comply? Cannot we do that again?

Mr. FEE. I am sorry. I do not understand your question.

Mr. VROON. When Mr. Shapp came to us and said, I have a tremendous enterprise I want to attract to the State of Pennsylvania, namely Volkswagen, he came to us with a specific request for a tremendous amount of funding and financial aid in order to make this a possibility in Pennsylvania. And did we not comply at that time?

Mr. FEE. Yes; we did.

Mr. VROON. What I am getting at, Mr. Speaker, is, is it necessary in order to make this possible to earmark and set aside a specific fund of money, \$25 million in this case, in order to make that possible? Why should we allow that money, Mr. Speaker, to lie in an account gathering a very modest amount of interest when we could appropriate it when it is needed?

Mr. FEE. The money is in the General Fund, and I think it is necessary.

Mr. VROON. Do you not designate the funds in this bill here, and do you not say they have to be set aside and available for use? And you said something about gathering interest in the meantime.

Mr. FEE. Yes; I do. I think that when the Governor and the Secretary negotiate, they have to be up front. These other States, particularly the State of Ohio, Governor Celeste and some of the officials over there have been to Detroit with their package in hand. I think we should give the Governor and the Secretary all the tools that they need so they can bargain from a position of strength.

Mr. VROON. Is it your intent, Mr. Speaker, to earmark \$25 million and set it aside in a specific account and not be used for anything else?

Mr. FEE. That is right.

Mr. VROON. Then I am asking, why is that necessary when we proved before with the Volkswagen thing that we can tap funds any time we want to appropriate them out of the General Fund? Why earmark this except just to say, look what we are doing to attract big industry into this State?

Mr. FEE. The money is there, Mr. Speaker; it gives us an opportunity to move much more quickly, because the Saturn plant is going to name their State in the next few, short weeks. This will enable us to move much more quickly for whatever they may need.

Mr. VROON. All right. Mr. Speaker, on that line, can you envision the possibility of our coming up with a tremendously attractive deal and not being able to move quickly on it? Is this going to make the difference? Have we lost any—

Mr. FEE. I hope not. I hope not, but if this bill passes, we at least have \$25 million to start with, and if we need more we can come back and try to get more.

Mr. VROON. We have \$100 million to start with; we have \$200 million to start with; we have the General Fund to start with. Why do we have to earmark \$25 million and let it rot in an account somewhere when we can use it better in the sustenance of the government?

Mr. FEE. We have \$25 million now. I think that is enough to start. If the Governor says we need more money, you can put the bill in that we will need more money, and I will be the first sponsor for you.

Mr. VROON. Okay.

Mr. Speaker, I just want to speak now.

The SPEAKER. The gentleman may speak on final passage.

Mr. VROON. I just want to add one final observation. Regardless of whether we do or do not earmark \$25 million for this fund, when an enterprise comes our way that we can make a bid for, we can buy it, if you will, or we can attract it, if you will, or we can lend money, if you will, regardless of whether or not you have \$25 million lying there. We did it before. That is why I mentioned the Volkswagen deal. We did that with a whole lot more money than \$25 million, and the existence of that \$25 million is not going to attract one industry to the State of Pennsylvania, I assure you of that.

What is going to attract industry to Pennsylvania is a good, friendly atmosphere for business and a real good opportunity for making money in Pennsylvania. I cannot see General Motors even blinking an eye at the offer of \$25 million to start a new plant in Pennsylvania. General Motors has enough money to blow on any number of plants anywhere in the United States. They are not going to sit still for that \$25 million, and I would say they surely do not need the \$25 million either. But what General Motors is going to say is, can I make money better in Pennsylvania than I can in some other State, and that is why they are going to go there, and it is not going to be dependent on whether or not we have a "sunny day" fund of \$25 million, which is just a little bit of a drip in the bucket. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, Representative Fee's idea with regard to the \$25-million "sunny day" fund is certainly a much better idea than a "rainy day" fund. The reason for that, Mr. Speaker, I believe speaks in the gentleman's presentation earlier to the House. Mr. Fee says that it is far better that we put aside \$25 million for the purpose of securing industry and jobs for this State, whereas the "rainy day" fund was sort of a plus and a minus situation in that we were setting \$25 million aside hoping that the sun would shine but using the \$25 million in the event that it rained.

Mr. Speaker, I think a positive attitude on the part of this legislature and a positive attitude on the part of the Governor should be energized. This \$25 million is not merely for the General Motors plant operation or securing that plant. We have opportunities today, even in our own county - a housing unit is proposed with 700 jobs, and they need some help possibly with roads or infrastructure projects, sewers and waterlines.

Mr. Speaker, I believe that Representative Fee's program is positive, and this House should support it. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

Will the gentleman, Mr. Fee, consent to brief interrogation?

The SPEAKER. Mr. Fee indicates he will so stand. Mr. Foster, you may proceed.

Mr. FOSTER. Thank you, Mr. Speaker.

I am supportive of the concept of this legislation, but my question would be, the General Assembly will make the final

determination with respect to any allocation of funds. Is that correct, Mr. Speaker?

Mr. FEE. That is right, Mr. Speaker.

Mr. FOSTER. And we in our wisdom may do whatever we as a body, as a General Assembly, see fit to do with the \$25 million so set aside.

Mr. FEE. That is right, Mr. Speaker.

Mr. FOSTER. Mr. Speaker, if the Governor would deem it necessary in times of extreme hardship and adverse economic conditions to utilize the \$25 million to offset a budget shortfall and the General Assembly in its wisdom agreed with this, there would be no problem in so doing. Is that correct, Mr. Speaker?

Mr. FEE. I would think so.

Mr. FOSTER. Thank you, Mr. Speaker.

I would like to make a brief statement.

The SPEAKER. The gentleman may make a statement on final passage.

Mr. FOSTER. Mr. Speaker, I think Mr. Fee's statement there cleared up once and for all the discrepancies about the "sunny day" fund, "rainy day" fund. In essence, there is no difference between the two. If we in our wisdom wish to allocate \$25 million to attract an industry or to keep available to attract such industries as we might hope to get in the State, fine. Also, in the term "in times of adverse economics" when we have a budget shortfall, if we elect to take that \$25 million to offset that budget shortfall and thus be able to attract industry into the State by virtue of a balanced budget, we have the power to do that merely by our votes.

So let us not get caught up in the swirl about "rainy day", "sunny day." They are the same thing. As far as I am concerned, they are, if not coterminous, certainly similar. I would on that basis, in the absence of any real differential between "rainy day" and "sunny day," strongly urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Indiana, Mr. Wass, for the second time.

Mr. WASS. Mr. Speaker, I would just like to ask Mr. Fee one question regarding Mr. Laughlin's testimony.

Mr. Speaker, Mr. Laughlin referred to a possible need in his area that included or involved a housing development. Do you believe that these funds could be used for a housing development?

Mr. FEE. These funds are to be used to attract a major industry.

Mr. WASS. Mr. Speaker, do you believe that this could be used for a housing development?

Mr. FEE. No.

Mr. WASS. Thank you very much.

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

Mr. LAUGHLIN. Mr. Speaker, for clarification for the gentleman who obviously did not clearly understand what I had stated.

Mr. Speaker, the statement was for the housing industry development. It is pre-cut manufactured housing; it is not for the building of a housing development in any area, Mr. Speaker. That is for your clarification. It is for pre-cut housing similar to Swift and others who operate and build housing in the other States around us.

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

Mr. DORR. Mr. Speaker, I believe that the bill and our votes ought to be seen clearly for what they are. In my judgment, the bill is clearly an effort to encumber \$25 million of the so-called surplus that seems to be available. I do not think it is much more than that. The bill is very loosely written and simply, in my judgment, a statement of intent beyond that. My own vote will therefore be simply that also, a statement of intent; that is, I am in favor of economic development. That is about all my vote will amount to on this bill, and I think there are many other members, although I do not intend to speak for them, whose affirmative votes will be representative of the same attitude.

Mr. Speaker, those of us who have worked in the general field of economic development over the last several years—many of us—have reached the conclusion that the economic future of Pennsylvania is best served by improving our climate for small business. In my judgment, \$25 million in a tightly designed, carefully programmed effort to improve the climate for small business in Pennsylvania would very much be to the betterment of our State on a long-range basis and clearly much more stable in terms of the economic development of Pennsylvania than throwing \$25 million into one pot which would theoretically bring about an industry in one particular area of Pennsylvania. That money, in my judgment, could much better be spent by spreading it widely in a tightly controlled program to benefit small business. So my affirmative vote, Mr. Speaker, will be generally, simply a statement that \$25 million spent in economic development in general would not be a bad idea.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, HB 285 on final passage before us establishes a "sunny day" fund. It is much different than the Governor's "rainy day" fund proposal. The Governor's "rainy day" proposal was to put it away; let us not use it; let us use it to take the up-and-down curves of State revenues and expenditures and level them out some. What we are saying in this fund is, let us take \$25 million and put it in a fund which is available for the attraction of major industry to this State.

And yes, we are making a statement with this bill. We are telling the Governor of Pennsylvania that those of us who vote for this bill feel that he ought to get off his duff and act like other Governors are acting in pursuing major industry that might be available. Yes, he is going to Detroit on February 19, but just last week in Pittsburgh he could not for the life of himself understand how any incentive to General Motors offered by the Commonwealth of Pennsylvania would

make that industry locate here, even in face of the Volkswagen plant that located in this State because we made substantial incentives available to them. And they were not millions and millions of dollars, as one of the individuals indicated; they were simply sitting down with Volkswagen people and finding what their needs were.

I worked very closely with that program. We did not give them a dime, not 10 cents. We lent them \$10 million out of PIDA (Pennsylvania Industrial Development Authority), and we had to pass legislation for that kind of a loan out of the PIDA fund, and we built a railroad yard for another \$10 million to \$13 million, which is being paid for by every car that goes through that railroad yard on a lease arrangement, and we got local communities to take in-lieu-of-tax payments so that Volkswagen would know what their obligations and taxes were for the first 4 or 5 years of operation, and we did do site development, which we do for any company, in providing hookup to sewerage that was in that area. All those things were directed out of the Governor's Office, and all those things were incentives.

We think that we must provide those kinds of incentives, and we are telling this Governor, get out there; get off your duff; pursue this plant and pursue any other plant to bring employment to Pennsylvania. All the other States are doing it; why should we sit back and make comments, as he did in Pittsburgh just last week, that this company is not going to make any decision on the incentives that are offered because they made so many billions of dollars last year that this is so insignificant.

Well, I do not agree with that; Mr. Fee does not agree with that. I think those of us who vote for this legislation are saying to the Governor, we do not agree with it, Governor; we think that you ought to go to Detroit on February 19 and, when you sit down with those people, tell them that the House of Representatives at least by that time will have passed by a substantial majority a piece of legislation that takes \$25 million of General Fund money and makes it available for projects such as yours and for any other project. And yes, we have another \$125 million, of which we would probably be willing to devote a substantial portion, of Federal Job Partnership Training moneys that can help the new employees there. And yes, GM officials, the Governor ought to be saying, we did not know anything about building cars in Pennsylvania, but the Volkswagen people have been chosen by Motor Trend Magazine as having built the best car of the year, and we have other people down there who have the work ethic and who can work in the new plant if it comes to Pennsylvania who will do that kind of a job for you.

We are making a statement with the "sunny day" fund, and I urge you not to pass it off as nothing.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vroon, for the second time on final passage.

Mr. VROON. Just a very short statement, Mr. Speaker.

In reply to what the majority leader said about our Governor, I know Dick Thornburgh well enough to know that he is

right there in the thick of the fray competing for General Motors in Pennsylvania. I do not agree at all that this is a message to the Governor to get off his duff. The Governor is way ahead of us on this; he has been working on this a long time. I do not think we need a "sunny day" fund to encourage him any more.

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

Mr. SAURMAN. Mr. Speaker, just two comments.

First of all, I would like to compliment Representative Fee for this concept. I think it is an excellent one. I think that a program that does in fact appropriate money to bring about industry which will repay the money that has been invested rather than in jobs that add to the burden on the economy is certainly the direction in which we ought to be going in Pennsylvania. So I think it is an excellent concept.

I would like to say for the record, however, that I would like to vote for this bill without necessarily accepting the comments that the majority leader has made with regard to his reference to the Governor. I think that this is a program; it ought to be a positive program; it ought to be a program that all of us can get behind for the Commonwealth for the betterment of our citizens and not be used in terms of a propaganda instrument to be detrimental to the administration. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HALUSKA. Mr. Speaker, we have heard a lot of commentation here today in regard to the "rainy day" fund and the "sunny day" fund. I think one of them has a sort of negative connotation and the other a positive. I wonder how many of us think just what this might mean to Pennsylvania when we get publicity to the effect that Pennsylvania has in place a \$25-million fund to aid industries. I just relate this to my own experience in our local community when we raised several hundred thousand dollars for a particular industry to come into the area, and the trade journals of that particular industry and the media put this across the State.

So I think by putting this program forward it is going to give Pennsylvania great benefits. To buy this type of media would cost hundreds of thousands of dollars. I think we are not only acting after the fact with industries; we are encouraging them to come forth to find out what we have, and I am sure that many of them, when they know that this is available, will sort of come to Pennsylvania to at least explore what the possibilities are to get assistance for bringing industry into this Commonwealth. I thank you. I ask for a positive vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland, Mr. Kennedy, on final passage.

Mr. KENNEDY. Thank you, Mr. Speaker.

I will speak about the "cloudy day" fund. I will speak against the bill but vote for it. I am speaking directly to the business community in the State of Pennsylvania.

Locally I serve on the board of directors of a small business. They had just 2 months ago the opportunity to bring part of a national organization right here to Pennsylvania. They researched New Jersey, Ohio, Maryland, and Pennsylvania, and they chose not to come here for the following reasons: They are afraid of our unemployment compensation rates; they are afraid of our workers' compensation rates; they are concerned about our product liability program here in Pennsylvania. For those reasons, they chose not to come here.

So I will vote for the bill, but I will speak against the fact that business is not stupid anymore; they are beginning to do their homework. When they are looking for plant sites and relocation places in this country, Pennsylvania is about the last place lately that they have been willing to come to. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Crawford, Mr. Merry, on final passage.

Mr. MERRY. Mr. Speaker, I want to suggest that Representative Fee has done a good job, that he has come up with a \$25-million appropriation that for all good intent has good motivation. We are trying to buy ourselves out of a situation.

I just wonder whether we understand what "incentives" really mean. We sat here last year as a General Assembly, not passing reforms in workmen's compensation, coming up with changes in unemployment taxes that were not in the best interests of our business climate, suggesting at every turn that an incentive in the way of a corporate tax benefit to business was not to the benefit of the working person. The word "incentive" has to go further than just trying to buy your way out with a "sunny day" fund. It is the best we can do today, and I undoubtedly will be voting for it, but, Mr. Speaker, I suggest that if this General Assembly wants to be sincere about attracting business to Pennsylvania, we had better look further than just this fund and look seriously at passing many reforms in product liability, workmen's compensation, and these other taxes that are so imposing and impressive on business. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I sit here today and recall this chamber several years back when we attracted Volkswagen to Pennsylvania, and the players have changed but the speeches are almost the same. On this side of the aisle we were positive and we talked about doing what we had to do in passing the legislation. There was a majority leader at that time—I think he was the majority leader—by the name of Bob Butera, who gave much of the same, well, I do not know; we are not sure we should do this; how is this going to work; we have never done it before; how do we know how long they are going to be here; I am going to vote for this but I am not sure we ought to be doing this; most of my members will vote for this, but these are probably bad ideas. Well, I submit to you that they were not bad ideas, and I would submit to you that what we are proposing today is not a bad idea.

RULES SUSPENDED

Mr. MANDERINO. Mr. Speaker, there have been a number of members on my side of the aisle who have asked me to move to suspend the rules so that their names may be added as sponsors, as they had not had the opportunity to be sponsors, and that the bill be reprinted showing that sponsorship. Mr. Speaker, I so move.

The SPEAKER. The question is on the motion. The majority leader has moved to suspend the rules so that additional names may be added as sponsors of this particular piece of legislation.

On the question,

Will the House agree to the motion?

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

Mr. RYAN. Mr. Speaker, what is the procedure to join as a cosponsor? Is it just simply the suspension of the rules and then an affirmative vote or something?

The SPEAKER. A suspension of the rules will make it possible for any member to sign the bill as cosponsor. The next motion would be to have the bill reprinted with all the names attached. Then the bill, of course, would be ready for final passage. The question now is on the suspension of the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

Acosta	Dietz	Lescovitz	Rieger
Afflerbach	Dininni	Letterman	Robbins
Angstadt	Distler	Levdansky	Rudy
Argall	Dombrowski	Levin	Ryan
Arty	Donatucci	Linton	Rybak
Baldwin	Dorr	Livengood	Saloom
Barber	Duffy	Lloyd	Saurman
Barley	Durham	Lucyk	Scheetz
Battisto	Evans	McCall	Schuler
Belardi	Fargo	McClatchy	Semmel
Belfanti	Fattah	McHale	Serafini
Birmelin	Fee	McVerry	Seventy
Black	Fischer	Mackowski	Showers
Blaum	Flick	Maiale	Sirianni
Book	Foster, Jr., A.	Manderino	Smith, B.
Bortner	Fox	Manmiller	Smith, L. E.
Bowley	Freeman	Markosek	Snyder, D. W.
Bowser	Freind	Mayernik	Snyder, G. M.
Boyes	Fryer	Merry	Staback
Brandt	Gallagher	Michlovic	Stairs
Broujos	Gallen	Micozzie	Steighner
Bunt	Gamble	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Suban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonc	Swift
Cappabianca	Greenwood	Murphy	Taylor, E. Z.
Carlson	Gruitza	Nahill	Taylor, F. E.
Carn	Gruppo	Noye	Taylor, J. J.
Cawley	Hagarty	O'Brien	Telek
Cessar	Haluska	O'Donnell	Tigue
Chadwick	Harper	Olasz	Trello
Cimini	Hasay	Oliver	Truman
Civera	Hayes	Perzel	Van Horne
Clark	Herman	Petrarca	Veon
Clymer	Hershey	Petrone	Vroon
Cohen	Honaman	Phillips	Wambach

Colafrella	Howlett	Piccola	Wass
Cole	Itkin	Pievsky	Weston
Cordisco	Jackson	Pistella	Wiggins
Cornell	Jarolin	Pitts	Wilson
Coslett	Johnson	Pott	Wogan
Cowell	Josephs	Pratt	Wozniak
Coy	Kasunic	Pressmann	Wright, D. R.
Deluca	Kennedy	Preston	Wright, J. L.
DeVerter	Kenney	Punt	Wright, R. C.
DeWeese	Kosinski	Raymond	Yandrisevits
Daley	Kukovich	Reber	
Davies	Langtry	Reinard	Irvis,
Dawida	Lashinger	Richardson	Speaker
Deal	Laughlin		

NAYS—0

NOT VOTING—1

Gannon

EXCUSED—2

Hutchinson Williams

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 REPRINT BILL WITH ADDITIONAL SPONSORS

The SPEAKER. The Chair recognizes the majority leader, who moves that if—and this is conditional—if HB 285, PN 302, is passed on this day's session, that it be held available for those members who wish to add their names as sponsors of the bill and then be reprinted.

That motion indicates, therefore, that we do not have to delay the action of the House at this point in time, but if the House takes affirmative action on this, then the bill will be here for those members who wish to sign their names to it, and it will be reprinted before we send it to the Senate. Is that understood?

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

The following roll call was recorded:

YEAS—197

Afflerbach	Dietz	Laughlin	Rieger
Angstadt	Dininni	Lescovitz	Robbins
Argall	Distler	Letterman	Rudy
Arty	Dombrowski	Levdansky	Ryan
Baldwin	Donatucci	Levin	Rybak
Barber	Dorr	Linton	Saloom
Barley	Duffy	Livengood	Saurman
Battisto	Durham	Lloyd	Scheetz
Belardi	Evans	Lucyk	Schuler
Belfanti	Fargo	McCall	Semmel
Birmelin	Fattah	McClatchy	Serafini
Black	Fee	McHale	Seventy
Blaum	Fischer	McVerry	Showers
Book	Flick	Mackowski	Sirianni
Bortner	Foster, Jr., A.	Maiale	Smith, B.
Bowley	Fox	Manderino	Smith, L. E.
Bowser	Freeman	Manmiller	Snyder, D. W.
Boyes	Freind	Markosek	Snyder, G. M.
Brandt	Fryer	Mayernik	Staback
Broujos	Gallagher	Merry	Stairs
Bunt	Gallen	Michlovic	Stevens
Burd	Gamble	Miller	Stewart

Burns	Geist	Moehlmant	Stuban
Bush	George	Morris	Sweet
Caltagirone	Gladeck	Mowery	Swift
Cappabianca	Godshall	Mrkonic	Taylor, E. Z.
Carlson	Greenwood	Murphy	Taylor, F. E.
Carn	Gruitza	Nahill	Taylor, J. J.
Cawley	Gruppo	Noye	Telek
Cessar	Hagarty	O'Brien	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Truman
Civera	Hasay	Oliver	Van Horne
Clark	Hayes	Perzel	Veon
Clymer	Herman	Petrarca	Vroon
Cohen	Hershey	Petrone	Wambach
Colafrella	Honaman	Phillips	Wass
Cole	Howlett	Piccola	Weston
Cordisco	Itkin	Pievsky	Wiggins
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pitts	Wogan
Cowell	Johnson	Pott	Wozniak
Coy	Josephs	Pratt	Wright, D. R.
Deluca	Kasunic	Pressmann	Wright, J. L.
DeVerter	Kennedy	Preston	Wright, R. C.
DeWeese	Kenney	Punt	Yandrisevits
Daley	Kosinski	Raymond	
Davies	Kukovich	Reber	Irvis,
Dawida	Langtry	Reinard	Speaker
Deal	Lashinger	Richardson	

NAYS—0

NOT VOTING—4

Acosta Gannon Micozzie Steighner

EXCUSED—2

Hutchinson Williams

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

On the question recurring,
Shall the bill pass finally?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am certainly for this bill. I think if we would have had money available like this, it is just possible I would not have lost Piper Aircraft in my legislative district. And it is just possible, I have a very large plant sitting idle in Mileburg, and that kind of plant could be filled with a good industry if we had this money available and could come out front and work with people to try to develop it.

I hope everybody votes for this. Thank you.

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—196

Acosta	Deal	Lashinger	Reinard
Afflerbach	Dietz	Laughlin	Richardson
Angstadt	Dininni	Lescovitz	Rieger
Argall	Distler	Letterman	Robbins
Arty	Dombrowski	Levdansky	Rudy
Baldwin	Donatucci	Levin	Ryan
Barber	Dorr	Linton	Rybak
Barley	Duffy	Livengood	Saloom
Battisto	Durham	Lloyd	Saurman

Belardi	Evans	Lucyk	Scheetz
Belfanti	Fargo	McCall	Schuler
Birmelin	Fattah	McClatchy	Semmel
Black	Fee	McHale	Serafini
Blaum	Fischer	McVerry	Seventy
Book	Flick	Mackowski	Showers
Bortner	Foster, Jr., A.	Maiale	Smith, B.
Bowley	Fox	Manderino	Smith, L. E.
Bowser	Freeman	Manmiller	Snyder, D. W.
Boyes	Freind	Markosek	Snyder, G. M.
Brandt	Fryer	Mayernik	Staback
Broujos	Gallagher	Merry	Stairs
Bunt	Gallen	Michlovic	Steighner
Burd	Gamble	Micozzie	Stevens
Burns	Geist	Miller	Stewart
Bush	George	Moehlmann	Stuban
Caltagirone	Gladeck	Morris	Sweet
Cappabianca	Godshall	Mowery	Taylor, E. Z.
Carlson	Greenwood	Mrkonic	Taylor, F. E.
Carn	Gruitza	Nahill	Taylor, J. J.
Cawley	Gruppo	Noye	Telek
Cessar	Hagarty	O'Brien	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Truman
Civera	Hasay	Oliver	Van Horne
Clark	Hayes	Perzel	Veon
Clymer	Herman	Petrarca	Wambach
Cohen	Hershey	Petrone	Wass
Colafella	Honaman	Phillips	Weston
Cole	Howlett	Piccola	Wiggins
Cordisco	Itkin	Pievsky	Wilson
Cornell	Jackson	Pistella	Wogan
Coslett	Jarolin	Pitts	Wozniak
Cowell	Johnson	Pott	Wright, D. R.
Coy	Josephs	Pratt	Wright, J. L.
Deluca	Kasunic	Pressmann	Wright, R. C.
DeVerter	Kennedy	Preston	Yandrisevits
DeWeese	Kenney	Punt	
Daley	Kosinski	Raymond	Irvis,
Davies	Kukovich	Reber	Speaker
Dawida	Langtry		

NAYS—3

Murphy	Swift	Vroon
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NOT VOTING—2

Gannon	Sirianni
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EXCUSED—2

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

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

The SPEAKER. The clerk will hold the bill on the table for a period of 2 hours. After that time, the clerk is instructed to reprint the bill with the members' names which have been added and to send the bill to the Senate for concurrence.

REMARKS ON VOTE

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

Miss SIRIANNI. Mr. Speaker, I would like to be recorded in the affirmative on HB 285.

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

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

Mr. LETTERMAN. Mr. Speaker, why could we not find out— I think since the bill passed, I doubt if there is anyone who would not want to have their name added to it. I think we could solve it right now by just asking if there is anyone who did not want their name added to it. If that is the case, we could have it over with.

The SPEAKER. The 2-hour delay will not matter in the ultimate passage of the bill, and we would rather do it in an orderly fashion.

REMARKS ON VOTE

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

Mr. MICOZZIE. Mr. Speaker, I would like to be voted in the affirmative on HB 285.

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

RULES SUSPENDED

The SPEAKER. The gentleman from Berks, Mr. Davies, moves that the rules of the House be temporarily suspended so that we may take up for immediate consideration a resolution.

The gentleman from Bucks, Mr. Cordisco, joins in the motion to suspend the rules for the same purpose.

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

The following roll call was recorded:

YEAS—199

Acosta	Dietz	Laughlin	Rieger
Afflerbach	Dininni	Lescovitz	Robbins
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levdansky	Ryan
Arty	Donatucci	Levin	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fattah	McClatchy	Serafini
Birmelin	Fee	McHale	Seventy
Black	Fischer	McVerry	Showers
Blaum	Flick	Mackowski	Sirianni
Book	Foster, Jr., A.	Maiale	Smith, B.
Bortner	Fox	Manderino	Smith, L. E.
Bowley	Freeman	Manmiller	Snyder, D. W.
Bowser	Freind	Markosek	Snyder, G. M.
Boyes	Fryer	Mayernik	Staback
Brandt	Gallagher	Merry	Stairs
Broujos	Gallen	Michlovic	Steighner
Bunt	Gamble	Micozzie	Stevens
Burd	Geist	Miller	Sewart
Burns	George	Moehlmann	Stuban
Bush	Gladeck	Morris	Sweet
Caltagirone	Godshall	Mowery	Swift
Cappabianca	Greenwood	Mrkonic	Taylor, E. Z.
Carlson	Gruitza	Murphy	Taylor, F. E.

Carn	Gruppo	Nahill	Taylor, J. J.
Cawley	Hagarty	Noye	Telek
Cessar	Haluska	O'Brien	Tigue
Chadwick	Harper	O'Donnell	Trello
Cimini	Hasay	Olasz	Truman
Civera	Hayes	Oliver	Van Horne
Clark	Herman	Perzel	Veon
Clymer	Hershey	Petrarca	Vroon
Cohen	Honaman	Petrone	Wambach
Colafella	Howlett	Phillips	Wass
Cole	Itkin	Piccola	Weston
Cordisco	Jackson	Pievsky	Wiggins
Cornell	Jarolin	Pitts	Wilson
Coslett	Johnson	Pott	Wogan
Cowell	Josephs	Pratt	Wozniak
Coy	Kasunic	Pressmann	Wright, D. R.
Deluca	Kennedy	Preston	Wright, J. L.
DeVerter	Kenney	Punt	Wright, R. C.
DeWeese	Kosinski	Raymond	Yandrisevits
Daley	Kukovich	Reber	
Davies	Langtry	Reinard	Irvis,
Dawida	Lashingier	Richardson	Speaker
Deal			

NAYS—0

NOT VOTING—2

Gannon Pistella

EXCUSED—2

Hutchinson Williams

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.

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman, Mr. Davies, who offers the following resolution and asks for its immediate consideration.

The clerk will read the resolution.

The following resolution was read:

House Resolution No. 26

A RESOLUTION

Proclaiming March 1 as Saint David's Day to be observed throughout this Commonwealth.

WHEREAS, During the 19th Century, large numbers of people from Wales settled in Pennsylvania seeking employment in every field of industry and commerce; and

WHEREAS, Today millions of Americans proudly proclaim their Welsh descent; and

WHEREAS, The traditions and heritage of the Welsh have enriched the culture and fabric of our society; and

WHEREAS, Thomas Jefferson, Robert Morris, John Marshall, James Monroe, Abraham Lincoln and Calvin Coolidge, among other men of note, are all of Welsh descent; and

WHEREAS, March 1 is traditionally observed by Welshmen as Saint David's Day to mark the life of Saint David, the patron Saint of Wales; therefore be it

RESOLVED, That the House of Representatives proclaim March 1 as Saint David's Day to be observed throughout this Commonwealth.

John S. Davies
Robert J. Flick
William R. Lloyd, Jr.
David G. Argall

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Acosta	Dietz	Laughlin	Rieger
Afflerbach	Dininni	Lescovitz	Robbins
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levdanský	Ryan
Arty	Donatucci	Levin	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fattah	McClatchy	Serafini
Birmelin	Fee	McHale	Seventy
Black	Fischer	McVerry	Showers
Blaum	Flick	Mackowski	Sirianni
Book	Foster, Jr., A.	Maiale	Smith, B.
Bortner	Fox	Manderino	Smith, L. E.
Bowley	Freeman	Manmiller	Snyder, D. W.
Bowser	Freind	Markosek	Snyder, G. M.
Boyes	Fryer	Mayernik	Staback
Brandt	Gallagher	Merry	Stairs
Broujos	Gallen	Michlovic	Steighner
Bunt	Gamble	Micozzie	Stevens
Burd	Gannon	Miller	Stewart
Burns	Geist	Moehlmann	Suban
Bush	George	Morris	Sweet
Caltagirone	Gladeck	Mowery	Swift
Cappabianca	Godshall	Mrkonjic	Taylor, E. Z.
Carlson	Greenwood	Murphy	Taylor, F. E.
Carn	Gruitza	Nahill	Taylor, J. J.
Cawley	Gruppo	Noye	Telek
Cessar	Hagarty	O'Brien	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Truman
Civera	Hasay	Oliver	Van Horne
Clark	Hayes	Perzel	Veon
Clymer	Herman	Petrarca	Vroon
Cohen	Hershey	Petrone	Wambach
Colafella	Honaman	Phillips	Wass
Cole	Howlett	Piccola	Weston
Cordisco	Itkin	Pievsky	Wiggins
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pitts	Wogan
Cowell	Johnson	Pott	Wozniak
Coy	Josephs	Pratt	Wright, D. R.
Deluca	Kasunic	Pressmann	Wright, J. L.
DeVerter	Kennedy	Preston	Wright, R. C.
DeWeese	Kenney	Punt	Yandrisevits
Daley	Kosinski	Raymond	
Davies	Kukovich	Reber	Irvis,
Dawida	Langtry	Reinard	Speaker
Deal	Lashingier	Richardson	

NAYS—0

NOT VOTING—0

EXCUSED—2

Hutchinson Williams

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

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Cordisco, who offers the following resolution and asks for its immediate consideration.

The clerk will read the resolution.

The following resolution was read:

House Resolution No. 27

A RESOLUTION

Designating February 14, 1985, as "Families of Missing Children Day."

WHEREAS, There are more than 1,000,000 children listed as missing in the United States each year, and more than 50,000 will never be found or heard from again; and

WHEREAS, Various law enforcement agencies, volunteer groups and individuals seek the whereabouts or information on the location of missing children; and

WHEREAS, The National Center for Missing and Exploited Children, located in Washington, D.C., has lead the crucial effort to locate missing children; and

WHEREAS, The families of those children that are missing go through pain and anguish for their entire lives; therefore be it

RESOLVED, That the House of Representatives designate the day of February 14, 1985, as "Families of Missing Children Day" and urge that the date be celebrated as such throughout this Commonwealth.

John F. Cordisco
David W. Sweet
Peter J. Daley II
Richard A. Kasunic

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Acosta	Deal	Lashingner	Rieger
Afflerbach	Dietz	Laughlin	Robbins
Angstadt	Dininni	Lescovitz	Rudy
Argall	Distler	Letterman	Ryan
Arty	Dombrowski	Levdansky	Rybak
Baldwin	Donatucci	Levin	Saloom
Barber	Dorr	Livengood	Saurman
Barley	Duffy	Lloyd	Scheetz
Battisto	Durham	Lucyk	Schuler
Belardi	Evans	McCall	Semmel
Belfanti	Fargo	McClatchy	Serafini
Birmelin	Fattah	McHale	Seventy
Black	Fee	McVerry	Showers
Blaum	Fischer	Mackowski	Sirianni
Book	Flick	Maiale	Smith, B.
Bortner	Foster, Jr., A.	Manderino	Smith, L. E.
Bowley	Fox	Manmiller	Snyder, D. W.
Bowser	Freeman	Markosek	Snyder, G. M.
Boyes	Freind	Mayernik	Staback
Brandt	Fryer	Merry	Stairs
Broujos	Gallen	Michlovic	Steighner
Bunt	Gamble	Micozzie	Stevens
Burd	Gannon	Miller	Stewart
Burns	Geist	Moehlmann	Stuban
Bush	George	Morris	Swift
Caltagirone	Gladeck	Mowery	Taylor, E. Z.
Cappabianca	Godshall	Mrkonic	Taylor, F. E.
Carlson	Greenwood	Murphy	Taylor, J. J.
Carn	Gruitza	Nahill	Telek
Cawley	Gruppo	Noye	Figure
Cessar	Hagarty	O'Brien	Trello
Chadwick	Haluska	O'Donnell	Truman
Cimini	Harper	Olasz	Van Horne
Civiera	Hasay	Oliver	Veon
Clark	Hayes	Perzel	Vroon
Clymer	Herman	Petrarca	Wambach
Cohen	Hershey	Petrone	Wass
Colafella	Honaman	Phillips	Weston

Cole	Howlett	Piccola	Wiggins
Cordisco	Itkin	Pievsky	Wilson
Cornell	Jackson	Pistella	Wogan
Coslett	Jarolin	Pitts	Wozniak
Cowell	Johnson	Pott	Wright, D. R.
Coy	Josephs	Pratt	Wright, J. L.
Deluca	Kasunic	Pressmann	Wright, R. C.
DeVerter	Kennedy	Preston	Yandrisevits
DeWeese	Kenney	Punt	
Daley	Kosinski	Reber	Irvis,
Davies	Kukovich	Reinard	Speaker
Dawida	Langtry	Richardson	

NAYS—0

NOT VOTING—4

Gallagher	Linton	Raymond	Sweet
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EXCUSED—2

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

The SPEAKER. For the information of the clerk and the information of those members interested in signing HB 285, if there be anyone on the floor who does not wish his or her name affixed to the bill, notify the clerk. Mr. Clerk, you are instructed to add all other names of members who sit on the floor today to that reprinted bill. That will speed things up just a bit, and you will not have to come streaming down here.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 129, PN 278**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for Sunday sales.

On the question,

Will the House agree to the bill on third consideration?

Mr. BATTISTO offered the following amendments No. A0176:

Amend Title, page 1, line 17, by removing the period after "SALES" and inserting

; and removing provisions authorizing certain tournaments or contests.

Amend Bill, page 2, by inserting between lines 6 and 7

Section 2. Section 476 of the act is hereby repealed.

Section 3. All rules and regulations of the Pennsylvania Liquor Control Board implementing section 476 of the act are hereby declared null and void.

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

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment repeals section 476 from the Liquor Code. It also repeals and declares null and void the regulations promulgated by the board to implement section

476, that infamous amendment that was passed last spring sometime. I might add that the entire Bipartisan Anti-gambling Coalition supports this amendment. We do.

With the passage of this amendment last spring, you are aware of the fact that the State has been in a state of semichaos; that is, there has been a proliferation of blackjack and poker games. These are casino-type games. Mr. Speaker, I know that everyone approves of this; however, I would—

POINT OF ORDER

Mr. STEVENS. Point of order, Mr. Speaker.

The SPEAKER. Will the gentleman yield for a moment. You will yield the floor temporarily.

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

Mr. STEVENS. Mr. Speaker, if this amendment were to pass, how would that affect the other amendments that would be submitted? Would they still be voted upon today and given an opportunity for debate?

The SPEAKER. The Parliamentarian, who has looked at the amendments—and the Speaker has not—advises the Chair that the Chair cannot give you a general answer. The adoption of the Battisto amendment will obviously strike out the availability of some amendments, but there are other amendments which are inserting words into lines of the bill that would still be there and would be available. There will be some stricken out, but there will be others, the Chair is advised, which could be run.

Mr. STEVENS. Mr. Speaker, may I yield on this point of order to Representative Cawley?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. A parliamentary inquiry, please.

The SPEAKER. State the parliamentary inquiry, Mr. Cawley.

Mr. CAWLEY. Mr. Speaker, yesterday I went to the amendment clerk and I asked the amendment clerk if there were any amendments to SB 129, and I was told that there were no amendments to SB 129. I then submitted my three amendments, and I then went up to Mr. Clancy Myer and notified him that I submitted my three amendments and I was the first to submit amendments and I would like to have my amendments considered first. Mr. Myer informed me to contact him this morning. I went up to Mr. Myer this morning, and I was told that Mr. Battisto's amendment was going to be offered first. I was also told yesterday that the normal procedure is: first amendments in, first amendments out.

Mr. BATTISTO. Point of order, Mr. Speaker.

Mr. CAWLEY. Mr. Speaker, I would like you to be able to help me out on this.

The SPEAKER. Mr. Cawley—

Mr. CAWLEY. How do I run—

The SPEAKER. Mr. Cawley, let me answer you. You may have a legitimate question, but it is too late. The Chair has recognized Mr. Battisto. He has only yielded for inquiry, and I am sure he is not yielding his position on the amendment.

Mr. CAWLEY. Well, I do not know. Can I ask him to yield his position, because I have local option taxes and so on and so forth.

The SPEAKER. If Mr. Battisto wishes to, he may withdraw his amendment temporarily, but you will have to ask Mr. Battisto that.

The Chair recognizes the gentleman, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, if your amendment were the first one, I would gladly yield. However, my amendment was prepared yesterday and was the first one handed in. In fact, there was—

The SPEAKER. Mr. Battisto, let the Chair interrupt.

Do you yield or do you not, sir?

Mr. BATTISTO. No, I do not.

The SPEAKER. The Chair thanks the gentleman.

The gentleman may continue on his amendment.

Mr. CAWLEY. Mr. Speaker, may I make a motion?

The SPEAKER. You must let Mr. Battisto finish, and then if the motion is in order, the Chair will recognize you, Mr. Cawley.

Mr. Battisto, you may make your statement on your amendment.

Mr. BATTISTO. I will be succinct, Mr. Speaker.

This State has overwhelmingly rejected the idea of casino-type gambling, and with the passage of section 476, what we have done is legalize casino-type gambling throughout this State. Therefore, I ask for a strong, affirmative vote for this amendment to repeal section 476. Thank you very much.

The SPEAKER. The question is, will the House adopt the Battisto amendment?

The Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Mr. Speaker, first of all I want to clarify one thing.

Mr. Battisto said that his amendments were in first. Now, I would like someone to go and ask the two amendment clerks who submitted the first amendment.

The SPEAKER. Mr. Cawley, I am sorry, it is out of order. You may speak to the amendment, not to the order in which it was submitted.

Mr. CAWLEY. All right, Mr. Speaker.

What is the procedure, Mr. Speaker, for me to make a motion that my amendments be considered first? And I would like to have a roll-call vote on that, over Mr. Battisto's.

The SPEAKER. Just a moment, Mr. Cawley. We do not know any method by which you can do that, but we will check it out.

Under Mason's Legislative Manual, the Chair will read: "Sec. 399. Laying Motion to Amend on the Table. 1. It is not"—I repeat—"It is not in order to lay an amendment on the table" by itself. "Under the practice of some bodies,

however, a motion to lay an amendment on the table is permitted since it has the effect of laying the principal motion, with all adhering motions, including the proposed amendment, on the table.”

We could accept, if the gentleman wishes to do so, a motion which would table the bill together with the offered amendment, but we cannot accept a motion to table the amendment alone.

The Chair recognizes the gentleman, Mr. Cawley.

Mr. CAWLEY. Yes, Mr. Speaker. Before I make this motion, again, amendment number— This is Cawley. This is for the press, Mr. Speaker, if I may. Okay?

The SPEAKER. Mr. Cawley, you are permitted to make a motion, you are permitted to debate the Battisto amendment, but the permission does not go beyond that.

Mr. CAWLEY. So I cannot read that my numbers were first and Battisto's were after mine to the press? I cannot say that to them?

The SPEAKER. No, you may not do that, Mr. Cawley.

Mr. CAWLEY. All right, then I will not, Mr. Speaker.

The SPEAKER. And the jury will ignore the statement.

MOTION TO SUSPEND RULES

Mr. CAWLEY. Mr. Speaker, I would like to make a motion to suspend the rules, please.

The SPEAKER. For what purpose, Mr. Cawley?

Mr. CAWLEY. So that we can vote on putting my amendments up first.

The SPEAKER. You would have to suspend not only the rules of the House but all the rules of parliamentary procedure.

Mr. CAWLEY. Well, let us try that, Mr. Speaker, okay? I had been suspended five times when I was playing with the Houston Astros, you know, so I am used to suspensions.

The SPEAKER. What your motion should be, Mr. Cawley, is to move to suspend the rule which does not permit the laying of an amendment on the table alone, and if the House were to suspend that rule, then you could move to place the Battisto amendment on the table and the House would make the decision.

Mr. CAWLEY. Yes, I move to place Mr. Battisto's amendment on the table.

The SPEAKER. The motion is—

Mr. CAWLEY. After the suspension. We are going to get the suspension; I know that, Mr. Speaker.

The SPEAKER. Well, let us get that first.

The motion of the gentleman, Mr. Cawley, is to suspend the rule whereby this House does not permit the laying of an amendment on the table by itself, and the question is, will the House suspend the rules?

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority whip. Do you wish to speak on the suspension?

Mr. O'DONNELL. Yes, Mr. Speaker.

First a point of parliamentary inquiry. If the gentleman—

The SPEAKER. Just a moment, Mr. O'Donnell. We are informed that it is not debatable.

Mr. O'DONNELL. Mr. Speaker, my first words to the Chair were, “a point of parliamentary inquiry.”

The SPEAKER. As long as you are not debating, we will talk about a parliamentary inquiry. The Chair recognizes you under that point.

Mr. O'DONNELL. Mr. Speaker, if the gentleman's motion is successful, would not the Chair still have the discretion as to which amendment to consider first?

The SPEAKER. Not if the Chair were instructed by the vote of the Assembly which amendment must be taken first. It would take the power away from—

The Chair would suggest that those of you who are enthusiastically applauding be very careful. The business of structuring the House of Representatives is in the hands of the majority leader. It is his duty to run the floor of the House. The Speaker tries to follow the instructions of the majority leader. If you begin to rebel simply over this issue and begin to take the power of the floor away from the majority leader, you run the risk of all governments which begin that way to dissolve into chaos. Now, the Chair is quite serious about it. The Chair is quite serious about it and suggests that you think, for someday it may be your ox which is gored.

The Chair now returns to Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I respect the rules and will be constrained by them. But I think, and perhaps Mr. Cawley's permission by way of some elongated interrogation is the device, but there are three sentences that I think ought to be put before the House on this subject and would request the permission of the House to make them on the subject of the calendar.

The SPEAKER. The gentleman may proceed.

Mr. O'DONNELL. The issue is very simple. You know as a political matter, whether or not it is a legal matter, that voting the variety of amendments that have been offered first puts the straight repealer amendment last. And as a matter of calendaring, the issue is, of course, who decides what the calendar will be, and as the Speaker said, it has always been the majority leader, regardless of what party.

The second issue is, as a practical matter, if you debate all the individual amendments and then there genuinely is a majority sentiment here for an outright repealer, you will have spent the entire afternoon merely as an exercise of going on record in favor of this and against that, in favor of this and against that. This House will then spend its entire day with that exercise, and if there is a majority for repealer, then wipe out that whole afternoon's work. If there is a majority for repealer and you do it first, then obviously each of the members can continue to offer amendments, but it also becomes a fairly futile exercise, and the members realize that.

I think that is the other thing you ought to consider when you are taking this vote and taking that calendaring issue out.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—70

Acosta	Daley	McCall	Seventy
Afflerbach	Dawida	Micozzie	Staback
Belardi	Duffy	Moehlmann	Steighner
Belfanti	Durham	O'Brien	Stevens
Blaum	Flick	Olasz	Stewart
Bowley	Freind	Oliver	Sweet
Burd	Gallen	Perzel	Taylor, J. J.
Burns	Gannon	Petrarca	Telek
Caltagirone	Haluska	Petrone	Tigue
Cappabianca	Hasay	Pistella	Trello
Cawley	Jackson	Pott	Van Horne
Civera	Jarolin	Punt	Veon
Clark	Kennedy	Raymond	Weston
Cohen	Kosinski	Reber	Wilson
Cordisco	Kukovich	Richardson	Wogan
Cornell	Laughlin	Ryan	Wozniak
Coslett	Letterman	Serafini	Wright, R. C.
DeWeese	Lucyk		

NAYS—130

Angstadt	Distler	Kennedy	Preston
Argall	Dombrowski	Langtry	Reinard
Arty	Donatucci	Lashingner	Rieger
Baldwin	Dorr	Lescovitz	Robbins
Barber	Evans	Levdansky	Rudy
Barley	Fargo	Levin	Rybak
Battisto	Fattah	Linton	Saloom
Birmelin	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Book	Foster, Jr., A.	McHale	Schuler
Bortner	Fox	McVerry	Semmel
Bowser	Freeman	Mackowski	Showers
Boyes	Fryer	Maiale	Sirianni
Brandt	Gallagher	Manderino	Smith, B.
Broujos	Gamble	Manmiller	Smith, L. E.
Bunt	Geist	Markosek	Snyder, D. W.
Bush	George	Mayernik	Snyder, G. M.
Carlson	Gladeck	Merry	Stairs
Carn	Godshall	Michlovic	Stuban
Cessar	Greenwood	Miller	Swift
Chadwick	Gruitza	Morris	Taylor, E. Z.
Cimini	Gruppo	Mowery	Taylor, F. E.
Clymer	Hagarty	Mrkonic	Truman
Colafella	Harper	Murphy	Vroon
Cole	Hayes	Nahill	Wambach
Cowell	Herman	Noye	Wass
Coy	Hershey	O'Donnell	Wiggins
Deluca	Honaman	Phillips	Wright, D. R.
DeVerter	Howlett	Piccola	Wright, J. L.
Davies	Itkin	Pievsky	Yandrisevits
Deal	Johnson	Pitts	
Dietz	Josephs	Pratt	Irvis,
Dininni	Kasunic	Pressmann	Speaker

NOT VOTING—1

McClatchy

EXCUSED—2

Hutchinson Williams

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

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair now recognizes the gentleman from Lackawanna, Mr. Cawley, on the debate over the Battisto amendment.

Mr. CAWLEY. Mr. Speaker, I would like to comment on what Mr. O'Donnell said about it being a practical matter.

Being a practical man, I think there are a lot of amendments regarding this bill, regarding card playing across this State. He mentioned about everything being futile. Well, I think it would be to our advantage to, for the first time, spend one solid day regarding this issue versus how it was passed last May of 1984. I do not mind spending the entire day on this, and I think that all of the people who drew up amendments should have an opportunity to offer those amendments before an amendment is offered to repeal everything.

MOTION TO TABLE

Mr. CAWLEY. At this point I would like to make a motion to table the bill, and also a motion to you, Mr. Speaker, if the Democrats could have a caucus regarding the procedure that was used this morning. I think I have the majority of support regarding the procedure which allowed Mr. Battisto's amendment to go first.

The SPEAKER. The motion will be—now please pay attention—to table the bill, together with the offered amendment by Mr. Battisto. The question is on that motion.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, on the motion.

There are three separate issues in front of us. Number one, are we going to go back and deal with what we did last May? We have not covered ourselves with glory in that exercise, and the question is now whether we wipe the slate clean. The second issue is that we have a very troubled tavern industry in Pennsylvania and are we going to do something about that and help them in some way, and that discussion is focused on tournaments of various kinds, including darts and rings and whatnot. The third issue—and it is a separable issue—is whether or not we are going to legalize gambling in Pennsylvania, and whether we are going to do it at all, and where we are going to do it, and with local option or not, and with taxation or not, and who gets the proceeds of those revenues. Any attempt, even in one day of debate on this House floor, to resolve those three issues in this one forum, in this one bill, is, I think, a terrible mistake.

The question really is—and they are separable—can we separate them out? Can we go back and deal with what we did last summer? Second, can we approach the tavern industry in an honest way—and by "honest" I mean, the plea has been made publicly that that industry wants help in getting people in the door so they can do what it is they do, which is to sell food and drink. Let us not kid each other. The proceeds from

legalized gambling in the bars is much, much higher than anybody is going to make on food and drink. Let us not kid each other.

Certainly we ought to do something for the tavern industry. That is my own personal opinion. But I do not think this is the time to do it, but I think it ought to be within a month, 2 months, whatever. But legalize gambling? That is another issue that runs very, very deep here, and I do not think we ought to be debating it in this context.

For those reasons, I would suggest that we take step one and take it expeditiously so that the situation does not continue in Pennsylvania without being addressed by the General Assembly. If this House addresses the issue expeditiously, the Senate stands ready to act pursuant to our activity. They are prepared to respond this afternoon to our activity. So if we do it right away, we will have dealt with the situation. If we delay, I am afraid all is lost. I think we ought not to table the bill.

Mr. CAWLEY. Mr. Speaker?

Mr. BATTISTO. Mr. Speaker?

The SPEAKER. Mr. Cawley and Mr. Battisto, we are sorry; Mr. Ryan is recognized and then there can be no further debate.

Mr. RYAN. Mr. Speaker, I would like to interrogate the majority whip on the remarks he just made.

The SPEAKER. Excuse me just a moment.

The reason—I do not want you to be confused—is the Speaker should have advised you before that this is not debated by the members on the floor; only the leadership may debate the motion to table.

Now you may continue, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, did I understand you to say that you thought today's activities would center on only one of those three things that you mentioned and that was the total repeal, or could I understand by your remarks that should the Battisto amendment be successful there would be other amendments offered so that part of that second question could be addressed? For instance, I think there are a number of people in this House who would be satisfied doing by our vote what we thought we did by our vote some 6 or 8 months ago. I speak only for myself, not for my caucus. Are you suggesting that this part of the issue cannot be addressed if the Battisto amendment carries?

Mr. O'DONNELL. No, sir, I am not suggesting that.

I guess I would separate them. I personally would like to see them as separated as possible, and in fact had prepared a resolution directing the Liquor Control Committee to address exactly the point of tournaments and to come back here with a bill within 90 days, and I talked to some other people about the relative adequacy or inadequacy of that. I would like to see the gambling issue absolutely removed from the agenda today.

The majority leader controls the calendaring, but every member has rights even within the rules, and within those rules any member can offer an amendment which is germane.

I fully expect that after a repealer amendment there will be subsequent amendments, some of which will be narrow enough to direct only this issue, many of which will have to do with legalized gambling across the board. Many of those amendments are going to be germane and will not necessarily have to be considered by this House. So in terms of what is possible, yes. In terms of my personal preferences, I would like to see legalized gambling studied on a much deeper and longer basis, and I would think the tavern problem can be addressed separately from that and in a shorter time frame.

Mr. CAWLEY. I made the motion, not him.

The SPEAKER. Mr. Cawley—

Mr. CAWLEY. Is what he is doing legal? I mean, I made the motion and he spent 25 minutes at the mike.

The SPEAKER. Mr. Cawley, you are out of order.

(A statement by Mr. Cawley at this point was voluntarily stricken from the record.)

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

The following roll call was recorded:

YEAS—57

Acosta	Duffy	McVerry	Seventy
Belardi	Evans	Maiale	Staback
Belfanti	Fryer	Michlovic	Steighner
Blaum	Haluska	O'Brien	Stevens
Bowser	Hasay	Olasz	Stewart
Burns	Howlett	Perzel	Taylor, F. E.
Caltagirone	Jarolin	Petrarca	Taylor, J. J.
Cappabianca	Josephs	Petrone	Telek
Carn	Kasunic	Pistella	Tigue
Cawley	Kenney	Pott	Trello
Clark	Kosinski	Punt	Wilson
Cohen	Kukovich	Reber	Wogan
Coslett	Letterman	Richardson	Wozniak
DeWeese	McCall	Serafini	Wright, R. C.
Daley			

NAYS—143

Afflerbach	Dininni	Lashingier	Reinard
Angstadt	Distler	Laughlin	Rieger
Argall	Dombrowski	Lescovitz	Robbins
Arty	Donatucci	Levdansky	Rudy
Baldwin	Dorr	Levin	Ryan
Barber	Durham	Linton	Rybak
Barley	Fargo	Livengood	Saloom
Battisto	Fattah	Lloyd	Saurman
Birmelin	Fee	Lucyk	Scheetz
Black	Fischer	McClatchy	Schuler
Book	Flick	McHale	Semmel
Bortner	Foster, Jr., A.	Mackowski	Showers
Bowley	Fox	Manderino	Sirianni
Boyes	Freeman	Manmiller	Smith, B.
Brandt	Freind	Markosek	Smith, L. E.
Broujos	Gallagher	Mayermik	Snyder, D. W.
Bunt	Gallen	Merry	Snyder, G. M.
Burd	Gamble	Micozzie	Stairs
Bush	Geist	Miller	Stuban
Carlson	George	Moehlmann	Sweet
Cessar	Gladeck	Morris	Swift
Chadwick	Godshall	Mowery	Taylor, E. Z.
Cimini	Greenwood	Mrkonic	Truman
Civera	Gruitza	Murphy	Van Horne
Clymer	Gruppo	Nahill	Veon
Colafella	Hagarty	Noye	Vroon
Cole	Harper	O'Donnell	Wambach
Cordischo	Hayes	Oliver	Wass
Cornell	Herman	Phillips	Weston

Cowell	Hershey	Piccola	Wiggins
Coy	Honaman	Pievsky	Wright, D. R.
Deluca	Itkin	Pitts	Wright, J. L.
DeVerter	Jackson	Pratt	Yandrisevits
Davies	Johnson	Pressmann	
Dawida	Kennedy	Preston	Irvis,
Deal	Langtry	Raymond	Speaker
Dietz			

NOT VOTING—1

Gannon

EXCUSED—2

Hutchinson Williams

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 Lackawanna, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion to remove the bill from the calendar. Will you check on the legalities of that, Mr. Speaker?

The SPEAKER. We do not know of any motion to that extent, Mr. Cawley.

Mr. CAWLEY. I think it happened two or three times, Mr. Speaker.

The SPEAKER. It is creative, but we do not recognize it. You may go ahead with your debate on the Battisto amendment, Mr. Cawley.

MOTION TO RECOMMIT

Mr. CAWLEY. I would like to recommit the bill, Mr. Speaker. I will make a motion to do that.

The SPEAKER. That motion is in order.

Mr. CAWLEY. I would like to recommit it because I think that if the amendments were allowed to be offered by the various members, such as a 6-percent local tax and a 2-percent State tax and a limit on the entrance fee and a limit on the amount that the licensee can take of the entrance fees and especially a local option, I think that if those amendments had a chance to be voted on and to be accepted, that many members may change their minds on the total vote of this bill. That is why I am asking for this to be recommitted.

The SPEAKER. To which committee, Mr. Cawley?

Mr. CAWLEY. The Liquor Control Committee.

The SPEAKER. The motion is to recommit SB 129 to the Liquor Control Committee.

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

The SPEAKER. That motion is debatable.

The Chair recognizes the gentleman from Luzerne, Mr. Stevens, on the motion.

Mr. STEVENS. Thank you, Mr. Speaker.

Mr. Speaker, I agree with Representative O'Donnell when he said that this issue should not be decided in one day, and that is why I support this motion to recommit.

There has been a denial of other members from having their amendments heard, but there has been no public input whatsoever in this repealer bill that will drastically affect tourism in this State.

I understand that it is going to be recommitted to Liquor Control, Mr. Speaker. Is that correct?

The SPEAKER. To Liquor Control, yes.

Mr. STEVENS. Thank you, sir.

I think in recommitting this bill you are at least going to get some public input on this question. That is what is needed. Instead, there is kind of an urge to purge here. Everybody wants to get rid of a law instead of perhaps regulating that law, or at least discussing if we should repeal it, without the public being part of the process, and through recommitment what Mr. O'Donnell said can happen. We can have a thorough discussion of this issue, because I do not believe his statements that there will ever, ever again be a chance for legalized gambling in Pennsylvania if this repealer is passed. I think through the Liquor Control Committee the issue can be more thoroughly addressed; people could come and give their opinions; we can talk to tavern owners, and we can decide what we want to do. If we decide to repeal it after that, fine, but this is not the way to do it, by shutting out amendments and by not going through the public process. However the bill was voted on last year, we all voted for it and we are responsible for that vote. There was nothing secret about it.

So I hope that we can recommit this and have some public hearings so that people have a chance to comment. This is a very important piece of legislation. It can affect the tourism industry in Pennsylvania for years to come, and it should not be done quickly today with a quick repeal, a quick purge. So I support Representative Cawley's motion. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer, on the motion to recommit.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to recommit this bill.

My colleague just mentioned there was no public input. I would advise the membership here today that there was no public input when gambling took place, and is this the will of the people? The fact that the legislators did not have that opportunity to vote whether the Commonwealth should be in the midst of casino gambling has been denied them. Therefore, Mr. Speaker, I ask the members of this General Assembly to vote against recommitment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BATTISTO. Representative Clymer just repeated my sentiments. However, I will mention this: One of the things that many people became irate about was the very fact that there was no public input when section 476 was added in conference committee. Therefore, to ask for public input now is ludicrous. Let us repeal this. If there are other initiatives to be made, let them be made by this General Assembly. Let there be public hearings.

This bill ought to be cleared right now. The Senate passed the bill 40 to 9. We ought to do the same thing. I ask for a "no" vote on recommitment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Micozzie, on the motion.

Mr. MICOZZIE. Thank you, Mr. Speaker.

I rise to support the recommitment of SB 129. Anyone who attended the Liquor Control Committee meeting Monday became readily aware that there is not a consensus on doing away with the bill that we passed last summer or whenever we passed it. There is no outcry, in my district at least, against blackjack or whatever; there is an outcry about casino gambling. So I think that either we address the issue of the troubled tavern owners throughout the State— And by the way, there are 22,000 small businesses throughout the State with approximately 100,000 jobs. When the steel industry was in trouble, we formed the steel caucus to address those problems of unemployment. When the farmers are in trouble, we have the agricultural caucus badgering us and telling us that they need help. The tavern owners are small business people, and they are in dire need of help.

I know what is going to happen; this bill is going to be repealed. I agree with Representative O'Donnell that we should be doing something, but to wait 90 days and to wait a year or whatever, if this bill is repealed today, you may rest assured the members of this General Assembly will not address the problems unless there is a total failure in the industry. So I hope that we recommit the bill, and if we do not recommit the bill, that we do address the problems of the tavern owners. Thank you, Mr. Speaker.

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

Mr. SALOOM. Mr. Speaker, I would ask the House not to recommit this bill. It came out of the Liquor Control Committee on Monday with an overwhelming majority, and anything that should be decided, I think, should be decided here today on the House floor. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, what we have before us in SB 129 in its pure version is a bill to try to help out the tavern owners on St. Patrick's Day. Now, I am not an Irishman by descent, but I understand everybody is on St. Patrick's Day, and I have enjoyed this in the past.

Our friends in the tavern industry have a problem this year because it falls on a Sunday. Now before us we have a bill that perhaps we can do the tavern owners a little bit of good and help them out on this big day in their trade. Now, if we get into all this other stuff here today, what we are going to do is put this bill in a state of flux, and in our efforts to try to help the tavern owners, we are going to deny them the little bit of help that we can give them with this bill, because we are going to end up just monkeying this bill up like we have done in the past with some other things.

I do not know if a compromise can be reached here among my colleagues, but in an effort to do this, I am going to ask that everybody who is offering amendments on both sides withdraw them from this bill so that we can give our friends in the tavern industry an opportunity to at least have St. Patrick's Day. Let the Liquor Control Committee deal with these gambling issues, and let us pass this bill without amendments. This way we can give them a little something instead of nothing before we adjourn here for the budget hearings.

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

Mr. OLASZ. Mr. Speaker, I wish to withhold my comments until this vote on recommitment is taken, and then I wish to interrogate Mr. Battisto if this bill is not recommitted.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TRELLO. Mr. Speaker, several of the members made a statement that our constituency out there had no input back in May, and I agree with that. They did not, and I think it was wrong, but I do not think two wrongs make a right. We made a mistake last year; let us not make the same mistake this year. I support the recommitment of the bill for the purpose of public hearings so we can have some input.

I have heard a lot here this afternoon about casino-type gambling. I, too, oppose casino-type gambling, but I wonder, Mr. Speaker, if this amendment read to allow having the U.S. Open Golf Tournament or the Virginia Slims Tennis Tournament with a \$90,000 or \$100,000 prize to the winner, would anybody in this House vote against it? Of course not; I would not. So what are we talking about? Are there two sets of rules - one for people who like to play blackjack and the other for people who like to play golf or tennis or even chess? I do not think this House has two sets of rules. I do not believe the members of this General Assembly feel that one segment of our society is much better off than the other.

I support the motion to recommit, and I think the people back in our districts who elected us to come up here and vote the way they want us to vote should have an opportunity to tell us their feelings about this bill. I support the recommitment motion.

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

Mr. DEAL. Mr. Speaker, I rise to speak against recommitment. Mr. Speaker, I do so because I believe that there is a bill that was passed by this House that is in circulation in Pennsylvania. I believe that bill passed this House without a thought of what kind of impact it would have in the State of Pennsylvania. I believe many of us recognize that we did pass such a law and recognize that that law has so many questions to be raised, raised on both sides - those who are for gambling, whether or not the State would get its fair share, and those who are opposed to gambling. There are many facets involved.

Mr. Speaker, I tend to believe that the best way is to not recommit this bill but for us to deal with this bill today by not

recommitting the bill. I would hope this body would say to the people in Pennsylvania, yes, we took some action, but today we decided we would deal with that issue so that the general public would be very clear on how each of us stands on the legislation which we pass. I am opposed to recommitment and would hope my colleagues would join me.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I rise wholeheartedly in favor of recommitment of this bill. I think we see the tip of an iceberg that has to be addressed and addressed fully, and I think we should allow our citizens to be heard.

For too long we have had many regressive laws for liquor enforcement. Our tavern owners are being put out of business because of laws that we passed that make them limited on insurance. Whether we intentionally or unintentionally did what we did last year, we have opened up something that should be aired. We in this State encourage people to gamble to the tune of \$25 million a week on the lottery and the races. This small thing that we have done for the tavern owners, we should give them an opportunity to be heard; we should consider further amendments that can correct the possible mistake that we made.

So I ask for support for recommitment of this bill, and, Mr. Speaker, I just want to leave you with a little word I learned in church last week - bingo.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, it is my opinion that since I have been here, issues of such magnitude have been considered in specific pieces of legislation. To allow an amendment which would affect so greatly the effects of tournaments in our State would seem to me to eliminate the important committee system which has been established.

Currently the Liquor Control Committee is having public hearings, and those members have far more knowledge of this issue than most of us in the House because of the people whom they have listened to. It is my opinion that if we vote on this bill today with amendments which we are not totally aware of, we might be eliminating tennis tournaments, bridge tournaments, and tournaments of this type, and then who is to say that a deck of cards with 52 cards in it is to be considered a blackjack tournament card deck?

It is my opinion that this bill should be recommitment so that the committee which knows more about it than we do will have an opportunity to provide the effect that we are establishing here today in a much greater manner and a much more prudent manner. Thank you, sir.

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

Mr. CIVERA. Thank you, Mr. Speaker.

If I could have everybody's attention for just a moment to listen to my comments, because I think they are very important.

I rise to support Representative Cawley's motion to recommit this to the Liquor Control Committee. However, the chairman of the Liquor Control Committee stated a few minutes ago that this bill had been reported out of committee. Now, let us not mix up everybody here today, because when this bill was called up in committee, it had no relationship to gambling whatsoever, Mr. Speaker. The issue was St. Patrick's Day, period. The issue of gambling for the Commonwealth of Pennsylvania at Monday's hearing was— There were a lot of amendments that were put to the committee, and there was a lot of discussion on the subject of gambling that was not resolved. I suggest that that issue go back and stay in the Liquor Control Committee and have the chairman, on an up-and-up basis, exercise his rights to have all of the amendments that were justly so put into that committee on Monday to do again, and then come to this General Assembly so the industry, the tavern industry, is not crucially injured. There are some amendments that would give the tavern owners what they rightfully intended to have back in June, and why should we take it away from them?

So, Mr. Speaker, SB 129 did not relate to gambling when it was reported out of the Liquor Control Committee on Monday. Let us not mix this up with what we are discussing today. I say support the Cawley cause to recommit this bill back to the House Liquor Control Committee. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GALLEN. Mr. Speaker, it was my intention to support the Battisto amendment, but I do not know; I intend now to vote to recommit the bill. I think an extreme discourtesy was shown here by both the majority leader and Mr. Battisto in not withdrawing or allowing for the other amendments. I think what happened here was the Battisto amendment was offered; it precluded anyone else from having a shot at this bill, and I intend to support Mr. Cawley in his effort to recommit.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LINTON. Thank you, Mr. Speaker.

I think the issue here today is not whether we are progambling or against gambling. The issue for me is that I do not want any bill, any law, passed by this body that amounts to cloak-and-dagger, that amounts to smoke-filled rooms, that amounts to passing a piece of legislation which has a different intent than what the members of this body think it has when we vote for it.

I think we erred this past summer when we allowed that bill to pass this House in the form that it did, and I think the way to correct that error is to support the Battisto amendment. I would hope that we not recommit the bill and that we deal with this issue today before this House. So I would ask my members and encourage my colleagues to vote against the motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cawley. Do you wish to speak for the second time on your motion, sir?

Mr. CAWLEY. Yes. Thank you, Mr. Speaker.

I just ask for an affirmative vote so that all of these issues can be discussed once it goes back to committee, and to give the committee system the opportunity to amend the bill and then let it out for a full vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Vroon. Do you wish to speak on the motion to recommit? You are so recognized.

Mr. VROON. Mr. Speaker, just a very brief comment on this whole question.

We all made a mistake; we know it, and we want to rectify that mistake to the best of our ability. The cleanest and quickest way to rectify the mistake is to pass the Battisto amendment now and not to delay. This is not to prevent by any means the further discussion of any other combination of amendments in or out of committee. I do not think we are going to do anything but delay the rectification of the mistake that we made. Personally, I cannot approve the continuance of the gambling activity that is going on now just because we made a mistake and because we are not willing to correct that mistake right here and now.

I think we ought to defeat this motion, and we ought to move and vote on the Battisto amendment and say very emphatically, yes, we made the mistake; we will take care of everything else that is required and desired in due course and in a proper manner. I urge a "no" vote on this motion.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clymer, for the second time on the motion.

Mr. CLYMER. Mr. Speaker, very briefly.

I have heard comments saying that we should do something for the tavern industry.

The SPEAKER. Excuse me, Mr. Clymer.

I had a question from the floor asking whether we permit applause from the gallery. Normally, no, and we would not if it ever got out of hand, but so far, in the judgment of the Speaker, the men and women in the gallery have conducted themselves as they should, and we will not order them not to applaud.

Now you may go ahead, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I wish to remind the members, those who have made a comment in particular that we have not been helping the tavern industry, that the very bill we passed, SB 730, had four provisions in there that did indeed help the liquor industry.

Now, let us not cloud the issue. The issue that we are looking at today is that casino gambling, which is now taking place in Pennsylvania, is not the will of this General Assembly. I would ask that we vote against recommitment of this bill and to deal with it so that if indeed there are people who feel we should have casino gambling, they can do it up front and not in a provision of some piece of legislation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stevens, for the second time.

Mr. STEVENS. Thank you, Mr. Speaker.

Very briefly, I think the heated debate which we are seeing today shows that this should be recommitted. I think there is an almost puritanical air about this debate to purge this law which we supposedly made a mistake in passing. It is not casino gambling, and that could be brought out at a public hearing at a committee meeting; it can all be explained exactly what it is. It is not what everybody is saying it is; it is not a terrible thing. It is good for tourism in this State, and I think that the very heat of this debate today shows that this urge, this puritanical urge to get rid of it is misguided and that we should have public input, and everybody could then make up his own mind.

To say that we made a mistake last year is not necessarily true. We voted on it; we passed it. Maybe it was interpreted a little differently, and maybe the Philadelphia D.A. is trying to second-guess this legislature too much, too, but the fact is, if he says, jump, we should not say, how high. I mean, let us go to a committee at a public hearing and discuss these things, and we will not have these tempers flaring; we can approach it in a reasonable manner. But if we just pass the Battisto amendment, we are saying, number one, the procedure which was used to cut off debate—and my amendment would not be heard also—we are saying that is right, and we are saying that there will be no wagering in Pennsylvania on cards. And do not be misled; it is never going to come up again. This is it. Either we keep what we have and regulate it or we are not going to have it at all, and that is too important a question to be decided in the heat of today on the Battisto amendment. So I urge that we really recommit this and do it the right way. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TRELLO. Very, very briefly, I agree with Representative Vroon that we made a mistake back in May, and we heard the outcry of a number of our constituents on what we did. Let us not make the same mistake again. I think in recommitting this piece of legislation we will allow everybody to put their pound of flesh into how they feel about this legislation, then go on from there and draft something that they feel they want. I again urge everybody to vote for recommitment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the motion of Representative Cawley. I have heard some of my colleagues say before me that the issue here and this particular motion is not gambling or not gambling. I agree with that. I think the real issue here is the parliamentary procedure which is being used to preclude members from offering amendments and debating this issue fully.

Never in the three terms of my service in this House have I seen, no matter how controversial the issue - not marital rape, not abortion, not welfare reform - never have I seen a parliamentary procedure used this way to preclude members from debating an issue fully and openly. Many members have prepared amendments to a section which if this amendment passes will be repealed; their amendments will therefore not be offered, not be debated.

I feel that it is very unfortunate the leadership chose to use this technique to preclude members this way, and I am also very disappointed in my colleague from Monroe County for not yielding the floor the way many of us have in similar circumstances to allow members to offer amendments. I support the motion to recommit, and should that motion fail, Mr. Speaker, I intend to offer a motion to recess the House for the purpose of caucus. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, there have been no parliamentary moves to preclude anybody from doing anything. The first amendment that was brought to the attention of the majority leader's office was the Battisto amendment. Mr. Cawley did not ask or did not inform the majority leader until this morning when we were on the floor that there was an amendment that he had. We had heard that he had an amendment and we listed him as second to go to bat. He did not, Mr. Speaker, before this morning inform us of his own volition that there was an amendment.

Several speakers have indicated that we are shutting off amendments. Any amendment that has been prepared to this bill can be offered. No one is telling you you cannot offer your amendments to this bill. But we are now debating a motion to recommit.

Now, the Liquor Control Committee met on a gambling bill or on a tournament bill the other day in the majority caucus room, and to the best of my knowledge, there was very little sentiment for leaving what we had done intact, without some change. There were some who wanted to take cards out. There were some who wanted to eliminate specific games. There were some who wanted to take the limit of wagers down. But that committee was unable to agree on what they wanted to do, and they did not report that bill out. The result of not reporting the bill out and the result of leaving Harrisburg this week without resolving the issue is that those people who are installing blackjack tables in taverns and other types of gambling devices, which have so far, to the best of my knowledge, been interpreted as being legal under what we passed some months ago—contrary, I believe, to the intent of the Assembly—no one has been prosecuted, no one has been arrested, and if you recommit this bill, we are going to go home and the same thing will be occurring - more tables will be installed - and until the Liquor Control Committee makes up its mind on what kind of tournament legislation they think the General Assembly will pass, we will be operating under the law that was passed some time ago that many have admitted is being interpreted by every district attorney—not only the

Philadelphia district attorney, every district attorney—as permitting what had heretofore not been permitted in taverns or anywhere in Pennsylvania.

So the issue is simple. Do we do what we can today to restore Pennsylvania's law to what it was before we made the mistake and allow the Liquor Control Committee to continue to debate in subsequent sessions whatever tournament legislation they have within their committee and to come before this Assembly with a reasonable bill that can expect passage, or do we do nothing and leave a bill in place as the law of this Commonwealth that very few of us, if any, intended to be interpreted the way it is being interpreted? I ask for a negative vote on recommitment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe, Mr. Battisto, for the second time.

Mr. BATTISTO. Mr. Speaker, I will be very brief, but I feel I must clarify something for my colleagues, Representative Cawley and Representative Belfanti. Very honestly, I attended the Liquor Control Committee meeting this week. In fact, it began at 12 o'clock and it was recessed until 3. I attended the entire session. After the termination of that meeting, I went up to the chairman and said, I am going to introduce a repealer now that I have a vehicle. I then called some of my colleagues on the floor of this House and told them what I was going to do. I went down to talk to the majority leader and said the same thing. That was immediately after the termination of that meeting, whenever it took place, Monday or whatever day. Then the amendment was made up yesterday. I circulated it among some of my friends yesterday. What happened up there in the order of passing out I cannot begin to extricate. However, it was very clear that my amendment was made up first by far. Therefore, I know very well my colleague, Mr. Cawley, has been making these various motions because he is upset over the order. It is very clear that my amendment was first. I got the idea immediately. Therefore, I ask for a negative vote on recommitment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Micozzie, for the second time.

Mr. MICOZZIE. Thank you, Mr. Speaker.

The thing that disturbed those of us who are on the committee is that we were notified on a Friday afternoon that we were going to have a committee meeting at 11 o'clock Monday morning. That is number one. Number two, the chairman of the committee had a press conference at 10 o'clock in the morning more or less stating that he was going to have hearings to repeal this bill.

Now, if you are sincere and if you really want to solve the problem, if the majority party really wants to solve the problem, the chairman should gather the Liquor Control Committee together, give us enough time to look over all the amendments that would come in, and then we could address the problem in an intelligent manner.

The SPEAKER. Mr. Micozzie, the Chair apologizes, but you are diverting too widely from the subject at hand. The

subject at hand is, shall the bill be recommitted? You may speak to that only, sir.

Mr. MICOZZIE. Thank you, Mr. Speaker.

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

Mr. BLACK. Mr. Speaker, I rise to say that the gentleman who earlier compared the impact of a lottery and the impact of that portion of the bill that was passed before a number of us arrived is doing an injustice. I think it is unfortunate that adequate support for our senior citizens is dependent on the lottery, but it is the best program we have, so I will continue to support it.

I also have tavern owners in my district—to name one, McNerney’s—who celebrate St. Patty’s Day 6 months a year; the other 6 are devoted to Steeler celebrations when they are in the Super Bowl. I can say that I feel confident that they would want me to support efforts to eliminate that portion of the law dealing with the playing of cards and preserving the rights of the Irish, my Irish friends, to celebrate St. Patty’s Day when it falls on a Sunday on the calendar. I, too, will work to help our tavern industry within reason, so I am against recommitment.

The SPEAKER. The Chair thanks the gentleman.

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

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

Mr. Speaker, I rise to support the motion to recommit, and I rise because I think there are several things that need to at least be pointed out as far as I look at this matter.

One is that all of a sudden we have become moral human beings who want to now look at this question from a moral standpoint. No one has ever raised the question, where do we go in gambling? Just like many other issues that are in fact moral, when it comes to gambling, everybody in this House of Representatives either has somebody in their family or someone even of themselves who may want to gamble at night, who may want to gamble during the day, who may want to gamble at the racetrack, who may want to gamble and hope that perhaps maybe this is the one day that they may get something for themselves or this may be their lucky day that they may hit that jackpot.

Now, the question of gambling really has not come up before because we have kind of put it on the back burner. We did not really want to talk about it because it was like a scary, controversial issue, so we have kept it away from us. But it seems to me at this point that there are so many loopholes that have been gathered that we have not really investigated. For example, in Philadelphia you have a number that comes out at 5 o’clock, you have a number that comes out at 7, the legal lottery, and you have another number that comes out at 11 o’clock at night with the racetrack in Philadelphia and South Philly. But a lot of people do not talk about the fact that those little nickles and dimes that people play are dealing specifically with gambling.

The SPEAKER. The gentleman will yield.

Mr. Richardson, you are advised that you will not debate whether people wish to gamble or not but will debate only the

motion, shall the House recommit the bill? That is the limit of debate.

Mr. RICHARDSON. Therefore, Mr. Speaker, I think that the motion to recommit is in order. I think that any time there is an issue as widespread as this, there should be exact and clear analyzation of where we go.

I really believe that you talk about recommitment, but we have allowed the House to go a little far afield when we talk about order and which way things were presented in terms of how the amendments came down to us and who was first and who was second. I think that the major question in front of us is how are we going to begin to deal with the question, period, not only of gambling but of an amendment that is on to take a repeal going back to what happened last year?

It seems to me that I—and I do not know how many other members on this floor—have received letters from individuals complaining about this issue. It seems to me that I have not gotten any, but maybe many of the other offices have been flooded with thousands and thousands of pieces of mail saying that they are opposed to any position on what is going on in gambling. I do not think so.

The SPEAKER. Mr. Richardson, you are going too far afield, sir. You must address the question that you are either for or against the motion of Mr. Cawley. How do you stand on the motion?

Mr. RICHARDSON. Finally, I would say, Mr. Speaker, that it is clear that we are dealing in a very rough time when it comes down to whether or not the State can receive revenues or not. I would think that the motion to recommit is the best way to begin the dialogue of this very controversial issue. It would seem to me that if you do not recommit, you do not get the flavor of hearing from all points of Pennsylvania as to how they feel. While in some parts of Pennsylvania they may shoot darts, whether electronic or manual, there are others who may want to play bingo; there are others who may want to resort to using other forms. But I really think that the motion to recommit this issue is the beginning of trying to open a dialogue that will allow us the opportunity to undo what we did last year through the legislative process.

The SPEAKER. The Chair thanks the gentleman.

The question recurs on the motion of the gentleman, Mr. Cawley, who moves that SB 129, together with the Battisto amendment offered thereto, be recommitted to the Liquor Control Committee. Those in favor of recommitment will vote “aye”; those opposed will vote “no.”

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

The following roll call was recorded:

YEAS—66

Acosta	Daley	Mayernik	Snyder, D. W.
Barber	Dombrowski	Michlovic	Staback
Belardi	Duffy	Micozzie	Steighner
Belfanti	Durham	Moehlmann	Stevens
Blaum	Evans	O’Brien	Stewart
Bowser	Gallen	Olasz	Taylor, F. E.
Burns	Gannon	Perzel	Taylor, J. J.
Caltagirone	Haluska	Petrarca	Tigue
Cappabianca	Harper	Petrone	Trello

Carn	Howlett	Pistella	Wiggins
Cawley	Jarolin	Pott	Wilson
Civera	Josephs	Punt	Wogan
Clark	Kenney	Raymond	Wozniak
Cohen	Kosinski	Reber	Wright, R. C.
Cornell	Kukovich	Richardson	
Coslett	Letterman	Serafini	Irvis,
DeWeese	Maiale	Seventy	Speaker

NAYS—135

Afflerbach	Dininni	Langtry	Preston
Angstadt	Distler	Lashinger	Reinard
Argall	Donatucci	Laughlin	Rieger
Arty	Dorr	Lescovitz	Robbins
Baldwin	Fargo	Levdansky	Rudy
Barley	Fattah	Levin	Ryan
Battisto	Fee	Linton	Rybak
Birmelin	Fischer	Livengood	Saloom
Black	Flick	Lloyd	Saurman
Book	Foster, Jr., A.	Lucyk	Scheetz
Bortner	Fox	McCall	Schuler
Bowley	Freeman	McClatchy	Semmel
Boyes	Freind	McHale	Showers
Brandt	Fryer	McVerry	Sirianni
Broujos	Gallagher	Mackowski	Smith, B.
Bunt	Gamble	Manderino	Smith, L. E.
Burd	Geist	Manmiller	Snyder, G. M.
Bush	George	Markosek	Stairs
Carlson	Gladeck	Merry	Stuban
Cessar	Godshall	Miller	Sweet
Chadwick	Greenwood	Morris	Swift
Cimini	Gruitza	Mowery	Taylor, E. Z.
Clymer	Gruppo	Mrkonic	Telek
Colafella	Hagarty	Murphy	Truman
Cole	Hasay	Nahill	Van Horne
Cordisco	Hayes	Noye	Veon
Cowell	Herman	O'Donnell	Vroon
Coy	Hershey	Oliver	Wambach
Deluca	Honaman	Phillips	Wass
DeVerter	Itkin	Piccola	Weston
Davies	Jackson	Pievsy	Wright, D. R.
Dawida	Johnson	Pitts	Wright, J. L.
Deal	Kasunic	Pratt	Yandrisevits
Dietz	Kennedy	Pressmann	

NOT VOTING—0

EXCUSED—2

Hutchinson Williams

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. Kosinski, on the Battisto amendment.

Mr. KOSINSKI. Thank you, Mr. Speaker.

I waited until the proper time to address the Battisto amendment. I stand here today as the proud sponsor of what formerly was HB 1203, the little innocuous dart bill, and now I see where it has got us after the conference committee report.

Until a few weeks ago, until the cards and the other controversies came out, I was on the fence about repeal. But then I started reading the articles in the local papers, especially the article that dealt with what New Jersey was saying about blackjack in Pennsylvania and about what this will do to New Jersey and how it will cut into the revenues in New Jersey.

Now, a few months from now each and every one of you will get up here with amendments when we try to pass the budget, and it will be the same old problem - where are we going to get the revenues from? Mr. Speaker, we are sitting on a gold mine.

Now, the first thing you have to realize is that this bill does not permit casino gambling. Casino gambling is far superior to what we are trying to do here. These are gaming tournaments.

Second, many members of the Antigambling Coalition are talking about this being the way to let casino gambling into our State. It is not. Representative Battisto, I had a lovely time in 1983 in your area. I went down the street; I bought some lottery tickets; I crossed the county line into Luzerne County and saw some nice, wholesome trotting races which I lost some money on. So we do have gambling in Pennsylvania, but this is not casino gambling.

I talked to my tavern owners and I see the effects of this bill. They are hiring more people. They are buying more supplies. They are stemming the tide. I live right near Interstate 95 in Philadelphia, and the tide of those casino buses, hundreds of them every day are taking Pennsylvanians to New Jersey to gamble our money away. Why do we not keep some of those dollars in Pennsylvania and why in a haste should we let this amendment be passed?

I would like to see an effect of the economics of this bill, and I would like to have a study done of the employment effects of this bill. It is for that reason, Mr. Speaker, that I stand and I would like to have the bill recommitted to Labor Relations.

The SPEAKER. The House will stand at ease.

It is the belief of the Chair that there must be an intervening piece of business before another motion to recommit can be entertained. We will check it out and let you know.

The Chair would read to Mr. Kosinski the following from Mason's, section 390: "The motion to refer may be renewed after intervening business...." There has been no intervening business; therefore, the motion may not be entertained.

PARLIAMENTARY INQUIRY

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

Mr. KOSINSKI. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the point.

Mr. KOSINSKI. Would not the intervening business be going back to the amendment?

The SPEAKER. Not in the opinion of the Chair. That was the main business before us.

Mr. KOSINSKI. Thank you, Mr. Speaker.

The SPEAKER. On the Battisto amendment, the Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

Very briefly, on the merits of this amendment, the Battisto amendment is going to destroy that little step we finally took

toward increasing the tourism industry in Pennsylvania. What Representative Kosinski just said is true. Mr. Battisto is playing into the hands of the casinos. They do not want blackjack tournaments in Pennsylvania, especially in the Philadelphia area. They want Pennsylvania money in New Jersey. I am saying to the House members, let us keep our Pennsylvania money in Pennsylvania.

Are we using the Battisto amendment because some members feel they voted and made a mistake last year? Is that the reason Mr. Battisto introduced his amendment? If that is the reason, that is the wrong reason, because this is too great a cure for the ill that is perceived to be an ill.

I think that when we view this type of legislation as the Battisto amendment, we should say, let us regulate, not eliminate. What this amendment is doing is, it is getting rid of all tournaments, and we are being told that maybe some day in the future, maybe we will let you have a full public discussion on tournaments and gambling. But we all know that that is not going to happen.

The Battisto amendment is wrong. It is playing into the hands of the casinos, and it is hypocritical. We are saying to Pennsylvanians, you can go out and mortgage your house and go to the racetrack and spend the money, or you could stand at that Lotto machine all day and mortgage your house, but if you want to pay \$10 to sit in a blackjack tournament for 10 minutes, or whatever the tavern owners decide, that is wrong; that is evil. It is gambling.

I participated in one of those tournaments over the weekend that Mr. Battisto would eliminate. It was innocuous. You sat for 10 minutes and played a game, and then you walked away losing maybe the entry fee, and that was it. To compare that to casino gambling, where the action is fast and you have the potential to win or lose a lot of money in a short time, is not a fair analogy. This is not casino gambling.

But what the Battisto amendment is doing, it is going to destroy tourism in Pennsylvania. It is going to let money go into New Jersey that does not have to go there. The Poconos is a beautiful area. I cannot believe that the people in the Poconos would feel that they would be somehow harmed if there is going to be a continuation of blackjack tournaments.

If those who say that we are going to get another chance to discuss this are really being honest with us, why do we not just keep this law the way it is for a couple of months and see if the public accepts it? In the meantime, we could have some public hearings on it and decide how it will benefit Pennsylvania. To just purge the law because it is supposedly some type of gambling, I think, is totally unfair to the people of this Commonwealth. We have legalized gambling in Pennsylvania, and it is here to stay. This is not really gambling.

This all came about when Gary DiVito gave a legal memorandum from the Liquor Control Board saying that it could possibly be interpreted this way. From there the district attorney of Philadelphia ran to the media and made it sound like it was his idea, that he did the research, when in fact it was Mr. DiVito. Now this House is being asked by a nonmember, by an elected official who was elected to do something else,

rather than legislate— The fact is that this tournament legislation is not as bad as everyone is making it sound, and if we could just take our time and look at it without the heat of this kind of debate, I think we would find that it is going to help Pennsylvania a lot. It is not only going to help our tavern owners, but it is going to help people who are not big gamblers and who just want an occasional night out, such as when they play bingo, go to the racetrack, or play the lottery. To eliminate all these tournaments, I think, is overreacting and it is attempting to put a moral stamp of approval or disapproval, whatever, on the people of this Commonwealth without ever giving them a chance to have any public input.

So I hope that the Battisto amendment is defeated. It has nothing to do with the legislation in front of us concerning St. Patrick's Day. It is wrong to be here in the form it is. My amendment will be cut off if it is passed; Representative Cawley's and other amendments will be cut off, and I think that is another consideration we should keep in mind when we vote on this amendment - the process in which it got here, the total removal of tournaments, the total, complete elimination of tournaments when we have not even had a chance to have it in operation for a few months to see if the public wants it, to see if it is going to help this State. So I urge the defeat of the Battisto amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. OLASZ. Mr. Speaker, I would like to interrogate Mr. Battisto for a moment, please, and then make a statement.

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

Mr. OLASZ. Approximately an hour and a half ago, Mr. Speaker, you made a statement that the public overwhelmingly rejected gambling. I would like to know the source of this referendum that you referred to.

Mr. BATTISTO. Well, specifically, there were referendums in two counties of the northeast; however, there were various periodicals of which samplings were taken about their attitude toward casino-type gambling and the—

Mr. OLASZ. Excuse me. Samplings; not throughout the Commonwealth of Pennsylvania. These are samplings.

Mr. BATTISTO. Like Gallup polls or any other kind of poll.

Mr. OLASZ. Do you have those available that I could review?

Mr. BATTISTO. I do not have them right here, no.

Mr. OLASZ. I would like to see those. Thank you, Mr. Speaker.

Mr. BATTISTO. You are welcome.

The SPEAKER. You may now speak to the amendment, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, the term "ludicrous" was made here a few hours ago. All of us who sit in this room and say that a tournament or gambling of some type does not take place on a daily basis in this Commonwealth must have been brought into this chamber in a capsule from outer space.

We had the Super Bowl, the most money ever wagered in an event. We had an expansion of telebet to racetracks, to homes, cable videos televising horse races, encouraging betting. We hear it on the radio; we see it on television - become an instant millionaire, take a chance. When little Susie Q has a leukemia problem, where are those tickets sold to transport that poor, unfortunate child? They are sold in taverns. You have a dart board on the wall, and no one in here can tell me that on those dart boards drinks are never wagered, and pool tables are not in there. Fire halls have these tables; they have these dart boards; they have these chances.

The time has come, as my colleague, Mr. Stevens, said, to regulate, not eliminate. The answer is, have the courage, put it out to your local counties on a referendum. Let the people decide. Let those dealers be licensed. Let those poker machines be regulated, because by Mr. Battisto's action, if you think that you are going to eliminate gambling, we as lawmakers are going to cause thousands and thousands of people to become lawbreakers, and as my colleague said, to be cheated also.

Prohibition did not work, and the action that we are taking here today will not work. The time has come to bring this Commonwealth into the 20th century with games of chance. How we can offer the lottery as being acceptable and then say to the rest of them, there will be no more gambling; that is ludicrous. Let us regulate, not eliminate. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. TRELLO. Mr. Speaker, may I ask a question of the Chair before I continue with my discussion?

The SPEAKER. You may indeed.

Mr. TRELLO. Mr. Speaker, since this law just passed last May, in Pennsylvania for years we have had golf and tennis tournaments where the participant puts up a fee and wins a prize. Has that been illegal? Has that been considered illegal over the years?

The SPEAKER. Not to the knowledge of the Chair.

Mr. TRELLO. Well, it is a tournament is what I am getting at, Mr. Speaker.

The SPEAKER. The Chair has no knowledge which would indicate that such tournaments were illegal or are illegal or have ever been illegal in Pennsylvania.

Mr. TRELLO. Okay. In your opinion, would a dart tournament be considered the same as a golf or a tennis tournament?

The SPEAKER. In the opinion of the Chair, any sporting tournament would be considered the same legally.

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

The SPEAKER. Does the gentleman wish to speak on the amendment?

Mr. TRELLO. First of all, Mr. Speaker, I would like to let this General Assembly know, and it is a matter of record, that I oppose casino-type gambling. I have stated it a number of times on the floor and in my local newspapers back home.

Number two, Mr. Speaker, I would like to make a number of you aware of several meetings that I have had with the Tavern Association back home - small "mom and pop" places, you know, that serve shots and beers to the steelworkers and the average guy. When they showed me their utility bills last weekend, I am talking about a small establishment that has a utility bill between \$800 and \$1,000 a month because of the coolers that they must maintain to keep their beer cold. Now, how in the heck do you expect them, with all the unemployment back in western Pennsylvania, to maintain their same order of business and pay these utility bills, plus the help? I think it would be to everybody's interest here to talk to your local tavern owner and just find out what expense he has in operating that small business, and you will find that his utility bill, depending on the size of the place, is \$600 to \$1,000 a month—that is a small place—not to mention the help, the taxes, and whatever else goes with running a business.

We are not talking about the dirty, sneaky guy, that gentleman from New Jersey who was talked about who is going to come in here and take over all the gambling in Pennsylvania, because we are not talking about gambling; we are talking about tournaments. We are talking about people who go to the polls and vote for you every day, people who have kids who go to school with your kids, and yes, even people who maybe attend the same services on Sunday at your respective churches. Are they sleazy characters? Are they wanton, unsavory characters who are trying to do an injustice and bring in casino-type gambling because we are asking for a tournament in Pennsylvania?

We are asking for a simple tournament. I am sure if Jack Nicklaus or our own Arnold Palmer came to this House and wanted to create an Arnold Palmer tournament here in Harrisburg and told every member of this General Assembly that he could participate in it by putting up a fee and having an opportunity to win a cash prize, even the nongolfers would take it up, just to have the opportunity to play with Arnold Palmer or Jack Nicklaus. And we would not find anything wrong with that. But all of a sudden we find something wrong about somebody wanting to throw darts, winning a prize, or somebody wanting to throw rings and winning a prize, or somebody even putting up a \$10 bill for an elimination tournament on blackjack to maybe win a \$50 prize. We do not have two sets of rules in this House, do we? Or do we? If we do have two sets of rules, let us give these people who cannot afford to be professional golfers or professional tennis players or even chess players the same opportunity as that industry has and allow them to have their tournaments in their local tavern. You will be satisfying them, and you will be satisfying the much-needed assistance that our Tavern Association needs. So I urge you to vote against the Battisto amendment, and think about it, please. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair would urge those people who are spectators that you will delay us if you insist on applauding each time somebody says something of which you approve. You have

behaved splendidly; the Chair understands your feelings; but it would be better for you and your cause if you listen and let us proceed.

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the repeal of this particular amendment and bill. I think that we must sincerely and openmindedly look at the implications that have occurred through, again, the intention or not of the House last year.

This not only has an effect on bar and tavern owners, who are certainly hard pressed, but it has an effect on every sport, such as bowling, for example. If we repeal this, you can no longer belong to a bowling tournament or participate in things of that type.

I think we should not allow this repeal to go through, but we should consider other amendments separately to change and correct whatever mistakes we might have made. We are looking for moneys continually to fund the various agencies of this State, but at the same time we drive, by latest estimate, \$500 million a year to Atlantic City, so perhaps we should start taxing the busloads of people who go from the communities that do not want gambling to Atlantic City and make some tax money there.

I think this has many further implications and I think it should be addressed, and not only for the bar and tavern owners. For example, their plight with the poker machines is another perfect example. We have seen the conviction of some high-ranking police officials simply because we do not have the guts to legalize those devices and have the State take a share and use the money for some good. So I am opposed to repeal, and I hope all of you with good sense will consider this also. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAWIDA. Mr. Speaker, I opposed the recommittal in its various guises, but I am also a person who does not gamble. However, that is not the issue here. The issue is not the Battisto-O'Donnell-Hayes-Clymer referendum on whether we want casinos in Pennsylvania, nor is it my good friend, Mr. Cawley's intemperate remarks on the fact that we should have casino gambling. The clear will of this Assembly in section 476 a few months ago was to allow some promotional tools for our local taverns to be able to use them to improve their business. That is the issue precisely that is with us, and that is why we should oppose repeal. It is like cutting your nose off to spite your face, and all those other cliches that you have heard about overkill in an issue. I am for allowing promotion; I am for allowing other amendments to deal more precisely with what we want to do here; I am for dealing with the issue of promotion in taverns, and in order to do that, we have to vote "no" on this overkill amendment to just repeal everything that we tried to do a few months ago. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Mr. Speaker, I oppose the Battisto amendment, because we cannot afford the Battisto amendment in this Commonwealth. There is no fiscal note on this amendment, but this amendment, even if there is no further regulatory scheme that is passed, costs the Commonwealth a lot of money. It costs the Commonwealth money in income tax; it costs the Commonwealth money in corporate income tax; it costs the Unemployment Compensation Fund money in tax revenue; it limits the ability of this Commonwealth to meet urgently needed bills. No one knows precisely how much money this amendment costs the Commonwealth. No one predicted that the Pennsylvania Lottery would be the huge financial success that the Pennsylvania Lottery was. The Pennsylvania Lottery, when it passed in the 1971-1972 session, was considered by most in the legislature to be a crackpot idea. Only after it was a proven success, only after year after year that the revenue consistently exceeded expectations, only after year after year that we were able to raise benefits from the Pennsylvania Lottery, did people realize what a worthwhile program it was.

This, too, if we can regulate it properly, if we can come up with the means of raising additional taxes. Mr. Cawley has one idea; over time we could undoubtedly come up with other ideas to guarantee that this money is spent for worthwhile public purposes in this Commonwealth. We can see that there is a need to spend the money that this can raise. There is a need for the jobs that this can create.

I have not yet received a single complaint from any of my constituents about the so-called chaos or the so-called crisis that exists in Pennsylvania. They are not rushing to complain to me. They are not rushing to complain to most of my other colleagues in southeastern Pennsylvania. Instead, many of them are choosing to experiment with this kind of gambling. Every day in my district there are hundreds of casino buses going to Atlantic City. I have received far more requests from businesses to get lottery machines than I have received complaints or inquiries from businesses on unemployment compensation or on workers' compensation or on any other of the so-called business topics that we deal with in the legislature.

There is a huge demand in this Commonwealth for gambling. There is a huge need in this Commonwealth for revenues that gambling can create for worthwhile public purposes. The Battisto amendment goes too far. Some middle-of-the-road position between totally allowing gambling and totally banning gambling is needed. I would urge the defeat of the Battisto amendment.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. CIVERA. Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. CIVERA. If the Battisto amendment passes, I have an amendment, A0185. Will it be permitted to be called up for a vote?

The SPEAKER. If your amendment is pertinent to the bill as it then would exist, yes. If it is not, if the Battisto amendment wipes out the language which you seek to amend, the answer is no, and we are now at the desk cataloging the various amendments, so I cannot give you any more than a general answer to that.

Mr. CIVERA. One more question, sir.

If my amendment is not allowed to be voted on, will the Chair then allow us to go to Legislative Reference and redraft the amendment to what Mr. Battisto has put in?

The SPEAKER. It is not a matter of the Chair permitting it. That is a member's right to do that, and any member may do it.

Before we go too far, you had better clear with both leaders as to whether they wish to delay the session that long, and that would be a matter for the leaders to advise you. But you would have the right to have another amendment drawn.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it was at my suggestion that Mr. Civera asked the second part of that question. I said that I believed that the Chair, in light of the various discussions here today, would grant the time, and I felt sure that the majority would grant the time, to have these amendments redrafted to the bill as amended.

I was not sure, frankly, which way the Chair was going to rule - on the basis of Clancy or Clay.

The SPEAKER. Not Clay; no.

The Chair would certainly insist on the members' right to order amendments. The Chair is not going to reveal his personal position on this until you see the Chair's vote, but the Chair is not going to deny any member his right to assert his own personal position by way of amendment.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, the question that Mr. Civera just asked was probably the most important question of the debate so far on the amendment. I think that if the members had listened, they would realize that once you vote on the repeal, that is it. Mr. Ryan, Mr. O'Donnell, Mr. Stevens, and on and on and on, the list of names of the people who spoke both for and against section 476 as it currently stands, agree that we should undo some of the things that we did last May. What Mr. Battisto's amendment will do is it will undo, of course, all of the parts of 476.

I think what we have done is we have, with the help of the media, made a mountain out of a molehill as far as legalizing gambling and casinos, et cetera. In fact, if we want to be honest about it, what we should do is defeat the Battisto amendment and accept the amendments that other members have prepared right now.

I, along with many other members of the Assembly, believe that the language of 476 did not in fact reflect the intent of that bill when it was passed, and I for one will vote to amend that to restrict it and not allow what is currently going on to continue. I favor restricting that. It is ironic that I, as a proponent of casino gambling, will stand here and say that. It is not ironic. Bowling, darts, ring toss and the games other than cards are not in any way, shape, or form parts of casino gambling. I do not know anyone who goes to Atlantic City to bowl.

What we are doing is we are talking about bringing in tourists; we are talking about income tax; what we are talking about is nonsense. We are not going to increase our tourism to compete with Atlantic City; we are not going to fill the State coffers with tax revenue. We are not going to solve the problems in the school districts by allowing these games to continue. Mr. Wogan has an amendment which would restrict the entrance fee so that the argument that people will lose their homes and abandon their families will not apply.

What we are doing is causing ourselves more and more problems. In fact, I knew cards were in it. A number of us did. I do not apologize for having voted for that bill last May. What we are trying to say is, it is amazing to me how people stand up and say let us help the taverns; let us allow them to have tournaments, but let us repeal it and talk about it. Well, let us repeal the part about cards if that is what we are interested in. You have that opportunity right now, this afternoon, but you have to defeat the Battisto amendment in order to do that. If you vote for the Battisto amendment, you get none of the loaf. It is that simple. If you want to help or if you think that you may help the taverns by allowing certain tournaments, then you should vote against the Battisto amendment.

This is not really a question of all-out gambling. Gambling is here. The question is how much should we allow; how much should we not allow? The LPGA (Ladies' Professional Golf Association), the NASCAR (National Association of Stock Car Auto Racing) races at the Pocono Mountain Speedway, the U.S. Open, the NBA (National Basketball Association) tournaments, and all those other things, are tournaments. They are at places where liquor licenses are. They have an entrance fee. They award cash prizes. They award automobiles. They award many things. It is hypocritical.

I know that I am not going to change many votes, but until probably last night, the last I heard, the odds for repeal were 50 to 1 in favor. Since we heard the order of the amendments, that has increased to 100 to 1. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, earlier in the debate there was some discussion about how the overwhelming majority of the people support this and the overwhelming majority of the people oppose that, and I wanted to share with the House members the results, which I received only last week, of a survey that I did in my legislative district. With a substantial number

involved, 2,998 responses—which is a substantial number to sample in a legislative district, Mr. Speaker—1,578 people said they favored some form of legalized gambling in the Commonwealth, and of that, surprisingly, 1,199 said that they supported casino-type gambling in the Commonwealth.

Now, this debate is not going that far, and I think we would have some serious reservations about supporting casino-type gambling, but I think we should take a close look at the legislation that we originally passed in this House permitting tournaments and really, as fairminded people and taking a commonsense approach, ask ourselves whether or not we actually did permit gambling, the gambling that leads to people going into debt or that leads to serious problems for families that we have talked about in the past. I do not think we did that, Mr. Speaker, and I think that the results shown here and the discussion that other members have brought up from their legislative districts definitely demonstrates that further discussion of this issue is warranted.

I think that outside these chambers there has been a lot of grandstanding on this issue, and I think that we should clear the air and not let that control our decisionmaking and what we are going to do. I think we have the opportunity and we should step back and take a look at this situation, take a look at the condition of the tavern and the hospitality industry in the Commonwealth of Pennsylvania, take a look at the number of employees that they have and the number of employees that they have gained as a result of the legislation that we passed, and take a look at the economic benefit that is going to be derived by the people of Pennsylvania by providing a service that many of them want. Thousands upon thousands travel to another State - Atlantic City in New Jersey - to have that opportunity, and I think to the limited extent that we have done it and provided that service, which appears to be very popular from reports that I received, Mr. Speaker, and the controversy that surrounds the issue, I think we should take this opportunity now, today, to put this thing on hold and have a full-scale discussion in the proper forum, which would be the committee, Mr. Speaker, and I may address that later on. But I did want to share that information with the members.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Battisto amendment. I do not see any difference between tournaments and bingo or small games of chance, such as selling chances for a charity. I buy chances myself to support charities. I think the greatest thing that ever happened to Pennsylvania was the daily lotto, because we know that the people sold lottery behind closed doors every day, and it was a good thing to legalize lotto so that the State can get a percentage for senior citizens.

The same thing with the tournaments. We know that tournaments are going to go on behind closed doors. I think the State should legalize tournaments and collect the taxes. I would like to have an amendment to see that the taxes from

the tournaments are used for education. We need that tax money for education and to train youth for jobs.

Defeat the Battisto amendment, and let us change the gambling. I am not for casinos, but I am definitely for tournaments. Thank you.

The SPEAKER. The Chair thanks the lady.

PARLIAMENTARY INQUIRY

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

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, I have a point of clarification, if I may.

The SPEAKER. The gentleman will state the point.

Mr. WOGAN. Mr. Speaker, would it be fair to state that since the Battisto amendment repeals section 476 of the Liquor Code, that those amendments that follow which deal with section 476, namely, the Civera, Cawley, and Wogan amendments, will therefore not be entertained?

The SPEAKER. That is correct.

Mr. WOGAN. Thank you, Mr. Speaker.

The SPEAKER. However, in all fairness to the members, there is nothing to preclude—and remember, Mr. Micozzie asked this question, I believe, earlier—there is nothing to preclude a member from asking the Reference Bureau to draft another section to the bill, not 476, which would be eliminated, and in that section to place whatever language that member would wish. That is your option, and that is the option of every member.

Mr. WOGAN. Assuming that we are here long enough, Mr. Speaker, today.

The SPEAKER. The Chair's position is, unless it is contradicted by the leaders, that we ought to give every member an opportunity to draft whatever legislation, whatever amendment, he or she thinks appertains to the subject matter. The Chair is prepared to stay here long enough to give that.

Mr. WOGAN. Okay. Thank you, Mr. Speaker.

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

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate Mr. Saloom, chairman of the Liquor Control Committee?

The SPEAKER. Mr. Saloom, will you stand for interrogation? The gentleman indicates he will so stand. The gentleman, Mr. Wass, wishes to interrogate Mr. Saloom. The gentleman, Mr. Wass, may proceed.

Mr. WASS. Mr. Speaker, in your committee do you have SB 214?

Mr. SALOOM. Yes.

Mr. WASS. Mr. Speaker, was that bill considered in your committee yesterday?

Mr. SALOOM. On Monday.

Mr. WASS. On Monday. Thank you.

Mr. Speaker, Representative Cawley has an amendment on the floor here. Was that amendment accepted into SB 214?

The SPEAKER. Just a moment. You have now gone beyond the rules, and you know better, Mr. Wass. You and I have been here long enough. You may not cross-examine the chairman as to the activities in the committee, nor may you discuss those activities with other members on the floor. You know that very well.

Mr. WASS. Mr. Speaker, that concludes my interrogation. May I make a statement?

The SPEAKER. The gentleman may make a statement.

Mr. WASS. Mr. Speaker, many of us are in favor of the Battisto amendment that repeals, and we have many reasons for that - first of all, the way it happened back there last year - but many of us also realize that the industry has some problems. Mr. Speaker, when the Battisto repeal amendment passes here this afternoon, I think it is fair to realize that in the Liquor Control Committee we have a vehicle that includes the Civera amendment that will legalize certain types of gambling and limit others. We also have—

The SPEAKER. Will the gentleman yield.

Mr. Wass, you may not continue that discussion. You may only address the question of the Battisto amendment. If you wish to state theoretically what other amendments might be offered, you may state in theory what they are, but you may not discuss amendments which are now in the confines of the committee.

Mr. WASS. Mr. Speaker, I am sorry.

May I continue?

The SPEAKER. The gentleman may continue.

Mr. WASS. Mr. Speaker, in my closing remarks I want to say that we definitely feel that we will pass the Battisto amendment, but we look to the vehicles that will come about to help the industry in the near future. I would challenge the chairman of the Liquor Control Committee to get on with this work and bring a vehicle before us that maybe could help the industry that seems to be in need. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

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

I would like to interrogate Mr. Battisto.

The SPEAKER. The gentleman, Mr. Battisto, indicates he will stand for interrogation. You may proceed, Mr. Richardson.

Mr. RICHARDSON. Thank you, Mr. Speaker.

Mr. Speaker, I have in my hand section 476, of course, which would be the repeal section for this amendment that you have before us, A0176. In that, Mr. Speaker, I would like to know whether or not in your own words you can tell me whether or not you are opposed to darts, bowling, shuffleboard, rings, and card tournaments or contests.

Mr. BATTISTO. Mr. Speaker, my amendment is very clear. It repeals all of section 476. I think my colleague, Mr. Wass, sort of addressed the fact that maybe, maybe industry needs some help. Maybe they do, and then maybe again, maybe again, we ought to understand that in our free enterprise system, nobody is guaranteed a profit; nobody is - hard-

ware stores are not; Chrysler is not; nobody is guaranteed a profit. The fact is, if indeed, though, the membership feels that they want to legalize darts, bowling, shuffleboard, rings, whatever, you have the freedom to develop individual legislation to do that.

All I am saying is we need to clean up what the Senate already did. They passed the repealer by 40 to 9. I personally think there has been so much chaos surrounding this whole issue, we have to repeal it and then individually deal with whatever you want to deal with.

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not you can tell me if there are tavern owners in this Commonwealth and those licensees who maybe own clubs who have been suffering prior to this act, section 476, and where you can tell me you feel that there has been total disarray and unlawfulness in the Commonwealth as a result of this section.

Mr. BATTISTO. I never said there is any unlawfulness. I simply said that the amendment was passed under a cloud last spring. The fact is, the only way to rectify the situation would be to repeal the amendment and then deal with whatever you want to deal with.

Mr. RICHARDSON. Okay. Then in other words you are saying at this point that it is your feeling that if you repeal this whole act, then you can go in and take care of the problems that need to be taken care of.

Mr. BATTISTO. You could do that.

Mr. RICHARDSON. No. I am saying, is that what you are saying? I am asking.

Mr. BATTISTO. I am not going to do any more, no, but you could do what you want; the membership can do what they want.

Mr. RICHARDSON. Perhaps maybe you misunderstood me, Mr. Speaker. I will try it again.

Is it your feeling, Mr. Speaker, that section 476 being repealed will then in fact stop everything that is being done presently within the Commonwealth and that whatever other action needs to be taken you are saying should be decided by the membership of this House?

Mr. BATTISTO. Yes. Yes, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, I do not know whether you were here last session or not, so I will ask you, were you here last session?

Mr. BATTISTO. I was here last session.

Mr. RICHARDSON. Do you remember at all voting for this particular section 476 of the Conference Committee Report on SB 730?

Mr. BATTISTO. I am glad you asked that question, Mr. Speaker, because I am going to address that question very candidly and very honestly. The original bill, SB 730, really—it is rather ironic—emanated from my district, not from me, but from my district. The fact of the matter is, there are many resorts and many hotels in my area and throughout this State that serve what are called champagne brunches. Right? Previous to SB 730 they were not allowed to serve champagne until 1 o'clock. The fact of the matter is, Mr. Speaker, over the

years I have been here—this is my third year—I have been on the opposite side—this is rather interesting—with the biggest employer in my district, the vacation industry. I support them on most things. However, I oppose them on gambling bills. The fact of the matter is, I did not need the champagne brunch. However, I voted for that bill because it would have a salubrious effect on that industry; therefore, I voted for it.

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

Mr. Speaker, I have no further questions. I would like to be recognized to speak on the amendment.

The SPEAKER. You may speak on the amendment.

Mr. RICHARDSON. Mr. Speaker, by the gentleman's own admission, he even voted in favor of this bill last year, which means that there was at some time some support to try to at least help the industry. This year I think it is very clear that if there was a mistake made that has not been clear in the defining of the law, then perhaps maybe we need to look at the law.

In Philadelphia, if my memory serves me correctly, what happened was that there were some persons who came forward to the D.A.'s office from the Tavern Association indicating, will I get busted if in fact I do any of these things that are listed in this bill? They said, as far as they could see, no, they would not get busted, and therefore, the avenue began to open up this whole discussion on tournaments.

It is ironic that we have tried to equate the words "tournament" and "gambling" as synonymous, where in fact we have not really looked at how we can deal with specific language that deals with defining the word "gambling" and then defining the word "tournament." If you are saying that you are opposed to tournaments, then you are saying that you are opposed to darts; you are opposed to rings; you are opposed to cards; you are opposed to those things that are being done inside a tavern or a club that are already taking precedent now, and that you now want to feel that an easy way out is to say that this is some form of gambling, that we are going to have corruption widespread in Pennsylvania, and people are going to act crazy, and therefore, we need to make sure that we put a nip in the bud because this is going to open toward legalized corruption in Pennsylvania.

Well, I do not feel that way. Number one, I think that there has to be a clear definition as to how we define our "gambling" and then as we define our "tournaments." Since we do not—and I have it right here in front of me, and it is some 23 lines long—I looked at where we talked about cash moneys or negotiable instruments of any type or kind or trophies, prizes, or premiums that may be offered or awarded, traded or received by any person at such darts, billiards, bowling, shuffleboard, rings, or card tournaments or contests. It does not say anything about gambling. But it is a very, very, very known fact that there are many people who will take on an opportunity whether it is in a tournament, whether you call it a tournament of bingo, that there is going to be a person who takes a chance. Whether there is a racetrack tournament where there are horses that are in a tournament that are racing, whether or not you put your soul out there on the line and say that you are willing to take a

chance on that particular horse that may be running, but that is also a tournament, you somehow now have turned the wording around that has not made you realize that you allowed yourselves last year to pass it with the intent of helping the industry, and now you want to take that back like an Indian giver. It seems to me that we cannot have the best of all worlds. Well, perhaps maybe we have the opportunity to deal or look at the problem that is in front of us. We have not taken a hard look at gambling in Pennsylvania. In the past it has been something that we have put on the back burner.

As I tried to say earlier, it is clear to me that you have to define how we look at gambling in Pennsylvania. All of a sudden we have become holier-than-sanctified. We now want to decide which games of chance or which tournaments or which gambling devices or games we should play in Pennsylvania. We now want to determine for people which way they should roll the dice or whether or not they should roll the dice in this area or that area. In some parts of Pennsylvania, you will remember that everybody who has a tavern will not be able to install a card game, maybe a dart game, in their particular tavern. It has to call for, I feel, some dimensions with some restrictions on how we look at what we are talking about. We are not saying that every tavern, every bar, every club in Pennsylvania is in fact going to put these games inside or these tournaments inside their bars, but there may be some revenues that we could be able to tap that would in fact tax this Commonwealth to allow them to receive moneys that may be able to go toward the General Fund or a specific fund to be able to help out those persons in this Commonwealth who are in fact needy.

In conclusion, Mr. Speaker, it seems to me that we have made a mistake. If we recognize that we have made a mistake, then the normal thing to do would be to correct that which has in fact been wrong, and that is not by repealing a whole act and wiping it out and saying, I do not want to deal with it anymore because I have already passed it, but you refine the definitions of what a tournament is; what is the definition of "tournament," what does the word "tournament" mean, and what does it include? If you define that, if you decide what the parameters around that are, then I think the leadership of this House of Representatives should in fact say, let us stop where we are right now this afternoon; let us hold up where everything is right at this particular moment; let us go to the drawing board, and let us define the word "tournament" for those individual persons in the Commonwealth who have the problem. If it has caused us a problem and they feel that that is where the problem lies, then let us deal with the word "cards." But to stop those who have already made some moneys, who are already bringing in some revenues in this Commonwealth, who are helping with their own particular organization or their own particular tavern or their own particular club, let us think for a moment what could happen.

Already in my district there are clubs that are running certain tournaments to allow them to buy uniforms for their children to march in bands; there is also equipment bought to help them with their drum and bugle corps; there are also uni-

forms bought for baseball teams and basketball teams and football teams that come directly out of the deriving of some of this money to help with those kinds of activities within the community as well as receiving some jobs. If we were to stop for a moment and realize, the mistake that was made only allows you this opportunity to turn around and give us time to work out the kinks that I feel are in there, and those kinks are whether or not there should be money taxed that is being received inside these taverns or clubs; two, what is the definition of "tournaments" and how should it be defined; where should we clarify it; and, three, what bars, taverns, and clubs can in fact have them inside of them, and what parameters or diameters in terms of square feet do you need in order to put one of them inside your own particular tavern.

With that kind of sensible reasoning, I think that we will get to the crux of the problem. But to just automatically talk about getting rid of something, even against the maker of this amendment, who in fact spoke earlier today that he himself also voted in favor of it, is an indication that we are only being hypocritical if we in fact do not look at it from a clear sense of understanding and a clear sense of trying to correct a problem that we did ourselves, which was giving an opportunity for those in the Commonwealth of Pennsylvania who are trying to make a living, make a living. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PETRARCA. Thank you, Mr. Speaker.

I rise to oppose the Battisto amendment, and the reason is exactly what Representative Wass said. He said that this bill should be sent to the Liquor Control Committee, and Gene Saloom, my colleague from Westmoreland County, should resolve it. I agree with him. Representative Saloom did not have a chance. What Representative Battisto is doing is circumventing the committee system. I think the leaders on both sides of the aisle should order Mr. Saloom to have public hearings and come in with a bill, a bill not to completely strike out the bill.

Now we are going to three Lottos a week. The people in my area have never, some people have never taken a lottery ticket or any kind of a ticket, legal or illegal, but it is okay to do that. I have an amendment for games of chance, and I cannot introduce my amendment because Mr. Battisto wants to circumvent the committee system.

I think we should defeat Mr. Battisto's amendment—he will get the credit; he tried to do what he has to do—and get on with the business of St. Patty's Day.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I rise in support of Mr. Battisto's amendment. My only regret is that my name is not on it, too.

I think that we had better stop and think. I sat here listening to all the goodies that Pennsylvania can get from gambling,

and I would say that we are a sick society if we have to depend on gambling to get all these goodies for our young people. I do not think—I do not know. I am not sick. Are you guys sick?

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. I beg the indulgence of the House, Mr. Speaker. I would like to make a comment on the Battisto amendment.

Yes, we do have gambling in Pennsylvania; however, these forms of gambling are limited and they are controlled. There are only a few, a handful of racetracks, and the lottery is strictly controlled. It seems to me that it would be extremely difficult to control blackjack tournaments in thousands of tournaments around Pennsylvania.

In a few short months we have seen a rapid proliferation of blackjack in Pennsylvania. Call it what you want, but it is gambling, and although it is not considered casino gambling, it is definitely a casino-type gambling. In fact, many of the so-called tournaments have hired casino employees from New Jersey to operate the blackjack tables.

The gambling, as I believe it is, has concerned the casino industry in New Jersey so much so that recently it was reported in the media that they are concerned about losing their customers to the blackjack tournaments in Pennsylvania.

As a resident of the Pocono area myself, I am concerned about tourism, as is Mr. Battisto, and I am sure many of you are, but this is no way to attract tourism to Pennsylvania. I believe that it is important that we adopt the Battisto amendment today and deal with the problems of the tavern owners and so-called tournaments at a later date. 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—138

Acosta	Distler	Kasunic	Pitts
Afflerbach	Donatucci	Kennedy	Pratt
Angstadt	Dorr	Langtry	Pressmann
Argall	Duffy	Lashingier	Reinard
Arty	Durham	Laughlin	Rieger
Baldwin	Fargo	Lescovitz	Robbins
Barley	Fattah	Levdansky	Rudy
Battisto	Fee	Levin	Ryan
Birmelin	Fischer	Linton	Rybak
Black	Flick	Livengood	Saloom
Book	Foster, Jr., A.	Lloyd	Saurman
Bortner	Fox	Lucyk	Scheetz
Bowley	Freeman	McCall	Schuler
Bowser	Freind	McClatchy	Semmel
Boyes	Fryer	McHale	Showers
Brandt	Gallagher	Mackowski	Sirianni
Broujos	Gallen	Manderino	Smith, B.
Bunt	Gamble	Manmiller	Smith, L. E.
Bush	Geist	Markosek	Snyder, D. W.
Carlson	George	Mayernik	Snyder, G. M.
Cessar	Gladeck	Merry	Stairs
Chadwick	Godshall	Miller	Stuban
Cimini	Greenwood	Morris	Sweet
Clymer	Gruitza	Mowery	Swift

Colafella	Gruppo	Mrkonic	Taylor, E. Z.
Cole	Hagarty	Murphy	Taylor, F. E.
Cordisco	Harper	Nahill	Telek
Cowell	Hasay	Noye	Vroon
Coy	Hayes	O'Donnell	Wambach
DeVerter	Herman	Oliver	Wass
Daley	Hershey	Perzel	Weston
Davies	Honaman	Phillips	Wright, D. R.
Deal	Itkin	Piccola	Wright, J. L.
Dietz	Jackson	Pievsky	Yandrisevits
Dininni	Johnson		

NAYS—63

Barber	Dawida	Moehimann	Stevens
Belardi	Dombrowski	O'Brien	Stewart
Belfanti	Evans	Olasz	Taylor, J. J.
Blaum	Gannon	Petrarca	Tigue
Burd	Haluska	Petrone	Trello
Burns	Howlett	Pistella	Truman
Caltagirone	Jarolin	Pott	Van Horne
Cappabianca	Josephs	Preston	Veon
Carn	Kenney	Punt	Wiggins
Cawley	Kosinski	Raymond	Wilson
Civera	Kukovich	Reber	Wogan
Clark	Letterman	Richardson	Wozniak
Cohen	McVerry	Serafini	Wright, R. C.
Cornell	Maiale	Seventy	
Coslett	Michlovic	Staback	Irvis,
Deluca	Micozzie	Steighner	Speaker
DeWeese			

NOT VOTING—0

EXCUSED—2

Hutchinson Williams

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

The SPEAKER. What is the wish of the majority leader?

Mr. MANDERINO. Mr. Speaker, the cafeteria has stayed open so that the members could get lunch. I would suggest that we break 1 hour for lunch and return to this bill, finish it up, and go to the other bills on the calendar.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. We have to our left an Olympic Gold Medal winner in wrestling in the 48 kilos division. He is from Allentown; he is the guest of the Lehigh Valley delegation, and he is Bobby Weaver.

I thought we might have worn out Bobby and that he had decided to wrestle elsewhere.

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

Mr. PITTS. He is cochairman of the Keystone State Games with Franco Harris this year, and that is why he is here today, Mr. Speaker.

The SPEAKER. I hope he does not try to wrestle with Franco.

Mr. PITTS. No; he will not.

RECESS

The SPEAKER. The House will stand in recess until 3:30.

AFTER RECESS

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

The SPEAKER. Members within hearing of the Speaker's voice are urged to come to the floor. There are some amendments which may be offered now to SB 129.

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 267, PN 357**, and has appointed Senators STAUFFER, WILT and FUMO a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to SB 267, PN 357, and that a committee of conference on the part of the House be appointed.

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

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 267, PN 357:
Messrs. LAUGHLIN, KUKOVICH and HAYES.
Ordered, That the clerk inform the Senate accordingly.

Members are urged to come to the floor. There are some amendments which have been offered to the Chair which are acceptable, as far as parliamentary procedure is concerned, and there are other amendments which will have to be redrafted. The Chair is reluctant to start the afternoon until the members are on the floor. This is a highly controversial matter, as the Chair thinks the record will show.

Let me have your attention for a moment, please, while we are awaiting the leaders.

We have checked at the desk up here on the amendments which we believe cannot be offered now to SB 129 because of the passage of the Battisto amendment.

Mr. Cawley, we think your three amendments would no longer obtain because they amend section 476. Now, that does not mean that you cannot order a redraft of your own language to offer it as an amendment later on.

Mr. Clark, we believe your amendment obtains; it can be offered.

Corry, your amendment cannot obtain because it relates to 476. That does not mean that you cannot order, Corry, a new amendment with the same language that you want to obtain attached to the rest of the bill, but the current amendment we cannot accept.

Mr. STEVENS. Thank you, Mr. Speaker.

I will withdraw that amendment.

The SPEAKER. Mr. Pratt, your amendment is all right; it would obtain.

Mr. Wogan, your amendment will not obtain. You would have to get a new one.

Mr. Reber, as we told you, yours is acceptable.

Mr. Tighe is not here yet? When he comes, advise him, please, that his amendment could not obtain. It is to 476 and that has been repealed, but advise him also that he can have a new amendment redrafted to put language in at the end of the bill.

Mr. Clymer, your amendment is all right.

Mr. McHale, your amendment is all right.

Mr. Civera was here, I think. Well, when he comes on the floor, advise Mr. Civera that his amendment will have to be redrafted. It cannot obtain.

Advise Mr. Petrarca that even though he said he did not think his amendment could be accepted, it is indeed acceptable. Mr. Petrarca's amendment is all right.

CONSIDERATION OF SB 129 RESUMED

On the question,

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

Mr. CLARK offered the following amendments No. A0184:

Amend Sec. 1, page 1, line 20, by striking out "Section 406(a)(6)" and inserting

Section 406(a)(3) and (6)

Amend Sec. 1, page 1, line 22, by striking out ", is" and inserting

and May 9, 1984 (P.L.246, No.54), are

Amend Sec. 1 (Sec. 406), page 1, by inserting between lines 24 and 25

(3) Hotel and restaurant liquor licensees, airport restaurant liquor licensees, municipal golf course restaurant liquor licensees and privately-owned public golf course restaurant licensees [whose sales of food and nonalcoholic beverages are equal to forty per centum or more of the combined gross sales of both food and alcoholic beverages] may sell liquor and malt or brewed beverages on Sunday between the hours of eleven o'clock antemeridian and two o'clock antemeridian Monday upon purchase of a special annual permit from the board at a fee of two hundred dollars (\$200.00) per year, which shall be in addition to any other license fees.

On the question,

Will the House agree to the amendments?

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

Mr. CLARK. Thank you, Mr. Speaker.

So everyone knows what we are doing, we are back to the original intent of SB 129 and the St. Patrick's Day bill.

What my amendment will do is stop us from having to come back and do this again at a future date. We have now passed special legislation to allow taverns to stay open on December 31 for New Year's Eve. This bill would allow us to stay open on St. Patrick's Day when that falls on a Sunday. I think what we should just do is allow anyone to open on Sunday if they want to, because the majority of taverns that want to open on Sunday already have Sunday sales licenses. But we require that 40 percent of their business be food sales, and when we do that, we ask them to go out and hire accountants and have accountants prepare statements for the Liquor Board, and the Liquor Board has to enforce it and verify the 40-percent food sales before they can open on Sunday. So we are spending a lot of money investigating things and checking things and asking tavern owners and hotel owners to spend money just to get forms filled out so they can open on Sunday, and I do not believe it is necessary anymore.

So this would allow anyone to get a Sunday sales permit provided they pay the fee to the Liquor Board. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer, on the Clark amendment.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Clark amendment. Certainly there may be some merit to his amendment, but let us look at the objective that we are trying to achieve today, and that is to do what the Senate has done and give us a bill to repeal section 476 of SB 730 regarding casino gambling. What we have done in HB 100—what over 50 members have said they want—is to put forth a clean bill that would repeal the casino gambling that we now have in this Commonwealth. This amendment—and the others, quite frankly, that will follow—will encumber the legislation that we are looking at and only put a cloud over the intent of what we have done with the Battisto amendment that we voted just prior to break.

So I would ask the members to vote against this amendment, and if the sponsor feels strongly about it, let him come back and put this in the form of a bill sometime during the session. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

I rise to support the Clark amendment. What Representative Clark is intending to do is that on SB 129, the main provision of the bill was that on St. Patrick's Day, if the holiday fell on a Sunday the taverns would be able to be open. Earlier this year we addressed the tourist trade in the Poconos where they would be able to serve alcoholic beverages at 11 o'clock.

Now, I realize that when we first went into the Sunday sales, there was a lot of controversy over the idea of doing

that, but since then we have become very liberal in our cause on the Sunday situation. Most of our tavern owners, with the 40-percent food receipts that they have to keep, that is becoming more and more of a burden on them. I think that after so many years that we have been involved in this, it would not hurt the Commonwealth at all or the people who are in it if we could eliminate the 40-percent provision, providing that they pay the \$200 fee.

I think it is exactly what Mr. Clark is trying to bring out. Had we known that the St. Patrick's Day bill was going to be in committee on Monday, prior to it there would have been an amendment in the committee and we would have had the committee act on it. So I rise to support Mr. Clark's proposal. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WASS. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. Mr. Clark indicates he will stand for interrogation. You are in order and may proceed, Mr. Wass.

Mr. WASS. Mr. Speaker, is there a difference in the time of your amendment, an opening hour on Sunday, other than what is in SB 129 under St. Patrick's Day?

Mr. CLARK. No; the opening hours were set in SB 730 of last session, and they have not been affected by SB 129.

Mr. WASS. To the best of my knowledge, it seems to me that under SB 129 they would open at 1. Your legislation has them opening at 11 on Sundays. Is that right?

Mr. CLARK. In SB 730 of last session, we changed the opening hours for Sunday sales to 11 a.m.

Mr. WASS. In the bill before us, SB 129, is it not true that the opening hour on Sunday would be 1 o'clock?

Mr. CLARK. I think that was an error in drafting.

Mr. WASS. Then you are moving it back to 11. Is that right, sir, 11 a.m.? Thank you very much.

Mr. Speaker, if I may speak on the amendment.

The SPEAKER. The gentleman is in order and may speak on the amendment.

Mr. CLARK. Can I answer his question first, Mr. Speaker?

The SPEAKER. I beg your pardon. Go right ahead, Mr. Clark.

Mr. CLARK. He was finished asking, but I was not finished answering.

The SPEAKER. All right. Go right ahead, Mr. Clark.

Mr. CLARK. Thank you, Mr. Speaker.

Essentially, I am looking at the language in the bill now which is supposed to represent current law. It says 1 p.m. on Sunday. However, the current law says that they may open at 11 a.m., and I think you heard some of your colleagues speak to that today. That is what was one of the provisions in SB 730.

Mr. WASS. Thank you, Mr. Speaker, for the explanation.

May I speak on the amendment?

The SPEAKER. The gentleman is in order and may speak on the amendment.

Mr. WASS. Mr. Speaker, I rise to oppose the amendment. I think that the hour of 11 o'clock is certainly not acceptable as far as Sunday sales are concerned, so I would ask my colleagues to oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. CLARK. Mr. Speaker, a point of parliamentary inquiry.

If you would look at the legislation before us, the original bill, SB 129, I would like to know before I vote on it whether we are going to repeal another section of SB 730. If I may approach?

The SPEAKER. Please come up here. Let us see.

The House will stand at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

The Chair has been advised and concurs with Brian Clark that there has been an error in the drafting of the original bill, SB 129. If the House were to adopt Mr. Clark's amendment, there would be two different opening times on Sunday. The current law is at 11 o'clock, but whoever drafted the original bill placed in it the language "one o'clock." It will now be necessary for an additional amendment to be drawn to correct the disparity between the amendment offered by Mr. Clark and the original language. However, the House may vote on Mr. Clark's amendment. An additional amendment is now being ordered.

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

Mr. CLARK. Thank you, Mr. Speaker.

Finally, in summary I would like to answer some of the comments made in opposition to the amendment. This amendment is not going to affect anything that was put into the bill, and it goes back to the original intent of SB 129, which is Sunday sales. It seems odd to me that I was being criticized for trying to offer an amendment that is absolutely germane to a piece of legislation before us, and I would urge the adoption of this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LINTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Clark, stand for a brief moment of interrogation, please?

The SPEAKER. The gentleman indicates he will so stand. You may proceed, Mr. Linton.

Mr. LINTON. Thank you.

I would just like to know, Mr. Speaker, before I vote on this bill what impact it will have on the current situation with the local taverns in my district. I just want to be sure that I know when I vote what I am voting on.

First of all I would like to know, if this amendment now that we have before us passes, would that allow any tavern in my neighborhood that may desire to have Sunday sales, that now does not have a 40-percent food requirement, will they now be allowed to just come in with a \$200 permit and then open up for Sunday sales?

Mr. CLARK. Upon payment of the \$200 fee and approval of the Liquor Board, they may open.

Mr. LINTON. And approval of the Liquor Board?

Mr. CLARK. Yes.

Mr. LINTON. Thank you.

The SPEAKER. The Chair thanks both gentlemen.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Reber, on the amendment.

Mr. REBER. Mr. Speaker, I would like to raise a point of parliamentary inquiry.

The SPEAKER. Will the gentleman state the point.

Mr. REBER. Mr. Speaker, as a result of the recent revelation of Mr. Clark as to the incorrectness of the stating of current law in SB 129 as it was sent from the Senate to the House, I would ask the Chair if this House is even permitted to consider SB 129 as it was sent from the Senate as a result of rule 28 and rule 29 of the rules of this House, and specifically Article III, section 6, of the Constitution of the Commonwealth of Pennsylvania. I have grave reservations whether we are even able to proceed with any consideration of SB 129 as a result of the state of the printing.

The SPEAKER. The Chair recognizes the minority leader on the point.

Mr. RYAN. Mr. Speaker, I do not pretend to know the Liquor Code cold, but it is my recollection of the code that there indeed are two opening times. You open at 11 o'clock by reason of the latest change in the law if in fact you are a restaurant that sells 40 percent food; if you do not sell 40 percent food, then you would open at 1 o'clock. So I am not so sure that that bill is entirely wrong the way it is drafted.

The SPEAKER. Let us check the Constitution. What article in the Constitution did you cite, Mr. Reber?

Mr. REBER. Mr. Speaker, I am referring to rule 28 of this House, which refers to Article III, section 6.

The SPEAKER. We do not believe that we are precluded by rule 28 from taking up the bill. Rule 28 says, "...existing law shall indicate present language to be omitted...." That is not in question here; there is no present language to be omitted. So we do not think that we are in violation of our rules in taking up SB 129.

Mr. REBER. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Fortunately I prefaced my earlier remarks by saying I did not pretend to know the code cold. I not only acknowledge that now, but I misstated to you the law, because if you do not have the requisite food, you could not be open on Sunday anyway. So I apologize to the Chair and to the House.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Merry, on the Clark amendment.

Mr. MERRY. Mr. Speaker, in regard to the Brian Clark amendment, I would like to interrogate Representative Battisto.

The SPEAKER. Mr. Battisto, will you stand for interrogation by Mr. Merry? Mr. Battisto indicates he will so stand. It is on the Brian Clark amendment, Mr. Battisto. You may proceed, Mr. Merry.

Mr. MERRY. Mr. Speaker, we have before us an amendment by Representative Clark, amendment A0184, that seeks to amend SB 129. Since you were the maker of an amendment earlier today— Mr. Speaker I am trying to establish a matter of fact here first. SB 129, which has already been passed by the Senate, was amended by you this morning with amendment A0176, which changed its content somewhat. However, was the content of your amendment A0176 also previously approved by the Senate?

Mr. BATTISTO. The content of my amendment was approved by the Senate, yes.

Mr. MERRY. Essentially?

Mr. BATTISTO. By a 40-to-9 vote.

Mr. MERRY. Okay. Now, would it be your opinion that SB 129 as amended contains language which essentially has already been approved by the Senate?

Mr. BATTISTO. That is true, Mr. Speaker.

Mr. MERRY. In your opinion, Mr. Speaker, would you feel that the passage of new language that has not been approved by the Senate at this late date would possibly jeopardize the ability of this important legislation that seeks—

The SPEAKER. Mr. Merry?

Mr. MERRY. Yes.

The SPEAKER. Neither Mr. Battisto nor any member is permitted to speculate on what the Senate may or may not do. You will have to rephrase your question. You can rephrase it and still get the answer you are seeking, but he must not be allowed to speculate what the Senate might or might not do.

Mr. BATTISTO. Mr. Speaker, if I might answer it this way: If you are inquiring as to whether I would support an amendment like this, the answer would have to be no, because I feel any amendment that we support besides that which the Senate already passed would put this bill in jeopardy.

Mr. MERRY. Thank you, Mr. Speaker.

The SPEAKER. Now you have the answer.

Mr. MERRY. If I may comment on the amendment at this point?

The SPEAKER. You are in order and may speak on the amendment.

Mr. MERRY. Mr. Speaker, I urge that the House defeat this amendment. I do not feel it is in the best interests of the Commonwealth or the people whom we represent, because the original intent of the bill, which could very possibly be put into law, to complete the ability of licensees conducting St. Patrick's Day sales, would not be possible before that illustrious holiday. So, Mr. Speaker, I urge that we not consider this in this present legislation and that Mr. Clark present the information at a later date in other legislation.

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—55

Acosta	Duffy	Maiale	Staback
Barber	Evans	Morris	Steighner
Belardi	Gallagher	O'Donnell	Stevens
Blaum	Gannon	Olasz	Sweet
Burns	Greenwood	Oliver	Taylor, F. E.
Caltagirone	Harper	Perzel	Taylor, J. J.
Cappabianca	Hasay	Petrarca	Tigue
Cawley	Howlett	Petrone	Trello
Civera	Kosinski	Pott	Van Horne
Clark	Laughlin	Pratt	Wiggins
Cohen	Lescovitz	Reinard	Wright, J. L.
Cordisco	Letterman	Richardson	
Coslett	Lucyk	Rieger	Iris,
DeWeese	McCall	Serafini	Speaker
Donatucci			

NAYS—144

Afflerbach	Deal	Kasunic	Preston
Angstadt	Dietz	Kennedy	Punt
Argall	Dininni	Kenney	Raymond
Arty	Distler	Kukovich	Reber
Baldwin	Dombrowski	Langtry	Robbins
Barley	Dorr	Lashinger	Rudy
Battisto	Durham	Levdansky	Ryan
Belfanti	Fargo	Levin	Rybak
Birmelin	Fattah	Linton	Saloom
Black	Fee	Livengood	Saurman
Book	Fischer	Lloyd	Scheetz
Bortner	Flick	McClatchy	Schuler
Bowley	Foster, Jr., A.	McHaie	Semmel
Bowser	Fox	McVerry	Seventy
Boyes	Freeman	Mackowski	Showers
Brandt	Freind	Manderino	Sirianni
Broujos	Fryer	Manmiller	Smith, B.
Bunt	Gallen	Markosek	Smith, L. E.
Burd	Gamble	Mayernik	Snyder, D. W.
Bush	Geist	Merry	Snyder, G. M.
Carlson	George	Michiovic	Stairs
Carn	Gladeck	Micozzie	Stewart
Cessar	Godshall	Miller	Stuban
Chadwick	Gruitza	Moehlmann	Swift
Cimini	Gruppo	Mowery	Taylor, E. Z.
Clymer	Hagarty	Mrkonic	Telek
Colafella	Haluska	Murphy	Veon
Cole	Hayes	Nahill	Vroon
Cornell	Herman	Noye	Wambach
Cowell	Hershey	O'Brien	Wass
Coy	Honaman	Phillips	Weston
Deluca	Itkin	Piccola	Wilson
DeVertter	Jackson	Pievsky	Wogan
Daley	Jarolin	Pistella	Wozniak
Davies	Johnson	Pitts	Wright, D. R.
Dawida	Josephs	Pressmann	Yandrisevits

NOT VOTING—2

Truman Wright, R. C.

EXCUSED—2

Hutchinson Williams

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. PRATT offered the following amendments No. A0083:

- Amend Title, page 1, line 16, by inserting after "laws," further defining "club" and "golf course";
- Amend Title, page 1, line 17, by removing the period after "SALES" and inserting
; and regulating sales by privately-owned private golf courses.

Amend Bill, page 1, by inserting between lines 19 and 20
Section 1. The definitions of "club" and "golf course" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, added December 17, 1982 (P.L.1390, No.319), are amended to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or malt and brewed beverages shall be only secondary, which, if incorporated, has been in continuous existence and operation for at least one year, and if first licensed after June sixteenth, one thousand nine hundred thirty-seven, shall have been incorporated in this Commonwealth, and, if unincorporated, for at least ten years, immediately preceding the date of its application for a license under this act, and which regularly occupies, as owner or lessee, a clubhouse or quarters for the use of its members. Continuous existence must be proven by satisfactory evidence. The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors. The club shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall from time to time prescribe, but any such club may waive or reduce in amount, or pay from its club funds, the dues of any person who was a member at the time he was inducted into the military service of the United States or was enrolled in the armed forces of the United States pursuant to any selective service act during the time of the member's actual service or enrollment. The term includes a privately-owned private golf course.

"Golf course" shall mean a course having a minimum of nine holes and a total length of at least twenty-five hundred yards. The term includes a privately-owned private golf course.

Amend Sec. 1, page 1, line 20, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 20 and 21, by striking out "of April 12, 1951 (P.L.90, No.21), known as the Liquor Code"

Amend Bill, page 2, by inserting between lines 6 and 7
Section 3. Section 461 of the act is amended by adding a subsection to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—***

(e.2) "Privately-owned private golf course" as used in this section shall mean the clubhouse at any privately-owned golf course as defined in section 102 open for private membership accommodations only as a club as defined in section 102. The license to be issued in this instance shall be a club license.

Section 4. Section 472 of the act, amended July 11, 1980 (P.L. 558, No.117), is amended to read:

Section 472. Local Option.—In any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants [and], clubs and privately-owned private golf courses, not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years with respect to granting of licenses to wholesale distributors and importing distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality or part of a split municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities, or that part of a split municipality that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor and importing distributor licenses shall be initiated only in those municipalities or parts of split municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or part of a split municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Separate petitions must be filed for each question to be voted on. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in Yes of.....? No

When the question is in respect to the granting of liquor licenses, for privately-owned private golf courses, it shall be in the following form:

Do you favor the granting of liquor licenses for privately-owned private golf courses for the sale of liquor in by Yes of.....? No

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the

..... Yes of.....? No

When the question is in respect to the granting of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor the granting of malt and brewed beverage wholesale distributor's and importing distributor's licenses not for consumption on premises where sold in the Yes of.....? No

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the Yes of.....? No

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants [and], clubs and privately-owned private golf courses, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality or part of a split municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

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

5

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, this issue has been before the House on two previous occasions - once last session and once the previous session - and it deals with adding a provision for placing a question on the local ballot in dry townships as to whether or not privately-owned private golf courses should have a retail liquor license. It does not open up the entire township to any other liquor licenses; it does not exempt any

facility from the quota system; it merely states that if a sufficient number of electors sign a petition and present it to the board of elections, a question goes on the ballot that states, shall blank privately-owned private golf course have a retail liquor license, period.

That is the nature of the amendment. It has passed this House on previous occasions. I ask for your support today, Mr. Speaker.

The SPEAKER. On the Pratt amendment, the Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, once again, as we look at the amendment before us, there are many sections that are debatable, and here again we are cluttering up the issue, and that is that our objective here today is to give to the Senate a bill that has the repeal in it that would allow, hopefully, the Senate to remove casino gambling from the Commonwealth of Pennsylvania. There will be opportunities, I am sure, throughout this very long legislative session that the sponsor can come back with an amendment or even a bill to put forth his thoughts in this amendment A0083. I ask for a "no" vote on this amendment. Thank you.

The SPEAKER. *The Chair thanks the gentleman.*

On the amendment, the Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Will the gentleman, Mr. Pratt, submit to interrogation?

The SPEAKER. The gentleman, Mr. Pratt, indicates he will so stand. Mr. Coy, you may proceed.

Mr. COY. Mr. Speaker, the amendment that you present, does the substance of the amendment pertain to whether or not a municipality is currently wet or dry, or would this amendment supersede that current law?

Mr. PRATT. No. It would only apply in a dry township.

Mr. COY. Only in a dry township, a township that is now dry and the electors may choose to omit from that part of the law?

Mr. PRATT. Right. And the golf course must be an 18-hole golf course that is privately held.

Mr. COY. Thank you.

The SPEAKER. *The Chair thanks the gentleman.*

Mr. PRATT. One quick rebuttal.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. The gentleman who spoke before Representative Coy, I think his argument is very weak. This issue has been before the Senate Law and Justice Committee. It has been accepted in that committee in previous sessions. It does not seem to be very controversial in the Senate, and I think the gentleman is circumventing the issue itself with a weak argument.

The SPEAKER. *The Chair thanks the gentleman.*

Mr. Clymer, do you have any further words on the amendment?

Mr. CLYMER. Not at this time, 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—94

Acosta	Dawida	Linton	Rybak
Afflerbach	Dombrowski	Lucyk	Serafini
Angstadt	Donatucci	McCall	Seventy
Barber	Duffy	McHale	Staback
Belardi	Evans	McVerry	Steighner
Belfanti	Fattah	Maiale	Stevens
Blaum	Freeman	Mayernik	Stewart
Book	Gallagher	Moehlmann	Sweet
Bortner	Gamble	Morris	Taylor, J. J.
Burd	Gladeck	Nahill	Trello
Burns	Greenwood	O'Brien	Truman
Caltagirone	Haluska	Olasz	Van Horne
Cappabianca	Harper	Oliver	Veon
Carn	Hasay	Perzel	Wambach
Cawley	Howlett	Petrarca	Weston
Clark	Jackson	Petrone	Wiggins
Cohen	Jarolin	Pistella	Wilson
Colafella	Josephs	Pott	Wogan
Cordisco	Kenney	Pratt	Wozniak
Cornell	Kosinski	Pressmann	Wright, D. R.
Cowell	Kukovich	Punt	Wright, J. L.
Coy	Laughlin	Reber	
Deluca	Lescovitz	Reinard	Irvis,
Daley	Letterman	Richardson	Speaker

NAYS—104

Argall	Dietz	Johnson	Preston
Arty	Dininni	Kasunic	Raymond
Baldwin	Distler	Langtry	Robbins
Barley	Dorr	Lashinger	Rudy
Battisto	Durham	Levdansky	Ryan
Birmelin	Fargo	Levin	Saloom
Black	Fee	Livengood	Saurman
Bowley	Fischer	Lloyd	Scheetz
Bowser	Flick	McClatchy	Schuler
Boyes	Foster, Jr., A.	Mackowski	Semmel
Brandt	Fox	Manderino	Showers
Broujos	Freind	Manmiller	Sirianni
Bunt	Fryer	Markosek	Smith, B.
Bush	Gallen	Merry	Smith, L. E.
Carlson	Gannon	Michlovic	Snyder, D. W.
Cessar	Geist	Micozzie	Snyder, G. M.
Chadwick	George	Miller	Stairs
Cimini	Godshall	Mowery	Stuban
Civera	Gruitza	Mrkonic	Swift
Clymer	Gruppo	Murphy	Taylor, E. Z.
Cole	Hagarty	Noye	Taylor, F. E.
Coslett	Hayes	O'Donnell	Telek
DeVerter	Herman	Phillips	Tigue
DeWeese	Hershey	Piccola	Vroon
Davies	Honaman	Pievsky	Wass
Deal	Itkin	Pitts	Yandrisevits

NOT VOTING—3

Kennedy	Rieger	Wright, R. C.
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EXCUSED—2

Hutchinson	Williams
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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. WOGAN offered the following amendments No. A0232:

Amend Title, page 1, line 17, by removing the period after "SALES" and inserting
adding provisions relating to certain tournaments or contests.

Amend Bill, page 2, by inserting between lines 6 and 7

Section 2. The act is amended by adding a section to read:

Section 477. Sporting Tournaments.—(a) Any distiller, manufacturer or retail or club licensee, either alone or in combination, may sponsor, hold or permit to be held, on the licensed premises or on premises contiguous and adjacent thereto, a dart, billiard, bowling, shuffleboard or rings tournament or contest without having to obtain any permits therefor.

(b) The distiller, manufacturer or retail or club licensee may directly or indirectly advertise a dart, billiard, bowling, shuffleboard or rings tournament or contest and may directly or indirectly advertise, offer, award or permit the award, on the licensed premises, of trophies, prizes or premiums therefor.

(c) Cash moneys or negotiable instruments of any type or kind, or trophies, prizes or premiums may be offered or awarded, traded or received by any person at such dart, billiard, bowling, shuffleboard or rings tournaments or contests.

(d) Alcoholic beverages may be served, sold, serviced or delivered and the same shall be permitted in or within the area in which such dart, billiard, bowling, shuffleboard or rings tournament or contest is held and a bar or service bar may be installed in the lobby of the licensed premises, passageway or entrance immediately adjacent thereto.

(e) Entrance fees may be charged to any person who enters any tournament or contest permitted by this section only if the entrance fee does not exceed twenty dollars (\$20).

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

3

On the question,

Will the House agree to the amendments?

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

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, just as an aside, I think I should say that I do not consider myself to be progambling. I have never engaged in gambling. In fact, I do not even make bets.

What this amendment very simply would do would be to allow retail or club licensees to hold dart, billiard, bowling, or shuffleboard tournaments on their premises. It would limit the entrance fees to \$20 per contestant. I want to make it very clear, this amendment will not permit card tournaments of any nature to be held in the Commonwealth. This is not a progambling amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, certainly I am sensitive to the amendment that has been offered by Representative Wogan and others. I know that he is trying to put back into SB 730 the original intent of this General Assembly, but the problem we have now is confusion as to whether or not there is gambling in the Commonwealth of Pennsylvania. I feel that if we allow this amendment to pass, we are still going to have problems explaining to our

constituents, to the people of Pennsylvania, that we have indeed eliminated gambling as they have perceived it through the news media and others here in this Commonwealth.

Again, Mr. Speaker, the alternative that I offer to Mr. Wogan and to others is to come back at another day at another time and place their proposal in another amendment or in a bill that we can look at separately. But we have to start from square one as far as this entire issue of gambling as it has unfolded these past 6 to 7 weeks here in Pennsylvania. We have to eliminate gambling and then indeed provide that legislation that would input the intent of these members regarding other tournaments such as darts and billiards and bowling and shuffleboard, et cetera, et cetera. So reluctantly I stand and oppose this amendment and ask for a corresponding "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the Wogan amendment, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, it is a practical problem. The section that the Senate passed is the same that we passed this morning - 138 people voted for repeal. I believe some of the suggestions are well taken, but people are not going to vote on that on its merits; they are going to vote based on the practical problem of what the Senate will accept. They will accept what we have done. I urge a "no" vote on the amendment.

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

Mr. KOSINSKI. Mr. Speaker, would Representative Clymer please stand for interrogation?

Mr. CLYMER. I will be glad to.

Mr. KOSINSKI. Mr. Speaker, how many complaints have you received about dart tournaments?

Mr. CLYMER. I have received no complaints about dart tournaments.

Mr. KOSINSKI. Mr. Speaker, how many complaints have you received about bowling tournaments?

Mr. CLYMER. I have received no complaints about bowling tournaments.

Mr. KOSINSKI. How many complaints have you received about shuffleboard tournaments?

Mr. CLYMER. I have received none.

Mr. KOSINSKI. Then what is the problem, Mr. Speaker?

Mr. CLYMER. Mr. Speaker, again, I can understand where the maker of this amendment is coming from. Mr. Speaker, it was this kind of language that was used in a bill that was part of deceit, that did not truthfully put the will of the members of this General Assembly in that bill, so that when an interpretation was made regarding the awarding of prizes for tournaments, and as card playing was part of that total picture, we have what we call casino gambling in Pennsylvania.

Let us clear the air on this issue once and for all. Let us start from square one where we should. If indeed this is a legitimate kind of activity for promotion by the Tavern Association, then let us do this the way we should do it - openly and in a

way that we will completely understand the nature of the bill that we place into final legislation. I will say this: My constituents—I am sure yours as well—have been very much upset that we have a kind of casino gambling in this Commonwealth and the result of that problem that I just addressed. So therefore, Mr. Speaker, I ask for a “no” vote on this amendment. Thank you.

The SPEAKER. The Chair recognizes, for the second time, the gentleman from Philadelphia, Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

I stand here with a very puzzled mind today. The dart bill, the bowling bill, the shuffleboard bill, were debated in public. We had almost no opposition; in fact, no opposition. There is no opposition to this. We are trying to do it in public, in front of everybody. You can see the amendment; it does not say “cards.” The opponents of this are sort of like colleagues of mine in fourth grade. They used to play baseball with you and they had the bat, and once you did not play by their rules or give them everything they wanted, they wanted to end the game and take the bat.

We have been more than willing to compromise on this issue. We have been out front, we have been open, we have not been hypocritical. We are trying to amend this bill to put back in forms that are not elitist; they are not golf and tennis. My constituents do not belong to country clubs, but they do go down to the corner taproom to shoot darts and they do like to bowl a few games and they do like to play shuffleboard. This has nothing to do with casino gambling; in fact, nothing we did here today, as I said before, had anything to do with casino gambling.

A vote on this would be greatly appreciated not only for myself but for the many people in this Commonwealth who like to relax and enjoy a good game of darts, bowling, whatever. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Civera.

Mr. CIVERA. Mr. Speaker, would Representative Clymer stand for brief interrogation, please?

Mr. CLYMER. Yes.

The SPEAKER. The gentleman indicates he will so stand.

Mr. CIVERA. Mr. Speaker, can you kindly point out to me where in this amendment you would feel that it would be questionable where you would relate to games of chance or card playing?

Mr. CLYMER. Mr. Speaker, as I said when I made my previous comments, the problem that we have in these amendments is that we are cluttering up a bill that we are trying to keep clean, so that we can get a piece of legislation to the Senate that will not be one in which they will have their own individual debate and cause a holdup in finally repealing the gambling situation here in the Commonwealth of Pennsylvania. These amendments, as I had also prefaced earlier, *certainly there could be some merit in them. I do not question that. But this is not the day or the time for this General Assembly to consider those amendments. Therefore, as I stated before, I ask for a “no” vote on this amendment.*

Mr. CIVERA. Thank you, Mr. Speaker.

I would like to make a brief comment.

The SPEAKER. The gentleman is in order.

Mr. CIVERA. Mr. Speaker, there is no part in this amendment that would get us or question us as far as the games of chance or card playing in this amendment. What we are trying to do here today is return back to the individual tavern owners of the Commonwealth of Pennsylvania something that they asked for to be legal back in June. It was the intent of this General Assembly at that time to give them the skill games. All we are doing until this Assembly can get our act together, whether we are going to permit gambling in the Commonwealth or not, is give them the skill games. I think that it is not a bad idea, because a lot of our constituents go to the local taverns and they do play these games.

In my legislative district, being only 70 miles outside of Atlantic City, on a daily basis there are at least 5 buses that go three times a day back and forth from the shore resorts down to the casinos. With this in mind, this has had an effect on the local businessmen and it has hurt their pocketbooks. Now, I am sure that none of us want to hurt them in any way, and I think that we should leave this part in the bill and let them provide the skill games. This was my argument all along. I am not really in favor of card playing at all, but I think until we can come back with a real law—and it is going to take us some time to do that, we all know that—we should support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I do not think there is anything wrong with shooting darts and playing billiards and whatnot, and there is very possibly nothing wrong with being involved in tournaments. The exercise we are involved with here, however, is writing the law. Generally when we write the law, what we do is express our intent as clearly and as unequivocally as possible and hope that that stands up through this process. When you are talking about certain areas of law, including possibly taxes, and certainly talking about gambling, the issue is not what did I mean when I used these words; the issue is, who can use these words for what other purpose? *That is not paranoia; that is just an experience that we have had as recently as the fall of 1984 and the winter of 1985. The language that we used in that conference committee report may have passed unknowingly by us or it might have reflected our intention, but I think it is pretty clear that that language was used in a way that none of us are comfortable with.*

So the question when we address these amendments is, can this language be used in a way that we do not intend? And when you take a look at the last section, for example, and we have only had about 10 minutes to look at this, but in that 10 minutes you can look through and see in section (e) a limitation on the entrance fee. Do not worry about it, it is only going to be \$20. Twenty dollars what? Twenty dollars a week; \$20 a night; \$20 a tournament? How long is a tournament - one round? How long is a round - 2 minutes? Twenty dollars

in 2 minutes? Twenty dollars in 5 minutes? So suddenly \$20 as a mere low entrance fee can be used by someone whose ingenuity I assure you will be greater than mine, spurred on by a motivation that is greater than mine, and probably being more clever than me. So—yes, I am getting nods of approval on the “more clever than me”—what is clear is that if we can do that kind of exercise in 10 minutes, somebody else can use this language in a way that we would not want to have happen.

There is no question that we are going to come back to the merits of tournaments in bars, et cetera. In fact, I have a resolution which I am going to offer at the end of the session today directing the Liquor Control Committee to look into that exact issue and come up with a bill on the subject. But the practical effect of adopting this kind of an amendment will be merely to delay what I think we want, as evidenced by the last vote, and that is, a clean repealer today. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DUFFY. As I look at this amendment here, I think it should be included in this bill when it is sent over to the Senate. It seems to me as though what we are geared to here today is to get a clean bill to the Senate to take care of one problem, and we are creating quite a few other problems for the tavern keepers and the owners of small businesses. There might be a delay in cleaning up the card section of this situation, but we can do that in a couple of weeks.

So, I would say, go ahead and support this amendment. I think it should be in the bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, on the Wogan amendment.

Mr. SALOOM. Mr. Speaker, I would like to encourage defeat of this amendment.

In Act 54 we have the same language except for taking out “cards” as in this amendment, but there is still the interpretation of “contest.” Now, if anybody would like to interpret what “contest” means, it could mean just about any type of gambling that can happen, and of course, we would be in the same trouble that we are in today. I would like to ask and encourage the defeat of the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer, for the second time on the amendment.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, just some other information on this issue. At the present time a person can go in and play darts and billiards and bowl and play those kinds of games. However, under the present situation, if we do not clean this matter up correctly, what would prevent someone from offering cash prizes on the same basis as they did for card playing? I think that is an important issue and one that we have to address. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Trello, on the Wogan amendment.

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

Mr. O'Donnell, our majority whip, indicated a \$20 fee. He forgot to mention that the maximum is \$20; up to \$20. There are some places that will charge \$1. Some might charge \$5. Some might not even charge anything at all. He forgot to mention that. And he also indicated that we should go to the Liquor Control Board and have them draft the bill. I think the lawyers whom we have hired here in the House who work in the Reference Bureau are very competent to work with the members of this House to draft a bill and get it right. As a matter of fact, I think a very competent attorney drafted that amendment that was acted on today.

Representative Clymer indicated that he did not want this amendment to pass or any other amendment because he did not want a cluttered bill to go over to the Senate so that we could confuse them. Well, what the heck do I care if the Senate gets confused? They certainly have sent enough legislation over here that has confused us a few times.

The SPEAKER. Mr. Trello, the Chair wants to congratulate you. The Chair thinks you are the only person who has made a statement in which all of us concur. You may continue.

Mr. TRELLO. Well, anyway, I mean, I am sure Mr. Clymer is a full-time legislator, but his statement made me think he might be working part time for the Senate if he is concerned about a cluttered bill going over to them.

Now, we have had two issues, one about the \$20 fee, okay? But the language in the bill says up to \$20, so it can be anywhere from 1 penny to \$20, depending on what the audience will allow, what the type of clientele that patronizes these establishments will allow. It could be 1 penny or \$20.

Mr. Speaker, let me get back again to the tournaments. My goodness gracious, you have watched the “Love Boat” on television and watched them play shuffleboard, you watch them throw darts, you watch them bowl, you watch them do an awful lot of things. What is so terrible about throwing darts? What is so terrible about bowling? Mr. Clymer keeps referring to casino gambling and I resent it very much, because I myself, and everybody in this room, or the overwhelming majority of members in this General Assembly, are totally opposed to casino-type gambling and you keep referring to casino-type gambling in this bill, and I am offended and upset by it and you should change your remarks when you refer to the bill. It is not casino gambling, unless you consider throwing darts, bowling, and throwing rings casino gambling. And if you have ever been to Atlantic City, you will find that they have no darts, they have no bowling; they have none of those things in Atlantic City.

You know, I think what a few members are trying to do is let us act on the wishes of their legislative districts, not ours. I am sure we all have different needs and our constituents have different likes and dislikes. If that is the way your district feels, fine, but do not tell me how I should vote for my district

and my workers who work in the steel mills and who work on everyday jobs. They cannot belong to country clubs and play golf or tennis or even chess. They want to go down to Sarducci's Tavern or Pat O'Brien's Tavern and have a drink and maybe play a game of shuffleboard or throw some darts. Now, if you think this is so wrong, then maybe, you know, I am living in the wrong world.

I support the amendment. And unless you have two sets of rules in this House, and I am sure you do not, because, you know, it is one thing for a guy to say I am going to the club, we are having a \$2 Nassau today, with his business suit on, and everybody thinks that is apropos and fine, but when a little workingman who cannot belong to a country club wants to walk down to his local tavern and maybe put 2 bucks up on throwing darts or a bowling contest, do we look down on that guy? Remember, that guy, his vote counts the same as the millionaire who belongs to the country club. One is not worth any more than the other. So remember that when you vote on this issue today. *Think about your constituents.*

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Jarolin, on the amendment.

Mr. JAROLIN. Mr. Speaker, I rise in support of this amendment.

Up in my particular area I have had strong support for this legislation that has been on the floor. Somebody made the statement about not dirtying the bill with other various forms. We already started dirtying that bill as soon as we put it onto this one.

About 2 weeks ago I saw some people down here carrying around pies and presenting them to all the State Representatives. What they wanted was a little piece of their pie. I will tell you right now, I think we ought to give the tavern owners and the small businessmen at least the blooming crumbs out of this. I would appreciate an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, I am up here not imposing, necessarily, my views on anybody else. You have a free mind to vote the way you want, very honestly. My district is my district and your district is yours. However, what I am saying to you, some of you who have been here longer than I know more about parliamentary procedure than I. You probably do not realize that you would get more votes for something like this later on because of a vote on the merit of the amendment rather than on the issue at hand. The fact of the matter is we want this bill to pass the Senate immediately. The fact is, darts is not gambling; neither is bowling gambling. We do not equate darts with cards, but the fact is we need a clean bill now. *Wrap up your amendments whatever way you want later on.* You will probably get more votes then. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Wogan, for the second time on his amendment.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, I have a great deal of respect for the gentleman from Bucks County and also for my colleagues on the Liquor Control Committee. However, the bald assertions that this would open the gates to casino gambling or even in fact that this is some sort of gambling does not make it so. It is not gambling. We all know that if this is not addressed today, we are not going to see this again.

In my 4 brief years in this House of Representatives, I have yet to see a major initiative come from the Liquor Control Committee, and at the rate we are going, I do not expect to see one for my next 4 years. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the essence of whether or not permitted activity is gambling or is not gambling depends upon whether or not an individual participant can win money and lose money. Whether or not he can win big money and lose big money just determines the ill and the level of ill that that particular gambling can cause.

We are talking about darts; we are talking about shuffleboard; we are talking about bowling. And frankly, I have seen none of those in Atlantic City or Las Vegas, as Mr. Trello said, but I will bet, if that is all that was legal to gamble on, they would be in the casinos with ring games and dart games and shuffleboard games, and what we now think is a game of skill, whether it be darts or shuffleboard, would be turned simply into a game of chance. Envision a dart thrower throwing the dart toward the board and when it is halfway toward the board, the board spins around and it comes up on 7 or 11 or snake eyes. It is a dart game. And as Mr. O'Donnell said, in 2 minutes you can think of hundreds of ways that you can gamble on any one of these games that we ordinarily think would not be gambling.

The entrance fee of \$20 sounds reasonable, unless you get to the point that he indicated, that the entrance fee is paid every 5 minutes; there is a new tournament every 5 minutes. If you have seven players here, it does not take long to throw one dart across the room. Maybe 3 minutes, another \$20 on the table. I will venture to say that we will be gambling on darts and rings and shuffleboard, and the ability to win big money and the ability to lose big money will be the same. Elimination of the word "cards" does nothing.

I ask for a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—100

Afflerbach	DeWeese	McVerry	Snyder, D. W.
Angstadt	Davies	Mackowski	Staback
Arty	Dawida	Maiale	Stairs
Baldwin	Dombrowski	Mayernik	Steighner
Barber	Duffy	Michlovic	Stevens
Belardi	Durham	Micozzie	Stewart
Belfanti	Evans	Moehlmann	Sweet
Blaum	Freind	Morris	Taylor, F. E.
Bowser	Gallen	Nahill	Taylor, J. J.

Boyes	Gannon	O'Brien	Telek
Brandt	Gladeck	Olasz	Tigue
Bunt	Gruitza	Perzel	Trello
Burd	Haluska	Petrarca	Truman
Burns	Harper	Petrone	Van Horne
Caltagirone	Hasay	Pistella	Veon
Cappabianca	Howlett	Pott	Weston
Carn	Jarolin	Pratt	Wiggins
Cawley	Josephs	Preston	Wilson
Cessar	Kenney	Punt	Wogan
Civera	Kosinski	Raymond	Wozniak
Clark	Kukovich	Reber	Wright, J. L.
Cohen	Lescovitz	Richardson	Wright, R. C.
Cole	Letterman	Ryan	
Cornell	Levin	Serafini	Irvin,
Coslett	Lucyk	Seventy	Speaker
Deluca	McCall		

NAYS—99

Acosta	Dorr	Kasunic	Pressmann
Argall	Fargo	Kennedy	Reinard
Barley	Fattah	Langtry	Rieger
Battisto	Fee	Laughlin	Robbins
Birmelin	Fischer	Levdansky	Rudy
Black	Flick	Linton	Rybak
Book	Foster, Jr., A.	Livengood	Saloom
Bortner	Fox	Lloyd	Saurman
Bowley	Freeman	McClatchy	Scheetz
Broujos	Fryef	McHale	Schuler
Bush	Gallagher	Manderino	Semmel
Carlson	Gamble	Manmiller	Showers
Chadwick	Geist	Markosek	Sirianni
Cimini	George	Merry	Smith, B.
Clymer	Godshall	Miller	Smith, L. E.
Colafella	Greenwood	Mowery	Snyder, G. M.
Cowell	Gruppo	Mrkonic	Stuban
Coy	Hagarty	Murphy	Swift
DeVerter	Hayes	Noye	Taylor, E. Z.
Daley	Herman	O'Donnell	Vroon
Deal	Hershey	Oliver	Wambach
Dietz	Honaman	Phillips	Wass
Dininni	Itkin	Piccola	Wright, D. R.
Distler	Jackson	Pievsky	Yandrisevits
Donatucci	Johnson	Pitts	

NOT VOTING—2

Cordisco Lashinger

EXCUSED—2

Hutchinson Williams

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. REBER offered the following amendments No. A0199:

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

Providing for the licensing of clubs to conduct games of chance, for the licensing of persons to manufacture and distribute games of chance, for suspensions and revocations of licenses and for fees and disposition of revenues; requiring records; providing for local referendum on gambling by electorate; and prescribing penalties.

Amend Bill, page 1, lines 20 through 25; page 2, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Definitions.

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

“Club.” An incorporated unit of a national veterans’ organization as defined in section 461.1 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, and licensed to sell liquor at retail under the act, or an organized fraternal society, created and carried on for the mutual benefit of its members, not-for-profit and not issuing capital stock, having a limited membership and a representative form of government and licensed to sell liquor at retail under the Liquor Code. The term “club” shall also include any volunteer fire company, volunteer rescue squad or volunteer ambulance association licensed to sell liquor or malt and brewed beverages at retail under the Liquor Code.

“Games of chance.” Punchboards and fishbowl tickets.

Section 2. Games of chance permitted.

Every club to which a license has been issued under the provisions of this act may conduct games of chance for the purpose of raising funds for the legitimate purposes and activities of the club.

Section 3. Prize limits.

There shall be a maximum limit of \$100 on any individual prize or winning offered or provided by a club under this act.

Section 4. Manufacture and distribution of games of chance.

(a) Manufacturer’s license.—Any person to whom a manufacturer’s license has been issued under the provisions of this act may manufacture games of chance in this Commonwealth.

(b) Distributor’s license.—Any person to whom a distributor’s license has been issued under the provisions of this act may distribute games of chance in this Commonwealth.

Section 5. Duties of Department of Revenue.

The Department of Revenue shall have the duty to:

(1) Provide for the licensing of clubs to hold, operate and conduct games of chance.

(2) Provide for the licensing of persons to manufacture games of chance.

(3) Provide for the licensing of persons to distribute games of chance.

(4) Prescribe the form of licenses and applications for licenses.

(5) Issue licenses permitting the holding of games of chance.

(6) Prescribe rules and regulations for the supervision, conduct and type of games of chance.

(7) Prescribe rules and regulations for the manufacture and distribution of games of chance.

(8) Suspend and revoke licenses for violations of this act or the rules and regulations thereunder.

(9) Hold a public hearing to consider the application prior to the issuance of a license at a site within the municipality where the applying club proposes to hold games of chance.

(10) Give notice of the application for license and the date, time and place of the public hearing at least 20 days prior to it being held by posting a notice on the front of the building in which the applying club proposes to hold the games of chance and by publishing an advertisement once in a newspaper of general circulation published or circulated within the municipality in which the license may be issued.

(11) Prescribe such other rules and regulations as may be necessary to carry out the provisions of this act.

Section 6. Licenses; tax on gross receipts.

(a) Fees and tax.—

(1) Licenses to conduct games of chance shall be issued to clubs in any calendar year and the fee therefor shall be \$100.

(2) There shall be levied a 5% tax on the gross receipts of the games of chance.

(3) Licenses to manufacture games of chance shall be issued to persons in any calendar year and the fee therefor shall be \$500.

(4) Licenses to distribute games of chance shall be issued to persons in any calendar year and the fee therefor shall be \$250.

(5) All license fees and taxes collected pursuant to this subsection shall be returned to the school district situate within the municipality in which the fees and taxes were collected. When more than a single school district is situate within a municipality, the fees and taxes shall be returned in equal parts to each school district. The Department of Revenue may retain a maximum of 2% of the fees and taxes collected for purposes of the administration of this act.

(b) Renewals.—Licenses shall be renewable each calendar year unless revoked under the provisions of this act.

Section 7. Limitations on issuance of licensing revocation.

The Department of Revenue shall not issue a license to and shall revoke the license of any club whenever it finds any of the following:

(1) Compensation, salary or fees are paid to anyone for setting up or conducting the games of chance, excluding club managers, bar personnel, officers and directors.

(2) Any provision of this act has been violated.

(3) Any of the funds derived from the operation of games of chance are used for purposes other than for the legitimate purposes and activities of the club.

Section 8. Records.

The licensee shall keep such records and books as the Department of Revenue shall prescribe.

Section 9. Violation of act.

Whoever conducts, manufactures or distributes games of chance without a license as provided in this act shall, upon conviction in a summary proceeding, be sentenced to pay a fine of \$1,000 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not less than 30 nor more than 120 days.

Section 10. Sales to minors prohibited.

Whoever sells or causes to be sold any game of chance to any person under the age of 21 years shall, upon conviction in a summary proceeding, be sentenced to pay a fine of \$1,000 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not less than 30 nor more than 120 days.

Section 11. Local option.

(a) Election to be held.—In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not more often than once in four years, to determine the will of the electors with respect to the issuance of licenses, within the limits of such municipality, under the provisions of this act. Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election. Whenever electors equal to at least 25% of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county, or the governing body of the municipality adopts, by a majority vote, a resolution to place such a question on the ballot and a copy of the resolution is filed with the board of elections of the county, for a referendum on the question of issuing licenses, the said county board of elections shall cause a question to be placed on the ballot or on the voting machine board and submitted at the primary immediately preceding the municipal election. The question shall be in the following form:

Do you favor the issuance of licenses to conduct small games of chance in the of ?

(b) Vote.—If a majority of the electors voting on the question vote “yes,” then licenses shall be issued by the department in such municipality, but if a majority of the electors voting on any such question vote “no,” then the department shall have no power to issue or to renew, upon their expiration, any licenses in such municipality, unless and until at a later election, a majority of the voting electors vote “yes” on such question.

(c) Voting proceedings.—Proceedings under this section shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(d) Applicability.—This act shall apply only to those clubs located in municipalities which have adopted the provisions of this act by affirmative vote in a municipal referendum in accordance with the provisions of this section.

Section 12. Repeals.

(a) Specific repeal.—Section 476 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is repealed.

(b) Inconsistent repeal.—The provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) are repealed to the extent that they are inconsistent with this act.

(c) General repeal.—All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 13. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. REBER. Thank you, Mr. Speaker.

This is amendment 199. For the members of the House who were present during the last session, this was known as HB 1566. This particular amendment passed the House last session by 139 votes. This particular amendment has all the necessary guidelines, addresses all the necessary concerns that have been addressed today by various members in opposition to many of the amendments that have been expressed today. This is the small-games-of-chance bill for our clubs, fraternal organizations, fire companies, things of that nature that do have liquor licenses in their establishments. This particular bill is specifically regulated; it is specifically enforced; it has specific maximum amounts; it has licensing fees; it has gross receipts that would be given to the school districts involved; it has all the necessary police enforcements that we presently have.

Frankly, I think if you look at the definition of “Games of chance” where it says “Punchboards and fishbowl tickets,” you could probably substitute the words “lottery ticket.” That is basically what this is. This is basically akin to the lottery system.

I think something more important, Mr. Speaker, that ought to be pointed out today is all we are doing with this particular amendment is in fact legalizing what is going on in virtually most of the clubs in each and every one of your districts. We are concerned today about doing what is right. I think if we want to do something that is right today, we should alleviate the various officers of our fraternal organizations, our veterans organizations, from being exposed to harassing prosecutions by district attorneys throughout the State. I think this

is a consideration that you ought to give very serious thought to.

Additionally, I think we have every particular concern addressed from the standpoint of licensing, a return of gross receipts in the amount of 5 percent to the respective school districts where the clubs are; we have enforcement provisions; we have limits; and we have every particular safeguard that you could desire in this particular legislation.

Additionally, Mr. Speaker, I would like to point out that none of this—let me repeat, none of this—can go into effect until local option elections are held. Therefore, I think those individuals who have districts that are 51 percent against the concept, then those districts can speak out and present the fact that they are 51 percent against the concept when the election is held. But if you are from those districts where there may not be the concern that is being expressed here on the floor, then the will of the voters, the electorate, can be heard.

I think this is the most fundamentally democratic amendment that we could have on the issue, and most importantly, Mr. Speaker, I think it will erase a hypocritical situation that exists in each and every one of our legislative districts.

Mr. Speaker, I want to emphasize again that this bill passed this House in identically the same form last session, and I would certainly urge each and every one of the members of the House who were members of that 139 “yes” vote last session to again continue with doing the just thing. Thank you, Mr. Speaker.

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

Mr. CLYMER. Mr. Speaker, as I said at the outset, our objective today was to try to get a bill to the Senate that would not be cluttered up, that they could look at in a timely fashion and pass, and we would be rid of the problem that we now have here in Pennsylvania, and that is card playing, which is casino gambling. Again, I would just urge the members to reject the Reber amendment.

In addition, let me say that here we go with small games of chance, and the sponsor had made mention that there is nothing, in his opinion, wrong with it, and many of these organizations do it as well. You know, I would like to think that the Commonwealth of Pennsylvania provides leadership on some of these important issues, and I think of the youth today here in our Commonwealth, and we have expressed our great concerns about the problems that they are encountering. I question whether the bills and amendments that we are looking at today are going to be, in the long run, of help to them.

I would just urge that the members thoughtfully consider this amendment that we have before us and vote “no.” Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Trello, speaking on this amendment, offered jointly by Mr. Reber and Mr. Trello.

Mr. TRELLO. Mr. Speaker, I would like to start out by saying that the good Representative from the other side

started out again by saying casino-type gambling. I do not know what he is reading or whatever, but I am sure everybody is well aware that there is no casino-type gambling here.

If you are familiar with this amendment, then you will know that it was the same bill, HB 1566, of last session for small games of chance. That included punchboards and fish-bowl tickets, and it only applies to private clubs. It will not be for taverns, or you will not be allowed to have it in grocery stores or anywhere; it is in private clubs.

If you remember what I said when I spoke on the subject last year—and by the way, the bill passed by an overwhelming majority last year—but if you remember what I said - what is so important about this bill in our private clubs - if you look back in your districts, all of the little league and pony league and peewee football, all of those programs in almost every case are sponsored by your private clubs - your VFW (Veterans of Foreign Wars), your American Legion, your Italian, Polish, and Irish clubs; they are the ones that sponsor all these games. As a matter of fact, the VFW in my hometown of Coraopolis not only sponsors these youth programs, but they also sponsor our Fourth of July celebration, and they also sponsor our Memorial Day parade. That is where the money comes, and if you take this away from them, something that they are already doing, not only are we going to lose that activity for our youth, but we are not going to enjoy about \$27 million or \$30 million in revenue that the State will enjoy.

It is the same bill, HB 1566, that this General Assembly overwhelmingly passed last session, and I would certainly appreciate your vote again. Thank you very, very much.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, two points of parliamentary inquiry.

The SPEAKER. The gentleman will state the points.

Mr. O'DONNELL. Mr. Speaker, first of all, the first lines in the gentleman's amendment strike page 1, lines 1 through 17, which is the entire Liquor Code section, removing the title and the reference to the Liquor Code altogether, which would make this an absolutely empty bill.

I guess my question, Mr. Speaker, is as a matter of parliamentary procedure, is it possible or is it appropriate to gut a bill all the way up to the bill number and make it a freestanding act and take it out of the Liquor Code?

The SPEAKER. Mr. O'Donnell, your observation is quite correct. If the Reber and Trello amendments were allowed to go before the floor of the House and succeeded in being passed, in effect, we would have passed a freestanding act. Therefore, it is a question of germaneness, which, of course, must now go to the floor if you so raise that question.

Mr. O'DONNELL. Mr. Speaker, I would ask the Chair to rule, if that is the appropriate vehicle, as a point of order, pointing out to the Chair that the Reber amendment has taken every single word out of SB 129 except the following: “The

General Assembly...hereby enacts...,” and that if we permit that to happen, then any bill can be entirely gutted, and the rule of germaneness falls altogether. A Liquor Code bill can become a Penal Code bill; a Penal Code bill can become a freestanding bill. There is no limit to germaneness whatsoever, and I think that the rule that we have adhered to in this House, permitting any amendment as long as it was within the code that was being considered, is probably a reasonable way to handle germaneness, and to permit the floor to gut a bill entirely, I think, is a very, very wrong precedent to adopt, Mr. Speaker, and I would ask the Chair to rule accordingly.

AMENDMENTS RULED OUT OF ORDER

The SPEAKER. The Chair, instead of ruling on germaneness, which is not within the power of the Chair, rules that the Reber-Trello amendment, because it was offered as an amendment to the Liquor Code and then struck out all of the Liquor Code bill, is out of order and cannot be acted on on the floor of the House. If there is a challenge to that, the Chair awaits the challenge.

The Chair recognizes the gentleman, Mr. Reber.

Mr. REBER. Mr. Speaker, may I approach the Chair first and have the privy of reviewing something with the Parliamentarian and the Speaker and Mr. O'Donnell?

The SPEAKER. The House will be at ease.

Will Mr. O'Donnell come up with Mr. Reber.

(Conference held at Speaker's podium.)

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair wants to thank the gentleman, Mr. Reber. He has voluntarily withdrawn his amendment, and those of you who wish to support his position are advised that the gentleman, Mr. Petrarca, has practically an identical amendment which is correctly drawn, and in time his amendment will be offered. The Chair thanks you, Mr. Reber.

On the question recurring,

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

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

Mr. McHALE. Mr. Speaker, if I may make a brief statement, and then I am going to withdraw my amendment.

The SPEAKER. Surely.

Mr. McHALE. Mr. Speaker, at the time that my amendment was originally drafted, SB 129 was an innocent piece of legislation dealing with the feast of St. Patrick. My amendment was designed to aid Bethlehem's Musikfest, a tourism event which has now taken on great significance in my legislative district. However, in light of the amendments that have been considered in a very controversial atmosphere over the last few hours, I do not believe that it is appropriate at this time to consider the Bethlehem Musikfest amendment.

I have spoken with the majority chairman of the Liquor Control Committee and the minority chairman. I have an identical piece of legislation now pending before their com-

mittee. I understand that that piece of legislation will receive prompt attention and will have the support of both the minority and the majority chairmen. Under those circumstances, Mr. Speaker, I withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. PETRARCA offered the following amendments No. A0217:

Amend Title, page 1, line 17, by removing the period after "SALES" and inserting
; and for the licensing of clubs to conduct games of chance, for the licensing of persons to manufacture and distribute games of chance, for suspensions and revocations of licenses, for fees and disposition of revenues; requiring records; providing for local referendum on gambling by electorate, prescribing penalties; and making repeals.

Amend Sec. 1, page 1, line 20, by striking out "Section 406(a)(6)" and inserting

The title

Amend Sec. 1, page 1, lines 21 and 22, by striking out "amended December 17, 1982 (P.L.1390, No.319),"

Amend Sec. 1, page 1, by inserting between lines 22 and 23

AN ACT

Relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for certain powers and duties of the Department of Revenue; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws.

Section 2. Section 406(a)(6) of the act, amended December 17, 1982 (P.L.1390, No.319), is amended to read:

Amend Bill, page 2, by inserting between lines 6 and 7

Section 3. The act is amended by adding an Article to read:

Article IV-A.

Games of Chance.

Section 401-A. Definitions—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this article:

"Club" shall mean an incorporated unit of a national veterans' organization, as defined in section 461.1 and licensed to sell liquor at retail under the act, or an organized fraternal society, created and carried on for the mutual benefit of its members, not-for-profit and not issuing capital stock, having a limited membership and a representative form of government and licensed to sell liquor at retail or a not-for-profit religious or charitable organization organized as defined by 15 Pa.C.S. § 7103 (relating to definitions) which shall have existed and conducted business in accordance with the express purpose of a written constitution, charter, articles of incorporation or bylaws, for two years prior to applying for a license. The term "club" shall also include any volunteer fire company, volunteer rescue squad or volunteer ambulance association.

“Games of chance” shall mean punchboards and fishbowl tickets.

Section 402-A. Games of Chance Permitted.—Every club to which a license has been issued under the provisions of this article may conduct games of chance for the purpose of raising funds for the legitimate purposes and activities of the club. Charitable and religious organizations may conduct games of chance.

Section 403-A. Prize Limits.— There shall be a maximum limit of one hundred dollars on any individual prize or winning offered or provided by a club under this article.

Section 404-A. Manufacture and Distribution of Games of Chance.—(a) Any person to whom a manufacturer’s license has been issued under the provisions of this article may manufacture games of chance in this Commonwealth.

(b) Any person to whom a distributor’s license has been issued under the provisions of this article may distribute games of chance in this Commonwealth.

Section 405-A. Duties of Department of Revenue.— The Department of Revenue shall have the duty to:

(1) Provide for the licensing of clubs to hold, operate and conduct games of chance.

(2) Provide for the licensing of persons to manufacture games of chance.

(3) Provide for the licensing of persons to distribute games of chance.

(4) Prescribe the form of licenses and applications for licenses.

(5) Issue licenses permitting the holding of games of chance.

(6) Prescribe rules and regulations for the supervision, conduct and type of games of chance.

(7) Prescribe rules and regulations for the manufacture and distribution of games of chance.

(8) Suspend and revoke licenses for violations of this article or the rules and regulations thereunder.

(9) Hold a public hearing to consider the application prior to the issuance of a license at a site within the municipality where the applying club proposes to hold games of chance.

(10) Give notice of the application for license and the date, time and place of the public hearing at least twenty days prior to it being held by posting a notice on the front of the building in which the applying club proposes to hold the games of chance and by publishing an advertisement once in a newspaper of general circulation published or circulated within the municipality in which the license may be issued.

(11) Prescribe such other rules and regulations as may be necessary to carry out the provisions of this article.

Section 406-A. Licenses; Tax on Gross Receipts.—

(a)(1) Licenses to conduct games of chance shall be issued to clubs in any calendar year and the fee therefor shall be three hundred and fifty dollars (\$350).

(2) Licenses to manufacture games of chance shall be issued to persons in any calendar year and the fee therefor shall be five hundred dollars (\$500).

(3) Licenses to distribute games of chance shall be issued to persons in any calendar year and the fee therefor shall be two hundred and fifty dollars (\$250).

(4) All license fees and taxes collected pursuant to this subsection shall be returned to the school district situate within the municipality in which the fees and taxes were collected. When more than a single school district is situate within a municipality, the fees and taxes shall be returned in equal parts to each school district. The Department of Revenue may retain a maximum of two per centum of the fees and taxes collected for purposes of the administration of this article.

(b) Licenses shall be renewable each calendar year unless revoked under the provisions of this article.

Section 407-A. Limitations on Issuance of Licensing Revocation— The Department of Revenue shall not issue a license to

and shall revoke the license of any club whenever it finds any of the following:

(1) Compensation, salary or fees are paid to anyone for setting up or conducting the games of chance, excluding club managers, bar personnel, officers and directors.

(2) Any provision of this article has been violated.

(3) Any of the funds derived from the operation of games of chance are used for purposes other than for the legitimate purposes and activities of the club.

Section 408-A. Records.— The licensee shall keep such records and books as the Department of Revenue shall prescribe.

Section 9. Violation of Article.—Whoever conducts, manufactures or distributes games of chance without a license as provided in this article shall, upon conviction in a summary proceeding, be sentenced to pay a fine of one thousand dollars (\$1,000) and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not less than thirty nor more than one hundred twenty days.

Section 410-A. Sales to Minors Prohibited.—Whoever sells or causes to be sold any game of chance to any person under the age of 21 years shall, upon conviction in a summary proceeding, be sentenced to pay a fine of one thousand dollars (\$1,000) and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not less than thirty nor more than one hundred twenty days.

Section 411-A. Local Option.—(a) In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not more than once in four years, to determine the will of the electors with respect to the issuance of licenses, within the limits of such municipality, under the provisions of this article. Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this article at the primary occurring the fourth year after such prior election. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county, or the governing body of the municipality adopts, by a majority vote, a resolution to place such a question on the ballot and a copy of the resolution is filed with the board of elections of the county, for a referendum on the question of issuing licenses, the said county board of elections shall cause a question to be placed on the ballot or on the voting machine board and submitted at the primary immediately preceding the municipal election. The question shall be in the following form:

Do you favor the issuance of licenses to conduct small games of chance in the _____ of _____ ?

(b) If a majority of the electors voting on the question vote “yes,” then licenses shall be issued by the department in such municipality, but if a majority of the electors voting on any such question vote “no,” then the department shall have no power to issue or to renew, upon their expiration, any licenses in such municipality, unless and until, at a later election, a majority of the voting electors vote “yes” on such question.

(c) Proceedings under this section shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(d) This act shall apply only to those clubs located in municipalities which have adopted the provisions of this act by affirmative vote in a municipal referendum in accordance with the provisions of this section.

Section 4. Repeals.

(a) Inconsistent repeal.—The provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) are repealed to the extent that they are inconsistent with this act.

(b) Specific repeal.—Section 476 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is repealed.

(c) General repeal.—All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Amend Sec. 2, page 2, line 7, by striking out “2. This” and inserting

5. Article IV-A and section 4 of this act shall take in 60 days. The remainder of this

On the question,

Will the House agree to the amendments?

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

Mr. PETRARCA. Thank you, Mr. Speaker.

The same amendment was introduced by Representatives Reber and Trello. In fact, HB 1566 of last year, the Trello bill, passed overwhelmingly. What this is is small games of chance.

Back home we have a large organization in Westmoreland entitled SOC - Save Our Clubs. I have attended many meetings along with all the legislators in Westmoreland - along with Jess Stairs, Mr. Saloom, et cetera - and this piece of legislation puts a cap on the winnings of \$100. This piece of legislation is punchboards and fishbowls. We debated it last year; we passed it, and I would appreciate an affirmative vote.

I yield to Mr. Trello or Mr. Reber, if they would like to add anything.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

I am glad that this bill could be considered immediately. This is probably the quickest redrafting job ever done in the history of the House.

This is identical, languagewise, to my bill, with the exception of the procedural concerns, the technical drafting concerns that were raised by Representative O'Donnell. I do not think there is any need to reiterate the statements that I made a few moments ago.

I would urge each and every one of you for an affirmative vote on this particular amendment. Thank you.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Petrarca-Trello amendment and ask that the members again consider what our objectives are here today, and that is to bring out a clean bill that we can pass from the House to the Senate. I would appreciate a “no” vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TRELLO. Mr. Speaker, this is the same bill that we passed last year, HB 1566, and it only pertains to private clubs and fraternal organizations, and all it includes are small games of chance, and it is defined as punchboards and fish-bowl tickets, period.

I do not have to explain all over again what our private clubs do for our communities in regard to youth programs,

Memorial Day parades, Fourth of July celebrations, and I am sure that each and every one of these establishments in your districts would appreciate an affirmative vote. Thank you very much.

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

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

As a separate bill I have been very supportive of the small games of chance along with Representative Trello. As a supporter of the local referendum that is also in this amendment, I can easily vote for this if it comes before us as a separate piece of legislation. But in the spirit of keeping this legislation clean so that we can get the repealer past the Senate, I will be voting “no” on this legislation. It is not a vote against the clubs; it is only a vote to keep the bill clean.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I rise to support the small-games-of-chance bill. Like many other Representatives throughout the Commonwealth, we have many clubs and organizations which provide charitable services to their community as well as to other people in the Commonwealth. When there is a disaster or a need, they are among the first to come to the occasion to support those needing help, and the different clubs in my area have been using this as a fundamental source of revenue to help those who need their services.

So I would mostly be against gambling bills, but for this one item, I certainly give it my wholehearted support and ask that my colleagues also support their local clubs or fire companies to help them service their community and help the people in their communities. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I rise in support of the Petrarca amendment. I have been a longtime supporter of small games of chance. Some of the members of this House recall that a little over 4 years ago 19 fire companies and VFW- and American Legion-type clubs in Northumberland County were raided by the Pennsylvania State Police for conducting small games of chance, just like the types that are in this amendment. I thought it was unfair then; I think it is unfair now. I think now is the time to address it, because for 4 years I have been hearing smoke-screens. Every time bingo is brought up, casino is talked about, and every time fishbowl tickets are mentioned. Say the magic word, the duck comes down with the cigar, and they say casinos. Every time anything is mentioned other than the Pennsylvania lottery, casinos are injected into it.

This year we have an opportunity, since the Senate wants to kill the blackjack games so badly and many members of this House want to kill it so badly, let us exchange it. Let us get rid of the blackjack games and in exchange bring Pennsylvania into the 20th century and decriminalize small games of chance for our clubs, our VFW's, our American Legions, and our fire companies. I support 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—99

Baldwin	DeWeese	Lucyk	Rudy
Belardi	Daley	McCall	Saloom
Belfanti	Dawida	McVerry	Serafini
Blaum	Distler	Mackowski	Seventy
Bowser	Dombrowski	Maiale	Staback
Brandt	Donatucci	Manderino	Stairs
Broujos	Duffy	Markosek	Steighner
Bunt	Fee	Mayernik	Stevens
Burd	Gladeck	Michlovic	Stewart
Burns	Gruitza	Micozzie	Sweet
Caltagirone	Haluska	Moehlmann	Taylor, F. E.
Cappabianca	Harper	Morris	Taylor, J. J.
Carn	Hasay	Mrkonic	Tigue
Cawley	Howlett	Nahill	Trello
Cessar	Itkin	O'Brien	Truman
Cimini	Jackson	Perzel	Van Horne
Clark	Jarolin	Petrarca	Veon
Cohen	Josephs	Petrone	Weston
Colafella	Kosinski	Pistella	Wilson
Cole	Kukovich	Pott	Wogan
Cordisco	Laughlin	Pratt	Wozniak
Cornell	Lescovitz	Preston	Wright, R. C.
Cowell	Letterman	Punt	
Coy	Levdansky	Reber	Irvis,
Deluca	Livengood	Rieger	Speaker
DeVerter			

NAYS—95

Acosta	Durham	Johnson	Richardson
Afflerbach	Evans	Kasunic	Robbins
Angstadt	Fargo	Kennedy	Rybak
Argall	Fattah	Langtry	Saurman
Arty	Fischer	Lashinger	Scheetz
Barber	Flick	Levin	Schuler
Barley	Foster, Jr., A.	Linton	Semmel
Battisto	Fox	Lloyd	Showers
Birmelin	Freeman	McClatchy	Sirianni
Book	Freind	McHale	Smith, B.
Bortner	Fryer	Manmiller	Smith, L. E.
Bowley	Gallagher	Merry	Snyder, D. W.
Boyes	Gallen	Miller	Snyder, G. M.
Bush	Gamble	Murphy	Stuban
Carlson	Gannon	Noye	Swift
Chadwick	George	O'Donnell	Taylor, E. Z.
Civera	Godshall	Oliver	Vroon
Clymer	Greenwood	Phillips	Wambach
Coslett	Gruppo	Piccola	Wass
Davies	Hagarty	Pievsky	Wiggins
Deal	Hayes	Pitts	Wright, D. R.
Dietz	Herman	Pressmann	Wright, J. L.
Dininni	Hershey	Raymond	Yandrisevits
Dorr	Honaman	Reinard	

NOT VOTING—7

Black	Kenney	Olasz	Telek
Geist	Mowery	Ryan	

EXCUSED—2

Hutchinson	Williams
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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. CLYMER offered the following amendments No. A0216:

Amend Title, page 1, line 17, by striking out "further providing for" and inserting

reenacting provisions for special

Amending Sec. 1, page 1, line 22, by striking out "amended" and inserting

reenacted

Amend Sec. 1 (Sec. 406), page 2, line 1, by striking out "or Saint Patrick's Day"

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I have an amendment that would extract from SB 129 the language that the St. Patrick's Day ceremony occasion that occurs once out of every 7 years on Sunday be deleted.

Now, the purpose of this amendment is not that I hold anything against the Irish; no, but simply because we are setting a precedent that I do not think we really want to get involved with. Everyone becomes Irish, as one of the speakers had said, on St. Patrick's Day, and on special holidays for the Italians and for the Germans and for the Polish people, everyone becomes that particular nationality, and then we will have those special interest groups coming before the House of Representatives asking for special favors as we have in SB 129.

And there is that underlying feeling I have here also, Mr. Speaker, that somehow if the bars and taverns are not open on St. Patrick's Day, that holiday cannot truly be celebrated, and I have some questions about that. It is not open, but it is somehow in the intent of that bill.

For those reasons, Mr. Speaker, I have proposed my amendment, and I would ask for support accordingly. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

On the Clymer amendment, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. I simply want to say that I solidly support the Clymer amendment. Thank you very much.

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

Mr. BURNS. Mr. Speaker, I have been quiet the whole time, but as one of the few Irishmen, I guess, in this House, this amendment would be like taking the rum keg off the St. Bernard. I mean, this is unheard of that you would close a bar on St. Patrick's Day, and if you want to drive all the business to New York, why, that is fine, but I would rather celebrate around the Philadelphia area. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER. Will the gentleman state the point.

Mr. FREEMAN. Seeing as we adopted the Battisto amendment earlier in the day which repealed section 476, am I correct in assuming that all the Clymer amendment does at this point is remove the St. Patrick's Day provision?

The SPEAKER. As we read the amendment, we believe your interpretation is correct.

Mr. FREEMAN. So, therefore, all we are voting on is to remove the St. Patrick's Day provision.

The SPEAKER. The only thing it would take out would be the words "or Saint Patrick's Day." Yes; you are correct.

Mr. FREEMAN. Thank you, Mr. Speaker.

The SPEAKER. Have we misstated it, Mr. Clymer? The thrust of your amendment is really just to remove the words "or Saint Patrick's Day." Is that not so?

That is so, Mr. Freeman.

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

Mr. GANNON. Mr. Speaker, there is an old saying that goes, "If God had not invented whiskey, the Irish would rule the world." I ask for opposition to the Clymer amendment.

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

Mr. TRELLO. May I interrogate Representative Clymer, please?

The SPEAKER. Mr. Clymer indicates he will stand for interrogation. You may proceed.

Mr. TRELLO. Mr. Speaker, can you tell me what you have against St. Patrick?

Mr. CLYMER. Against—

The SPEAKER. The question is, will you tell him what you have against St. Patrick?

Mr. CLYMER. Mr. Speaker, I have nothing against St. Patrick.

Mr. TRELLO. Okay. I just wanted to clarify that. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—51

Afferbach	Dawida	Hershey	Scheetz
Argall	Dietz	Jackson	Schuler
Barley	Distler	Johnson	Showers
Battisto	Dorr	Lashinger	Sirianni
Birmelin	Fargo	Lloyd	Smith, B.
Black	Foster, Jr., A.	Michlovic	Smith, L. E.
Bortner	Fox	Mochlmann	Snyder, G. M.
Bowley	Fryer	Mowery	Swift
Bush	Geist	Murphy	Taylor, E. Z.
Cessar	Godshall	Noye	Vroon
Cimini	Gruppo	Phillips	Wass
Clymer	Hayes	Piccola	Wozniak
DeVertter	Herman	Pitts	

NAYS—150

Acosta	Dombrowski	Levin	Rieger
Angstadt	Donatucci	Linton	Robbins
Arty	Duffy	Livengood	Rudy
Baldwin	Durham	Lucyk	Ryan
Barber	Evans	McCall	Rybak
Belardi	Fattah	McClatchy	Saloom
Belfanti	Fee	McHale	Saurman
Blaum	Fischer	McVerry	Semmel
Book	Flick	Mackowski	Serafini
Bowser	Freeman	Maiiale	Seventy
Boyes	Freind	Manderino	Snyder, D. W.
Brandt	Gallagher	Manmiller	Staback
Broujos	Gallen	Markosek	Stairs
Bunt	Gamble	Mayernik	Steighner
Burd	Gannon	Merry	Stevens
Burns	George	Micozzie	Stewart
Caltagirone	Gladeck	Miller	Stuban
Cappabianca	Greenwood	Morris	Sweet
Carlson	Gruitza	Mrkonic	Taylor, F. E.
Carn	Hagarty	Nahill	Taylor, J. J.
Cawley	Haluska	O'Brien	Telek
Chadwick	Harper	O'Donnell	Tigue
Civera	Hasay	Olasz	Trello
Clark	Honaman	Oliver	Truman
Cohen	Howlett	Perzel	Van Horne
Colafella	Itkin	Petrarca	Veon
Cole	Jarolin	Petrone	Wambach
Cordisco	Josephs	Pievskey	Weston
Cornell	Kasunic	Pistella	Wiggins
Coslett	Kennedy	Pott	Wilson
Cowell	Kenney	Pratt	Wogan
Coy	Kosinski	Pressmann	Wright, D. R.
DeLuca	Kukovich	Preston	Wright, J. L.
DeWeese	Langtry	Punt	Wright, R. C.
Daley	Laughlin	Raymond	Yandrisevits
Davies	Lescovitz	Reber	
Deal	Letterman	Reinard	Irvis,
Dininni	Levdansky	Richardson	Speaker

NOT VOTING—0

EXCUSED—2

Hutchinson Williams

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

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Venango, Mr. Black, rise?

Mr. BLACK. Mr. Speaker, on amendment A0216 to SB 129, my vote was recorded in the affirmative. I would like that to be recorded in the negative.

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

Mr. BLACK. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Telek. Do you have a correction, too?

Mr. TELEK. I was temporarily out of my seat for amendment A0217 by Representative Petrarca to SB 129. I wish to be voted in the affirmative.

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

CONSIDERATION OF SB 129 CONTINUED

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

AMENDMENT A0232 RECONSIDERED

The SPEAKER. The Chair has before it two motions of reconsideration.

The gentleman from Westmoreland, Mr. Saloom, moves that the vote by which the Wogan amendment A0232 to SB 129 passed on this the 13th day of February be reconsidered.

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

The following roll call was recorded:

YEAS—175

Table listing names of members who voted 'YEAS' for Amendment A0232, including Acosta, Afflerbach, Angstadt, Argall, Baldwin, Barley, Battisto, Belardi, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carn, Cessar, Chadwick, Cimini, Civera, Clark, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Davies, Dawida, Deal, Dietz, Distler, Dombrowski, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Flick, Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hayes, Herman, Hershey, Honaman, Howlett, Itkin, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kosinski, Kukovich, Langtry, Lashinger, Laughlin, Lescovitz, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Moehlmann, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Donnell, Olasz, Oliver, Perzel, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pressmann, Preston, Punt, Raymond, Reber, Richardson, Rieger, Robbins, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Staback, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wilson, Wogan, Wozniak, Wright, D. R., Wright, R. C., Yandrisevits, Irvis, Speaker

NAYS—17

Table listing names of members who voted 'NAYS' for Amendment A0232, including Barber, Cawley, Clymer, Fischer, Hasay, Kenney, Letterman, Levin, Miller, Morris, O'Brien, Petrone, Taylor, J. J., Trello, Truman, Wiggins, Wright, J. L.

NOT VOTING—9

Table listing names of members who did not vote: Arty, Carlson, Daley, Dininni, Donatucci, Fox, Maiale, Petrarca, Reinard

EXCUSED—2

Table listing names of excused members: Hutchinson, Williams

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

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

The clerk read the following amendments No. A0232:

Amend Title, page 1, line 17, by removing the period after "SALES" and inserting adding provisions relating to certain tournaments or contests.

Amend Bill, page 2, by inserting between lines 6 and 7

Section 2. The act is amended by adding a section to read:

Section 477. Sporting Tournaments.—(a) Any distiller, manufacturer or retail or club licensee, either alone or in combination, may sponsor, hold or permit to be held, on the licensed premises or on premises contiguous and adjacent thereto, a dart, billiard, bowling, shuffleboard or rings tournament or contest without having to obtain any permits therefor.

(b) The distiller, manufacturer or retail or club licensee may directly or indirectly advertise a dart, billiard, bowling, shuffleboard or rings tournament or contest and may directly or indirectly advertise, offer, award or permit the award, on the licensed premises, of trophies, prizes or premiums therefor.

(c) Cash moneys or negotiable instruments of any type or kind, or trophies, prizes or premiums may be offered or awarded, traded or received by any person at such dart, billiard, bowling, shuffleboard or rings tournaments or contests.

(d) Alcoholic beverages may be served, sold, serviced or delivered and the same shall be permitted in or within the area in which such dart, billiard, bowling, shuffleboard or rings tournament or contest is held and a bar or service bar may be installed in the lobby of the licensed premises, passageway or entrance immediately adjacent thereto.

(e) Entrance fees may be charged to any person who enters any tournament or contest permitted by this section only if the entrance fee does not exceed twenty dollars (\$20).

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

3

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

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wogan, to make a statement on his amendment.

Mr. WOGAN. Mr. Speaker, this amendment does not permit casino gambling, and it did not 15 minutes ago either. I would urge adoption of my amendment.

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

The following roll call was recorded:

YEAS—102

Table listing names of members who voted 'YEAS' for the amendments: Acosta, Afflerbach, Angstadt, Arty, Coslett, Deluca, DeWeese, Dawida, Lescovitz, Letterman, Lucyk, McCall, Rieger, Ryan, Serafini, Seventy

Baldwin	Dombrowski	McVerry	Snyder, D. W.
Barber	Donatucci	Mackowski	Staback
Belardi	Duffy	Maiale	Stairs
Belfanti	Durham	Mayernik	Steighner
Blaum	Evans	Michlovic	Stevens
Book	Fee	Micozzie	Taylor, F. E.
Bowser	Freind	Moehlmann	Taylor, J. J.
Brandt	Gallagher	Morris	Telek
Bunt	Gallen	Nahill	Tigue
Burd	Gannon	O'Brien	Trello
Burns	Gladeck	Oliver	Truman
Caltagirone	Greenwood	Perzel	Van Horne
Cappabianca	Gruitza	Petrarca	Weston
Carn	Haluska	Petrone	Wiggins
Cawley	Harper	Pistella	Wilson
Cessar	Hasay	Pott	Wogan
Civera	Howlett	Pratt	Wozniak
Cohen	Jarolin	Preston	Wright, J. L.
Colafella	Josephs	Punt	Wright, R. C.
Cole	Kenney	Raymond	
Cordisco	Kosinski	Reber	Irvis,
Cornell	Laughlin	Reinard	Speaker

NAYS—95

Argall	Fargo	Langtry	Robbins
Barley	Fattah	Levdansky	Rudy
Battisto	Fischer	Levin	Rybak
Birmelin	Flick	Linton	Saloom
Black	Foster, Jr., A.	Livengood	Saurman
Bortner	Fox	Lloyd	Scheetz
Bowley	Freeman	McClatchy	Schuler
Boyes	Fryer	McHale	Semmel
Broujos	Gamble	Manderino	Showers
Bush	Geist	Manmiller	Sirianni
Carlson	George	Markosek	Smith, B.
Chadwick	Godshall	Merry	Smith, L. E.
Cimini	Gruppo	Miller	Snyder, G. M.
Clymer	Hagarty	Mowery	Stewart
Cowell	Hayes	Mrkonic	Stuban
Coy	Herman	Murphy	Sweet
DeVerter	Hershey	Noye	Swift
Daley	Honaman	O'Donnell	Taylor, E. Z.
Davies	Itkin	Phillips	Vroon
Deal	Jackson	Piccola	Wambach
Dietz	Johnson	Pievsky	Wass
Dininni	Kasunic	Pitts	Wright, D. R.
Distler	Kennedy	Pressmann	Yandrisevits
Dorr	Kukovich	Richardson	

NOT VOTING—4

Clark	Lashinger	Olasz	Veon
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EXCUSED—2

Hutchinson	Williams
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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?

AMENDMENT A0083 RECONSIDERED

The SPEAKER. The Chair also has before it a motion signed by the gentleman from Lawrence, Mr. Pratt, who moves that the vote by which the Pratt amendment A0083 to SB 129 was defeated on this 13th day of February be reconsidered.

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

The following roll call was recorded:

YEAS—183

Acosta	Dombrowski	Lashinger	Reinard
Afflerbach	Donatucci	Laughlin	Richardson
Angstadt	Dorr	Lescovitz	Rieger
Argall	Duffy	Letterman	Robbins
Baldwin	Durham	Levdansky	Rudy
Barber	Evans	Levin	Ryan
Barley	Fargo	Linton	Rybak
Battisto	Fattah	Livengood	Saloom
Belardi	Fee	Lloyd	Saurman
Belfanti	Flick	Lucyk	Scheetz
Black	Foster, Jr., A.	McCall	Schuler
Blaum	Fox	McClatchy	Semmel
Book	Freeman	McHale	Serafini
Bortner	Freind	McVerry	Showers
Bowley	Fryer	Mackowski	Sirianni
Bowser	Gallagher	Manderino	Smith, B.
Boyes	Gallen	Manmiller	Smith, L. E.
Brandt	Gamble	Markosek	Snyder, D. W.
Broujos	Gannon	Mayernik	Snyder, G. M.
Bunt	Geist	Merry	Staback
Burd	George	Michlovic	Stairs
Burns	Gladeck	Micozzie	Steighner
Bush	Godshall	Moehlmann	Stuban
Caltagirone	Greenwood	Mowery	Swift
Cappabianca	Gruitza	Mrkonic	Taylor, E. Z.
Carlson	Gruppo	Murphy	Taylor, F. E.
Carn	Hagarty	Nahill	Taylor, J. J.
Cawley	Haluska	Noye	Telek
Cessar	Harper	O'Brien	Tigue
Chadwick	Hasay	O'Donnell	Treflo
Cimini	Hayes	Olasz	Truman
Civera	Herman	Oliver	Van Horne
Cohen	Hershey	Perzel	Veon
Cole	Honaman	Petrone	Vroon
Cornell	Howlett	Phillips	Wambach
Coslett	Itkin	Piccola	Wass
Cowell	Jackson	Pievsky	Weston
Coy	Jarolin	Pistella	Wiggins
Deluca	Johnson	Pitts	Wilson
DeVerter	Josephs	Pott	Wogan
DeWeese	Kasunic	Pratt	Wright, D. R.
Daley	Kennedy	Pressmann	Wright, R. C.
Davies	Kenney	Preston	Yandrisevits
Dawida	Kosinski	Punt	
Deal	Kukovich	Raymond	Irvis,
Dietz	Langtry	Reber	Speaker
Distler			

NAYS—5

Birmelin	Fischer	Miller	Wright, J. L.
Clymer			

NOT VOTING—13

Arty	Dininni	Petrarca	Stewart
Clark	Maiale	Seventy	Sweet
Colafella	Morris	Stevens	Wozniak
Cordisco			

EXCUSED—2

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A0083:

Amend Title, page 1, line 16, by inserting after "laws," further defining "club" and "golf course";

Amend Title, page 1, line 17, by removing the period after "SALES" and inserting ; and regulating sales by privately-owned private golf courses.

Amend Bill, page 1, by inserting between lines 19 and 20

Section 1. The definitions of "club" and "golf course" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, added December 17, 1982 (P.L.1390, No.319), are amended to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or malt and brewed beverages shall be only secondary, which, if incorporated, has been in continuous existence and operation for at least one year, and if first licensed after June sixteenth, one thousand nine hundred thirty-seven, shall have been incorporated in this Commonwealth, and, if unincorporated, for at least ten years, immediately preceding the date of its application for a license under this act, and which regularly occupies, as owner or lessee, a clubhouse or quarters for the use of its members. Continuous existence must be proven by satisfactory evidence. The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors. The club shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall from time to time prescribe, but any such club may waive or reduce in amount, or pay from its club funds, the dues of any person who was a member at the time he was inducted into the military service of the United States or was enrolled in the armed forces of the United States pursuant to any selective service act during the time of the member's actual service or enrollment. The term includes a privately-owned private golf course.

"Golf course" shall mean a course having a minimum of nine holes and a total length of at least twenty-five hundred yards. The term includes a privately-owned private golf course.

Amend Sec. 1, page 1, line 20, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 20 and 21, by striking out "of April 12, 1951 (P.L.90, No.21), known as the Liquor Code"

Amend Bill, page 2, by inserting between lines 6 and 7

Section 3. Section 461 of the act is amended by adding a subsection to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—***

(e.2) "Privately-owned private golf course" as used in this section shall mean the clubhouse at any privately-owned golf course as defined in section 102 open for private membership accommodations only as a club as defined in section 102. The license to be issued in this instance shall be a club license.

Section 4. Section 472 of the act, amended July 11, 1980 (P.L.558, No.117), is amended to read:

Section 472. Local Option.—In any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants [and], clubs and privately-owned private golf courses, not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years with respect to granting of licenses to wholesale distributors and importing distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality or part of a split municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities, or that part of a split municipality that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor and importing distributor licenses shall be initiated only in those municipalities or parts of split municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or part of a split municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Separate petitions must be filed for each question to be voted on. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in Yes of.....? No

When the question is in respect to the granting of liquor licenses, for privately-owned private golf courses, it shall be in the following form:

Do you favor the granting of liquor licenses for privately-owned private golf courses for the sale of liquor in by Yes of.....? No

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the Yes of.....? No

When the question is in respect to the granting of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor the granting of malt and brewed beverage wholesale distributor's and importing distributor's licenses not for consumption on premises where sold in the? Yes No

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the? Yes No

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants [and], clubs and privately-owned private golf courses, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality or part of a split municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

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

5

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

The following roll call was recorded:

YEAS—105

Table listing names of members who voted 'Yes' in two columns: Acosta, Afferbach, Arty, Barber, Belardi, Belfanti, Blaum, Book, Brandt, Bunt, Burd, Burns, Dawida, Dombrowski, Dorr, Duffy, Fee, Freeman, Gallagher, Giamble, Gladeck, Greenwood, Gruitza, Haluska, Livengood, Lucyk, McCall, McHale, McVerry, Maijale, Mayernik, Moehlmann, Morris, Nahill, O'Brien, Olasz, Rybak, Saloom, Saurman, Seventy, Staback, Steighner, Stevens, Stewart, Sweet, Taylor, F. E., Taylor, J. J., Tigue

Table listing names of members who voted 'No' in two columns: Caltagirone, Cappabianca, Carn, Cawley, Clark, Cohen, Colafella, Cole, Cordisco, Cornell, Cowell, Coy, DeLuca, DeWeese, Daley, Harper, Hasay, Honaman, Howlett, Jackson, Jarolin, Josephs, Kasunic, Kenney, Kosinski, Kukovich, Langtry, Laughlin, Lescovitz, Letterman, Oliver, Perzel, Petrarca, Petrone, Pievsky, Pistella, Pott, Pratt, Pressmann, Preston, Punt, Reber, Reinard, Richardson, Ryan, Trello, Truman, Van Horne, Veon, Weston, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, R. C., Irvis, Speaker

NAYS—94

Table listing names of members who voted 'No' in two columns: Angstadt, Argall, Baldwin, Barley, Battisto, Birmelin, Black, Bortner, Bowley, Bowser, Boyes, Broujos, Bush, Carlson, Cessar, Chadwick, Cimini, Civera, Clymer, Coslett, DeVerter, Davies, Deal, Dietz, Dininni, Distler, Donatucci, Durham, Fargo, Fattah, Fischer, Flick, Foster, Jr., A., Fox, Freind, Fryer, Gallen, Gannon, Geist, George, Godshall, Gruppo, Hagarty, Hayes, Herman, Hershey, Itkin, Johnson, Kennedy, Levdansky, Levin, Linton, Lloyd, McClatchy, Mackowski, Manderino, Manmiller, Markosek, Merry, Michlovic, Micozzie, Miller, Mowery, Mrkonic, Murphy, Noye, O'Donnell, Phillips, Piccola, Pitts, Raymond, Rieger, Robbins, Rudy, Scheetz, Schuler, Semmel, Serafini, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Stairs, Stuban, Swift, Taylor, E. Z., Telek, Vroon, Wambach, Wass, Wright, J. L., Yandrisevits

NOT VOTING—2

Evans Lashinger

EXCUSED—2

Hutchinson Williams

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?

PARLIAMENTARY INQUIRY

The SPEAKER. On final passage, the Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

I have a question, a parliamentary inquiry on this.

The SPEAKER. The Chair has a number of questions, but go ahead.

Mr. STEVENS. We have passed several amendments that do different things for this bill. Now, I want to know if there is any way that the vote on final passage can be for the Battisto part of the amendments as separated from the others?

The SPEAKER. No; that cannot be done, Mr. Stevens.

Mr. STEVENS. Well, my next question, Mr. Speaker, is how could we hold this bill over until it is printed so that we could see it, because this has some amendments that I want to vote for and others, like the Battisto amendment, that I cannot support. I do not think it is fair for us to have to vote on this without seeing the bill in print, because that is the argument they gave us when this bill passed in the first place last year.

MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. Mr. Stevens, let the Chair give you the correct motion.

Mr. STEVENS. Thank you.

The SPEAKER. The correct motion would be to move to place the bill on final passage postponed, and that motion will be decided on the floor of the House.

Mr. STEVENS. I would so move, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

It has been moved by the gentleman, Mr. Stevens, that SB 129, as amended by the House, shall be placed on the final passage postponed calendar.

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

Mr. STEVENS. Mr. Speaker, is that debatable?

The SPEAKER. It is debatable.

Mr. STEVENS. May I just mention—

The SPEAKER. This motion is debatable, and the Chair recognizes the gentleman from Luzerne, Mr. Stevens, to debate his motion.

Mr. STEVENS. Mr. Speaker, I want to assure the members, I am not doing this for any reason to delay; it is just that the argument that Mr. Battisto and others used was that last year everything was rushed through and we did not know what we were doing. Now we have a very significant number of amendments that do all different things, involving St. Patrick's Day, involving repeal, involving adding gambling. I would just like to see in print what we are voting on so I can make a final decision. I am asking the other members, let us not do what everybody was complaining about last year. Another 2 weeks is not going to hurt anything when we come back in session, so I would ask that you support the motion to postpone so that we can see what we are voting on.

PARLIAMENTARY INQUIRY

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

Mr. COHEN. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. I bet we have had more points of parliamentary inquiry today than we had all last year. But go ahead.

Mr. COHEN. Where is the Senate now?

The SPEAKER. That is not really a point of parliamentary inquiry. The Chair is not obliged to guess at an answer on that one. The Chair never knows where the Senate is.

Mr. COHEN. I do not mean this in a philosophical sense, Mr. Speaker.

The SPEAKER. Nor a physical one.

Mr. COHEN. Mr. Speaker, perhaps you could advise me as to what the correct question to ask is. It is my understanding that the Senate was going to go home at 4:30 or 5 o'clock. I would like to know whether that is true or not.

The SPEAKER. The Speaker has been joking with you before, but answering you honestly, Mr. Cohen, I have not been so informed. It may well be true, but I do not know that.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it is my understanding that a committee of conference is about to be called on another matter. I have no reason to believe that the Senate is not in, because it was my understanding, talking to their leadership earlier, that they intended to work on that particular bill before they left.

The SPEAKER. You are correct. A quick phone call corroborates that. The Senate will be here in session.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Brandt, on the motion.

Mr. BRANDT. Mr. Speaker, a number of years ago I recall that there was a motion made on this floor to divide the bill. Would that be in order at this time?

The SPEAKER. I remember that one, too. You will not get away with that with this Speaker. I remember that one.

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

The following roll call was recorded:

YEAS—43

Belardi	Davies	Kosinski	Schuler
Blaum	Dawida	Livengood	Serafini
Burns	Distler	Lloyd	Seventy
Bush	Fargo	Lucyk	Showers
Caltagirone	Foster, Jr., A.	Maiale	Snyder, G. M.
Cappabianca	Gallen	Murphy	Stevens
Carlson	Haluska	Petrone	Stewart
Cawley	Hasay	Richardson	Tigue
Cohen	Howlett	Rieger	Trello
Cole	Jarolin	Rudy	Wozniak
DeWeese	Josephs	Scheetz	

NAYS—157

Acosta	Donatucci	Letterman	Reber
Afflerbach	Dorr	Levdansky	Reinard
Angstadt	Duffy	Levin	Robbins
Argall	Durham	Linton	Ryan
Arty	Evans	McCall	Rybak
Baldwin	Fattah	McClatchy	Saloom
Barber	Fee	McHale	Saurman
Barley	Fischer	McVerry	Semmel
Battisto	Flick	Mackowski	Sirianni

Belfanti	Fox	Manderino	Smith, B.
Birmelin	Freeman	Manmiller	Smith, L. E.
Black	Freind	Markosek	Snyder, D. W.
Book	Fryer	Mayernik	Staback
Bortner	Gallagher	Merry	Stairs
Bowley	Gamble	Michlovic	Steighner
Bowser	Gannon	Micozzie	Stuban
Boyes	Geist	Miller	Sweet
Brandt	George	Moehlmann	Swift
Broujos	Gladeck	Morris	Taylor, E. Z.
Bunt	Godshall	Mowery	Taylor, F. E.
Burd	Greenwood	Mrkonic	Taylor, J. J.
Carn	Gruitza	Nahill	Telek
Cessar	Gruppo	Noye	Truman
Chadwick	Hagarty	O'Brien	Van Horne
Cimini	Harper	O'Donnell	Veon
Civera	Hayes	Olasz	Vroon
Clark	Herman	Oliver	Wambach
Clymer	Hershey	Perzel	Wass
Colafella	Honaman	Petrarca	Weston
Cornell	Itkin	Phillips	Wiggins
Coslett	Jackson	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Kasunic	Pistella	Wright, D. R.
Deluca	Kennedy	Pitts	Wright, J. L.
DeVerter	Kenney	Pott	Wright, R. C.
Daley	Kukovich	Pratt	Yandrisevits
Deal	Langtry	Pressmann	
Dietz	Lashingier	Preston	Irvis,
Dininni	Laughlin	Punt	Speaker
Dombrowski	Lescovitz	Raymond	

NOT VOTING—1

Cordisco

EXCUSED—2

Hutchinson Williams

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Do you wish to debate on final passage, Mr. Stevens?

Mr. STEVENS. May I just make a quick statement, sir?

The SPEAKER. On final passage, the gentleman from Luzerne, Mr. Stevens, is in order and may proceed.

Mr. STEVENS. Thank you.

Mr. Speaker, I just want to get it in the record that if I cast a negative vote on this bill, it is only because of the Battisto amendment that is part of this bill. I supported all the other amendments and I support the St. Patrick's Day portion of this bill. But it is a very difficult vote because there are so many mixed amendments in this bill, and I just want to get it in the record why I may vote negative. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Clymer, on final passage.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, if it were Christmastime, we would have a Christmas tree to present right here in the foyer of this beautiful General Assembly. Certainly the bill and our intent and our objectives that we had started out with this morning have been somewhat diminished. We have amendments that certainly liberalize gambling and they certainly liberalize casino gambling, but the point is, Mr. Speaker, that we have a bill

that certainly expresses apparently the wishes of the members as they have supported, according to their consciences, the various amendments that were offered. At this point I would ask for an affirmative vote on SB 129.

Those members who feel that they cannot support this bill because of what has happened throughout the many long hours of this day, that certainly is their prerogative and they certainly can make that decision. But I think, as a comment, that throughout the heat of this debate, many wishes, many opinions were expressed, and I trust that our total efforts, although they are not completed, will indeed be those that will improve the quality of life for Pennsylvanians or show a true concern and consideration for their well-being as we address a very key, a very important issue regarding gambling. I am sure that today we take a step in that direction. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CONFERENCE COMMITTEE MEETING

The SPEAKER. It is necessary for the Speaker to make a sunshine announcement.

The committee of conference meeting between the House and the Senate on the differences in SB 267 are meeting now at 5:30 in room 461.

CONSIDERATION OF SB 129 CONTINUED

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

Mr. GALLEN. Mr. Speaker, I could not agree more with Representative Stevens regarding this bill. I intend to vote in the negative. We started out today, it seems to me, to repeal an inadvertent slip in what we did last year in putting gambling into taverns. It seems to me that this bill allows more gambling than the one that we were attempting to repeal.

I think that Mr. Stevens is right. I do not think there is any person in this House who knows fully what we are voting on at this point. It would have been my hope that his motion would have carried, that we would have had a chance to read this bill prior to voting on it. I intend to vote in the negative. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mrs. DURHAM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Would the lady state the point.

Mrs. DURHAM. The Battisto amendment and the Wogan amendment seem to be in complete opposition. Since both are in the bill, how can we say there are no tournament games or card games and then say further on in the bill that there are those tournament games?

The SPEAKER. The answer is because we are the House of Representatives.

Mrs. DURHAM. So therefore, Mr. Speaker, is it my understanding that in this piece of legislation we repeal tournaments and card games and also enact tournaments?

The SPEAKER. That is correct.

Mrs. DURHAM. Thank you, Mr. Speaker.

The SPEAKER. We followed our normal, logical, intelligent progress.

PARLIAMENTARY INQUIRY

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

Mr. DORR. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the point.

Mr. DORR. I am not sure whether the Chair is inclined to answer the question or whether it is an appropriate question to the Chair. My question is, does this bill amend the Criminal Code of Pennsylvania in its present state?

The SPEAKER. The Chair does not believe so. The Chair believes that all amendments taken are to the Liquor Code, but we will see.

The Chair is in error, which is not the first time today. In the Petrarca amendment adopted by the House, there is a repealer: "Section 4...Inconsistent repeal.—The provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) are repealed to the extent that they are inconsistent with this act," which is in the power of the House to do, incidentally.

Mr. DORR. That was my next question.

The SPEAKER. Yes; it is within the power of the House to do that.

Mr. DORR. Thank you, Mr. Speaker.

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

Mr. FOSTER. Mr. Speaker, I am greatly distressed by what has taken place in the past half hour with respect to the bill. I do not know what anyone else intends to do on the bill, but I for one intend to vote in the negative, because frankly, I think we have done more harm to the Commonwealth in the past half an hour than we did good in the preceding 4 hours. I am not willing, as one who voted against the original proposal to bring casino gambling into Pennsylvania taverns, to just exchange that wrong for another wrong here today. I am going to vote in the negative on this bill, and I hope that you would all consider the last bit of parliamentary inquiry, that we have gone far beyond just changing the liquor laws; we have in effect repealed some of the gambling laws of the Commonwealth. I would urge a negative vote.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, of course I rise to support the legislation. I certainly want to congratulate the members of the General Assembly for not discriminating, and what I

mean by that is you are allowing the men and women in our districts who cannot afford country clubs that get involved in golf tournaments or tennis tournaments to participate in a few tournaments they can afford. I am very proud of this General Assembly, because you do not have two sets of rules - one for the rich and one for the not so rich. You have done a great justice to the taxpayers of Pennsylvania today, and I certainly express my desire for you to cast an affirmative vote on this bill. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. KOSINSKI. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. Will the gentleman state the point.

Mr. KOSINSKI. Has any intervening business taken place?

The SPEAKER. The Chair refuses to answer that one.

No, it is true, there has been intervening business, but we have now moved to final passage. In order to go back for a motion—

The Parliamentarian prevented the Chair from misstating the rule again. Thank God for the Parliamentarian.

If the gentleman wishes to offer a motion which was refused before, he would be proper to offer the motion.

Mr. KOSINSKI. Thank you, Mr. Speaker.

MOTION TO RECOMMIT

Mr. KOSINSKI. For a study on the impact of employment and economic benefit to the Commonwealth, I move the bill be recommitted to the Labor Relations Committee.

The SPEAKER. It has been moved by the gentleman from Philadelphia, Mr. Kosinski, that SB 129 as amended by the House be recommitted to the Labor Relations Committee for further study.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, I rise in opposition to the motion to recommit. I think we did a number of things here today. I respect and admire my colleague, Mr. Foster, but I disagree that we did more harm than good. If there was a public outcry, and there certainly was not in my district, but if there was one in the Commonwealth, it was about blackjack tournaments. Blackjack is now out of the bill.

Now, let us look at what we have done. We have put in dart tournaments, which have always taken place here, shuffleboard tournaments, again something that has occurred in this Commonwealth for 100 years, bowling tournaments, and we finally acknowledged that small games of chance, not as many as I would like, but at least fishbowl tickets and punchboards would be decriminalized. We have not done

anything to harm the taxpayer, anyone in this Commonwealth. We have gotten rid of the blackjack. Let us move the bill, let us get it over to the Senate, and let us give them a hot potato for a change.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Stevens, on the motion.

Mr. STEVENS. Thank you, Mr. Speaker.

Very briefly, I would support this motion, primarily so we can try to get a handle exactly on what we have done today. If we thought we were criticized last year because of the way the blackjack and tournament bill was passed, wait until we see tomorrow how we are criticized for having conflicting amendments. In fact, now I am going to end up voting for the bill because we have increased gambling in Pennsylvania, as I have just heard some other speakers say. But why do we not recommit it, look at it in print. The leadership can move this bill right away at the end of February; it can go to the Senate in 2 weeks. I do not see the problem. We are making some major decisions here without really knowing in writing what we have done. We were criticized for that before—that is how we got into this mess—and now we are going to get deeper into the mess. *There is more gambling, which is not necessarily bad.*

So I would support Representative Kosinski on his motion to recommit, primarily on the reason just so we can get a handle on what we have done today. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. DeLuca, on the motion.

Mr. DeLUCA. Mr. Speaker, I oppose the recommittal motion.

What we have done here today is exactly what the Senate was going to do. There was a lot of argument over there. They wanted to remove the gambling, the blackjack tournaments in the State of Pennsylvania. We did that today. They are ready, I am sure, to pass this bill. If we recommit it, all we are doing is delaying it, letting the blackjack games continue in the Commonwealth of Pennsylvania. Let us get on with what we did today. Defeat this recommittal motion and go for the bill. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, I would just like to tell the people that what we have really done is give the people something to do besides drink when they go to the social clubs. After all, we are there to try and cut down so that the people do not get arrested for drunken driving, and what we are really doing is giving them an opportunity to play a game instead of drink. I think it is a good bill. We should vote "yes."

The SPEAKER. Those in favor of the motion to recommit will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—42

Angstadt	Fargo	Lloyd	Robbins
Barber	Foster, Jr., A.	Maiale	Rudy
Birmelin	Gallen	Mowery	Serafini
Bush	Geist	Murphy	Showers
Carlson	Hayes	Noye	Snyder, G. M.
Cawley	Howlett	Petrone	Stevens
Cohen	Johnson	Phillips	Swift
Davies	Kosinski	Pitts	Trello
Dawida	Lashinger	Pott	Truman
Dietz	Letterman	Richardson	Wiggins
Dorr	Livengood		

NAYS—158

Acosta	Deal	Langtry	Rieger
Afflerbach	Dininni	Laughlin	Ryan
Argall	Distler	Lescovitz	Rybak
Arty	Dombrowski	Levdansky	Saloom
Baldwin	Donatucci	Levin	Saurman
Barley	Duffy	Linton	Scheetz
Battisto	Durham	Lucyk	Schuler
Belardi	Evans	McCall	Semmel
Belfanti	Fattah	McClatchy	Seventy
Blaum	Fee	McHale	Sirianni
Book	Fischer	McVerry	Smith, B.
Bortner	Flick	Mackowski	Smith, L. E.
Bowley	Fox	Manderino	Snyder, D. W.
Bowser	Freeman	Manmiller	Staback
Boyes	Freind	Markosek	Stairs
Brandt	Fryer	Mayernik	Steighner
Brotjos	Gallagher	Merry	Stewart
Bunt	Gamble	Michlovic	Stuban
Burd	Gannon	Micozzie	Sweet
Burns	George	Miller	Taylor, E. Z.
Caltagirone	Gladeck	Moehlmann	Taylor, F. E.
Cappabianca	Godshall	Morris	Taylor, J. J.
Carn	Greenwood	Mrkonic	Telek
Cessar	Gruitza	Nahill	Tigue
Chadwick	Gruppo	O'Brien	Van Horne
Cimini	Hagarty	O'Donnell	Veon
Civera	Haluska	Olasz	Vroon
Clark	Harper	Oliver	Wambach
Clymer	Hasay	Perzel	Wass
Colafella	Herman	Petrarca	Weston
Cole	Hershey	Piccola	Wilson
Cordisco	Honaman	Pievsky	Wogan
Cornell	Itkin	Pistella	Wozniak
Coslett	Jackson	Pratt	Wright, D. R.
Cowell	Jarolin	Pressmann	Wright, J. L.
Coy	Josephs	Preston	Wright, R. C.
DeLuca	Kasunic	Punt	Yandrisevits
DeVerter	Kennedy	Raymond	
DeWeese	Kenney	Reber	Irvis,
Daley	Kukovich	Reinard	Speaker

NOT VOTING—1

Black

EXCUSED—2

Hutchinson Williams

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

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—163

Acosta	Deal	Linton	Ryan
Afflerbach	Dininni	Livengood	Rybak
Argall	Distler	Lucyk	Saloom
Arty	Dombrowski	McCall	Saurman
Baldwin	Donatucci	McClatchy	Scheetz
Barber	Dorr	McHale	Semmel
Battisto	Duffy	McVerry	Serafini
Belardi	Evans	Mackowski	Seventy
Belfanti	Fattah	Maiale	Sirianni
Black	Fee	Manderino	Smith, B.
Blaum	Fox	Manmiller	Smith, L. E.
Book	Freeman	Markosek	Snyder, D. W.
Bortner	Freind	Mayernik	Staback
Bowley	Gallagher	Michlovic	Stairs
Bowser	Gannon	Micozzie	Steighner
Brandt	Geist	Moehlmann	Stevens
Broujos	Gladeck	Morris	Stewart
Bunt	Greenwood	Mrkonic	Stuban
Burd	Gruitza	Nahill	Sweet
Burns	Gruppo	Noye	Taylor, F. E.
Caltagirone	Hagarty	O'Brien	Taylor, J. J.
Cappabianca	Haluska	O'Donnell	Telek
Carn	Harper	Olasz	Tigue
Cawley	Hasay	Oliver	Trello
Cessar	Hayes	Perzel	Truman
Chadwick	Herman	Petrarca	Van Horne
Cimini	Honaman	Petrone	Veon
Civera	Itkin	Piccola	Vroon
Clark	Jackson	Pievsky	Wambach
Clymer	Jarolin	Pistella	Weston
Colafella	Johnson	Pott	Wiggins
Cole	Josephs	Pratt	Wilson
Cordisco	Kasunic	Pressmann	Wogan
Cornell	Kenney	Preston	Wozniak
Coslett	Kosinski	Punt	Wright, D. R.
Cowell	Kukovich	Raymond	Wright, J. L.
Coy	Laughlin	Reber	Wright, R. C.
Deluca	Lescovitz	Reinard	Yandrisevits
DeVerter	Letterman	Richardson	
DeWeese	Levdansky	Rieger	Irvis,
Daley	Levin	Rudy	Speaker
Dawida			

NAYS—37

Angstadt	Fargo	Hershey	Phillips
Barley	Fischer	Howlett	Pitts
Birmelin	Flick	Kennedy	Robbins
Boyes	Foster, Jr., A.	Langtry	Schuler
Bush	Fryer	Lloyd	Showers
Carlson	Gallen	Merry	Snyder, G. M.
Cohen	Gamble	Miller	Swift
Davies	George	Mowery	Taylor, E. Z.
Dietz	Godshall	Murphy	Wass
Durham			

NOT VOTING—1

Lashingier

EXCUSED—2

Hutchinson Williams

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

REMARKS ON VOTE

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

Mr. RICHARDSON. Mr. Speaker, on the Wogan amendment A232, my vote was recorded in the negative, and I would like the record to reflect that had I been in my seat, I would have voted in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 18, PN 120**, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," reenacting provisions relating to service charges; and providing for a reversion relating to certain rates.

On the question,

Will the House agree to the bill on third consideration?

Mr. GAMBLE offered the following amendments No. A0206:

Amend Sec. 2, page 2, line 19, by striking out "a section" and inserting sections

Amend Bill, page 2, line 30, page 3, lines 1 through 3, by striking out all of said lines on said pages and inserting extended to the day immediately preceding the commencement of the first calendar year to which section 904.2 applies.

Section 904.2. (a) The rates permitted under sections 501(a) and (b) and 904(a) shall fluctuate in accordance with the prime rate as provided in this section.

(b) The Department of Banking shall, during the last calendar quarter of each year, determine the average in the prime interest rate during the immediately preceding three calendar quarters. The department shall add four percentage points to this average and shall publish the same in the Pennsylvania Bulletin. This rate shall be in effect for the next succeeding calendar year.

(c) Notwithstanding subsection (b), the lowest annual rate allowable shall be fifteen percent (15%) and the highest annual rate allowable shall be nineteen percent (19%).

(d) The department may, in the manner provided by law, promulgate the rules and regulations necessary to carry out this section.

Section 3. The Department of Banking shall, as soon as possible, determine and publish the rates applicable to the first calendar year to which this act applies.

Section 4. This act shall apply to the calendar year next commencing after three months from the effective date of this act, and to each calendar year thereafter.

Section 5. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. GAMBLE. Mr. Speaker, I offer this amendment today as a compromise. We have a couple of alternatives - we can sock it to the consumer today and keep this rate at 18 percent

or we can treat business and the consumer fairly. I think the only way to do that is to tie the retail interest rate to an indicator, the indicator being the prime rate.

My bank has the prime rate today at 10 1/2 percent. My bank today has a personal loan at 14 1/2 percent, and that seems to be the rule across the State, that a personal loan is 4 percent higher than the prime.

We have capped the bottom of this amendment at 15 percent. We have capped the top of this amendment at 19 percent. I will give you an example: If the present prime rate is 10 1/2 percent, the interest rate on retail credit would be 15 percent under my amendment. At 11 percent it would be 15 percent; at 12 percent it would be 16 percent; at 13 percent it would be 17 percent; at 14 percent it would be 18 percent; and at 15 percent it would be 19 percent and anything beyond that.

When you consider that we passed the 18 percent when the prime rate was 16 1/2 percent, and that was at the request of the business community, and when you consider that the economists and financial analysts tell us that there will be no more single-digit prime rate, and when you consider that inflation a few years ago was the element that pushed the interest rates up to the 20-percent area, and that was worldwide inflation - uncommon for it to happen again.

This amendment is fair. It is capped at the bottom at 15; it is capped at the top at 19. It is adjusted at the end of each year and will run for 1 entire year so that there are not a lot of changes that have to be made by the retail credit industry. I would ask for a positive vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I rise in opposition to the amendment. I think we have a very clean, clear-cut issue here today in HB 18. I would ask for a negative vote, because what we are doing in effect would be raising the ceiling to 19 percent, and I think it is sufficient to leave it at 18 percent, so I would ask for a negative vote on the Gamble amendment. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER. The Chair is becoming very suspicious about the floor of this House today. Somebody must have passed a memo about parliamentary inquiries around. But assuming that no one did and no one will, go right ahead, Mr. Freeman.

Mr. FREEMAN. Well, barring the use of the term "parliamentary inquiry," maybe a form of clarification.

The SPEAKER. All right. That makes me feel a little easier. Go ahead.

Mr. FREEMAN. Under section (c) of Mr. Gamble's amendment, I read that the lowest annual rate allowable shall

be 15 percent and the highest annual rate allowable shall be 19 percent. Does the Chair rule that under that kind of provision, banks would be prohibited from offering a rate below 15 percent if they so choose?

The SPEAKER. It would appear to the Speaker that that interpretation is correct. However, the Chair would refer the question to the sponsor of the amendment.

Mr. Gamble, did you hear the question?

Mr. GAMBLE. The intent of the amendment is to have the bottom at 15 and the top percentage at 19.

The SPEAKER. Well, then your answer would be the same as the Chair's - that the bank could not go lower than 15 percent.

Mr. GAMBLE. If the prime rate as it is today is 10 1/2, that is 4 1/2 percent, and we have predicated this on 4 percent. So if it went down to 8, it would still be 15. If it went up to 25, it would still be 19.

The SPEAKER. Then it appears that the gentleman concurs with the Chair's interpretation.

Mr. FREEMAN. That answers my question.

May I make a brief statement?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Although I can understand the intent of Mr. Gamble's amendment and feel it may have some merit if it were not tied to such a strict confine of 19 to 15 percent, I will have to oppose this amendment on the basis that I feel interest should be offered if so desired by a bank below 15 percent. I do not think we should have an artificial floor of 15 percent. I will be opposing the idea of an 18-percent ceiling, but I also oppose the idea of an artificial floor of 15 percent and would urge a negative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, in debating this legislation may I point out that I did draft the amendment that required a sunset on this and is cause for the debate today, and I did that because a few years ago there was a reasonable argument that the credit rate ought to be higher, the interest rate at 18 percent, because the interest rates across the State were anywhere from 16 to 19 percent on the prime at that time. But today, with the prime much lower, it seems to me that we have to deal with the issue of how much interest can be charged, and again we postpone the issue by sunseting this at the end of another 3 years. It seems to me that we deal with the issue either by deregulating the whole question, as some States have done, and letting it respond to the market, or we set a fluctuating rate tied to some artificial mechanism the Department of Banking can use to determine what the interest rates are. If we decided to deregulate, that is a much more complicated issue, and we might want to take that up. If we decide to provide a fluctuating rate, then I think Representative Gamble's legislation is reasonable and we ought to support it.

Let me just point out to you briefly that the history of credit in Pennsylvania has been that the interest on credit has never responded to the market. When credit first started with John Wanamaker in the 1930's in Pennsylvania, up until the 1970's when the legislature rolled back the interest rate, it remained at 18 percent. When the prime was at 3 and 4 and 5 percent, the interest rate remained at 18 percent; it never responded to the marketplace. So if you have been told that this interest rate is going to respond to the consumer pressure, do not believe it. History says that that is wrong. It was rolled back by the legislature to 15, and only last year when we let it go up to 18 percent did it rise, and I know of no one in the Commonwealth who is charging less than 18 percent. Again it rose to the maximum and remained there. So the history of credit in Pennsylvania is that it is not market sensitive; it rises to the highest level and it remains there. That is reason to argue that we ought to put into effect a situation where it will respond to some other force other than market, which it has not responded to historically.

I urge your support of the Gamble amendment. It is a reasonable approach to an issue that will continue to be before us every couple of years unless we decide to deal with it more realistically like this amendment does. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAWIDA. Mr. Speaker, in the real world when we have an 18-percent interest rate, it is never going to go below 18 percent. You and I all know that. So if any of you want to try to peg the thing to some realistic cost of money and doing business, this is your only alternative. You are either going to be for this amendment or you are going to watch 18 percent fly, and you are going to see 18 percent stay as the limit, no matter what the cost of money is and the cost of doing business. I think we ought not to have that artificial barrier, and I agree with Mr. Gamble that this is a good approach to try to come up with a reasonable compromise. I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. L. E. SMITH. Thank you, Mr. Speaker.

I rise to oppose this amendment, and I would like to cite a hypothetical to illustrate one of the reasons I oppose the amendment.

Suppose you had in December of 1984 a \$2,000 balance and the minimum payment was 5 percent. If the prime rate were low through 1985 through the first three quarters and at the end of that period when the Banking Department would make their assumption they would lower the rate, you would then have three balances and three different rates on your credit card. That is very difficult for the retailers and the banks to put into their computer. Furthermore, at the end of that period if you made a 5-percent minimum payment, where would they credit the payment? It is very difficult, because most of this business is computerized; it is very difficult for those people who administer retail credit to handle any kind

of floating rate. Therefore, I would ask that we oppose this amendment.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

I would like to interrogate the maker of this amendment, please.

The SPEAKER. Mr. Gamble indicates he will stand for interrogation. Mr. Markosek, you may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would assume that the amendment in question takes into consideration the cost of borrowing money, but I am not aware of any other costs involved in the amendment; for example, the administrative cost of offering credit, as well as the bad debt expense involved with offering credit. I would like to ask the maker of the amendment if he has taken these things into consideration, if those particular items are part of the amendment in question, or has he left those things out?

Mr. GAMBLE. Would you restate that question briefly, Mr. Speaker?

Mr. MARKOSEK. Mr. Speaker, the question again, very briefly, was, are we only dealing with the cost of borrowing money or are the other costs involved with credit, such as bad debt expense as well as administrative costs, involved with this amendment?

Mr. GAMBLE. That would figure in the 4 percent that we have established over the prime rate.

Mr. MARKOSEK. How was that 4 percent arrived at?

Mr. GAMBLE. It was arrived at— We compared that with the cost of a personal loan at a bank. We considered retail credit as a personal loan and in the same line. And we also took into consideration that business wanted but 18 percent when it was 6 1/2, and that was only a difference of 1 1/2, and we went back to the banking interest of personal loans, and that is how we arrived at it. So we figured it was over and above what business really requested 2 years ago.

Mr. MARKOSEK. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

First of all, Mr. Speaker, in response to some comments that were made earlier by another speaker, there was the question raised about whether banks and retailers could really handle an account where there might be more than a single rate being charged, and I would simply share my own experience, which is probably pretty common, probably shared by many other members on this floor. I have an account at a bank in Pittsburgh, and there is a variable rate being charged, and I get a monthly statement now that has three different rates on it, with a balance charged at each of those rates, and I send a single check in and because of the agreement which I have entered into, they know where to assign my payment. So it is not all that complicated; in fact, it is quite easy, and it is done with some frequency now under current laws.

Mr. Speaker, my real purpose in rising, though, was to ask the maker of the amendment, Mr. Gamble, if he would consent to interrogation.

The SPEAKER. Mr. Gamble indicates he will stand for interrogation, and you may proceed.

Mr. COWELL. Mr. Speaker, in response to Mr. Freeman's question about your proposed language in subsection (c), with the words "the lowest annual rate allowable shall be fifteen percent," I thought there might have been some confusion in terms of your response. My understanding of that language is that "lowest annual rate allowable" speaks to the ceiling which would be allowed by the Department of Banking but in no way would be intended to preclude a bank or a retailer from charging an interest rate less than 15 percent. Is that your intent, Mr. Speaker, or would you clarify, please?

Mr. GAMBLE. That is exactly our intent. It is to give the consumer the benefit of the doubt, which we have not done in the past year and which we will not do this year if we raise this interest rate to 18 percent, which is 7 1/2 percent higher than the prime rate. It is unconscionable.

Mr. COWELL. So in other words, Mr. Speaker, "lowest allowable rate" speaks to the lowest ceiling, which would be established by the Department of Banking, but it would not preclude someone from charging less than 15 percent if they chose to.

Mr. GAMBLE. That is correct.

Mr. COWELL. Thank you, Mr. Speaker.

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to support the Gamble amendment. I am also a cosponsor of HB 18, and I think it is important to realize that the intention of this legislature is to give a fair shake to the consumer and to help the small businessmen and the large businessmen out and the bankers in a fair way. I think everybody here realizes that there is no such thing as a free, fair market. The laissez-faire economy has not worked and does not work, and I think it is important that through the wisdom of this legislature, we create an aura where we can both support our small businessmen and our bankers and also protect the integrity of our consumers to allow them to have credit.

I think what we are doing, 3 years ago when the banking industry and the retailing industry came to us begging for our support to raise the cap to 18 percent, we realized that they were in a financial bind. Since that time the prime rates have dropped tremendously, and we are finding ourselves still capped at 18. The market that they say exists has not dropped it from 18 percent. Our artificial boundaries have kept it there and will keep it as high as wherever we place them.

I do have a concern that by not being competitive with the other States surrounding us and with the rest of the Nation, there is a possibility of losing many, many white-collar jobs, which are a concern of mine. But I think with the Gamble amendment, we are addressing an issue that businesses and banks do have a right to run some credit; people do need

credit to buy products. I do not think we should be making credit so low that it is easy to go out and purchase a shirt, a tie, a hat, just because it is credit and it is available. I think it is important that citizens have to realize that buying consumer goods on credit is dangerous, and it costs a premium. We cannot have that dried up. But I think by allowing a proper percentage point between prime and credit gives enough money available for all the paperwork and all the necessary manpower for businesses to easily do their jobs.

As for the argument with the banks and figuring out the different interest rates, all the hocus-pocus stuff that they do to me in my loans, with APR (annual percentage rate) and all the different savings and investments and programs that they have, I think they can easily use their computers to figure that balance. I think this is striking a fair balance between the business community and the consumer, and I urge a positive vote on this amendment. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I am going to be very brief. I just want to make it absolutely clear to the members of the House that under no condition would the interest rate ever be able to be lower than 15 percent under this amendment. I do not care what else you may think, if you read the amendment, it specifically, very clearly states emphatically that the interest rate shall not be lower than 15 percent nor higher than 19. So what you have effectively done is put an artificial floor under it and another percentage point on top of it. I still say to you, let us defeat the amendment and get on with the bill. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman, for the second time on the amendment.

Mr. FREEMAN. Thank you, Mr. Speaker.

I would like to interrogate Mr. Cowell, if I may.

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation. Mr. Freeman, you may proceed.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, as I understood the interrogation by Mr. Cowell of Mr. Gamble, the prime sponsor of the amendment, the 15 percent outlined in section (c) would not act as a floor but would only act as a ceiling. Is this correct?

Mr. COWELL. Mr. Speaker, if you are asking me what I asked Mr. Gamble about, I was inquiring about the intent of the maker of the amendment, and I asked him if he intended the language in paragraph (c) to mean that the lowest annual rate allowable shall be the lowest ceiling, which shall be established by the Department of Banking, because if you read sections (a) and (b), they talk about the department establishing a ceiling. And I asked him if his intent and his reference in paragraph (c) was to go back to the establishment of that ceiling, and so, in other words, the lowest ceiling rate that could be established by the department would be the 15 percent. I asked him for assurances that his intent was that on a voluntary basis a lender or a retailer could in fact charge something

less than 15 percent, although they may not be required to do so by the Banking Department, and his answer was in the affirmative. They could voluntarily charge less than 15 percent.

Mr. FREEMAN. Am I correct then, Mr. Speaker, in assuming that what Mr. Gamble said and what you interpreted is that the 15 percent is a ceiling and not a floor? Therefore, banks could charge below 15 percent under Mr. Gamble's amendment?

Mr. COWELL. That is what I asked him, and his answer was in the affirmative, and I am satisfied with that response.

Mr. FREEMAN. Mr. Speaker, where are the references to a ceiling prior to the language in section (c)?

The SPEAKER. The Chair did not hear your inquiry.

Mr. FREEMAN. I will repeat it myself, sir.

Mr. Speaker, where are the references to a ceiling prior to the section (c) that I was referring to?

The SPEAKER. Are you still interrogating Mr. Cowell?

Mr. FREEMAN. Yes, Mr. Speaker.

The SPEAKER. All right.

Mr. COWELL. Mr. Speaker, I will try to answer these questions, although you might more appropriately direct them to the maker of the amendment. I believe that section 904.2, paragraphs (a) and (b) both speak to the establishment of a maximum rate which can be charged, and paragraph (b) in particular talks about the Department of Banking identifying a maximum rate, and I believe that the language in paragraph (c), according to the explanation given by the maker of the amendment, Mr. Gamble, is in that same vein. It speaks to the establishment of ceilings, and again Mr. Gamble indicated that the lowest annual rate allowable would speak to the ceiling that would be established by the Department of Banking.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am not sure if this is parliamentarily correct, but I wonder if I could possibly call upon the Chair for a ruling as to whether what Mr. Cowell uncovered through his interrogation with Mr. Gamble is actually correct.

The SPEAKER. The Chair is not empowered to interpret and therefore will not attempt to do so.

Mr. FREEMAN. Would the Chair be able to interpret the amendment?

The SPEAKER. No. The Chair would only be able to read to you what the amendment says, and the gentleman is quite capable of reading it for himself. The Chair would read to you—

Mr. FREEMAN. Could I then ask to interrogate Mr. Taylor, sir?

Mr. F. TAYLOR. Yes, Mr. Speaker.

The SPEAKER. Mr. Taylor says he will stand for interrogation. You may proceed.

Mr. FREEMAN. Mr. Speaker, why do you believe that this amendment would provide a floor of 15 percent if the maker of the amendment has stated that it does not provide a floor, only a ceiling?

Mr. F. TAYLOR. I believe that if the maker of the amendment intended otherwise, he would have stated it in the amendment. It is very emphatic; it is very clear that the lowest possible ceiling on the interest rate would be 15 percent. If he meant it to be anything other than that, he could have used words to accomplish that, saying that the lowest possible interest rate promulgated by the department shall be a ceiling of 15 percent, less 4 points, or whatever. But it does not say that; it says exactly what it says in black and white - "Notwithstanding subsection (b), the lowest annual rate allowable shall be fifteen percent (15%) and the highest annual rate allowable shall be nineteen...." Now, if you are going to interpret the lowest as being half of it, then you would have to interpret that 19 would not be the ceiling, that the 19 could be 4 points above, or 23. So that is what I am saying to you, that I think it is very emphatic and very clear in what it says. If he meant otherwise, it would have been spelled out. He could have well said it would have been 23 percent—add 4 points to the 19. That is my interpretation. And I may be entirely wrong, but I do not believe. I think I am still reading it right.

Mr. FREEMAN. Mr. Speaker, in the opening portion of this amendment there are references made under section 904.2. Do those references in any way pertain to the ceiling and not a floor for the interest rates?

Mr. F. TAYLOR. I did not hear that.

Mr. FREEMAN. I will repeat myself, sir.

In the beginning of the amendment, it starts at section 904.2. Does that reference pertain solely to ceilings on the interest rate or could it be construed as providing a floor as well? Or does reference to that section thereby make it clear that Mr. Gamble's amendment only refers to ceilings and not floors, as far as interest rates?

Mr. F. TAYLOR. I think they both refer to the ceiling.

Mr. FREEMAN. So what you are saying, Mr. Speaker, then is that Mr. Gamble's amendment only would refer to ceilings and not to a floor?

Mr. F. TAYLOR. Section 904.2 relates strictly to the ceiling, but when you go down to subsection (c) it says: "Notwithstanding subsection (b), the lowest annual rate allowable shall be fifteen percent (15%) and the highest annual rate allowable shall be nineteen percent (19%)." I do not think they meant anything other than that.

If it had been meant otherwise, they could have written it in it. That is what I am saying to you. You could stand there for hours and try to work this out, but I am saying to you, I think the simplest procedure is that we defeat the amendment and go on with the bill, because I do not believe that— What you are trying to bring across is that he wanted to put something lower than the 15 percent, and I do not think that does it here.

Mr. FREEMAN. All right. Thank you, Mr. Speaker.

Mr. Speaker, I hate to belabor the point, but may I ask Mr. Gamble to stand for brief interrogation?

The SPEAKER. Mr. Gamble will stand for interrogation.

Mr. FREEMAN. Mr. Speaker, I am sorry. May I please go back, Mr. Speaker?

The SPEAKER. What is the question, Mr. Freeman?

Mr. FREEMAN. I am sorry. Another question came to mind for Mr. Taylor. May I please go to him before I ask Mr. Gamble a point of interrogation?

The SPEAKER. Mr. Taylor indicates he will still stand for interrogation. You may ask the question.

Mr. FREEMAN. Thank you.

Mr. Speaker, under this amendment and under the way you interpret it, would the Department of Banking be able to force a retailer that wanted to charge only 13 percent, would the Department of Banking be able to force them to charge 15 percent?

Mr. F. TAYLOR. I believe you are asking the same question in another way. I think that if we accept this amendment, I am going to tell you where it is going to end up. It is going to end up in the courts and the courts are going to decide where it is at, because what you are having here is legislative intent and input that is not written out in the law, and if somebody challenges it in court, you are going to have to come back, read the legislative intent, and the court may not even look behind the enrolled documents theory that they used and say, this specifically says what is here in black and white, and that is the ceiling and that is the lowest rate. Other than that, you could ask me questions all day, and I cannot give you any other answer than that. That is the bottom line. It probably will end up in court if you accept this amendment.

Mr. FREEMAN. Mr. Speaker, I am sorry to ask the question again, but just to clarify it, am I correct in understanding your answer that you do not know whether or not the Department of Banking would be compelled under this law to compel a retailer to adhere to a 15 percent?

Mr. F. TAYLOR. Mr. Speaker, I am going to tell you again, and I hope you have your ears open. I do not want to belabor this all afternoon. I am only a member of this House of Representatives. I am reading what is written down here in black and white. I do not know what he intended beyond what he wrote here, and I am not a judge sitting in a court deciding this if it goes to court. What I am saying to you, it says 15 percent the lowest rate, 19 percent the highest rate, and it is in black and white. Now, if you are asking me as Judge Taylor sitting on a bench and reviewing this case, I would look at this and I would say, well, listen, it just says exactly what it says here; the highest rate shall be 19 percent and the lowest annual rate shall be 15 percent. That is it. Now, if you are asking my opinion as a judge, that is if I were a judge. I am a legislator. I am giving you my opinion as a legislator.

Now, I can give you an opinion as somebody else, as an insurance salesman or something else, but I am giving you my opinion. Somebody else here might have a different opinion, but I am telling you, if we accept this amendment, you can be assured it is going to be challenged, because if you are going to raise that question here, you can rest assured somebody else is going to raise the question out there - what was the intent of it? And if it goes to court, if I were the judge, I would say it just means 15 percent is the lowest rate and 19 percent is the highest, and that is the end of the case. I gave you my opinion, legally and all. We did not even have to go to court for that.

Mr. FREEMAN. Mr. Speaker, just to clarify, I was hoping that through the advice you have from your staff and from your expertise you would be able to clarify the answer. But I thank you for standing for interrogation and would like to move on to Mr. Gamble if possible, Mr. Speaker.

The SPEAKER. Mr. Gamble indicates he will stand for interrogation, and you may proceed.

Mr. FREEMAN. Mr. Speaker, if you could clarify as to what the intention of your amendment is pertaining to a floor and a ceiling on interest rates as it pertains to the bill.

Mr. GAMBLE. The intention of the amendment was to have the highest amount at 19, and the intention on the lowest rate of 15 was to be optional to the bank. We do not foresee— And I think a lot of this is facade, in all due respect to you, Mr. Speaker, of presenting an argument that really does not get to the crux of the matter. The crux of the matter is, if you do not go to this, you are going to 18 forever, and your banker cannot go to 14 or 12 or anything either. That is the alternative that you have. If you want to belabor the point of what was the intent and what it says, perhaps it will end up in court. Perhaps it could be corrected in the Senate. But I think this House is getting tired; I think there are guys who have to catch trains and buses, and I think we should get this over with.

The bottom line is, this is the alternative to 18 percent forever until we do something again. This is a fair and equitable alternative that floats with the prime 4 above prime. I ask for your support.

Mr. FREEMAN. Mr. Speaker, I will agree with you that we are all getting tired, but this is a very important matter, a very weighty matter which will affect consumers throughout the Commonwealth of Pennsylvania, and I think it is something which stands to—

The SPEAKER. Has the gentleman finished his interrogation?

Mr. FREEMAN. No; I have one more question, Mr. Speaker.

The SPEAKER. Would you place the question, please, sir?

Mr. FREEMAN. Mr. Speaker, am I correct in understanding that your amendment would not provide a floor of 15 percent, that retailers and banks could charge below that under your amendment?

Mr. GAMBLE. That is correct.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, if I could make a very brief statement?

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

Mr. FREEMAN. Thank you.

Mr. Speaker, I am concerned with the clarity involved in this amendment. However, I feel that judging from what the prime sponsor has said, it would be an improvement over the present bill, and I will be voting in favor of it in the hopes of bringing down the ceiling on interest. I am voting in the knowledge that this will not provide a floor of 15 percent interest. That is my intention and my vote, because it is my intention to see the interest rates in this State come down. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, my first observation with respect to this legislation is that the attorney who assisted Representative Gamble in drafting his amendment ought to be fired.

The SPEAKER. Well, that is better than the advice that was given to a certain ancient King of England when he said the first thing we should do is kill all the lawyers. You have ameliorated the threat. Okay. Go right ahead, Mr. Itkin.

Mr. ITKIN. I am sure that Mr. Gamble is earnest in what he wishes to see done. Unfortunately, my examination of the verbiages that the attorney who drafted this for him used failed to adequately provide what Mr. Gamble's intention was or is into the amendment, and there are still some other issues within the amendment and the bill that cause problems.

In the existing law to which this bill is an amendment, there are limits of 18 percent and 15 percent so stated which have not been altered by the amendment. So you would have two sections in the law - one saying that the rate shall not exceed 18 percent; one saying that the rate shall not exceed 15 percent - and in this particular section it says that the rate can vary anywhere from 15 to 19 percent.

If you accept the premise that this particular amendment is going to take precedence, I should like to point out that the ceiling is not 18 percent, that it is 18 percent on certain items and a ceiling of 15 percent on others. And I point to section 501.B of the current law which states that the limit is 15 percent on gasoline purchases. If you allow this amendment to be accepted, then as interest rates would increase, you would also be increasing the current mandatory cap of 15 percent on gasoline credit to whatever the rate would provide under the Gamble amendment, which could rise to as high as 19 percent.

I do not think Mr. Gamble really intended that change to be made. I think he probably would have wanted that gasoline rate to remain at 15 percent. But the way the amendment has been drafted, it will increase the rate for gasoline to a flexible rate not to exceed 19 percent.

Mr. Speaker, because of this thing, there are two things that are perhaps obvious - one, that the amendment be withdrawn and more clearly drafted again; or two, we vote against the amendment because it is only going to cause confusion and probably substantial court litigation.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO TABLE

The SPEAKER. Does the gentleman from Allegheny, Mr. Murphy, require the floor?

Mr. MURPHY. Mr. Speaker, I would like to make a motion to table the bill and the amendment. It seems that there is some confusion over the technicalities of the amendment, that many people agree with the intent. Rather than keep the House here at this late hour, I would like to table it. We have a month to deal with this issue. We will be back in session before March 25. So my motion would be to table the bill and the amendment.

The SPEAKER. It is moved by the gentleman from Allegheny, Mr. Murphy, that HB 18, together with the amendment offered by Mr. Gamble, be placed upon the table.

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

The SPEAKER. This motion, again, is one of the nondebatable motions, so do not attack the Chair this time, please. The majority leader and the minority leader, of course, may debate if they wish.

There is a motion on the floor to place the bill, together with the offered amendment, on the table. The minority leader is recognized on the motion.

Mr. RYAN. Mr. Speaker, very often I have supported motions to table. Any number of times legitimate reasons have been given why a bill should be tabled. I do not believe, however, Mr. Speaker, that this is one of those times.

This is a bill that, very frankly, we probably should have considered in the closing days of last term when it had passed the Senate and had come over to the House, but we had run out of time. It is not a new piece of legislation; it is one that we are all familiar with. In fact, Mr. Speaker, over the past 15 to 20 minutes, I have heard more than one person remark that all of this debate is probably not changing one single vote here on the floor. This is not a bill that we are completely unfamiliar with.

I see no useful purpose served, Mr. Speaker, by tabling this particular bill, with the time pressures that are on the major industries of Pennsylvania with respect to it. Not only is it important to our Pennsylvania business community that they maintain their interests rates, but probably it is equally as important or more important that they know what their status is in the future. Should this bill not pass, they have, I am told, considerable effort, work, and expense in adjusting their computers, their billing, their right-to-know notices, and the like. I would oppose the motion to table, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I am a fair fellow. I think Mr. Murphy ought to win once in a while. I am going to vote with him to table the bill.

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

The following roll call was recorded:

YEAS—58

Acosta	Dombrowski	Laughlin	Rybak
Baldwin	Durham	Levdansky	Saloom
Battisto	Fattah	Lloyd	Steighner
Belardi	Fee	Lucyk	Stewart
Blaum	Freeman	McHale	Stuban
Bortner	Fryer	Manderino	Sweet
Burns	Gallagher	Michlovic	Telek
Cawley	Gamble	Murphy	Tigue
Cohen	George	Oliver	Trello
Cordisco	Haluska	Petrarca	Veon
Deluca	Harper	Petrone	Wilson
DeWeese	Jarolin	Pistella	Wozniak
Daley	Josephs	Preston	
Dawida	Kasunic	Richardson	Irvis,
Deal	Kukovich	Rudy	Speaker

NAYS—141

Afflerbach	Dietz	Lescovitz	Reinard
Angstadt	Dininni	Letterman	Rieger
Argall	Distler	Levin	Robbins
Arty	Donatucci	Linton	Ryan
Barber	Dorr	Livengood	Saurman
Barley	Duffy	McCall	Scheetz
Belfanti	Fargo	McClatchy	Schuler
Birmelin	Fischer	McVerry	Semmel
Black	Flick	Mackowski	Serafini
Book	Foster, Jr., A.	Maiale	Seventy
Bowley	Fox	Manmiller	Showers
Bowser	Freind	Markosek	Sirianni
Boyes	Gallen	Mayernik	Smith, B.
Brandt	Gannon	Merry	Smith, L. E.
Broujos	Geist	Micozzie	Snyder, D. W.
Bunt	Gladeck	Miller	Snyder, G. M.
Burd	Godshall	Moehlmann	Staback
Bush	Greenwood	Mowery	Stairs
Caltagirone	Gruitza	Mrkonic	Stevens
Cappabianca	Gruppo	Nahill	Swift
Carlson	Hagarty	Noye	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, F. E.
Cessar	Hayes	O'Donnell	Taylor, J. J.
Chadwick	Herman	Olasz	Truman
Cimini	Hershey	Perzel	Van Horne
Civera	Honaman	Phillips	Vroon
Clark	Howlett	Piccola	Wambach
Clymer	Itkin	Pievsky	Wass
Colafrilla	Jackson	Pitts	Weston
Cole	Johnson	Pott	Wiggins
Cornell	Kennedy	Pratt	Wogan
Coslett	Kenney	Pressmann	Wright, D. R.
Cowell	Kosinski	Punt	Wright, J. L.
Coy	Langtry	Raymond	Wright, R. C.
DeVerter	Lashingier	Reber	Yandrisevits
Davies			

NOT VOTING—2

Evans Morris

EXCUSED—2

Hutchinson Williams

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. On the amendment, the Chair recognizes the gentleman from Jefferson, Mr. Smith, for the second time.

Mr. L. E. SMITH. Mr. Speaker, I just want to remind the members that the prime rate is a very artificial number that is created by banks. That is all.

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

Mr. GAMBLE. One final word, Mr. Speaker.

We have a clear-cut choice here today. It has been established that there may be a technicality. You can either vote against the technicality or you can vote against the consumer and give them 7 1/2 percent above the prime rate. The choice is yours. Thank you.

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

Mr. McVERRY. Thank you, Mr. Speaker.

Mr. Speaker, we do not have such a clear-cut choice today as Mr. Gamble would lead us to believe. The language in subsection (c) speaks for itself that it does in fact set a base interest rate of 15 and it does in fact set a ceiling rate of 19. It is not at all a realistic approach in view of the fact that just 3 or 4 years ago the prime rate was up to 20 percent, so the banks would have to extend commercial credit at less than what prime was.

I do not believe that it is realistic to say that 4 points above prime is a fair rate of return on retail credit because that is the rate that is charged on personal loans. There is no credit service on personal loans. The balance on personal loans is not fluctuating every month and being adjusted for finance charges and other purchases and having to have monthly bills sent out. It is not realistic, it is an unworkable approach, and I would urge a negative vote.

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

The following roll call was recorded:

YEAS—40

Baldwin	Fee	Lucyk	Richardson
Belardi	Freeman	McCall	Rudy
Belfanti	Fryer	Manderino	Stewart
Blaum	Gamble	Michlovic	Stuban
Cawley	George	Miller	Tigue
Clark	Haluska	Murphy	Trello
Cohen	Harper	Petrarca	Wozniak
Cowell	Jarolin	Petrone	
DeWeese	Kukovich	Pistella	Irvis,
Dawida	Laughlin	Pressmann	Speaker
Dombrowski	Levdansky		

NAYS—160

Acosta	Deal	Langtry	Robbins
Afflerbach	Dietz	Lashingier	Ryan
Angstadt	Dininni	Lescovitz	Rybak
Argall	Distler	Letterman	Saloom
Arty	Donatucci	Levin	Saurman
Barber	Dorr	Linton	Scheetz
Barley	Duffy	Livengood	Schuler
Battisto	Durham	Lloyd	Semmel
Birmelin	Evans	McClatchy	Serafini
Black	Fargo	McHale	Seventy
Book	Fattah	McVerry	Showers
Bortner	Fischer	Mackowski	Sirianni
Bowley	Flick	Maiale	Smith, B.
Bowser	Foster, Jr., A.	Manmiller	Smith, L. E.
Boyes	Fox	Markosek	Snyder, D. W.
Brandt	Freind	Mayernik	Snyder, G. M.
Broujos	Gallagher	Merry	Staback
Bunt	Gallen	Micozzie	Stairs
Burd	Gannon	Moehlmann	Steighner
Burns	Geist	Morris	Stevens
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Nahill	Taylor, E. Z.
Carlson	Gruitza	Noye	Taylor, F. E.
Carn	Gruppo	O'Brien	Taylor, J. J.
Cessar	Hagarty	O'Donnell	Telek
Chadwick	Hasay	Olasz	Truman
Cimini	Hayes	Oliver	Van Horne
Civera	Herman	Perzel	Veon
Clymer	Hershey	Phillips	Vroon
Colafrilla	Honaman	Piccola	Wambach
Cole	Howlett	Pievsky	Wass
Cordisco	Itkin	Pitts	Weston
Cornell	Jackson	Pott	Wiggins
Coslett	Johnson	Pratt	Wilson

Coy	Josephs	Preston	Wogan
Deluca	Kasunic	Punt	Wright, D. R.
DeVerter	Kennedy	Raymond	Wright, J. L.
Daley	Kenney	Reber	Wright, R. C.
Davies	Kosinski	Reinard	Yandrisevits

NOT VOTING—1

Rieger

EXCUSED—2

Hutchinson Williams

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

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Venango, Mr. Black, on final passage.

Mr. BLACK. Mr. Speaker, I rise to remind us that we are part of a borrowing society and that credit is the keystone or cornerstone of retail businesses.

If the other members' mail was like mine over this bill, I was asked to retain the 18 percent, not raise it, but to retain the 18 percent. The only mail that I had in opposition to this was from our unions, and it was based on the dropping of the prime in the last 3 years. I would ask those who were the originators of those letters if they wanted their members to experience the tightening of credit that businesses will find necessary to avoid bad risks, if they would want the loss of jobs to States surrounding Pennsylvania. I believe at the present time about 20 percent of the credit cards that our Pennsylvania citizens have are from banks and credit organizations outside the Commonwealth. I would also ask them if they want their members to have the problem of trying to get credit for the large ticket items that I think most of their workers produce.

The 18 percent provides benefits to both the consumer and the businesses. It is a situation where credit is available at a competitive rate, and I think under a lower rate I would guess most of the members would experience little difficulty obtaining credit themselves, but I wonder about Representative Fred Trello's constituents, the chances that they might have under tight credit.

The 18 percent provides a reasonable return to business. For example, our small businesses in some cases are required to provide their own credit. There is no such thing as a free lunch, and I think to insure the availability of sufficient retail credit and a healthy business climate protecting many jobs in the small business sector—and we have all been told that that is where the new jobs are coming from—I would urge the members to vote in favor of this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, the interest rate bill that we have before us, as was earlier mentioned by the minority leader, Mr. Ryan, is not a strange animal. We have had it before us before.

Some 2 years ago we were considering the prospect of abolishing interest rates, giving 20-percent interest rates on retail credit, and with the help of Representative Taylor and other members of this House, we were able to hold that rate to 18 percent in the State of Pennsylvania. Mr. Speaker, that action saved the consumers of this State not 20 or 30 or 50 millions of dollars but several hundred millions of dollars in purchasing power that enabled our people to purchase goods and services and not pay an interest to banks and to retail credit organizations and other finance organizations.

Mr. Speaker, this year we are looking at an opportunity once again to save the consumers of this State hundreds of millions of dollars, badly needed dollars, that they can use to purchase goods and services. I hear my colleagues on the other side of the aisle say that we are for the small businessman; we want the small businessman to exist and to stay in business in this State. They tell us they are interested in the retailers and keeping them in this State. Well, Mr. Speaker, they have not left the State at 18 percent, and they are not going to leave the State at a lower rate. And those who say that retailers will abolish the use of credit cards in their system are only talking in the dark, because, in fact, Mr. Speaker, those retailers issue credit cards because they want the people to shop in their stores. You can use a national credit card anywhere, but you cannot use a Horne's, a Kaufmann's, or a May credit card anywhere; you can use it in the retail establishment, and that is why they will keep those credit cards.

Mr. Speaker, I want to give the members of this House a few facts with regard to the interest rates when we set this rate more than 2 years ago. At that time prime was at 16 1/2; the discount rate, which is the charge of loans on member depositories at the Federal Reserve, was at 12 percent; commercial paper was at 13 3/4; certificates of deposit, depending on the time, ran from 13 3/4 to 14 percent. These are paid by major banks on new issues of negotiable CD's (certificates of deposit) usually on amounts above \$1 million.

Mr. Speaker, we can all remember the problem we had in the auto industry and those who sold cars at that time when the rate was raised in excess of 17 percent, with the end result being that many auto dealers in this State closed down their operations and were put out of business, and they were closed and put out of business because interest rates were to such an extent that the people could not afford to buy a new car. Mr. Speaker, that is not going to happen with regard to the rate on goods and services. What is going to happen, Mr. Speaker, is that those who are in the business who had a 16 1/2-percent prime rate at which they borrowed their money are now at 10 1/2, a decrease of 6 percent, a reduction of 36.4 percent in their cost of money. And those of us who have discussed this issue with the retailers tell us that the cost of money represents approximately 50 percent of their total costs dealing with credit service that is rendered. The remainder is made up of

employees, computer time, also their overhead costs, mailing costs, but, Mr. Speaker, at no time have the retailers justified an 18-percent interest in view of a cost-of-money figure at 10 1/2. Even if they are paying 1 or 2 percent in excess of that 10 1/2 percent, they are still further ahead, much further ahead, than they were 2 1/2 years ago. Mr. Speaker, I have not heard one member of this House say to me that a retailer is supposed to make a profit on credit. He is supposed to make a profit on the goods and services that he sells, and not in fact on finance charges.

In view of that, Mr. Speaker, I would have to say that this legislation has not been given adequate consideration. We have no facts and figures on their actual cost of money and other costs. I see nothing in this bill that provides for them to present a separation of their costs so that it can be adequately judged as to whether or not they are charging a fair rate. None of this is included in the bill, Mr. Speaker, and it would have been included in the bill had we had an opportunity to take it and recommit it and judge for ourselves on that issue.

Mr. Speaker, I know how difficult it is sometimes for the members when a bill is put before them and they are told, we are going to vote it today, and that is the "must" line - we are going to vote it today. Mr. Speaker, I see no reason to vote this bill today, but I noticed that on the motion to table there was a decided against vote. I am not going to waste the time of this House by making a motion to table and have a vote recorded that will merely amplify the earlier vote.

Mr. Speaker, many times the consumers in this State have been benefited by the actions of this House in the last few years against the opposition of some from the other side who wanted to abolish a ceiling. Mr. Speaker, had we abolished that ceiling, let us take a look at the other States around us - Maryland, New York, Ohio, New Jersey, Delaware - every one of them in excess of 20 percent on their interest rates on goods and services. Mr. Speaker, that is what would have happened if we would have listened to those 2 years ago who said that we could not make an adjustment, that we could not make a lower rate, that we had to fix this rate. Every other interest rate in this State to be considered has dropped with the exception of consumer goods purchases, and that is as unfair as you can be to the consumers of this State. When you say to them, we are going to cut your taxes but we are going to leave interest rates up at a higher level, you are not doing them a favor; you are mentioning a status quo, and that is all.

For that reason, Mr. Speaker, on behalf of the people of my district who I know support lower interest rates so that they can get the services with the few usable dollars that they have for spending, I would ask for a "no" vote on final passage of HB 18.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

First I would like to make a few comments on the final passage of HB 18. If the deadline is March 25, what is the rush in trying to pass it this evening, particularly since there are

many pieces of discussion that need to be had as to where we are talking about maximum allowable interest rates on credit cards and other forms of consumer credit which will already, if we do not do anything before that day, revert back to 15 percent? I raise the question as to the wisdom last year of the Senate, that decided then at the last minute to take up this measure but because the House did not have any time to act, did not do anything on this issue.

There are several positions that we want to espouse this evening. One is that we oppose the extension of the current 18 percent for these reasons: One, how can we support a permanent 18-percent ceiling when the cost of money measured by the prime interest rate has been dropping for the merchants themselves? Two, how can the lowering of the interest rates help those people who can least afford to pay any increase in the interest rate on credit cards, even if they are fortunate enough to in fact have credit cards?

The information that I have reviewed thus far indicates that in the Philadelphia area banks improved their bottom line in 1984, particularly because of the steep decline in interest rates, particularly because of that. Those declines allowed the southeastern regional banks to report higher profits and increase their reserves. The prime lending rate on which charges for most short-term business loans are based was on a decline from the 1984 high of 13 percent to 10.75 percent at the year's end, giving the banks a wider spread between their cost of borrowing and income from loans. Among those benefiting from the windfall would be Fidelity Bank, Providence National Bank, Pittsburgh National Bank, Bucks County Bank and Trust, Cheltenham Bank, First Pennsylvania Bank, and Union Bank and Trust Company of Eastern Pennsylvania, just to show you that this is just another proposal to take money from the poor and give to the rich merchants, that it is not feasible at this time to do it until there is an opportunity to work out some form of compromise. There is no real hard evidence at this moment that would also prove to us that those who use credit cards are in fact losing money.

Now, last session we passed a bill that said for those who in fact have a credit card that that would not be necessarily a prerequisite for them to be able to go into a hotel or to rent a car, but no one pays any attention to that. In fact, in most places where you go today, right now, still to this day, even if you have a pocketful of money and say I will pay for it up front, they do not want to accept it if in fact you do not have some plastic. It seems to me that if we are looking at the form of trying to change and really move toward some solution to our problem dealing with the economy, we also have to take that into account. Mr. Speaker, for those reasons I oppose HB 18 on final passage.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Freeman, on final passage.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 18.

It is unreasonable for us to have an interest rate ceiling of 18 percent at a time when the prime rate is 10.5 percent. It is

not only unreasonable, it is totally unfair to expect consumers to pay a ceiling of 18 percent at a time when the prime rate is 10.5 percent. The bottom line in this whole issue is that if we do not pass this bill today, and if we pass no bill before March 25, the rate will naturally come down to 15 percent.

I call upon the members of this chamber to strike a blow for the consumer and for lower interest rates by voting against HB 18 today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. L. E. SMITH. Mr. Speaker, I urge an affirmative vote on this bill. Representative Laughlin alluded to the fact that the bill should have been recommitted and possibly public hearings should have been held. We are nearing a deadline on this legislation and it is very necessary that we vote it today, and I urge you to vote for it.

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

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I would urge an affirmative vote on final passage of HB 18. There is a lot of documentation of figures and facts that substantiate the point that the interest rate should stay at 18 percent for the present. If we drop the interest rate to 15 percent, that will be an artificially low interest rate in this State. And I would like to point out to each and every member of this House that the prime interest rate has very little bearing on what the finance charges are. When the prime rate in this country and in this State was 5.5 percent, 6.5 percent, and 6.75 percent, the finance charges were 15 percent. Let me tell you, if you artificially reduce this rate, what you will be doing in effect is driving that customer away from that small retailer in this State.

There are about 10 or 12 major retailers in this State that transcend the borders and go off like Sears, Montgomery Ward, and these others, but there are 90,000 small retailers in this State employing about 700,000 people that have a dramatic impact on the economy of this State. If you lower these interest rates to 15 percent, what you are going to be doing to that little retailer, the 89,990 that are left in the State to do business here who cannot get out of the State, who do not have the facilities of in-house financing, such as Sears, Montgomery Ward, and J. C. Penney— They do not have that luxury. They have to go out and buy their money on the market at two or three points above prime. If you put this kind of restriction on them, what is going to happen to the consumers of Pennsylvania? I will tell you what is going to happen: The cash-paying consumers of Pennsylvania are going to be subsidizing that low interest rate. And then that credit customer who is now marginal or is unable to get the credit, what is going to happen to him? He is not going to be getting credit at 18 percent or 15 percent. If you drop it to 15, you are going to force him into the consumer discount house, and that is 24 percent. And if you have done the consumers of Pennsylvania anything, you will have done them a disservice by lowering the interest rate to 15 percent, and I would like

that message to go out across the State of Pennsylvania for a change. That is what you will do by lowering it to 15 percent, and you will force him in. That is the white goods that they sell - the refrigerators and stoves. You cannot expect your little commercial establishment in your town to take that paper. He cannot do it. The commercial houses will not handle it. And when he sells that stove and refrigerator, he is going to have to sell it to him with cash that the guy goes down to the consumer discount house and gets the money at 24 percent.

You have really done the consumers of Pennsylvania a big disservice, Mr. Speaker, if you ever drop the interest rate to 15 percent right now, because as I told you, when prime was 5.5, 6.5, 6.75, the interest charges were 15 percent. There is a tremendous cost to doing business in that, and you have a declining balance in these in-house financings that you do not have. Someone says, well, why can you go in and buy a car and get it at 8 percent? Well, because it is on a fixed payment. He just goes in and he gets a coupon book, and he has a fixed payment, but when you go in and you buy a refrigerator, a stove, a television, you have a fluctuating account that fluctuates up and down. One month you might buy \$50; the next month you might buy \$100, and I daresay at 18 percent, if you took \$100 and you paid for it on a decreasing balance, you have paid about \$10 for the use of the \$100 is what you have done at 18 percent, because you are paying on a declining balance, and that is revolving credit. That is the kind of credit that is in the stores.

Another point, if you drop the interest rate— Let me say to you that we researched the studies done at the Universities of Washington and Arkansas. Arkansas has a low interest rate that is artificial now and they are about to raise it, and Washington had a low one at 12 percent. What did it prove? The consumer goods in the State of Washington were priced higher than anywhere in the United States, and so are they in Arkansas. What have you done for the consumer? You have ripped him off again.

Let the people who utilize credit pay for that credit as they go along. The people who are buying cash, let them benefit by that reduction in price, and do not have him subsidizing artificially low credit rates in your State. That is what you want to do by keeping it at 15 percent.

Let me get to the credit cards. There are 203 members in this House and people in the gallery and sitting up here. Why do you all not reach in your pockets and find out where your credit cards are coming from? Lower the interest rates, you say; do business in Pennsylvania; keep Pennsylvania working; keep money in Pennsylvania. If you lower these interest rates, do you know what you are going to do? Drive more money out of Pennsylvania. You are going to drive it to the Delawares, the unregulated banks. Look at your credit cards and see where they come from - Arizona, California, where they charge you 21, 24 percent. That is where they come from. Let us keep business in Pennsylvania. Let us let Pennsylvania banking and financing institutions stay healthy and let the retail credit in this State stay as it is and have a healthy

economy, and let us not disrupt it. Thank you, Mr. Speaker. That means you should vote "yes."

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I subscribe to several independent studies that are published frequently on the economy, and they, among themselves, frequently disagree with respect to their analyses of what degree of economic recovery this Commonwealth and this Nation are experiencing. But one thing upon which they all agree is the fact that the service industry, and particularly the retail trade industry, has provided more jobs during the past 2 years than any other industry.

Now, maybe I am just a thick-headed Dutchman, but I cannot for the life of me understand why we would want to make a critical adjustment to the industry that has provided more jobs than any other industry. I suggest that we vote in favor of this bill and continue the job promotion and the economic development this industry is giving us.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, on final passage.

Mr. DeWEESE. Mr. Speaker, I do not accept the celerity with which this bill is being voted upon. I identify with Mr. Laughlin there. I also identify with the gentleman from Somerset County, Mr. Lloyd, who queried our caucus and asked why this bill was being brought up by the Democrats in the House. As traditional cohorts of organized labor and working people in blue-collar America, I am distressed, and I want to make that statement for the record.

But speaking of the record, on page 273 of last session's House Journal, I am moved to read the remarks of the gentleman, Mr. DeVerter, and I will be comparatively brief. Mr. DeVerter said that he was concerned about employees of such firms as Montgomery Ward and K Mart and even Joe the Motorist and a whole host of other small retailers who no longer have their doors open. "The reason they do not have their doors open is because they could not borrow at 18 and 20 percent from the banks to stock their shelves and then put it out to the consumer at 15 percent." He said, now, I think that is enough of this commonsense mathematics.

I would like to respond to the distinguished Mr. DeVerter by saying that no one now is out borrowing money at 15 percent or 19 percent or 18 percent. The prime rate, and in spite of what people have said, the prime rate is way down. The prime rate was the cornerstone of Mr. Smith's argument; the prime rate was the buttress of Mr. DeVerter's remarks 1 year or 2 or 3 ago. And Mr. Vroon—everybody knows Mr. Vroon—had a delectable quote. Mr. Vroon said, and I quote, "I will daresay of a certainty that when the market rate goes down,..." the other rates will go down.

Now, this was the quintessential ejaculation of the Republican side. Organized labor took a buffeting from people like Don Dorr, Walt DeVerter - organized labor and blue-collar America and the consumers of Pennsylvania, the unemployed in Mike Gruitza's district, the coal miners in Greene County - and we were told it would stay at 18 percent for 3 years, and

all I am saying is that the catalyst of their argument was the prime rate. Now no one hears anything about the prime rate. The swollen profits of corporate Pennsylvania have never received enough; they are insensate and ever ravenous in their greed, and I accuse them unequivocally of financial nymphomania - they never get enough.

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

Mr. DeVERTER. You know, I was not even on the floor. I do not know how I got dragged into this. I was in the ante-room doing what the Speaker forbids here on the floor. But it is just very apparent that Mr. DeWeese over this past period of time since we raised that interest rate still has not learned mathematics.

Mr. Speaker, I do not know how it is out in your section of Pennsylvania, but let me share with you how it is in central Pennsylvania. Granted, the prime is down, and thank God for that, and it is running, I guess, between 10 1/2 and 11. That is what our banks pay for the money that they use to loan out, Mr. Speaker. The fact of the matter is that those same retailers whom you are talking about are still borrowing at anywhere from 13 or 13 1/2 percent to 15 percent. I would hope you pay attention, because you might get a lesson in mathematics, Mr. Speaker. The simple fact of the matter is that as long as they have to pay that kind of money, pay that much for the money they need to purchase the inventories they put in those facilities, they are going to continue to need a higher rate than 15 percent so that they can at least provide those accounts receivable or that consumer installment purchasing to the people whom you and I represent. It is not a question of just what they have to borrow to be able to provide that inventory, but they also then end up with a lot of bookkeepers sitting around taking care of all of those accounts receivable. And, believe me, those people do not work for nothing.

So you see, it is not just a question of simple mathematics and all the fancy rhetoric that you tried to use tonight that I am concerned about even today. Those business people, as was pointed out to Mr. Taylor, are the very backbone of the economy of this Commonwealth and, for that matter, any State of this Nation. When we deprive them the right to at least break even on credit buying, then I think we do a great disservice. If out in your section of the Commonwealth you are finding that those same retailers are able to borrow money at 10 percent, I would like to know about those institutions, because I am going to send my retailers out there to do business, and they will be only too happy to be able to purchase money at 10 percent. Until that occurs in our part of the State, I am afraid I have to go along with at least giving them the chance and the opportunity to break even on credit purchases. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I was not going to say anything about this bill, because I would imagine that most of these colleagues of

mine know where I stand, but of all the debate I have heard, I would have to agree with Mr. Ryan in that what I say or anybody else says will not make an awful lot of difference.

I fully do not understand what the gentleman meant when he was concerned about how much money it will cost all of these big institutions to change the computers, but I am not familiar with high finance so I would not understand anything about that. What I really do not understand is the last gentleman's statement about the banks paying 10 or 10 1/4; my bank only pays me 8 1/4, so I am going to have to find out what is going on on that. Fortunately, I do not have that much to invest, so I am not losing that much, the fact that I am not getting as much as everybody else thinks you ought to get. But I notice the gentleman, Mr. Ryan, grinning, because it is hard to argue down the truth, and the fact still remains that for all those institutions that tell me they cannot borrow money, then they ought to come and see the banks that I deal with that are complaining about the fact that they cannot pay any more than 8.025 on 90 days. And with all that in mind, a colleague of mine said a moment ago, well, if you are in the automobile business, you ought to relish the idea of higher interest. Well, I do not think that if you are in a business and you do not charge interest you have any right to relish high interest. All that does is make the payments somewhat higher for those customers of yours who are having some difficulty making their monthly payment at this time.

Again, I will not delay this, but I have made up my mind, and I feel somewhat more secure and somewhat more relaxed that it will not make any difference how much truth I or anybody else provides; it seems that this legislature again is going to see to it that the consumers are going to pay more. That will be the will of the majority, but I intend to vote "no."

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—125

Afflerbach	Donatucci	Letterman	Reinard
Argall	Dorr	Levin	Rieger
Arty	Duffy	Linton	Rudy
Barber	Evans	Livengood	Ryan
Barley	Fargo	Lloyd	Saurman
Battisto	Fattah	McClatchy	Scheetz
Birmelin	Fischer	McVerry	Schuler
Black	Flick	Maiale	Semmel
Book	Foster, Jr., A.	Manmiller	Seventy
Bowley	Freind	Markosek	Showers
Bowser	Gallen	Micozzie	Sirianni
Brandt	Geist	Miller	Smith, L. E.
Broujos	Gladeck	Moehlmann	Snyder, D. W.
Bunt	Godshall	Morris	Snyder, G. M.
Burd	Greenwood	Mowery	Staback
Bush	Gruppo	Nahill	Stairs
Caltagirone	Hagarty	Noye	Stevens
Cappabianca	Haluska	O'Brien	Taylor, E. Z.
Carlson	Hayes	O'Donnell	Taylor, F. E.
Cessar	Herman	Olasz	Telek
Chadwick	Hershey	Perzel	Truman
Cimini	Honaman	Petrone	Van Horne
Civera	Howlett	Phillips	Vroon

Clark	Itkin	Piccola	Weston
Clymer	Jarolin	Pievsky	Wiggins
Cole	Johnson	Pitts	Wilson
Cornell	Kenney	Pott	Wogan
Coy	Kosinski	Pressmann	Wozniak
DeVerter	Langtry	Preston	Wright, D. R.
Davies	Lashingfer	Punt	Wright, J. L.
Dietz	Lescovitz	Reber	Yandrisevits
Dininni			

NAYS—73

Acosta	Distler	Levdansky	Saloom
Angstadt	Dombrowski	Lucyk	Serafini
Baldwin	Durham	McCall	Smith, B.
Belardi	Fee	McHale	Steighner
Belfanti	Fox	Mackowski	Stewart
Blaum	Freeman	Manderino	Stuban
Bortner	Fryer	Mayernik	Sweet
Boyes	Gallagher	Merry	Swift
Burns	Gamble	Michlovic	Taylor, J. J.
Carn	George	Mrkonic	Tigue
Cawley	Gruitza	Murphy	Trello
Cohen	Harper	Oliver	Veon
Colafella	Hasay	Petrarca	Wambach
Coslett	Jackson	Pistella	Wass
Cowell	Josephs	Pratt	Wright, R. C.
Deluca	Kasunic	Raymond	
DeWeese	Kennedy	Richardson	Irvis,
Daley	Kukovich	Robbins	Speaker
Dawida	Laughlin	Rybak	

NOT VOTING—3

Cordisco	Deal	Gannon
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EXCUSED—2

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

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

REMARKS ON VOTE

The SPEAKER. Does the gentleman from Philadelphia, Mr. Richardson, wish to make his announcement at this time?

Mr. RICHARDSON. Mr. Speaker, on SB 129, on Representative Petrarca's amendment A217, my vote was recorded in the negative, and I would like the vote to be marked in the affirmative, please, Mr. Speaker.

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

STATEMENT BY MR. RICHARDSON

Mr. RICHARDSON. Secondly, I have an announcement to make while we are at ease. May I make the announcement if I am in order?

The SPEAKER. You may make the announcement.

Mr. RICHARDSON. Mr. Speaker, I have two bills on the desk that many members have been asking about. One is the lien bill that was introduced for the past five sessions and has passed this House of Representatives in each session, but we have not gotten it to become law yet. It passed the House last

year 125 to 69. It is presently sitting on the desk. Also, an energy assistance comprehensive bill to deal with conservation is also sitting on the desk, and any member who wants to sign it may do so. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. LAUGHLIN presented the Report of the Committee of Conference on **SB 267, PN 415**.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 267, PN 415**.

SUPPLEMENTAL CALENDAR A REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. LAUGHLIN called up for consideration the following Report of the Committee of Conference on **SB 267, PN 415**, entitled:

An Act making additional appropriations of Federal and State funds to the Department of Community Affairs and the Department of Public Welfare for the fiscal year 1984-1985.

On the question,

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

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

Mr. LAUGHLIN. Mr. Speaker, the conference committee having met and signed SB 267, we have before us an opportunity to finance the energy program that was cut off without notice January 4 of this year and denied thousands of people in this State an opportunity to secure such a grant.

Mr. Speaker, the bill that we have before us includes a sum of \$1,320,000 for the Federal low-income energy assistance block grant proposal. This is money for weatherization—

The SPEAKER. Will the gentleman yield for a moment?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman yield to me just for a moment to ask the Speaker a favor, I guess? I will not even call it a parliamentary inquiry.

Mr. Speaker, there is some question in the minds of the leadership over here as to whether or not we should or should not have a caucus on this. I would appreciate it if for a matter of a few minutes you would cease debating so that we might just walk the aisles and get the general feeling of our caucus as to whether or not we should retire to the caucus room.

The SPEAKER. The House will stand at ease.

Mr. RYAN. Thank you, Mr. Speaker.

The SPEAKER. The House will come to order.

The Chair recognizes the gentleman from Beaver, Mr. Laughlin. Mr. Laughlin, you are recognized and you may continue your explanation of the committee of conference report.

Mr. LAUGHLIN. Mr. Speaker, could I ask the minority leader a question?

The SPEAKER. The gentleman will stand for interrogation. You may proceed.

Mr. LAUGHLIN. Did you find out if we have sufficient votes over there, Mr. Speaker, to pass it?

Mr. RYAN. I rather suspect that you can pass it, but you will never override a veto if the Governor would be inclined to veto it.

Mr. LAUGHLIN. I would hope there would be no veto, Mr. Minority Leader.

Mr. RYAN. Well, let us hear what you have to say and we will tell you what we will do.

The SPEAKER. You may continue, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, in addition to what I had already mentioned of the \$1,320,000, there is also a section in the bill dealing with new levels at which income will be earned and the program will be kicked in when the State funds become available. Those income levels are \$7,470 for one person; \$10,080 for two; \$12,000 for three; \$14,000 for four; \$16,000 for 5; and for a family of six, \$18,000. Under no circumstances, Mr. Speaker, in accordance with the wishes of a number of those who supported this particular reconciliation of the differences between the House and the Senate, did we agree on every issue. However, it was the very best, we thought, that we could get under the circumstances.

Mr. Speaker, it opens up for application until after April 5 of 1985 or 45 days from the date of signing. What that means is our people will have opportunity to sign up for the program after it goes into effect so that they will not be cut off and in fact they will have a date certain on which their applications will be accepted.

Mr. Speaker, there is also a sum of \$3 million, or as much thereof as may be necessary, which is appropriated for the low-income energy assistance block grant, and that is to go to the Department of Public Welfare for the fiscal year July 1, 1984, to June 30 of 1985. There is a sum of \$16,655,000, or as much as may be necessary, which is appropriated from the Federal low-income energy assistance block grant to the Department of Public Welfare for the same period of July 1, 1984, to June of 1985 to cover the costs of low-income families and individuals. The sum of \$1 million, or as much thereof as may be necessary, is hereby appropriated to the Federal Oil Overcharge Settlements, OOS, to the Department of Public Welfare for the same fiscal year to cover those low-income families. Under section 5, the amount of \$4,400,000, or as much as necessary, is appropriated to the Public Welfare Department, and this is as a supplement to the public assistance transportation block grant, and the initials for that is

PATBG. The sum of \$2,700,000, or as much thereof as may be necessary, of the Federal medical assistance funds is hereby appropriated to the Department of Public Welfare for fiscal year July 1, 1984, to June of 1985 as a supplemental Federal appropriation to provide transportation to eligible public assistance recipients to commute to appointed locations and receive required medical service. These sums are appropriated, Mr. Speaker, and this act shall take effect immediately.

That is the report of the conference committee, Mr. Speaker, and I certainly urge concurrence.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

Did I understand the gentleman, Mr. Laughlin, to indicate that there would be 11 million Pennsylvania tax dollars used in the program in addition to the 20-some million dollars that he enumerated as far as the heat assistance program is concerned?

The SPEAKER. Mr. Laughlin, you may answer.

Mr. LAUGHLIN. Mr. Speaker, I am certain the gentleman was in attendance at the meeting and can speak for himself with regard to his understanding of that statement.

Mr. HAYES. No. My question was, did you mention that?

Mr. LAUGHLIN. Mr. Speaker, I think you listened to my speech very deliberately and I think you know what I mentioned.

Mr. HAYES. Whatever the gentleman means, there are 11 million Pennsylvania tax dollars added to the already available but not appropriated 20 million Federal dollars for the heating assistance program. Could the gentleman, Mr. Laughlin—and he has had this question before—explain to the House of Representatives, what is magic about 11 million Pennsylvania tax dollars? How did you arrive at \$11 million?

Mr. LAUGHLIN. Well, Mr. Speaker, I think I will answer you the same way that Senator Stauffer answered you in the conference committee, and that was, he said, that it is a figure that he believes will arrive at a final payment of those who will be applying after the reopening of the program or a portion thereof of that \$11 million. I am sure, Mr. Speaker, and I know that you remember your voluntary remarks on this floor, that in the event those Federal funds are not sufficient to take care of the needs of this program, all that is needed is for the members of this House to say so and you will certainly support additional moneys if needed.

Mr. HAYES. Mr. Speaker, would the gentleman please indicate what grant level figure was used in these mythical computations?

Mr. LAUGHLIN. Mr. Speaker, you seem to be asking rhetorical questions over and over again when you were a party to that particular meeting. Now, if you have something to impart to the members of this House, I would suggest, Mr. Speaker, you do so; the hour is getting late.

Mr. HAYES. Mr. Speaker, I asked the gentleman to give an explanation to the House of Representatives as to what grant figure was used in their computations. Now, that seems like a reasonable question, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, I believe you have stated on a number of occasions that when a member of the House knows those figures, there is no need for him to make any inquiry under interrogation of another member. Mr. Speaker, you were at the meeting; you know what took place. I would suggest you give your membership the opportunity to hear what you have to say with regard to that meeting.

Mr. HAYES. Mr. Speaker, the gentleman was more than happy to tell as much of the story as he wanted to tell, but he does not want to tell the membership here what mythical figure they used to figure out why \$11 million. I wanted to know whether the gentleman had the courage or not to explain to his fellow members what grant level was used to multiply fictitious numbers by in order to come up with \$11 million. Now, the figure happened to be \$319. The reason he does not want to tell the membership it was \$319 is because he knows, once the information was presented to him—it was not through his own research—that the average grant figure has declined steadily but surely since September, and it is lower today than the \$319 average figure, which is an aggregate average of all months put together, which tells you this about the program: Those in greatest need received their grants early on in the application period commencing in September last fall. As you get closer to this day, February 1985, those applicants on the average were people with lesser needs.

Now, I am suggesting to you that they used hocus-pocus numbers in order to come up with \$11 million. Their rationale is not arithmetic; their rationale is just let us grab as much as we can in the spirit of compromise and see if we can get the House to agree to it. That is what came out of the conference committee. That is why Mr. Laughlin does not want to provide the information. He went through a whole litany of numbers—did he not?—but he does not want to talk about how he came up with those numbers.

Mr. LAUGHLIN. Mr. Speaker, I am not aware that the gentleman had concluded his interrogation one way or the other on his remarks. I do not know if that was a question or a statement of fact.

The SPEAKER. Let me see if we can clear the atmosphere.

Does the gentleman, Mr. Hayes, wish to continue the interrogation?

Mr. HAYES. Not at this time.

The SPEAKER. The Chair thanks the gentleman.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

The SPEAKER. Mr. Laughlin, do you wish to speak for the second time?

Mr. LAUGHLIN. No, Mr. Speaker. I will gladly yield to the majority leader. He seems to be willing to address the subject.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Hayes, asked how the computation was made to arrive at \$11 million in State moneys. Everyone should understand that in addition to the \$11 million in State moneys, there will be an additional \$3 million in Federal moneys that will fund new applications—that will fund new applications.

In the months of December and January, the Department of Welfare has indicated to us that the average application load in a 2-week period was 16,000 applications. Based on 16,000 applications in a 2-week period and allowing applications to be submitted for an additional 45 days, which would be roughly three 2-week periods, we are anticipating that there may well be 48,000 new applications. And with 48,000 new applications at an average grant level of approximately \$300, you are talking about \$16 million. We have not appropriated \$16 million; we have appropriated \$14 million. The discussion centered around in the first 2-week period, they would be advertising and gearing up and probably not receive the full 16,000 applications. Now, if that does not answer your question, ask another one.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. I think what we have before us, Mr. Speaker, is a piece of legislation that has been crafted not based upon arithmetic facts but rather in a way to assure that tax dollars are expended somehow, some way, which is typical of the program last year. That is what this game is all about, Mr. Speaker. *The numbers, the program criteria, et cetera, have somehow been compromised not arithmetically but in a way, should we say politically, so that we can be sure that we spend more money than has been necessary to date for the heating assistance program, and that is shabby management when it comes down to how we best represent the Pennsylvania taxpayer. Thank you, Mr. Speaker.*

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Hayes, consent to interrogation?

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

Mr. MANDERINO. Mr. Speaker, did you ask for an arithmetical explanation of how we arrived at the number of State dollars that we put in this bill? Did you ask for that?

Mr. HAYES. Yes; I asked—

Mr. MANDERINO. Did I stand here for 5 minutes giving it to you?

Mr. HAYES. You were not at the conference committee meeting, Mr. Speaker.

Mr. MANDERINO. Did I stand here for 5 minutes telling you how the number was arrived at?

Mr. HAYES. Mr. Speaker, you stood there espousing a set of numbers. You sat there the other day doing it and last week, and, Mr. Speaker, I must tell you, you are ill prepared.

Mr. MANDERINO. I am not ill prepared. Let us go through it again, Mr. Speaker - 45 days; 16,000 applications in a 2-week period averaged in January and December; \$300 per application as an average; 48,000 applications in the three 2-week periods; 3 times 48,000, you will come out with about \$16 million. It was cut to \$14 million because there would be some period of time that we would have to advertise that applications are open again. That is arithmetical. Maybe you ought to go back to school.

The SPEAKER. The Chair recognizes the gentleman, Mr. Laughlin, for the second time on the committee of conference report.

Mr. LAUGHLIN. Mr. Speaker, I am not going to belabor the issue. I am only going to say this, that I do not object to the whip from the other side of the aisle attempting to save face on a tragic mistake in his accounting or on his misconception of where the votes are, as where the need of this House places that need for people who need help in this State. There are Republicans and Democrats as well who know the need, and I am sure that that is going to be reflected in the vote. I do not take any umbrage at Mr. Hayes' harangue and his discourse usually aimed at merely placing fault or in some way distorting the facts of the situation. I only say that there are other days, there are other battles; maybe Mr. Hayes will be more fortunate.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, on the committee of conference report.

Mr. RICHARDSON. Mr. Speaker, I would just like to interrogate Mr. Ryan.

The SPEAKER. Mr. Ryan indicates he will stand for interrogation. You may proceed.

Mr. RICHARDSON. Mr. Speaker, if SB 267, the conference committee report, were to pass today and we were to assume or find out at the end of the 45-day period that has been extended within this piece of legislation that in fact enough money was not appropriated to take care of those persons within the Commonwealth who in fact were eligible and needed assistance, would your offer still stand that you would make sure that you would be one of those persons voting to make sure that money would be there to take care of those persons who actually needed it?

Mr. RYAN. Boy, that was a long question. I think I heard you.

I will continue that offer if you will agree in the spirit in which I gave the offer, and that was, pass a \$20-million bill. I will withdraw my offer if you are going to run a \$31-million bill. Now, do you want to join with me in a \$20-million bill?

Mr. RICHARDSON. I am asking the questions at this point. What I would like to say—

Mr. RYAN. I gave you the answer, Mr. Speaker.

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

I would like to be recognized to speak on the bill.

The SPEAKER. You are so recognized.

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

I rise to support SB 267, this conference committee report. As I indicated earlier during this debate on this whole energy assistance legislation, the most important thing that we need to recognize is the fact that while I am not happy with what we have done with the compromise, at least it is a starting ground to allow those persons within this Commonwealth an opportunity to be able to at least get some energy assistance who have not gotten it as of yet, and not through crisis but through the LIHEAP program.

Secondly, I want to say that I hope Mr. Ryan does not change his mind. He did not offer any particular degree of compromise when he said that if the money does in fact run

out that he would be the first to vote for it to take care of those persons. I hope that when the money does run out and we are back here on the floor of this House of Representatives that his offer will still stand the same.

I think the compromise from \$25 million down to \$11 million and \$3 million, which is \$14 million, certainly that is less than \$25 million, and also it is less than \$20 million. Also, it gives people the opportunity to know that at least somebody cares for them and that we are not dealing in a situation where we are just going to turn our backs on those who we know really need the assistance. There has been a drop in the poverty level; there has been a drop in the eligibility level in terms of the amounts of dollars being received, that \$25,000 down to \$18,000, that clearly indicates that there has been some art of compromise to come to this level, and while we may not agree with it in toto, at least it allows us the opportunity to say that we have come to the table to try to work out the best solution so that people do not feel that we are not trying to do what is best for them.

I think with that, Mr. Speaker, we have gone the best route that we possibly could have, and I would advise and ask those of you in the House of Representatives, my colleagues, to vote "yes" on SB 267, the conference committee report.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

I apologize to the gentleman, Mr. Richardson. I really could not understand a word that he said. I heard my name mentioned a couple of times, and I even have one of these little squawk boxes on my desk and I still could not understand the gentleman. I got the gist of what he was saying, though, and I do not think he understood what I had said to him, from what I gathered.

Simply stated, as far as I am concerned, Mr. Richardson, if this thing passes, do not come back to me. I am going to vote "no" on this anyway. The spirit in which I earlier offered my assistance in the future was in connection with using the Federal moneys and not tapping into the moneys of the people of this Commonwealth, the State funds. You know, it is a terrible temptation, Mr. Speaker, for us having seen this big \$180-million, \$190-million surplus, there is this terrible temptation to go in and raid it time after time.

Now, I made certain commitments here the day the Governor gave his budget address to us, and I think the one commitment I made—and I did not hear anybody go to the press and disavow it on their own behalf—I made a commitment that if it is at all humanly possible, I would work and work hard to return to the taxpayers, for a change, of Pennsylvania some of the surplus that we have, and that is a commitment I want to live with. I said the other day and believe today that the extra money that was provided in this bill as it originally came from the Senate was adequate to meet the needs of those who were in need of fuel oil or heat.

The idea—I am distressed as I read what criteria you have to meet to qualify. I cannot believe that a family with an income of \$17,000 or \$18,000 cannot pay their oil bill occasionally or cannot meet this without our aid.

Mr. Richardson, if you want to debate with me, then I think you should ask me to yield. Do not stand on the floor and yell at me. And I do not yield.

A \$21,000 income level, I believe, probably covers 60 or 70 percent of the working families of Pennsylvania. I could be wrong on that, and I am making that number up. I did not get it from any statistician, but I am guessing that that is probably pretty close, that the average working families of Pennsylvania make less than—I am saying 50 or 60 percent of the working families in Pennsylvania—make less than \$21,000 is my guess, and I would be happy to be corrected. Maybe it is higher; I do not know.

This is not a total welfare State. I did not realize, as I stood before this floor the other day, that our level up until this conference committee report was \$21,000, I think, or \$20,000, and this report reduced it a little bit. I am really amazed, and I do not know how that got by me earlier that people making \$20,000 a year can go in and ask as almost a matter of right, as I understand it, for this \$300 allotment.

No; it is \$18,000 under this, but I understood that the earlier law was \$20,000 or \$21,000 before this came out. I understand that this particular bill that you have, Mr. Kukovich, is \$18,000.

I see that half the people of this Commonwealth qualify. This is not the crisis money that I am talking about; this is the money, as I understand it, where application is made and a check is sent for \$300. Now, I understand they have to say that they are out of oil, but I am bothered by it, and I wish I knew a lot more about it. I thought I had learned something about it these past couple of days, but evidently not enough to convince me, as the Senate was apparently convinced, that we should spend an additional \$25 million, as was requested earlier, of our State money. This conference committee report has \$11 million of State money in it, I understand.

I am going to vote "no." I am going to hope that the Governor, who has the right, as you probably know, and if you do not know, I will remind you: the Governor, of course, has the right under an appropriation bill to not just veto the entire bill, but the Governor has the right to cut this present conference committee report, assuming it is adopted, from the \$31 million back. I would urge him to think seriously about doing it. And I am going to put a "no" vote up on the board to say to the Governor, in effect, if you want to do that, I do not want you to veto the whole thing, but if you want to line-item some of that State money out of there, my "no" vote is saying to you, Governor, that I will work to sustain that veto.

I think that it is important that the people of Pennsylvania not freeze, and I do not for a minute believe that any one of them will. We have been assured this time and time again, and I am voting "no."

I feel sure that my friend over here, Mr. Manderino, is going to correct some of my statistics. That is why I quickly disavowed any expertise as a statistician. I would like to know, however, what percentage of working families earn \$21,000 or more. I think that would be an interesting statistic, if we could get that.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Ryan, does have a clever way of using figures that he then says he does not really understand, but he makes very effective arguments from the figures he uses, if they told the whole story. Now, it is really immaterial, Mr. Ryan, what percentage of the families of Pennsylvania make more than \$21,000 a year. What is material is what percentage of Pennsylvania's families making \$20,000 a year have eight children in the family, because that is how many children you need in the family in order to qualify for heating assistance if you are making \$20,000, and that would be a very small percentage of the population of Pennsylvania, I am sure.

Mr. Speaker, be that as it may, those guidelines we did not set for the State moneys. Those guidelines were set by the Federal Government for the Federal funds that were sent to Pennsylvania to be distributed in the energy assistance program, and we, of course, like all the other States, I imagine, followed the Federal guidelines and distributed the money or set up the mechanism to distribute the money. The guidelines we have now have a cap at \$18,000, but that cap also takes into account that no one making \$18,000 can receive assistance unless there are at least six children in the household plus the head of the household. So we are not throwing the money away; we are not giving it to people who can afford to get along without the fuel assistance.

Mr. Stauffer, who negotiated for the Senate, I understand, thought that the compromise was a decent compromise. It passed the Senate unanimously. I think we ought to do at least nearly as well in the House.

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

Mr. FOSTER. Thank you, Mr. Speaker.

It has been suggested on the other side of the aisle that on another day we might have more success in this matter, and I think that is undeniably true. After the Governor vetoes this bill, we will have greater success on this side, because I am confident that there are enough people of conviction to sustain such a veto. A couple of sessions ago we adopted welfare reform in this General Assembly, and almost immediately last session we had an effort from the other side that amounted to farewell reform. We put down that effort, and we did it because enough members of this House had the guts to stand behind the Governor and back his veto.

As to the amounts of money that are allocated here, I would just like to augment a bit what Mr. Ryan said when he talked about the categories. I am talking about a category of two people. My parents are at the moment sitting home comfortably in a heated home with the bills paid for, and they do not come anywhere close to a \$10,000-a-year income, but they are sitting home comfortably tonight while we are up here arguing on this subject. And I guess maybe the reason is, they can handle money a little bit better than the Democratic Caucus.

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

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

Unfortunately, I am so sorry that Mr. Ryan could not hear and that something is wrong with the microphones on the other side that he was unable to hear the comments made by myself earlier when we indicated to him that we thought that it would probably be better for him maybe to go check out a person who lives in an area where they are having a problem with heating, and then perhaps maybe he might understand the problem. There is a difference between a person who walks in the shoes of one who is less fortunate and those who do not have to walk in the shoes of those who are less fortunate because they are already receiving heat. But I can guarantee him that there are persons within this Commonwealth whom he might not have been able to check out throughout our 67 counties that would indicate that there is in fact a problem.

Secondly, I would say to you that if you want to check out the problems concerning those persons who are senior citizens who are unlike Representative Foster's parents, there are a number of them who also fall into that category, and not half of the persons within this Commonwealth of Pennsylvania are in fact receiving \$25,000 income and are eligible to be on this program within the Commonwealth of Pennsylvania. That is not true. Those who are eligible are only those who fall within the 150 percentile of poverty, and that ceiling was set at \$25,000. Then they moved to compromise in this bill from 150 percent of that poverty level down to 125 percent of poverty, and those persons now eligible have changed considerably.

But even in that change, and even though you are advocating to send a message to the Governor to ask him to veto it, I raise the same question again. If the program is open and a person has an opportunity to apply under the eligibility standards that are set up, why are we denying them the right and the opportunity to receive the assistance that they need? Under crisis only—and unfortunately, no one wants to listen to it, but we repeated it over and over and over again—it only can be used when the gas is cut off, when the electric is cut off, when the oil burner is broken down, or when there is no other available way for them to get heat in their homes. Then the crisis funds are used, not through the LIHEAP funds. And you keep trying to confuse the members of this House by saying that it is the LIHEAP funds that are being used in these crisis events, and that is not true. It is to be used to be applied against the bills, because unfortunately nobody wants to talk about it, but the rates of the electric and the gas are so high and have increased on a continuing basis that those persons have not looked to see that those individuals who received the same income 3 and 4 years ago are still making the same income and have seen an increase in gas and electric and other utilities which has not allowed them the opportunity to catch up with the cost of living. So therefore, there is no way that they can also pay their rent and also buy food to eat. There is a question about whether or not we should heat or eat in many homes in Pennsylvania. And if he is unfamiliar with those persons or homes, I am willing to take him to any number of persons, not only in the Philadelphia area in the Common-

wealth of Pennsylvania but anywhere else in this Commonwealth where there are persons, whether it is in a rural area or urban settings, where that is in fact a reality.

Finally, in conclusion, I would like to say this: If there is an appeal that can be made to those who are more compassionate to realize that one day, one day it may be you who is sitting in this same situation as those who are on the outside whom we fought for, that perhaps maybe you could recognize in some small way that you see fit to help those persons who cannot help themselves. And if I have to die on the floor of this House by making speeches to demonstrate that there are persons who in fact are in need, I can guarantee you we can open up this application screening process tomorrow and there will be thousands of people standing in lines all across this Commonwealth to receive the assistance that is there available for them, and I would hope that you would not deny them that opportunity.

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

Mr. COHEN. Mr. Speaker, I would just like to answer Mr. Ryan's questions about what the average income in the Commonwealth of Pennsylvania is. We can check the exact figures tomorrow, but I am pretty confident that the average family in this Commonwealth earns over \$25,000 a year. Inflation has gone up greatly. The figures are shockingly high if you compare what the average income was 5 or 10 years ago. The average family has four people. The average per capita income in the average family is about \$6,000 per person per year. The average family here with six or more persons earning \$18,000 a year has an average per capita income of \$3,000; that is half the average family income. These people are probably in the lower 25 or 30 percent of the average family income in Pennsylvania. These are needy people; we ought to pass this bill.

The SPEAKER. Those in favor of adopting the committee of conference report will vote "aye"; those opposed will vote "no."

On the question recurring,

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

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

YEAS—130

Acosta	Deal	Levin	Rybak
Afflerbach	Dombrowski	Linton	Saloom
Angstadt	Donatucci	Livengood	Semmel
Baldwin	Duffy	Lloyd	Serafini
Barber	Durham	Lucyk	Seventy
Battisto	Evans	McCall	Showers
Belardi	Fattah	McHale	Snyder, D. W.
Belfanti	Fee	McVerry	Staback
Blaum	Fischer	Maiale	Stairs
Book	Fox	Manderino	Steighner
Bortner	Freeman	Markosek	Stewart
Bowley	Fryer	Mayernik	Stuban
Broujos	Gallagher	Michlovic	Sweet
Burns	Gamble	Miller	Taylor, F. E.
Caltagirone	Gannon	Morris	Taylor, J. J.
Cappabianca	George	Mrkonic	Telek
Carn	Gruitza	Murphy	Tigue
Cawley	Gruppo	O'Donnell	Trello

Cessar	Haluska	Olasz	Truman
Cimini	Harper	Oliver	Van Horne
Clark	Hasay	Petrarca	Veon
Cohen	Howlett	Petrone	Wambach
Colafella	Itkin	Pievsky	Wass
Cole	Jarolin	Pistella	Weston
Cordisco	Josephs	Pratt	Wiggins
Coslett	Kasunic	Pressmann	Wozniak
Cowell	Kenney	Preston	Wright, D. R.
Coy	Kosinski	Punt	Wright, J. L.
DeLuca	Kukovich	Raymond	Wright, R. C.
DeWeese	Laughlin	Reber	Yandrisevits
Daley	Lescovitz	Richardson	
Davies	Letterman	Rieger	Irvis,
Dawida	Levdansky	Rudy	Speaker

NAYS—69

Argall	Dininni	Jackson	Pitts
Arty	Distler	Kennedy	Pott
Barley	Dorr	Langtry	Reinard
Birmelin	Fargo	Lashingier	Robbins
Black	Flick	McClatchy	Ryan
Bowser	Foster, Jr., A.	Mackowski	Saurman
Boyes	Freind	Manmiller	Scheetz
Brandt	Gallen	Merry	Schuler
Bunt	Geist	Micozzie	Sirianni
Burd	Gladeck	Moehlmann	Smith, B.
Bush	Godshall	Mowery	Smith, L. E.
Carlson	Greenwood	Nahill	Snyder, G. M.
Chadwick	Hagarty	Noye	Stevens
Civera	Hayes	O'Brien	Swift
Clymer	Herman	Perzel	Taylor, E. Z.
Cornell	Hershey	Phillips	Vroon
DeVerter	Honaman	Piccola	Wilson
Dietz			

NOT VOTING—2

Johnson Wogan

EXCUSED—2

Hutchinson Williams

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. The gentleman from Allegheny, Mr. Clark, wishes to correct the record.

Mr. CLARK. Thank you, Mr. Speaker.

On the Gamble amendment to HB 18, A0206, I wish to be recorded in the negative.

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

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

Mr. DEAL. Mr. Speaker, on HB 18 my switch did not work properly. I wish to be recorded in the negative.

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

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

Mr. PETRARCA. On the Gamble amendment to HB 18, A0206, Mr. Speaker, I would like to be recorded in the negative.

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

The Chair recognizes the gentleman from Montgomery, Mr. Fox.

Mr. FOX. Mr. Speaker, my switch operated incorrectly on amendment A216 to SB 129. It showed "aye" and should be recorded as "nay," and on amendment A217 to SB 129 it should be recorded as "aye." Thank you, Mr. Speaker.

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

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

Mr. WOGAN. Thank you, Mr. Speaker.

On SB 267 my switch was not operating, apparently. I would like to be recorded in the negative on the conference report.

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

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

Mr. JOHNSON. Mr. Speaker, on the conference report on SB 267 I would like to be recorded in the negative, please.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 299 By Representatives LLOYD, KUKOVICH, OLIVER, TIGUE, DAWIDA, BOOK, J. L. WRIGHT, HALUSKA, FREEMAN, TRELLO, HERMAN, AFFLERBACH, CLARK, ACOSTA, PRESTON and PERZEL

An Act regulating motor vehicle rustproofing; and providing penalties.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 300 By Representatives MAIALE and HOWLETT

An Act making an appropriation to the City of Philadelphia for the 1985-1986 fiscal year for additional police officers.

Referred to Committee on APPROPRIATIONS, February 13, 1985.

No. 301 By Representatives HALUSKA, CAPPABIANCA, F. E. TAYLOR, DORR, DUFFY, D. R. WRIGHT, LIVENGOOD, FEE, POTT, MORRIS, DeWEESE, J. L. WRIGHT, GRUPPO, NAHILL, LLOYD, BELFANTI, PRATT, KOSINSKI, MERRY, FARGO, MARKOSEK, JACKSON, STUBAN, PETRARCA, HERMAN, TIGUE, ANGSTADT, DeLUCA, JAROLIN, PERZEL, KUKOVICH, DALEY, McCALL, BOYES,

STAIRS, COY, VAN HORNE, CAWLEY, AFFLERBACH, GEIST, RUDY, BELARDI, SEVENTY, CIVERA, LASHINGER, BOOK, JOHNSON, TRELLO, WOGAN, MICOZZIE, PUNT, COLAFELLA, TELEK, COHEN, D. W. SNYDER, LUCYK, PISTELLA and FISCHER

An Act providing a loan program for small business in the Commonwealth.

Referred to Committee on BUSINESS AND COMMERCE, February 13, 1985.

No. 302 By Representatives HALUSKA, F. E. TAYLOR, POTT, D. R. WRIGHT, DUFFY, LLOYD, AFFLERBACH, LIVENGOOD, COWELL, FEE, MORRIS, NOYE, J. L. WRIGHT, BUSH, NAHILL, BELFANTI, KOSINSKI, MERRY, FARGO, MARKOSEK, JACKSON, STUBAN, PETRARCA, TIGUE, ANGSTADT, DeLUCA, PERZEL, KUKOVICH, DALEY, COY, VAN HORNE, CAWLEY, JAROLIN, DAWIDA, GEIST, BELARDI, SEVENTY, BATTISTO, LASHINGER, KASUNIC, BOOK, JOHNSON, TRELLO, PRATT, WOGAN, COLAFELLA, TELEK, COHEN, PISTELLA, FISCHER, CARN and STAIRS

An Act providing for the Pennsylvania Product Development Corporation; and making an appropriation.

Referred to Committee on BUSINESS AND COMMERCE, February 13, 1985.

No. 303 By Representatives PICCOLA, LEVIN and HAGARTY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a Judicial Qualifications Commission and judicial appointments by the Governor.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 304 By Representative PICCOLA

An Act amending the act of May 16, 1921 (P. L. 579, No. 262), entitled, as reenacted and amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth, seventh and eighth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," deleting the judge of the court of common pleas, the district attorney and the sheriff from the board of inspectors of the jail or county prison.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 305 By Representatives BURNS and GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "public School Code of 1949," further providing for the return of funds received for building site costs.

Referred to Committee on EDUCATION, February 13, 1985.

No. 306 By Representatives D. R. WRIGHT, ITKIN, GALLAGHER, HALUSKA, LETTERMAN, OLIVER, DEAL, BELARDI, STABACK, SHOWERS, PETRARCA, COLAFELLA, WAMBACH, TRELLO, RYBAK and J. L. WRIGHT

An Act requiring the Department of General Services to place the official portrait of all former Governors and Lieutenant Governors in an appropriate place in the State Capitol.

Referred to Committee on STATE GOVERNMENT, February 13, 1985.

No. 307 By Representatives D. R. WRIGHT, PRATT, IRVIS, F. E. TAYLOR, VAN HORNE, BATTISTO, HALUSKA, CAPPABIANCA, KUKOVICH, MORRIS, DeWEESE, TRELLO, OLASZ, STABACK, JOSEPHS, J. L. WRIGHT and MICOZZIE

An Act imposing a moratorium on the construction and operation of private prisons; and charging the Department of Corrections with the responsibility to conduct an investigation of private prisons.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 308 By Representatives D. R. WRIGHT, IRVIS, STEWART, F. E. TAYLOR, DeWEESE, GALLAGHER, TIGUE, VAN HORNE, MICHLOVIC, BELARDI, BATTISTO, OLASZ, J. L. WRIGHT, JOHNSON, ARTY, MICOZZIE and CAPPABIANCA

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," permitting a representative of a local teachers' bargaining unit to sit on the affected school board as a nonvoting member.

Referred to Committee on EDUCATION, February 13, 1985.

No. 309 By Representatives CLYMER, BURNS, ROBBINS, J. L. WRIGHT, BELFANTI, DeLUCA, TRELLO, BUNT, JOHNSON, BIRMELIN, E. Z. TAYLOR, MERRY, SEMMEL, BELARDI, BOWSER, MICOZZIE, REBER, PETRARCA, LASHINGER, MACKOWSKI and BURD

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for exclusions from sales tax.

Referred to Committee on FINANCE, February 13, 1985.

No. 310 By Representatives BURNS, GREENWOOD and REINARD

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for payments to school districts to cover a portion of the costs to control or eliminate the health problems posed by the presence of asbestos in public schools.

Referred to Committee on EDUCATION, February 13, 1985.

No. 311 By Representatives BURNS and GREENWOOD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for adjustment of rates in certain circumstances.

Referred to Committee on CONSUMER AFFAIRS, February 13, 1985.

No. 312 By Representatives BURNS, GREENWOOD and REINARD

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the terms of the supervisors.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 313 By Representatives BURNS and GREENWOOD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for management audits to be performed by the commission of certain utilities.

Referred to Committee on CONSUMER AFFAIRS, February 13, 1985.

No. 314 By Representative BURNS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for polygraph tests.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 315 By Representatives RUDY, COY, SHOWERS, STUBAN, WOZNIAK, AFFLERBACH, BELFANTI and HALUSKA

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," repealing occupation taxes based on a percentage or millage basis; repealing per capita taxes; and making editorial changes and repeals.

Referred to Committee on FINANCE, February 13, 1985.

No. 316 By Representatives REINARD, GALLAGHER, J. L. WRIGHT, CORDISCO, CLYMER, GREENWOOD, GAMBLE, WOZNIAK, NAHILL, GEIST, CIVERA, AFFLERBACH, CAWLEY, SCHULER, DeLUCA, PETRARCA,

BOOK, SCHEETZ, BUSH, HERMAN, HERSHEY, TIGUE, NAHILL, WOGAN, LASHINGER, FLICK, NOYE, MICOZZIE, GODSHALL, FISCHER, FARGO, COLAFELLA, LAUGHLIN, HALUSKA, COY, E. Z. TAYLOR, TRELLO, ARTY, MERRY, SEMMEL, POTT, B. SMITH, RAYMOND, PRESTON, TELEK, DORR, D. W. SNYDER, BELARDI, COWELL, PRATT, MRKONIC, JOHNSON, CIMINI, DISTLER, ROBBINS and BURNS

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), known as the "State Highway Law," authorizing municipalities to perform certain work on State highways within municipal boundaries; and authorizing certain reimbursements.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 317 By Representatives LINTON, HUTCHINSON, OLIVER, PRATT, KOSINSKI, COHEN, HALUSKA, PETRARCA, TIGUE, ANGSTADT, PERZEL, KUKOVICH, VAN HORNE, FATTAH, NOYE, AFFLERBACH, HARPER, REBER, STABACK, TRELLO, LAUGHLIN, CIMINI, R. C. WRIGHT, COLAFELLA, LEVIN, TRUMAN, MICHLOVIC, CARN and FOX

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the assigned risk plan.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 318 By Representatives LINTON, MRKONIC, CLARK, REINARD, MOEHLMANN, KOSINSKI, DONATUCCI, KUKOVICH, CIVERA, OLIVER, DEAL, PRATT, BIRMELIN, PETRONE, MORRIS, BOWSER, SEVENTY, HAGARTY, TRUMAN, BOOK, NAHILL, TRELLO, WILSON, ITKIN, B. SMITH, ARTY, MICOZZIE, COLAFELLA, LEVIN, SIRIANNI, GRUPPO, CARN, GANNON, RYBAK and FREEMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for physicians' verification of applicants for handicapped plate.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 319 By Representatives E. Z. TAYLOR, COY, BOOK, HERSHEY, AFFLERBACH, HALUSKA, JAROLIN, ANGSTADT, BUNT, MILLER, HERMAN, SEVENTY, BOYES, GREENWOOD, WOGAN, TELEK, J. L. WRIGHT, JOHNSON, FLICK, NOYE, NAHILL, PRATT,

G. M. SNYDER, ARGALL, ARTY, TRELLO, MICOZZIE, KASUNIC, DEAL, B. SMITH, MRKONIC, MORRIS, PETRARCA, CIVERA, REBER, CIMINI and WASS

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," increasing eligibility for tax rebates and inflation dividends.

Referred to Committee on FINANCE, February 13, 1985.

No. 320 By Representatives E. Z. TAYLOR, HALUSKA, HERSHEY, MORRIS, AFFLERBACH, ANGSTADT, BATTISTO, HERMAN, SEVENTY, GREENWOOD, WOGAN, TELEK, J. L. WRIGHT, REBER, CIMINI, JOHNSON, ITKIN, NOYE, G. M. SNYDER, ARTY, TRELLO, COY, MICOZZIE, KASUNIC, DEAL, B. SMITH, PETRARCA, CIVERA and WASS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of injuring or tampering with fire apparatus by prohibiting obstruction or interference with the operation of fire apparatus or emergency vehicles.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 321 By Representatives E. Z. TAYLOR, GREENWOOD, AFFLERBACH, FLICK, SEVENTY, HERSHEY, J. L. WRIGHT, ARTY, TRELLO, MORRIS, PETRARCA, REBER, JOHNSON and WASS

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding capital gains of certain persons from income.

Referred to Committee on FINANCE, February 13, 1985.

No. 322 By Representatives E. Z. TAYLOR, BATTISTO, ARTY, HERMAN, AFFLERBACH, HALUSKA, HARPER, BOOK, BUNT, MILLER, BELFANTI, FATTAH, SEVENTY, GREENWOOD, KUKOVICH, TELEK, HERSHEY, J. L. WRIGHT, ITKIN, PRESTON, TRELLO, MICOZZIE, DEAL, MORRIS, PETRARCA, CIVERA and WASS

An Act amending the "Public School Code of 1949," (P. L. 30, No. 14), further prohibiting the use of standardized college entrance aptitude tests as factors for the admission of individuals having dyslexia.

Referred to Committee on EDUCATION, February 13, 1985.

No. 323 By Representatives E. Z. TAYLOR, ITKIN, J. L. WRIGHT, NOYE, AFFLERBACH, BUNT, BATTISTO, HERMAN, SEVENTY, GREENWOOD, KUKOVICH,

HERSHEY, LASHINGER, PRATT,
ARTY, TRELLO, MICOZZIE, B. SMITH,
GEIST, MORRIS, PETRARCA, CIVERA,
REBER, CIMINI and WASS

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for an exclusion from tax.

Referred to Committee on FINANCE, February 13, 1985.

No. 324 By Representatives MURPHY, LEVIN,
AFFLERBACH, GODSHALL, HALUSKA,
SEVENTY, MORRIS, NOYE, LLOYD,
TRELLO, VAN HORNE, E. Z. TAYLOR,
COHEN, D. W. SNYDER, ITKIN,
HERMAN, FLICK, FARGO, CIVERA,
DAWIDA, COLAFELLA, SEMMEL,
LINTON, BELARDI, PISTELLA, PRATT,
MERRY, PRESTON, KASUNIC and
OLASZ

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), known as the "Real Estate Licensing and Registration Act," further providing for civil penalties, escrow accounts, for the regulation of promotional land sales and for certain disclosures.

Referred to Committee on PROFESSIONAL LICENSURE, February 13, 1985.

No. 325 By Representatives DAWIDA,
J. L. WRIGHT, DeWEESE, KOSINSKI,
PRATT, MARKOSEK, MRKONIC,
HALUSKA, RYBAK, PETRARCA,
DALEY, CIVERA, KUKOVICH,
VAN HORNE, McVERRY, CORNELL,
BLAUM, MORRIS, GEIST, BOYES,
BELARDI, REBER, KASUNIC,
LASHINGER, SEVENTY, MAYERNIK,
TRELLO, B. SMITH, MICOZZIE,
OLASZ, E. Z. TAYLOR, PRESSMANN,
ITKIN, COY, TELEK and BURD

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding from the sales and use tax the sale of fire safety devices.

Referred to Committee on FINANCE, February 13, 1985.

No. 326 By Representatives DAWIDA,
J. L. WRIGHT, KOSINSKI, PRATT,
MARKOSEK, HALUSKA, RYBAK,
PETRARCA, DALEY, KUKOVICH,
VAN HORNE, CORNELL, BLAUM,
MORRIS, GEIST, BOYES, LASHINGER,
SEVENTY, TRELLO, MICOZZIE,
OLASZ, E. Z. TAYLOR, ITKIN, COY,
TELEK and BURD

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," excluding from assessment for real property tax purposes certain fire safety devices and systems.

Referred to Committee on FINANCE, February 13, 1985.

No. 327 By Representatives DAWIDA,
J. L. WRIGHT, PRATT, MARKOSEK,
HALUSKA, RYBAK, PETRARCA,
DALEY, KUKOVICH, VAN HORNE,
CORNELL, BLAUM, MORRIS, GEIST,
LASHINGER, SEVENTY, TRELLO,
MICOZZIE, OLASZ, E. Z. TAYLOR,
ITKIN, COY, TELEK and BURD

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," excluding from assessment for real property tax purposes certain fire safety devices and systems.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 328 By Representatives BLAUM, TIGUE,
JAROLIN, HASAY, GREENWOOD,
POTT, DAWIDA, BALDWIN,
AFFLERBACH, MORRIS, BUNT,
TRELLO, GAMBLE and McCALL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the use of final offer binding arbitration procedures between certain public employees and their public employers.

Referred to Committee on LABOR RELATIONS, February 13, 1985.

No. 329 By Representatives FREEMAN, MRKONIC,
GRUPPO, RYBAK, HERMAN,
KOSINSKI, DALEY, MORRIS, STAIRS,
FATTAH, COY, CORNELL, KASUNIC,
LAUGHLIN, LASHINGER, PISTELLA,
MICOZZIE, PETRARCA, CIMINI,
COLAFELLA, WILSON, TRELLO,
COHEN, PRESTON, BURD, BORTNER,
LEVDANSKY, CAWLEY, JAROLIN and
WAMBACH

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," reducing the copayment amount.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 330 By Representatives FREEMAN,
J. L. WRIGHT, MRKONIC, GRUPPO,
RYBAK, KUKOVICH, McHALE,
PRESSMANN, KOSINSKI, ANGSTADT,
E. Z. TAYLOR, DALEY, MORRIS,
STAIRS, BATTISTO, McCALL,
BALDWIN, CORNELL, BLAUM,
DeLUCA, LAUGHLIN, LASHINGER,
ROBBINS, MICOZZIE, WOZNIAK,
LINTON, PETRARCA, CIMINI,
SHOWERS, WILSON, TRELLO, COHEN,
PRESTON, HASAY, BURD, CARN,
BORTNER, LEVDANSKY, CAWLEY,
BELARDI, JAROLIN and WAMBACH

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for prescription benefits.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 331 By Representatives FREEMAN, J. L. WRIGHT, MRKONIC, GRUPPO, RYBAK, McHALE, AFFLERBACH, PRESSMANN, HERMAN, KOSINSKI, DALEY, MORRIS, STAIRS, FATTAH, BATTISTO, COY, BALDWIN, CORNELL, BLAUM, DISTLER, BELFANTI, DeLUCA, KASUNIC, LASHINGER, McVERRY, PISTELLA, MICOZZIE, WOZNIAK, LINTON, PETRARCA, STEWART, CIMINI, WILSON, TRELLO, COHEN, PRESTON, HASAY, BURD, CARN, BORTNER, LEVDANSKY, CAWLEY, JAROLIN and WAMBACH

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the determination of eligibility.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 332 By Representatives FREEMAN, MRKONIC, KUKOVICH, LEVIN, McHALE, PRESSMANN, KOSINSKI, DALEY, MORRIS, STAIRS, BATTISTO, CORNELL, DISTLER, LASHINGER, McVERRY, MICOZZIE, CIMINI, SHOWERS, WILSON, TRELLO, COHEN, PRESTON, BURD, BORTNER, LEVDANSKY, JAROLIN and WAMBACH

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," providing for mail order delivery from certain pharmacies.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 333 By Representatives FREEMAN, J. L. WRIGHT, MRKONIC, RYBAK, McHALE, PRESSMANN, HERMAN, KOSINSKI, DALEY, MORRIS, STAIRS, BATTISTO, CORNELL, LAUGHLIN, LASHINGER, PISTELLA, MICOZZIE, CIMINI, WILSON, TRELLO, COHEN, PRESTON, BURD, CARN, BORTNER, LEVDANSKY, CAWLEY, JAROLIN and WAMBACH

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," providing for prescription records.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 334 By Representatives J. L. WRIGHT, AFFLERBACH, KASUNIC, LASHINGER, E. Z. TAYLOR, HERMAN, BOOK, PERZEL, GEIST, ARTY, PETRARCA, MICOZZIE, DAWIDA, CIMINI, GREENWOOD, BOWSER, JOHNSON, TRELLO, SIRIANNI, COHEN and GRUPPO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring school buses to stop at all railroad crossings.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 335 By Representatives J. L. WRIGHT, AFFLERBACH, LASHINGER, E. Z. TAYLOR, HERMAN, PERZEL, SWEET, ARTY, PETRARCA, DAWIDA, GREENWOOD, POTT, BOWSER, VROON, REBER, MERRY, PRATT, TRELLO, SIRIANNI, COHEN and GRUPPO

An Act amending the act of December 21, 1973 (P. L. 425, No. 148), referred to as the "Municipal Environmental Advisory Council Law," further providing for the establishment of environmental advisory councils.

Referred to Committee on CONSERVATION, February 13, 1985.

No. 336 By Representatives J. L. WRIGHT, PETRARCA, AFFLERBACH, LASHINGER, HERMAN, PERZEL, SWEET, GEIST, ARTY, DAWIDA, GREENWOOD, BOWSER, VROON, ITKIN, NOYE, MERRY, PRATT, TRELLO and COHEN

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for appointments to the Energy Development Authority.

Referred to Committee on MINES AND ENERGY MANAGEMENT, February 13, 1985.

No. 337 By Representatives J. L. WRIGHT, AFFLERBACH, LASHINGER, E. Z. TAYLOR, PERZEL, SWEET, GEIST, ARTY, PETRARCA, DAWIDA, LUCYK, GREENWOOD, BOWSER, JOHNSON, FREEMAN, VROON, REBER, ITKIN, BIRMELIN, PRATT, TRELLO, COHEN, WOZNIAK, KUKOVICH, MICHLOVIC, LETTERMAN and HERMAN

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the definition of "project."

Referred to Committee on MINES AND ENERGY MANAGEMENT, February 13, 1985.

No. 338 By Representatives SWEET and PICCOLA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offenses relating to theft, fraudulent use and forgery of payment devices; further providing for municipal regulation of firearms and ammunition; and defining the offense of unlawful duplication of keys.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 339 By Representatives BURNS and J. L. WRIGHT

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," exempting the Commonwealth and its political subdivisions from the requirement that coverage be provided by the fund or an insurance company.

Referred to Committee on LABOR RELATIONS, February 13, 1985.

No. 340 By Representatives BURNS and J. L. WRIGHT

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," creating a civil service commission in certain townships; and further providing for the powers and duties of supervisors.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 341 By Representatives BURNS, CLYMER and J. L. WRIGHT

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the powers, privileges and immunities of military or security police of the Pennsylvania National Guard.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, February 13, 1985.

No. 342 By Representatives BURNS, CLYMER, GREENWOOD and J. L. WRIGHT

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," providing for an energy credit.

Referred to Committee on FINANCE, February 13, 1985.

No. 343 By Representatives BURNS, CLYMER, GREENWOOD and J. L. WRIGHT

An Act amending the act of April 30, 1943 (P. L. 145, No. 73), entitled, as amended, "An act providing for and regulating the accumulation, investment and expenditure by counties, cities, boroughs, incorporated towns, townships and school districts of funds for post war projects," providing for the compilation of certain lists of capital projects by school boards.

Referred to Committee on EDUCATION, February 13, 1985.

No. 344 By Representatives BURNS and J. L. WRIGHT

An Act amending the act of July 8, 1947 (P. L. 1428, No. 552), known as the "Private Business School Law," further providing for the definition of "private business school"; and defining "branch facility."

Referred to Committee on EDUCATION, February 13, 1985.

No. 345 By Representatives BURNS, GREENWOOD and J. L. WRIGHT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, granting the commission power to designate economic incentive areas.

Referred to Committee on CONSUMER AFFAIRS, February 13, 1985.

No. 346 By Representatives BURNS, J. L. WRIGHT and GREENWOOD

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," providing for hemodialysis services.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 347 By Representatives TRELLO, WILSON, SEVENTY, VAN HORNE, MAYERNIK, PRESTON, BUNT, FARGO, LEVIN, CARN, PETRONE and E. Z. TAYLOR

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," decreasing the rate of personal income tax.

Referred to Committee on FINANCE, February 13, 1985.

No. 348 By Representatives LETTERMAN, SCHEETZ, LLOYD, DISTLER, OLASZ, BOWLEY, RUDY, McCALL, STABACK, GRUITZA, PETRONE, LIVENGOOD, SEVENTY, MAYERNIK, LEVDANSKY, SHOWERS, GRUPPO, GODSHALL, SALOOM, BURD, MANDERINO, MARKOSEK and DeWEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation and regulation of multipurpose agricultural vehicles; providing for the registration and regulation of certain all-terrain vehicles; and imposing powers and duties on the Department of Environmental Resources.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 349 By Representatives HAGARTY, REBER, PICCOLA and SWEET

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for subsequent convictions of certain offenses.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 350 By Representatives LESCOVITZ, HAGARTY, SWEET, PRATT, COLAFELLA and PICCOLA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, authorizing probable cause arrests in certain cases of domestic violence.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 351 By Representatives PETRARCA, MANDERINO, SALOOM, HUTCHINSON, STUBAN, OLASZ, BELFANTI, GEIST, PHILLIPS, NOYE, BALDWIN, LIVENGOOD, BOWLEY, COLAFELLA, SWEET, LESCOVITZ, McCALL, STABACK, RYAN, BOOK, STAIRS, HAYES, VAN HORNE, DeLUCA, STEWART, RICHARDSON, COLE, EVANS, DONATUCCI, TRUMAN, DAVIES, BURD, CIMINI, McCLATCHY, POTT, PUNT, GRUITZA, KUKOVICH, LAUGHLIN and YANDRISEVITS

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," excluding all property owned by nonprofit fire companies, ambulance companies and rescue squads.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 352 By Representatives PETRARCA, MANDERINO, SALOOM, HUTCHINSON, STUBAN, OLASZ, BELFANTI, GEIST, PHILLIPS, NOYE, BALDWIN, LIVENGOOD, BOWLEY, COLAFELLA, SWEET, LESCOVITZ, McCALL, STABACK, RYAN, BOOK, STAIRS, HAYES, VAN HORNE, BORTNER, DeLUCA, STEWART, RICHARDSON, COLE, EVANS, RIEGER, DONATUCCI, TRUMAN, DAVIES, BURD, CIMINI, McCLATCHY, POTT, PUNT, GRUITZA and KUKOVICH

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," exempting all property owned by nonprofit fire companies, ambulance companies and rescue squads.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 353 By Representatives PETRARCA, MANDERINO, SALOOM, HUTCHINSON, STUBAN, OLASZ, GEIST, PHILLIPS, NOYE, BALDWIN, LIVENGOOD, BOWLEY, COLAFELLA, LESCOVITZ, McCALL, YANDRISEVITS, VAN HORNE, GRUITZA, KUKOVICH, RYAN, DeLUCA, STEWART, RICHARDSON, COLE, EVANS, TRUMAN, RIEGER, DONATUCCI, POTT, BOOK, BURD, DAVIES, STAIRS, CIMINI, McCLATCHY, PUNT and HAYES

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," exempting property and buildings owned by nonprofit fire companies, ambulance companies and rescue squads.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 354 By Representatives O'DONNELL, LASHINGER, ITKIN, J. L. WRIGHT, JOHNSON, MARKOSEK, BATTISTO, REBER, KOSINSKI, McVERRY, E. Z. TAYLOR, POTT, MAIALE, HOWLETT, PERZEL, FATTAH and BUNT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, permitting compensation to judicial officers for performing marriage ceremonies.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 355 By Representatives McCLATCHY, PITTS, HAGARTY, FLICK, AFFLERBACH, ARTY, WASS, KASUNIC, E. Z. TAYLOR, NAHILL, BATTISTO, PERZEL, BURNS, SAURMAN, GEIST, STAIRS, MICOZZIE, SCHEETZ, L. E. SMITH, CIMINI, PHILLIPS, GREENWOOD, BIRMELIN, MERRY, OLASZ, JOHNSON, CLYMER, HONAMAN, NOYE, HERMAN, SIRIANNI, VROON, TRELLO, LANGTRY, D. W. SNYDER, LASHINGER, WOZNIAK, DeLUCA, GRUPPO, COLAFELLA, PETRONE and LETTERMAN

An Act providing for child support and for minimum mandatory support; allowing for financial hardship; and providing for shared custody.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 356 By Representatives RICHARDSON, MILLER, IRVIS, FREEMAN, PRESTON, DEAL, J. L. WRIGHT, FATTAH, WAMBACH, HARPER, ANGSTADT, DALEY, GEIST, PISTELLA, COHEN, PRESSMANN, CARN, KUKOVICH, GAMBLE, TRUMAN, AFFLERBACH, TIGUE, WOZNIAK, O'DONNELL, McHALE, DeLUCA, HALUSKA, BOOK, DALEY, PERZEL, MORRIS, ARTY, PETRONE and FOX

An Act providing authority for urban homesteading and the procedure for establishing an urban homesteading program; expanding local government's authority in dealing with urban blight and decay; and providing exclusions from certain statutes.

Referred to Committee on URBAN AFFAIRS, February 13, 1985.

- No. 357** By Representatives LAUGHLIN, FISCHER, TRELLO, IRVIS, MANDERINO, WAMBACH, OLIVER, LESCOVITZ, CLARK, LEVDANSKY, FEE, WOZNIAK, MICHLOVIC, MRKONIC, VAN HORNE, PRATT, PETRARCA, COWELL, STABACK, HALUSKA, BELFANTI, RYBAK, MORRIS, STEWART, DALEY, ITKIN, DEAL, SWEET, STEIGHNER, CESSAR, BATTISTO, STUBAN, DeWEESE, McCALL, TIGUE, MERRY, TELEK, DAWIDA, JAROLIN, LETTERMAN, GEORGE, BLAUM, McHALE, BELARDI, CAWLEY, DOMBROWSKI, BURD, VEON, KASUNIC and COLAFELLA
- An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," creating the Bureau for Economically Disadvantaged Municipalities in the Department of Community Affairs; and providing for its powers and duties.
- Referred to Committee on STATE GOVERNMENT, February 13, 1985.
- No. 358** By Representatives LAUGHLIN, IRVIS, MANDERINO, OLIVER, FISCHER, WAMBACH, CLARK, LESCOVITZ, DOMBROWSKI, LEVDANSKY, FEE, WOZNIAK, MICHLOVIC, MRKONIC, VAN HORNE, PRATT, TRELLO, PETRARCA, COWELL, STABACK, HALUSKA, BELFANTI, GEORGE, STEWART, RYBAK, DALEY, ITKIN, DEAL, SWEET, STEIGHNER, CESSAR, BATTISTO, STUBAN, DeWEESE, McCALL, BLAUM, TIGUE, MERRY, TELEK, BLAUM, CAWLEY, VEON, BELARDI, McHALE, COLAFELLA, KASUNIC, LETTERMAN, MORRIS, DAWIDA and JAROLIN
- An Act providing a procedure whereby economically disadvantaged municipalities may participate in State-funded programs requiring shared funding when they are unable to provide their share of the funds.
- Referred to Committee on STATE GOVERNMENT, February 13, 1985.
- No. 359** By Representatives HERMAN, PRATT, KOSINSKI, NOYE, LETTERMAN, HALUSKA, SEMMEL, REINARD, BATTISTO, FLICK, MORRIS, HERSHEY, PERZEL, MERRY, ARTY, JOHNSON, TRELLO, E. Z. TAYLOR, FOX and MACKOWSKI
- An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the use of voter registration lists for prospective jurors; and authorizing the use of lists of persons who have valid driver's licenses.
- Referred to Committee on JUDICIARY, February 13, 1985.
- No. 360** By Representatives HERMAN, TRELLO, CORNELL, GODSHALL, ITKIN, NOYE, MORRIS, E. Z. TAYLOR, HALUSKA, SEMMEL, REINARD, McVERRY, ANGSTADT, MERRY, GEIST, DORR, FLICK, BURD, POTT, BOWSER, PETRARCA, DEAL and DISTLER
- An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," changing the definition of "tangible personal property."
- Referred to Committee on FINANCE, February 13, 1985.
- No. 361** By Representatives DeLUCA, MICOZZIE, KASUNIC, GEIST, PETRARCA, COHEN, MORRIS, TRELLO, VAN HORNE, WOGAN, B. SMITH, BLAUM, MICHLOVIC, ITKIN, FARGO, DAWIDA, COLAFELLA, McVERRY, BELARDI, PRATT and PISTELLA
- An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," authorizing governing bodies to establish periods during which interest and penalties on earned income taxes will be waived if the taxes are paid in full.
- Referred to Committee on FINANCE, February 13, 1985.
- No. 362** By Representatives AFFLERBACH, RYBAK, YANDRISEVITS, TRELLO, PRATT, PISTELLA, DUFFY, PETRONE, FISCHER, FARGO, MERRY, KOSINSKI, JAROLIN, PETRARCA, PRESSMANN and SEMMEL
- An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for declarations of estimated tax in relation to the personal income tax.
- Referred to Committee on FINANCE, February 13, 1985.
- No. 363** By Representatives GEORGE, FEE, BLAUM, LUCYK, REBER, J. L. WRIGHT, MRKONIC, TIGUE, BELFANTI, WIGGINS, MORRIS, NAHILL, PRATT, CIVERA, CAWLEY, SWEET, BALDWIN, DISTLER, ARTY, GANNON, KASUNIC, TRELLO, F. E. TAYLOR, PERZEL, LINTON, BELARDI, MICOZZIE, RUDY and CARN
- An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for eligible claimants.
- Referred to Committee on HEALTH AND WELFARE, February 13, 1985.
- No. 364** By Representatives GEORGE, DeWEESE, J. L. WRIGHT, FEE, BELFANTI, HALUSKA, L. E. SMITH, STABACK,

CAWLEY, FARGO, TRELLO, KUKOVICH, SHOWERS, F. E. TAYLOR, HERMAN, LINTON, BELARDI, STEWART, ANGSTADT, WASS, OLASZ, BATTISTO, WOZNIAK, COY, JAROLIN, BLAUM and LUCYK

An Act providing procedures for the expenditure of moneys in coal-producing counties.

Referred to Committee on CONSERVATION, February 13, 1985.

No. 365 By Representatives GEORGE, JAROLIN, WOZNIAK, FREEMAN, SHOWERS, LUCYK, COY, STEWART, MICHLOVIC, LEVDANSKY, BLAUM, GREENWOOD, STEIGHNER, DeWEESE, FEE, ITKIN, MORRIS, PRATT, STABACK, CAWLEY, TRELLO, LINTON, J. L. WRIGHT, WIGGINS, HALUSKA, G. M. SNYDER, F. E. TAYLOR, ANGSTADT and BATTISTO

An Act requiring the Department of Environmental Resources to publish and advertise the text of certain consent agreements and orders and make copies of such orders and agreements available at regional offices.

Referred to Committee on CONSERVATION, February 13, 1985.

No. 366 By Representatives GEORGE, SHOWERS, FEE, KUKOVICH, J. L. WRIGHT, PRATT, STABACK, CAWLEY, DISTLER, ARTY, TRELLO, DeWEESE, F. E. TAYLOR, LINTON, BELARDI and MICOZZIE

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further defining "prescription drug" to include ostomy supplies.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 367 By Representatives GEORGE, MANDERINO, D. R. WRIGHT, IRVIS, JAROLIN, WOZNIAK, STEIGHNER, RYBAK, MORRIS, BALDWIN, LINTON, TRELLO, FEE, BELFANTI, LIVENGOOD, FREEMAN, CAWLEY, STABACK, STEWART, LUCYK, COY, HASAY, CIMINI, CLYMER, BOWLEY, BROUJOS, FRYER, WAMBACH, LEVDANSKY, MRKONIC, ACOSTA, CIVERA, LLOYD, DALEY, STEVENS, GALLAGHER, TIGUE, KUKOVICH, CLARK, SALOOM, PUNT, McCALL, E. Z. TAYLOR, BELARDI, MAIALE, HOWLETT, G. M. SNYDER, F. E. TAYLOR, CAPPABIANCA,

HALUSKA, DeLUCA, KASUNIC, DUFFY, PRESTON, ANGSTADT, SAURMAN, B. SMITH, PRATT, CALTAGIRONE, GRUITZA, BARBER, JOSEPHS, WIGGINS, OLASZ, STUBAN, COLE, TRUMAN, TELEK, PISTELLA, PETRONE, DISTLER, VEON, CORDISCO, MICOZZIE, HARPER and DONATUCCI

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for the approval of permits and licenses and for the power and duties of municipalities; requiring a fee for emergency groundwater contamination plans; and further providing for search warrants.

Referred to Committee on CONSERVATION, February 13, 1985.

No. 368 By Representatives CORDISCO, DALEY, GALLAGHER, PETRARCA, BOOK, HALUSKA, ANGSTADT, HERMAN, TELEK, WILSON, KUKOVICH, J. L. WRIGHT, JOHNSON, BUSH, PRESTON, ARTY, COY, LUCYK, TRELLO, KASUNIC, DEAL, DISTLER, BELARDI, E. Z. TAYLOR and ROBBINS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain appointments by the Adjutant General.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, February 13, 1985.

No. 369 By Representatives JACKSON, CAWLEY, MOEHLMANN, GALLEN, GEORGE, BOYES, HALUSKA, CIMINI, TELEK, SCHULER, SCHEETZ, FOX, CIVERA, WASS, CHADWICK, DININNI, MERRY, PICCOLA, MANMILLER, DAVIES, MACKOWSKI, DIETZ, LETTERMAN, MARKOSEK, WAMBACH, SWIFT, ROBBINS, FARGO, MILLER, BARLEY, CARLSON, BUSH, BRANDT, PUNT, STAIRS, BOWSER, B. SMITH, HAYES, NOYE and KENNEDY

An Act authorizing the Secretary of General Services to reimburse volunteer fire, ambulance and rescue companies who respond to fires or other emergencies on State-owned property; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, February 13, 1985.

No. 370 By Representatives DeWEESE, BROUJOS, BELFANTI, CIMINI, BUNT, CALTAGIRONE, BATTISTO, McCALL, MRKONIC, BELARDI, BOWLEY, YANDRISEVITS and LESCOVITZ

An Act requiring the superintendent of every public school district to make available, upon request, lists of graduating seniors to armed forces recruiters; and providing a penalty for the misuse of any such lists.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, February 13, 1985.

No. 371 By Representatives EVANS, BARBER, JOSEPHS, CARN, OLIVER, DONATUCCI, TRUMAN, KUKOVICH, LEVIN, HARPER and O'DONNELL

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for registration of family day care providers.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 372 By Representatives OLASZ, LETTERMAN, NOYE, CLARK, MARKOSEK, LIVENGOOD, BELFANTI, GEIST, TELEK, VAN HORNE, KASUNIC, SEVENTY, DALEY, CALTAGIRONE, BELARDI, COLAFELLA, SCHEETZ, HASAY, GODSHALL, BOOK, DeWEESE, CESSAR, STUBAN, MRKONIC, FEE, GAMBLE, LUCYK, CAPPABIANCA, COSLETT, MACKOWSKI, DIETZ, PHILLIPS, GRUPPO, DeLUCA, HAYES, GEORGE, CAWLEY, McCALL, REINARD, HASAY, G. M. SNYDER, TRELLO, SALOOM, PETRARCA, WOZNIAK, HERMAN, WASS, GRUITZA and A. C. FOSTER, JR.

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for municipal regulation of firearms and ammunition.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 373 By Representatives GRUPPO, FREEMAN, LLOYD, TELEK, ARGALL, D. R. WRIGHT, MICHLOVIC, BATTISTO, SALOOM, YANDRISEVITS and CIMINI

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," prohibiting the issuance of a permit for sludge dumping in certain municipalities.

Referred to Committee on CONSERVATION, February 13, 1985.

No. 374 By Representatives GRUPPO, SEMMEL, ARGALL, MERRY and FREEMAN

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for absentee ballots.

Referred to Committee on STATE GOVERNMENT, February 13, 1985.

No. 375

By Representatives REINARD, KUKOVICH, GEORGE, CORDISCO, J. L. WRIGHT, COY, VROON, SCHEETZ, LLOYD, NAHILL, GREENWOOD, COLAFELLA, BOOK, ANGSTADT, MERRY, SAURMAN, GALLAGHER, CIVERA, HALUSKA, TRELLO, BURNS, ARTY, FISCHER, HERMAN, BELFANTI, G. M. SNYDER, SEMMEL, AFFLERBACH, CLARK, B. SMITH, MORRIS, McVERRY, PRESTON, DORR, PRATT, NOYE, D. W. SNYDER, BALDWIN, BELARDI, RAYMOND, HERSHEY, E. Z. TAYLOR, SIRIANNI and STEVENS

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring the Department of Environmental Resources to give notice to municipalities of orders for abatement of nuisances.

Referred to Committee on CONSERVATION, February 13, 1985.

No. 376

By Representatives REINARD, WILSON, TRELLO, ITKIN, BATTISTO, J. L. WRIGHT, COHEN, GREENWOOD, VROON, AFFLERBACH, BOWSER, WAMBACH, SCHEETZ, FLICK, MILLER, GODSHALL, MOWERY, KUKOVICH, COLAFELLA, SHOWERS, BOOK, ANGSTADT, CIVERA, RYBAK, JACKSON, GEIST, BOYES, COY, SAURMAN, GALLAGHER, PRESSMANN, BURNS, REBER, SCHULER, ARTY, FISCHER, HAGARTY, HERMAN, BELFANTI, CLYMER, CHADWICK, HALUSKA, STEVENS, WOZNIAK, B. SMITH, MICHLOVIC, CARLSON, MORRIS, McVERRY, BURD, ACOSTA, BALDWIN, BELARDI, DAWIDA, GRUPPO, MAYERNIK, PRATT, DIETZ, MRKONIC, JOHNSON, HERSHEY, CIMINI, BARBER, ROBBINS, SIRIANNI, FOX, KASUNIC, OLASZ and SEMMEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for preparation and examination of applicants for drivers' licenses regarding the effects of alcohol and drug use on highway safety.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 377

By Representatives REINARD, GEIST, TRELLO, NOYE, SWEET, AFFLERBACH, ITKIN, HALUSKA, MERRY, PRATT, ACOSTA, DeLUCA, DEAL, B. SMITH, LINTON, REBER, E. Z. TAYLOR, GANNON, HAGARTY,

J. L. WRIGHT, WOGAN, HERMAN,
ARTY, BELARDI, ANGSTADT,
ARGALL, ROBBINS and STABACK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for notice of certain penalties for participants in the alcohol highway safety program.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 378 By Representatives SAURMAN, ROBBINS, PITTS, HERMAN, J. L. WRIGHT, NAHILL, HALUSKA, HERSHEY, MERRY, MICOZZIE, PHILLIPS, REBER, COLAFELLA, BUNT, PETRARCA, B. SMITH, DISTLER, CORDISCO, NOYE, WOGAN, CIMINI, E. Z. TAYLOR, PERZEL, DeLUCA and GLADECK

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for an exclusion from the sales and use tax.

Referred to Committee on FINANCE, February 13, 1985.

No. 379 By Representative GRUPPO

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," granting authority to regulate the dumping of sludge.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 380 By Representatives REINARD, MRKONIC, HALUSKA, D. W. SNYDER, MAIALE, ANGSTADT, SCHEETZ, FISCHER, SEMMEL, HERSHEY, BOOK and ARGALL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for concurrence of three-fifths of all members of each House for the passage of measures imposing new taxes or license fees.

Referred to Committee on STATE GOVERNMENT, February 13, 1985.

No. 381 By Representatives FLICK, COHEN, J. L. WRIGHT, WOGAN, NOYE, PITTS, BOWSER, GEIST, DISTLER, GODSHALL, LASHINGER and LAUGHLIN

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), referred to as the "Loan Interest and Protection Law," further providing for the legal rate of interest.

Referred to Committee on BUSINESS AND COMMERCE, February 13, 1985.

No. 382 By Representatives FLICK, COHEN, DORR, J. L. WRIGHT, WOGAN, LINTON, E. Z. TAYLOR, NOYE, PITTS, BOWSER, GEIST, DISTLER, GODSHALL, LASHINGER, POTT and LAUGHLIN

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further defining "Commonwealth agency" for purposes of imposing interest penalties on certain accounts.

Referred to Committee on BUSINESS AND COMMERCE, February 13, 1985.

No. 383 By Representatives STEWART, PIEVSKY and DeWEESE

A Supplement to the act of July 3, 1984 (P. L. 583, No. 117), entitled "An act providing for the capital budget for the fiscal year 1984-1985," itemizing public improvement projects, furniture and equipment projects, transportation assistance projects and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs; stating the estimated useful life of the projects; and making appropriations.

Referred to Committee on APPROPRIATIONS, February 13, 1985.

No. 384 By Representatives STEWART, PIEVSKY and DeWEESE

A Supplement to the act of July 3, 1984 (P. L. 583, No. 117), entitled "An act providing for the capital budget for the fiscal year 1984-1985," itemizing public highway projects to be constructed by the Department of Transportation, together with the estimated financial costs; authorizing the incurring of debt without the approval of the electors 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 appropriations.

Referred to Committee on APPROPRIATIONS, February 13, 1985.

No. 385 By Representatives STEWART, PIEVSKY and DeWEESE

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," deleting a bridge project in Allegheny County; and adding bridge projects in various counties.

Referred to Committee on APPROPRIATIONS, February 13, 1985.

No. 386 By Representative FISCHER
(BY REQUEST)

An Act declaring and adopting the song "Pennsylvania State Song," lyrics and music by August R. Eisert and Jerome Hahn, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, February 13, 1985.

No. 387 By Representatives HERSHEY, MORRIS, SIRIANNI, COLE, BOWSER, FEE, SCHULER, J. L. WRIGHT, VROON,

BUSH, PRATT, BARLEY, MERRY, FARGO, CLYMER, DAWIDA, PETRARCA, HERMAN, ANGSTADT, PERZEL, COY, PITTS, G. M. SNYDER, GEIST, GODSHALL, JOHNSON, FLICK, SHOWERS, COLAFELLA, SAURMAN, FOX, E. Z. TAYLOR, D. W. SNYDER, BURD, FISCHER, BOYES, BATTISTO and RUDY

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), known as the "Pennsylvania Industrial Development Authority Act," further providing for the definition of "agricultural enterprise."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 13, 1985.

No. 388 By Representatives MURPHY, ITKIN, SEVENTY, O'DONNELL, MICHLOVIC, BOOK and IRVIS

An Act prohibiting steel-jawed leghold type animal traps; and providing a penalty.

Referred to Committee on GAME AND FISHERIES, February 13, 1985.

No. 389 By Representatives FOX, NAHILL, TRUMAN, O'DONNELL, SHOWERS, WIGGINS, KASUNIC, HERSHEY, BRANDT, KENNEY, RICHARDSON, RAYMOND, ANGSTADT, BOWLEY, SAURMAN, WASS, ARGALL, WAMBACH, HAYES, CIMINI, FREIND, GLADECK, DORR, SEMMEL, CHADWICK, MANMILLER, POTT, CAWLEY, MOEHLMANN, PICCOLA, RUDY, GEIST, CARLSON, BORTNER, LEVDANSKY, FISCHER, GODSHALL, RIEGER, LAUGHLIN, J. L. WRIGHT, FARGO, MRKONIC, MACKOWSKI, WOGAN, MILLER, MARKOSEK, HERMAN, KOSINSKI, CIVERA, PERZEL, KUKOVICH, STAIRS, DEAL, BLAUM, CORNELL, BOWSER, MORRIS, ARTY, CESSAR, DISTLER, JOSEPHS, J. J. TAYLOR, BUNT, McHALE, BELARDI, DeLUCA, REBER, LASHINGER, HAGARTY, TRELLO, ITKIN, MICOZZIE, TIGUE, DURHAM, KENNEDY, McCLATCHY, PHILLIPS, STEVENS, O'BRIEN, FLICK, WOZNIAK, HOWLETT, PRESSMANN, JAROLIN, STEIGHNER, DAWIDA, PISTELLA, PUNT, BLACK, BUSH, D. W. SNYDER, HALUSKA, PETRARCA, FREEMAN, COLAFELLA, E. Z. TAYLOR, WILSON, SIRIANNI, TELEK, COHEN, LANGTRY, HASAY, GREENWOOD, CLYMER, EVANS, DeVERTER, COSLETT,

GRUPPO, SWIFT, ACOSTA, BOOK, MOWERY, MAIALE, LINTON, VEON, NOYE, SCHEETZ, CARN, SWEET, VROON and JOHNSON

An Act establishing a Senior Citizens Telephone Reassurance Program; providing for grants; imposing duties on the Department of Aging; and making an appropriation.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 390 By Representatives SEVENTY, REBER, OLASZ and DORR

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining farming; further providing for the taxation on the sale of horses in certain circumstances; and exempting feed for horses.

Referred to Committee on FINANCE, February 13, 1985.

No. 391 By Representatives NOYE, PHILLIPS, COY, HERMAN, DININNI, WAMBACH and PRESTON

An Act amending the act of June 1, 1956 (1955 P. L. 1944, No. 655), referred to as the "Liquid Fuels Tax Municipal Allocation Law," providing for the use of allocated funds for mass transportation purposes.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 392 By Representatives NOYE, PHILLIPS, COY, HERMAN, DININNI, WAMBACH and PRESTON

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), known as "The Liquid Fuels Tax Act," providing for use of funds for mass transportation purposes.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 393 By Representatives PHILLIPS, TRELLO, HAYES, HERSHEY, SIRIANNI, ARTY, CESSAR, GODSHALL, HALUSKA, BELFANTI, MRKONIC, NAHILL, PITTS, BATTISTO, MERRY, GEIST, SHOWERS, TELEK, BIRMELIN, ANGSTADT, MICOZZIE, STABACK, MAYERNIK, REBER, SAURMAN, COLAFELLA, B. SMITH, VROON, BUNT, CLYMER, CIVERA, DISTLER, NOYE, CIMINI, JOHNSON, HERMAN, BARLEY, BELARDI and E. Z. TAYLOR

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the metering of electricity supplied to churches and other places of worship and volunteer fire companies.

Referred to Committee on CONSUMER AFFAIRS, February 13, 1985.

No. 394 By Representatives HASAY, GODSHALL and GEORGE

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," providing for the closing of landfills.

Referred to Committee on CONSERVATION, February 13, 1985.

No. 395 By Representatives COWELL, DAWIDA, LEVDANSKY, McVERRY, MARKOSEK, BOOK, DeLUCA, RUDY, LIVENGOOD, MAYERNIK, MICHLOVIC, GAMBLE, BROUJOS, BORTNER and STABACK

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," providing for limited annual appropriations for support of drug and alcohol abuse programs.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 396 By Representatives COWELL, DAWIDA, LEVDANSKY, McVERRY, BOOK, MARKOSEK, DeLUCA, RUDY, LIVENGOOD, MAYERNIK, GAMBLE, BROUJOS, BORTNER and STABACK

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," providing for limited annual appropriations for support of drug and alcohol abuse programs.

Referred to Committee on LOCAL GOVERNMENT, February 13, 1985.

No. 397 By Representative WESTON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring seat belts for school buses; and providing penalties.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 398 By Representatives HARPER, COHEN, ACOSTA, BARBER, DeWEESE, DEAL, FATTAH, JOSEPHS, CARN, OLIVER, DONATUCCI, STEWART, WOZNIAK, CAPPABIANCA and CAWLEY

An Act making an appropriation to the Office of Attorney General for the payment of certain moral claims against the Commonwealth.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 399 By Representatives FOX, NAHILL, KENNEY, GEIST, REBER, HERSHEY, PUNT, BUNT, HAGARTY, CORNELL, GLADECK, HASAY, GODSHALL, SEMMEL, O'BRIEN, WAMBACH, WOGAN and CHADWICK

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," increasing the household income levels for rebates and inflation dividends.

Referred to Committee on FINANCE, February 13, 1985.

No. 400 By Representatives D. W. SNYDER and HUTCHINSON

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding an additional State bridge project in Lehigh County.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 401 By Representatives HASAY, TRELLO and MRKONIC

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special plates for recipients of the Purple Heart.

Referred to Committee on TRANSPORTATION, February 13, 1985.

No. 402 By Representatives F. E. TAYLOR, L. E. SMITH, D. R. WRIGHT, RYAN, DOMBROWSKI, CALTAGIRONE, COY, BRANDT, COLE, DORR, TRELLO, AFFLERBACH, CESSAR, SEVENTY, SWEET, McVERRY, PICCOLA, DeVERTER, MOWERY, O'BRIEN, BURD, SIRIANNI, McCLATCHY, GLADECK, DUFFY, OLASZ, CLARK, MAIALE, MANMILLER, PRESTON, LESCOVITZ, HOWLETT, LANGTRY, NOYE, GALLEN, E. Z. TAYLOR, CORNELL, DAWIDA, GEIST, PISTELLA, KOSINSKI, LETTERMAN, VAN HORNE, DONATUCCI, KENNEDY, COSLETT, DISTLER and MACKOWSKI

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), known as the "Banking Code of 1965," providing for certain direct and indirect extensions of credit to individuals, partnerships and unincorporated associations; and authorizing direct extensions of credit to finance installment sales of goods and services to be made through sellers and contractors as intermediaries.

Referred to Committee on BUSINESS AND COMMERCE, February 13, 1985.

No. 403 By Representatives RICHARDSON, IRVIS, DeWEESE, R. C. WRIGHT, LEVIN, KUKOVICH, WAMBACH, MICHLOVIC, MURPHY, CIVERA, HALUSKA, DeLUCA, TIGUE, PRESTON, PISTELLA, LINTON, FATTAH, DAWIDA, OLIVER, GAMBLE, TRUMAN, DONATUCCI, CARN, JOSEPHS, WOZNIAK, STEWART and SWEET

An Act amending "The Support Law," approved June 24, 1937 (P. L. 2045, No. 397), providing that no lien shall be imposed against the real property of persons receiving assistance.

Referred to Committee on HEALTH AND WELFARE, February 13, 1985.

No. 404 By Representatives RICHARDSON, IRVIS, SWEET, DeWEESE, PRESTON, COLE, PISTELLA, LINTON, FATTAH, DAWIDA, OLIVER, MICHLOVIC, TRUMAN, DONATUCCI, CARN, STEWART and WOZNIAK

An Act establishing a comprehensive energy conservation services program designed to enable low-income and near-poor individuals and families to participate in energy assistance programs; providing for crisis intervention and outreach programs; and making appropriations.

Referred to Committee on URBAN AFFAIRS, February 13, 1985.

No. 405 By Representatives NOYE, MOEHLMANN, PRATT, DORR, LESCOVITZ, PHILLIPS and MOWERY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of theft of telecommunication service.

Referred to Committee on JUDICIARY, February 13, 1985.

No. 406 By Representatives NOYE, COY, WASS, CARLSON, DORR, SCHULER, BARLEY and STUBAN

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," providing for accountings to member institutions of the State System of Higher Education.

Referred to Committee on FINANCE, February 13, 1985.

No. 407 By Representatives CLYMER, TRELLO, ROBBINS, PITTS, POTT, J. L. WRIGHT, REINARD, GODSHALL, BELFANTI, NAHILL, McVERRY, TRELLO, BUNT, JOHNSON, WOGAN, MERRY, BIRMELIN, E. Z. TAYLOR, SEMMEL, DAWIDA, BELARDI, BOWSER, MICOZZIE, LASHINGER, MACKOWSKI, BATTISTO, MAIALE and HOWLETT

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining the term "compensation" for personal income tax purposes.

Referred to Committee on FINANCE, February 13, 1985.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 20 By Representative TRELLO

Establishing a Special Sub-committee on the Lottery.

Referred to Committee on RULES, February 13, 1985.

No. 21 By Representatives REBER, MORRIS, FRYER, GALLAGHER, GEORGE, BUNT,

SAURMAN, NAHILL, B. SMITH,
E. Z. TAYLOR and HERSHEY

Memorializing the United State Congress to amend the Nuclear Waste Policy Act of 1982 to incorporate time limits on the period of time that spent nuclear fuel rods could be stored onsite by a commercial operator.

Referred to Committee on RULES, February 13, 1985.

No. 22 By Representatives LETTERMAN, HALUSKA, LIVENGOOD, PETRARCA and PETRONE

Directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to study the viability of incineration and recycling of solid waste.

Referred to Committee on RULES, February 13, 1985.

No. 23
(Concurrent) By Representatives SALOOM, MANDERINO, IRVIS, PETRARCA, OLASZ, FEE, GEORGE, STUBAN, DOMBROWSKI, VEON, YANDRISEVITS, BORTNER, McCALL, PIEVSKY, D. R. WRIGHT, GALLAGHER, PRATT, LIVENGOOD, SHOWERS, DeWEESE, RUDY, COHEN, DALEY, KASUNIC, BLAUM, CAPPABIANCA, TIGUE, ACOSTA, HALUSKA, PRESSMANN, HARPER, LLOYD, BALDWIN, MORRIS, RICHARDSON, OLIVER, LINTON, MRKONIC, BELFANTI, LETTERMAN, BOWLEY, CLARK, O'DONNELL, HUTCHINSON, SEVENTY, DeLUCA, TRELLO, GAMBLE, VAN HORNE, JAROLIN, BROUJOS, CALTAGIRONE, BATTISTO, LUCYK, ITKIN, EVANS, WAMBACH, TRUMAN, RIEGER, DONATUCCI, JOSEPHS, KOSINSKI, McHALE and FREEMAN

Expressing the intent of the General Assembly relative to the resolution procedure used to extend the life of certain agencies subject to the Sunset Act.

Referred to Committee on RULES, February 13, 1985.

No. 24 By Representatives GEORGE, WOZNIAK, LIVENGOOD, STEIGHNER, COY, LUCYK, SAURMAN, REBER, HERSHEY, BOYES, BLAUM, FREEMAN, STEWART, JAROLIN, BOWLEY, LEVDANSKY, SHOWERS, MICHLOVIC and MURPHY

Directing the House Conservation Committee to conduct an in-depth study of low-level radioactive waste.

Referred to Committee on RULES, February 13, 1985.

No. 25 By Representatives PETRARCA, SALOOM, OLASZ, LAUGHLIN, O'DONNELL, TRELLO, STUBAN, BALDWIN, STAIRS, CIMINI, PETRONE, FISCHER,

LIVENGOOD, DeLUCA, PRESTON,
GEIST, KUKOVICH, TRUMAN,
DININNI, PISTELLA, CIVERA,
MICOZZIE, PRATT, COLAFELLA,
LESCOVITZ, STABACK, STEWART,
DOMBROWSKI, VEON, COY, BORTNER,
MACKOWSKI, MANMILLER, PICCOLA,
EVANS, DONATUCCI, DUFFY,
WILSON, LEVIN, SEVENTY, PIEVSKY,
ITKIN and YANDRISEVITS

Memorializing Congress to extend the provisions of Public Law 98-21 relating to unemployment compensation benefits.

Referred to Committee on RULES, February 13, 1985.

No. 28 By Representative WESTON

Congratulating Pennsylvania athletes who participated in the 1984 Olympic Games; and memorializing the Governor to set aside a day in recognition of the athletes.

Referred to Committee on RULES, February 13, 1985.

No. 29 By Representatives LAUGHLIN,
DOMBROWSKI, McCALL, TIGUE,
BLAUM, BELARDI, CAPPABIANCA,
DeWEESE, TRELLO, RYBAK, DAWIDA,
LEVDANSKY, STEWART, WOZNAK,
FREEMAN and COHEN

Directing the Speaker of the House of Representatives to appoint a special committee to investigate the financial difficulties and imminent liquidation of Ideal Mutual Insurance Company, and its impact upon Pennsylvania.

Referred to Committee on RULES, February 13, 1985.

SENATE BILL FOR CONCURRENCE

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

SB 83, PN 321

Referred to Committee on PROFESSIONAL LICENSURE, February 13, 1985.

ADDITIONS OF SPONSORS

The SPEAKER. The Speaker acknowledges receipt of additions filed by the majority leader, which the clerk will record and file.

The following list of additions was submitted:

HB 156, Cimini, Telek; HB 157, Cimini; HB 164, Robbins, Colafella; HB 199, Olasz; HB 204, Cimini, B. Smith, Reber; HB 213, Saurman; HB 219, Saurman; HB 230, Colafella; HB 241, Olasz; HB 243, Olasz; HB 244, Olasz; HB 268, Fischer, Sirianni, E. Z. Taylor; HB 301, Cordisco; HB 302, Cordisco; HR 17, E. Z. Taylor, Fischer.

BILL SIGNED BY SPEAKER

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

SB 267, PN 415

An Act making additional appropriations of Federal and State funds to the Department of Community Affairs and the Department of Public Welfare for the fiscal year 1984-1985.

ADJOURNMENT

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from Allegheny, Mr. Levdansky.

Mr. LEVDANSKY. Mr. Speaker, I move that this House do now adjourn until Monday, February 25, 1985, 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 8:09 p.m., e.s.t., the House adjourned.