

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 18, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 45

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Almighty God, Everlasting Father, and Ever Present Lord, as the highest of Thy creation, we pause before Thee in the fullness of Thy care and concern for each one of us. We humbly pray that in this hour Thou wilt especially hold these workmen of Thine in Thy loving and enriching fellowship. We beseech Thee to inspire them to be productive stewards of Thine, and we ask Thee to enable them to be living examples for Thee. In Thy blest name, and in the enduring praise, honor, and glory that is due Thee, forever and ever, world without end. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER, The Chair is informed that the Journal for Monday, June 17, 1985, is not yet in print. Therefore, without objection, and the Chair hears no objection thereto, the approval of the Journal will be postponed until the Journal is in print.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate, June 17, 1985

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 24, 1985 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, June 24, 1985 unless sooner recalled by the Speaker.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1433 By Representatives MRKONIC, DALEY, TIGUE, WILSON, KUKOVICH, CAWLEY, HALUSKA, McVERRY, MARKOSEK, COWELL and CALTAGIRONE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing initiative and referendum.

Referred to Committee on STATE GOVERNMENT, June 18, 1985.

No. 1434 By Representatives FLICK, ITKIN, SIRIANNI, RAYMOND, DISTLER, SCHEETZ and FOX

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code," providing for the giving of notices to additional persons.

Referred to Committee on LOCAL GOVERNMENT, June 18, 1985.

No. 1435 By Representatives FLICK, STABACK, JOHNSON, DeLUCA, GEIST, MORRIS, SEMMEL, DISTLER, FARGO, NAHILL, WOGAN, COY, GLADECK, D. W. SNYDER, FOX, E. Z. TAYLOR and LANGTRY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for veteran plates and registration fees.

Referred to Committee on TRANSPORTATION, June 18, 1985.

No. 1436 By Representatives FLICK, MORRIS, GEIST, DeLUCA, NOYE, COY, FOX, STABACK, POTT, JOHNSON, SEMMEL, DISTLER, BUNT, PETRARCA, GLADECK, E. Z. TAYLOR, J. TAYLOR and LANGTRY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for knowledge of certain violations.

Referred to Committee on TRANSPORTATION, June 18, 1985.

**No. 1437** By Representatives KASUNIC, DeLUCA, DALEY, MRKONIC, CIMINI, CORDISCO, JOHNSON, LUCYK, VEON, MARKOSEK, DeWEESE, BALDWIN, DIETZ, DURHAM, STABACK, HALUSKA, BLACK, BELFANTI, MAYERNIK, JACKSON, MANMILLER, VAN HORNE, JAROLIN, F. E. TAYLOR, STEIGHNER, FARGO, ROBBINS, SERAFINI, STAIRS, FISCHER, STUBAN, SWEET, MORRIS and DOMBROWSKI

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," creating a Department of Veterans' Affairs and defining its functions, powers and duties; transferring certain agencies to such department; and repealing inconsistent acts.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, June 18, 1985.

**No. 1438** By Representatives HONAMAN, PRATT, SWEET, MOEHLMANN and PICCOLA

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 disclosures of the zoning classification of property.

Referred to Committee on STATE GOVERNMENT, June 18, 1985.

**No. 1439** By Representatives CORDISCO, DALEY and GALLAGHER

An Act imposing limitations on political subdivision utilization of the power of eminent domain to acquire real estate or facilities outside political subdivision boundaries.

Referred to Committee on LOCAL GOVERNMENT, June 18, 1985.

**No. 1440** By Representatives PICCOLA, OLIVER, CESSAR, MANMILLER, HARPER, NOYE and WAMBACH

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), referred to as the "Board and Commission Compensation Law," increasing the maximum amount which may be paid annually to members of the State Civil Service Commission, allowing for payment of actual days worked.

Referred to Committee on STATE GOVERNMENT, June 18, 1985.

**No. 1441** By Representatives ITKIN, J. L. WRIGHT, PISTELLA, VROON, NOYE, VAN HORNE, CIMINI, GREENWOOD, TIGUE, GEIST, PETRARCA, LASHINGER, MORRIS, E. Z. TAYLOR and FREEMAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to custody; and making a repeal.

Referred to Committee on JUDICIARY, June 18, 1985.

**No. 1442** By Representatives FRYER, A. C. FOSTER, JR., NAHILL, ROBBINS, SHOWERS, RUDY, SWIFT, MERRY, DeLUCA, DUFFY and GAMBLE

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), referred to as the "State Tax Equalization Board Law," further providing for appeals.

Referred to Committee on LOCAL GOVERNMENT, June 18, 1985.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 134** By Representatives MAYERNIK, CESSAR, McCALL, PRATT, MURPHY, MARKOSEK, HUTCHINSON, COLE, LAUGHLIN and DeLUCA

Marking the tenth anniversary of the Deputy Sheriffs' Association of Pennsylvania and recognizing the first week of October 1985 as "Deputy Sheriffs' Week."

Referred to Committee on RULES, June 18, 1985.

### LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence.

Are there any requests on the Democratic side, Mr. Fee?

Mr. FEE. Thank you, Mr. Speaker.

There are no leaves for the Democrats at this time.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. No requests for leaves at this time, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—201

Acosta	Dininni	Laughlin	Robbins
Afflerbach	Distler	Lescovitz	Roebuck
Angstadt	Dombrowski	Letterman	Rudy
Argall	Donatucci	Levdansky	Ryan
Arty	Dorr	Levin	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Durham	Livengood	Saurman
Barley	Evans	Lloyd	Scheetz
Battisto	Fargo	Lucyk	Schuler
Belardi	Fattah	McCall	Simmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.

Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Micozzie	Stevens
Burd	Geist	Miller	Stewart
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.
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
Colafrella	Howlett	Phillips	Wass
Cole	Hutchinson	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	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker
Dietz	Lashingner	Rieger	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Davies Punt

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 1416, PN 1760 (Amended)**

By Rep. BARBER

*An Act relating to the prevention and reduction of premature death and disability in this Commonwealth; providing for assistance, coordination and support of the development and maintenance of a comprehensive emergency medical services system and for qualifications, eligibility and certification of emergency medical services personnel and licensing ambulance services; imposing powers and duties on the Department of Health; and making repeals.*

**HEALTH AND WELFARE.**

**WELCOMES**

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guests of Representative Jeff Coy, Dale Auchey, Joel Zullinger, Wayne Craig, Paul Bogar, Richard Diffenbaugh, Glenn Rosenberry, and Raymond Pugh. The Chair had the honor and privilege of talking to these gentlemen in chambers before we came on the floor of

the House. They are here to observe the activity of the floor of the House. They are the guests of Representative Coy. Welcome to the hall of the House, gentlemen.

Mary Ann Arty has as her guests Thomas and Annaya Hendvay and Sam Scheid. Sam is the great-nephew of Mary Ann, and they are sitting up here. Welcome to the hall of the House. Mr. and Mrs. Joseph Hendvay, the parents of *Thomas and Annaya, are in the gallery. Welcome to the hall of the House.*

The Chair is always delighted to be inundated with children. It revives our hope for the future.

Representative Fox has Tim McCook here from Catholic University. Welcome to the hall of the House, Tim.

**CITATIONS PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Johnson. Mr. Johnson wishes to make a presentation.

Mr. JOHNSON. Thank you, Mr. Speaker.

Ladies and gentlemen of the House, it is a genuine pleasure and a privilege for me to introduce to you two State champions from a small high school in central Pennsylvania known as Central High School in Martinsburg, Pennsylvania. May I read the citations which we are presenting to these two fine athletes this morning.

**COMMONWEALTH OF PENNSYLVANIA  
CITATION BY  
THE HOUSE OF REPRESENTATIVES**

Whereas, Mary Replogle, a senior at Central High School, captured the PIAA Class AA State Track and Field Championship for the javelin throw. Mary threw for a distance of one hundred forty-seven feet four inches. She was skillfully coached by Jerome Conlon and his assistants, David Crumrine and Thomas Wertman.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends hearty congratulations to Mary Replogle on her outstanding championship athletic achievement; wishes her the best in her future endeavors.

We have a similar citation for one of her co-track members.

**COMMONWEALTH OF PENNSYLVANIA  
CITATION BY  
THE HOUSE OF REPRESENTATIVES**

Whereas, Lori Lingenfelter, a junior at Central High School in Martinsburg, captured the PIAA Class AA State Track and Field Championship in the 1600 meter race. Lori ran the race in an impressive 5.02 minutes. She was skillfully coached by Jerome Conlon and his assistants, David Crumrine and Thomas Wertman.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends hearty congratulations to Lori Lingenfelter on her outstanding championship athletic achievement; wishes her the best in her future endeavors.

I would like to introduce the parents and the coaches who are here in the House. Mr. Speaker, could they please stand?

The SPEAKER. Permission is granted.

Will Lori and Mary please stand, and as the names of the parents are called, will you please rise. Mr. and Mrs. Jerome Lingenfelter; Mr. and Mrs. John Replogle; Mr. and Mrs. Jerome Conlon, head coach and wife; Mr. and Mrs. David Crumrine, assistant coach and wife; and Mr. and Mrs. Thomas Wertman, assistant coach and wife. Welcome to the hall of the House. We are proud of you. Thank you for coming.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 1119, PN 1291; HB 1120, PN 1292; HB 1121, PN 1293; HB 1122, PN 1640; and HB 1123, PN 1295.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1294, PN 1535, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper, who offers the following amendment, which the clerk will read.

Mrs. HARPER. Thank you, Mr. Speaker.

I just talked with some people concerning this amendment, and they have promised me that this problem will be taken care of, and I am going to watch that, and if this problem is not taken care of in the near future, I will bring that amendment back. Thank you very much. I will withdraw the amendment.

The SPEAKER. The lady withdraws the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Dietz	Langtry	Rieger
Afflerbach	Dininni	Lashinger	Robbins
Angstadt	Distler	Laughlin	Roebuck
Argall	Dombrowski	Lescovitz	Rudy
Arty	Donatucci	Letterman	Ryan
Baldwin	Dorr	Levdansky	Rybak

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

NAYS—0

NOT VOTING—3

Levin	Petrarca	Truman
		EXCUSED—2

Davies	Punt
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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 House proceeded to third consideration of HB 268, PN 285, entitled:

An Act requiring that contracts entered into by the Delaware River Joint Toll Bridge Commission and the Delaware River Port Authority include a provision that, if any steel products are to be used in the performance of the contract, only steel products produced in the United States shall be used.

On the question,

Will the House agree to the bill on third consideration?



Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

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

NAYS—0

NOT VOTING—2

Book Levin

EXCUSED—2

Davies Punt

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

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

\* \* \*

The House proceeded to third consideration of **HB 567, PN 1188**, entitled:

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 computation of the capital stock or franchise tax on regulated investment companies.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

Acosta	Dininni	Laughlin	Rieger
Afflerbach	Distler	Lescovitz	Robbins
Angstadt	Dombrowski	Letterman	Roebuck
Argall	Donatucci	Levdansky	Ryan
Arty	Dorr	Levin	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Durham	Livengood	Saurman
Barley	Evans	Lloyd	Scheetz
Battisto	Fargo	Lucyk	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirrianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Micozzie	Stevens
Burd	Geist	Miller	Stewart
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.
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	Hutchinson	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	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker

Dietz Lashinger

NAYS—0

NOT VOTING—1

Rudy

EXCUSED—2

Davies Punt

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

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

\* \* \*

The House proceeded to third consideration of **HB 641, PN 1715**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," revising the provisions relating to net loss carryover; and providing for an economic revitalization tax credit for corporations.

On the question,

Will the House agree to the bill on third consideration?

Mr. COLAFELLA offered the following amendments No. A2148:

Amend Sec. 2 (Sec. 1702), page 5, line 7, by striking out "TWO" and inserting

Either one

Amend Sec. 2 (Sec. 1702), page 5, line 14, by inserting after "FRACTIONS"

or two million dollars (\$2,000,000) in threshold assets in Pennsylvania for the calendar year

Amend Sec. 2 (Sec. 1702), page 5, line 14, by inserting after "THE" where it appears the second time

one per cent

Amend Sec. 2 (Sec. 1706), page 8, line 16, by inserting after "TAXPAYER'S"

one per cent

Amend Sec. 2 (Sec. 1706), page 8, line 16, by inserting after "LEVEL"

or a credit of ten per cent of the amount of qualified investments in excess of the two million dollar (\$2,000,000) threshold level

On the question,

Will the House agree to the amendments?

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

Mr. COLAFELLA. Mr. Speaker, when Governor Thornburgh introduced the \$25-million tax credit, the Governor was very much interested in helping the steel industry. My amendment will enable the steel industry to take more of an advantage of a tax credit, but in addition to that, it responds to the Governor's proposal and simply reduces the threshold from 2 percent to 1 percent to enable the steel companies in Pennsylvania to take advantage of this tax proposal. The most that the steel companies can get from the new proposal is 9 to 10 million dollars' worth of tax credits out of the \$25 million. I hope very much that everyone will vote for my amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TRELLO. Mr. Speaker, this is an agreed-to amendment. I would appreciate everybody giving it an affirmative vote. Thank you.

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

Mr. LEVDANSKY. Mr. Speaker, would the sponsor of this amendment rise for interrogation?

The SPEAKER. The gentleman indicates he will so stand. You are in order, and you may proceed, sir.

Mr. LEVDANSKY. Mr. Speaker, in accordance with your amendment, how much do you anticipate giving to the basic steel producers with this amendment?

Mr. COLAFELLA. Well, the way the amendment is framed, the most that the steel companies can get out of the \$25 million is a tax credit of \$9 to \$10 million.

Mr. LEVDANSKY. Nine to ten million dollars. What are your projections for the jobs to be created by the investment of \$9 to \$10 million of Pennsylvania taxpayers' funds? How many jobs will be created?

Mr. COLAFELLA. The only way that tax credits can be awarded to any company that applies for them is that the Secretary of Revenue will review all the information, and then the information is passed on to the Ben Franklin Partnership, which then determines how many new jobs will be created by the tax credits that will be granted. So the only way that a corporation, any corporation, will be able to get a tax credit is that the Ben Franklin Partnership has to determine whether new jobs will be created, whether the jobs will be expanded in the corporation that has applied for the tax credit.

Mr. LEVDANSKY. I just have one comment to make, Mr. Speaker. No more questions.

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

Mr. LEVDANSKY. I submit to this legislature and to my colleagues that the granting of tax credits to major industries is a poor substitute for economic development. I previously had done some research and found out that the big 10 steel companies in Pennsylvania realized nearly \$100 million of labor cost savings in the last union contract and have done very little in terms of reinvestment of those funds in the basic industry in Pennsylvania. For example, U.S. Steel, in my district in the Mon Valley, saved approximately \$35 to \$40 million last year under the concession contract yet invested less than \$6 million in the steel valley, in the Mon Valley back in my district.

I again urge my colleagues to consider these facts and figures, that if \$2 or \$3 billion of labor cost savings over the last 3 years have not sufficiently encouraged the companies to reinvest in Pennsylvania, I seriously doubt that granting them \$9 to \$10 million is going to have any economic impact in our region and any impact in terms of creating or preserving jobs. I respectfully would urge my colleagues to vote "no" on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LAUGHLIN. Mr. Speaker, I had not intended to speak on the amendment. I had to have an amendment drafted myself to the bill earlier, and it is in the Reference Bureau now.

Mr. Speaker, with regard, since the gentleman has brought up the steel industry—

The SPEAKER. Will the gentleman yield for a moment.

Are you informing the Chair that you also have an amendment, Mr. Laughlin?

Mr. LAUGHLIN. Yes, Mr. Speaker. I was going to ask you—

The SPEAKER. Do you intend to offer it?

Mr. LAUGHLIN. Yes, Mr. Speaker.

The SPEAKER. We do not have your name on the list at all.

Mr. LAUGHLIN. You will have, as soon as it comes down, Mr. Speaker.

The SPEAKER. No; we will take it now, because it means we cannot finish with the bill. You may finish your debate on the amendment, however.

Mr. LAUGHLIN. Mr. Speaker, I am concerned about the grants that we give the steel industry, maybe not for the same reason that some of my colleagues are. I want to help the steel industry; I want to help them to get whatever credits are possible under Pennsylvania law, but I want it in such a way, Mr. Speaker, that it is going to guarantee some employment that goes along with giving away concessions.

Members of this House remember only too well the concessions we granted to Conrail, and they divested themselves of lines in this State, they put businesses out of business, and denied legitimate transportation in many areas of this State. Mr. Speaker, the steel mills have been no different. They have left this State, while leaving our Unemployment Fund some \$30 million on the negative side. They have not treated this State well when it comes to distribution of jobs. They have dried them up and taken them away. Mr. Speaker, as far as I am concerned, I want to help them, but I want something in return. I want guarantees of jobs to be remaining here or new jobs to be created.

Mr. Speaker, I am not going to oppose Mr. Colafella's amendment, but I certainly intend to do something with regard to amending the bill when I have the opportunity. Thank you.

### PARLIAMENTARY INQUIRY

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

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

The SPEAKER. The gentleman will state the point.

Mr. MICHLOVIC. Can we divide this amendment after the words "Either one"?

The SPEAKER. We do not even find the words "Either one" on this amendment.

Are you looking at amendment 2148? Oh, the Chair does see them.

Mr. MICHLOVIC. Yes, Mr. Speaker.

The SPEAKER. I see where you are saying. Just a moment. The answer is yes; the amendment can be so divided.

### REQUEST TO DIVIDE AMENDMENTS

Mr. MICHLOVIC. I would request such a division, Mr. Speaker.

The SPEAKER. At the request of the gentleman, Mr. Michlovic, the Chair rules that the amendment has been divided as follows. The amendment would read now merely "Amend Sec. 2 (Sec. 1702), page 5, line 7, by striking out 'TWO' and inserting Either one". That will be one amendment.

Is it the opinion of the gentleman, Mr. Michlovic, that the second part should be an entirely second amendment?

Mr. MICHLOVIC. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The second amendment would then begin with the words "Amend Sec. 2 (Sec. 1702), page 5, line 14," and end with the words "\$2,000,000 threshold level."

The Chair places before the members—

Mr. LLOYD. Mr. Speaker?

### PARLIAMENTARY INQUIRY

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

Mr. LLOYD. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. LLOYD. Mr. Speaker, my inquiry is as to whether or not the question can be divided where the Speaker has divided it. The reason I raise that question is that in the amendment, the first two sections of the amendment appear to be amending the same definition, and the "Either one" and then down to the next part, "or two million dollars," would appear to both need to be in there in order to make the word "either" relevant to this definition at all. My suggestion is that if the Speaker divides the amendment in that way, the sentence is going to say "Either one," but when you get done there is not going to be the other half of that conjunction. I do not think that the "ors" that are in the definition, in other words, relate to that "either."

The SPEAKER. The Chair appreciates what the gentleman is saying from a point of view of grammar, but grammar does not prevail here. It is a question of parliamentary procedure. As long as the amendments do not address the same line, they may be divided separately. That may leave you with an amendment which does not make much sense, but if they do not conflict as far as addressing the same line, they are so divisible.

Mr. LLOYD. So in other words, Mr. Speaker, I thought an amendment had to be able to stand on its own to be divided,

but the ruling of the Chair is that it can be nonsensical but nevertheless can stand on its own.

The SPEAKER. It may be grammatically nonsensical, as a number of amendments the Chair has witnessed over the years have been, but from a parliamentary point of view, if it can stand without conflicting with already existing language or another amendment, then it can stand.

Mr. LLOYD. Thank you.

The SPEAKER. But the Chair does agree with you that from a grammatical point of view, it would not make sense.

Mr. LLOYD. Thank you, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, I am of the same opinion as Mr. Lloyd and I still cannot see how you can divide this amendment in that manner, because if we should pass that first part and not the second part, then we have a dangling phrase which means absolutely nothing. It is going to spoil the intent of the amendment altogether. If it is "either," if you are just talking about "either" this and you do not complete the "or," then you have no choice, you have no alternative, and it makes absolutely no sense. I do not think that it would be the intent of the Chair to divide the amendment that way.

The SPEAKER. The Chair will look at it again. The House will stand at ease.

The Chair agrees with both Mr. Lloyd and Mr. Vroon. The Chair has now read the language. It would not make sense to divide the amendment in that manner. Mr. Lloyd, you are correct, and you are correct, Mr. Vroon. The Chair was in error. By reading all the language, the Chair has decided here that it would not make sense to so divide, and the Chair rescinds its offer to divide the amendment.

Mr. Michlovic, the Chair went over the language, and in reading the language the way it is phrased, neither one of the amendments, if so divided, would make sense. They must be construed together. The Chair was wrong in its earlier decision to divide. It is not divided. The entire amendment is now before you. Do you wish to debate the entire amendment?

Mr. MICHLOVIC. Yes, Mr. Speaker.

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

Mr. MICHLOVIC. Mr. Speaker, in attempting to divide the amendment, I was trying to save one portion of the amendment which I think can be favorable, and that is the 1-percent eligibility level, and at the same time take a different position on the \$2 million of investment, which is another eligibility criteria. If we make that second part or the \$2 million part of the threshold criteria, that is a rather large investment. It really limits the bill to major manufacturing industries, which of course are steel industries, but it also eliminates the use of the bill for a lot of small manufacturing industries, which also are important to our districts.

I wish to clarify that point, and I think in this discussion at least I bring some food for thought for the members on this very important amendment. I think that I shall reluctantly support the amendment, but I would have preferred it the other way. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAWIDA. Mr. Speaker, I agree with Mr. Michlovic that I believe everyone in this House will have to support this amendment. But I want to point out to the steel industry and to the other members of this House that time and time again government has given concessions, workers have given concessions to big steel in this State and they have taken the money and they have taken it out of this State, they have put it in other industries. So do not go around thinking that we have solved the problem with this bill. We must be more precise in the future in how we deal with steel tax credits.

I put the industry on challenge to do the right thing with this additional money and put it back into Pennsylvania steel. I urge every member to use whatever lobbying abilities they have to have them do the same, but I will not hold my breath expecting them to do it because they have not in the past. Reluctantly, I also will support 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—189

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

Dawida	Kosinski	Richardson	Yandrisevits
Deal	Kukovich	Rieger	
Dietz	Langtry	Robbins	Irvis,
Dininni	Lashingier	Roebuck	Speaker
Distler	Laughlin	Rudy	

NAYS—11

Afflerbach	DeWeese	Levdansky	Mrkonic
Boyes	Dorr	Linton	Pressmann
Broujos	Freeman	Lloyd	

NOT VOTING—1

Battisto

EXCUSED—2

Davies Punt

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

On the question,

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

Mr. STEWART offered the following amendments No. A2165:

Amend Sec. 2 (Sec. 1703), page 6, by inserting between lines 17 and 18

(5) Investments must be made within the primary business or manufacturing activity of the taxpayer.

Amend Sec. 2, (Sec. 1703), page 6, line 18, by striking out “(5)” and inserting

(6)

Amend Sec. 2, (Sec. 1703), page 6, line 20, by striking out “(6)” and inserting

(7)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart, on that question.

Mr. STEWART. Thank you, Mr. Speaker.

In the bill, section 1703 lays out a set of criteria for which investments that are made under this act will qualify for the credit. This amendment adds another requirement - that the investments must be made within the primary business or manufacturing activity of the taxpayer. The purpose of the amendment is to prevent a situation such as the famous U.S. Steel purchasing Marathon Oil and receiving a Federal tax credit in that instance. This will prohibit that type of activity for a steel industry or any other industry in Pennsylvania, and I urge its adoption.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COLAFELLA. It is an agreed-to amendment. It is a good 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—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Davies Punt

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 PASSED OVER TEMPORARILY

The SPEAKER. The Chair has been informed that the gentleman, Mr. Michlovic, has an amendment which is not yet ready, although it has been ordered, and Mr. Laughlin has an amendment that is not yet ready, although it has been

ordered. Therefore, the bill will have to be passed over temporarily.

### REMARKS ON VOTE

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

Mr. BOOK. Mr. Speaker, on HB 268 my switch was not working, and I would like to be 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 284, PN 1538**, entitled:

An Act providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. CHADWICK offered the following amendment No. A2047:

Amend Sec. 2, page 4, lines 11 and 12, by striking out "SUBSTANTIALLY FUNDED" and inserting  
funded, in an amount equal to at least 35% of the total revenue it receives in a fiscal year,

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bradford, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

The issue before us this morning is whom the Whistleblower Law will apply to. When this bill was originally drafted and cosponsored by almost every member of this body, it applied to organizations that were primarily State funded. "Primarily" is an easily defined term. We can assume that it means more than half State funding, or 50 percent. In committee, over considerable objection, "primarily" was amended to "substantially." The well-meaning intention of those sponsoring that amendment was to broaden the act, to have it apply to entities which receive funding of less than 50 percent from the State. The problem is that "substantial" is not defined anywhere in the bill. Nobody really knows what substantial funding is. Is it 40 percent, 35 percent, 30 percent, is it 10 percent State funding? Everybody can have their own idea of what substantial funding is.

Mr. Speaker, if we do not define it, the courts will, and I do not see how the courts can define it and tell us what we mean if we do not know ourselves what we mean. Remember, Mr. Speaker, under this bill, depending on the level of employment, an action could be brought by an employee in the courts of common pleas of any of our 67 counties. That means possi-

bly dozens of different interpretations of what substantial funding is. Do we really want the first few years under this act to be marred by the uncertainty and confusion of not even knowing whom it applies to?

Mr. Speaker, there is an easy solution - to establish a threshold percentage of funding, and if an agency receives more than that percentage of State funding, the act applies; if it does not, the act does not apply. As the act was originally drafted, it applied to organizations primarily or 50 percent funded by the State. The feeling in committee was that it should be expanded. My amendment would expand the applicability to organizations which receive 35 percent or more State funding. The amendment would accomplish the intended purpose in committee, would eliminate the otherwise inevitable uncertainty and confusion and avoid surrendering our responsibility to our courts. Mr. Speaker, I urge passage of this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Chadwick amendment. I thought when the committee took a position on changing from primarily funded to substantially funded, they did a correct amendment as far as the bill was concerned. What Mr. Chadwick's amendment will do is place a 35-percent limit on those funds received from public treasuries under the bill, and I feel personally that one-third of the money from public sources would not be covered under the Chadwick amendment, because his amendment calls for 35 percent of those funds to be excluded.

Mr. Speaker, when you have a \$10-million budget and \$1 million of that is given from public moneys, you are talking about 10 percent. I think that is substantial, and I think that is the point of the committee. The committee changed the wording to "substantial" because in my view I think \$1 million is substantial in a \$10-million budget, but it would not cover those conditions under Mr. Chadwick's amendment because you would have to in fact have an agency funded by less than \$3.5 million under that scenario.

I think we should maintain the committee's amendment of substantially funded and vote to defeat the Chadwick amendment, which would exclude one-third of the money that would be received by public sources from being covered under the act, and I would hope that all my colleagues, most of whom are cosponsors, would support that position. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Chadwick amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I wish to join Mr. Wambach in opposing the Chadwick amendment. We cannot lose sight, we cannot lose sight of the fact that the whistleblower bill deals with detecting fraud, waste, misuse of money. What the Chadwick amendment says is that the remedies granted to persons fired for exposing fraud, for exposing waste, for

exposing corruption are going to be denied people if the State gives less than 35 percent of the money to this program. This would exclude people who expose fraud, waste, corruption in many State-funded educational institutions; this would exclude people who expose fraud, waste, and corruption in many social service agencies; especially and ironically, I note, in view of the strong Republican opposition to Community Legal Services and Pennsylvania Legal Services, this would exclude employees from Pennsylvania Legal Services from being covered; this would exclude employees of many, many State-funded organizations from being covered.

What this would require an employee to do in many cases would be to conduct an audit of his agency and decide whether his agency gets 35 percent of its money from the State or 34 percent or 36 percent, and that is far beyond the resources of employees to do.

I would urge that the legislature send a clear message that corruption, that theft, that fraud will not be tolerated. Mr. Speaker, defeat of this amendment would send a clear message to all State-funded agencies in this State that corruption, that fraud, that waste will not be tolerated and that employees who expose such practices will be protected instead of being disciplined. I would urge the defeat of this amendment so that Pennsylvania passes a whistleblower bill we can all be proud of.

The SPEAKER. The Chair recognizes the gentleman, Mr. Chadwick, for the second time on his amendment.

Mr. CHADWICK. Mr. Speaker, would the gentleman, Mr. Wambach, stand for a brief period of interrogation?

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

Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman tell me what percentage of funding he would consider to be substantial under the bill?

Mr. WAMBACH. I think the term "substantially funded" is there purposely to in fact give the court and let the court make the opinion as to what is substantially funded, not a percentage of this legislature.

Mr. CHADWICK. In other words, Mr. Speaker, it is the intention as currently drafted that the courts would decide on a case-by-case basis and that in fact one court might decide that one agency which receives more funding might not apply and another agency which receives less might apply, depending on the circumstances of that case?

Mr. WAMBACH. Substantially, if I can use the word, I think that statement is correct, but I do not think that we should sit here in the legislature and say that a funding mechanism of 35 percent shall be excluded from this bill, that we feel that a percentage basis is in fact better than a "substantially" worded basis which is in the bill. I think that gives in fact the courts the flexibility to interpret what I feel is in fact appropriate. Like I mentioned in my initial comments, I think \$1 million of \$10 million funding is only 10 percent, but I think if the court finds that substantially funded, that in fact should be the case.

Mr. CHADWICK. Mr. Speaker, would anybody be excluded under this bill?

Mr. WAMBACH. I did not hear the question.

Mr. CHADWICK. Would anybody specifically be excluded under the bill as you have written it?

Mr. WAMBACH. This is really a bill written to confront public and quasi-public bodies. It does not affect at all the private sector, unless in fact they are receiving public funds.

Mr. CHADWICK. Mr. Speaker, are there organizations that you can think of which are funded by the State but which are not substantially funded?

Mr. WAMBACH. I think that, again to return to my original premise, Mr. Speaker, I feel that that decision in fact is a court decision, and in fact what is substantially funded under the court and their interpretation should in fact fall under the purview of the law.

Mr. CHADWICK. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak again on the bill.

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

Mr. CHADWICK. Mr. Speaker, we are being asked to pass a bill that would have the courts make a case-by-case determination as to whom this applies to and whom it does not apply to. As I indicated, an action can be brought in our county courts of common pleas; we have 67 counties in this Commonwealth. What we are headed for is a situation where in every case we may well have an appeal to the appellate courts of this State to make a determination as to whether or not a particular organization is substantially or not substantially funded. I think we are headed for confusion, chaos, and delay. I do not think it is fair to employees. I think if there is a lower percentage than 35 percent, I think that the bill should be amended to a lower percentage, but I think we should tell employers and employees in advance in fairness to them whether or not this bill is going to apply to them. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Susquehanna, Miss Sirianni, on the Chadwick amendment.

Miss SIRIANNI. Mr. Speaker, may I interrogate Mr. Wambach, please?

The SPEAKER. Mr. Wambach indicates he will stand for interrogation. You may proceed.

Miss SIRIANNI. Mr. Speaker, if you really want a whistleblower bill, why do you not say any amount? Why do you not include anyone who receives even a dollar from the State?

Mr. WAMBACH. Well, in fact my original intent was something along that line, Mr. Speaker, but I feel this way: I do not think we should put a percentage on an inclusion in a piece of legislation that—follow this through—that will force the employee to have an audit made on his or her agency before they can report wrongdoing because they may sit at 34 percent of funding, and I think that is wrong.

Miss SIRIANNI. Mr. Speaker, if your bill stated that any agency that receives any State funding an employee could blow the whistle, then it would cover everybody. Why exclude anyone?

Mr. WAMBACH. The bill does not necessarily exclude—  
Miss SIRIANNI. Why did you exclude anyone in the first place?

Mr. WAMBACH. Mr. Speaker, I think we have heard on this amendment 35 percent, and now we are down to \$1. As far as I am concerned, I would accept the dollar—

Miss SIRIANNI. Well, then, why do we not amend it to that?

Mr. WAMBACH. —but I think it is basically acceptable in the language that we are going to leave up to the courts when we talk about substantially funded. I think you may find that there will be in fact judges who will say, a dollar misspent in the public trust is wrong, and I think this language in fact permits that person to bring that action in the court. That is the point. We do not want to thwart any effort by any employee of a public body or a quasi-public body for coming forth to report wrongdoing before in fact they must in fact order an audit on their own agency to see if in fact they are under the law.

I do not think that is correct; I do not think that is wise, and I would ask for the defeat of the amendment.

Miss SIRIANNI. Mr. Speaker, are you not excluding the courts and the legislature?

Mr. WAMBACH. Not in my interpretation; no.

Miss SIRIANNI. Mr. Speaker, may I again plead with you to change the amount to \$1? If you really want a whistle-blowing bill, let us make it one.

Mr. WAMBACH. Mr. Speaker, if the woman is willing to prepare an amendment or have an amendment prepared in the Senate, I certainly would not be objecting to that stand on a concurrence basis, if it would come back.

Miss SIRIANNI. If the Speaker will hold the bill over, I would be happy to have an amendment made.

Mr. WAMBACH. I do not care to hold the bill over, Mr. Speaker, because of this point: Last year when we passed this bill by a unanimous vote of this House, the Senate had claimed that in fact they did not have enough time to consider the legislation. I think if we in fact get it to the Senate before the break, before the summer recess, they will have the rest of this year and next year to consider this vital piece of legislation, and I would hope that they can be corrected over in the Senate, which amendment I would support.

The SPEAKER. The question is, will the House adopt the Chadwick amendment? Those in favor of the amendment will vote "aye"—

You are not finished, Miss Sirianni?

Miss SIRIANNI. I was under the impression that Mr. Wambach asked to hold it over.

The SPEAKER. No; to the contrary. He said he insists on calling the bill up and insists that we move on the bill.

Miss SIRIANNI. Well, Mr. Speaker, I am asking that the bill be held over until I get my amendment. I will have it down here as soon as possible.

The SPEAKER. If the lady orders her amendment and informs the Chair that she has an amendment coming, after the Chair has finished with the business of the bill, the Chair

will put it over temporarily until her amendment can be produced. But the question before us now is, shall we adopt the Chadwick amendment?

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

The following roll call was recorded:

YEAS—89

Argall	Dorr	Langtry	Robbins
Barley	Fargo	Lashingier	Ryan
Birmelin	Fischer	McClatchy	Saloom
Book	Flick	McVerry	Saurman
Bowser	Foster, Jr., A.	Mackowski	Scheetz
Brandt	Fox	Manmiller	Schuler
Bunt	Gallen	Merry	Semmel
Burd	Gannon	Micozzie	Serafini
Burns	Geist	Miller	Smith, L. E.
Bush	Gladeck	Moehlmann	Snyder, D. W.
Carlson	Godshall	Mowery	Stairs
Cessar	Greenwood	Noye	Stevens
Chadwick	Gruppo	O'Brien	Swift
Cimini	Hagarty	Olasz	Taylor, E. Z.
Civera	Hasay	Perzel	Telek
Clymer	Hayes	Phillips	Truman
Cornell	Herman	Piccola	Vroon
Coslett	Hershey	Pitts	Wass
DeVerter	Honaman	Pott	Weston
Dietz	Jackson	Raymond	Wilson
Dininni	Johnson	Reber	Wogan
Distler	Kenney	Reinard	Wright, J. L.
Donatucci			

NAYS—110

Acosta	Daley	Levdansky	Roebuck
Afflerbach	Dawida	Levin	Rudy
Angstadt	Deal	Linton	Rybak
Arty	Dombrowski	Livengood	Seventy
Baldwin	Duffy	Lloyd	Showers
Barber	Durham	Lucyk	Sirianni
Battisto	Evans	McCall	Smith, B.
Belardi	Fattah	McHale	Snyder, G. M.
Belfanti	Fee	Maiale	Staback
Black	Freeman	Manderino	Steighner
Blaum	Fryer	Markosek	Stewart
Bortner	Gallagher	Mayermik	Stuban
Bowley	Gamble	Michlovic	Sweet
Boyes	George	Morris	Taylor, F. E.
Broujos	Gruitza	Mrkonic	Taylor, J.
Caltagirone	Harper	Murphy	Tigue
Cappabianca	Howlett	Nahill	Trello
Carn	Hutchinson	O'Donnell	Van Horne
Cawley	Itkin	Oliver	Veon
Clark	Jarolin	Petrarca	Wambach
Cohen	Josephs	Petrone	Wiggins
Colafella	Kasunic	Pievsky	Wozniak
Cole	Kennedy	Pistella	Wright, D. R.
Cordisco	Kosinski	Pratt	Wright, R. C.
Cowell	Kukovich	Pressmann	Yandrisevits
Coy	Laughlin	Preston	
Deluca	Lescovitz	Richardson	Irvis,
DeWeese	Letterman	Rieger	Speaker

NOT VOTING—2

Freind Haluska

EXCUSED—2

Davies Punt

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



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

Mr. COHEN offered the following amendments No. A2182:

Amend Sec. 4, page 6, lines 1 and 2, by striking out "clear and convincing" and inserting  
a preponderance of the

Amend Sec. 4, page 6, lines 9 through 13, by striking out all of said lines and inserting

(c) Defense.—It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.

Amend Sec. 4, page 6, line 18, by inserting after "REPORT", verbally or in writing,

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

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

Mr. COHEN. Mr. Speaker, this language changes the defense section of the bill in order to provide that it shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.

This amendment is agreed to by Mr. Pitts; it is agreed to by Mr. Wambach. I urge everyone's support of it.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Chadwick, on the Cohen amendment.

Mr. CHADWICK. The amendment is agreed to, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Colafella, on the Cohen amendment.

Mr. COLAFELLA. Mr. Speaker, you have the wrong House bill number up there.

The SPEAKER. HB 284 should be up there; HB 284.

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

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—1

Cowell

EXCUSED—2

Davies Punt

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

On the question,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. Miss Sirianni, are you ordering your amendment?

Miss SIRIANNI. Yes.

The SPEAKER. Very well. Then we will place the bill over temporarily.

Mr. WAMBACH. Mr. Speaker, that will be considered then after the lunch break?

The SPEAKER. It is over temporarily. We expect to be here for a long afternoon. There will be time for us to get the amendment and take the bill up. We are not passing it over permanently.

Mr. WAMBACH. Thank you, Mr. Speaker.

\* \* \*

The House proceeded to third consideration of **HB 289, PN 313**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for benefits.

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 Allegheny, Mr. Mayernik, on final passage.

Mr. MAYERNIK. HB 289 would clarify the language to provide for death benefits for survivors for the fire companies, the ambulance and rescue squads, and law enforcement. What it does is it changes the language of the statute that would include individuals who die suddenly and accidentally as a result of trauma sustained in the performance of duty. Presently, the language only covers those individuals who are killed in the line of duty. This would extend it to died only because of traumatic experience, not because of polishing the fire truck. We have right now 35 cases that have been denied since 1976, and these would again be reviewed once this legislation is passed.

I ask for an affirmative vote on this measure. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip on final passage.

Mr. HAYES. Thank you, Mr. Speaker.

It is my understanding that the lady, Mrs. Arty, has an amendment.

The SPEAKER. We have no such notification. Did you have an amendment, Mrs. Arty? Has the Arty amendment been circulated? You just got it?

#### DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair recedes from its announcement saying that the bill had been agreed to on third reading. The Chair hears no objection.

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

#### BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair apologizes to the lady. We did not have it so marked and it is not yet down. Is that correct? It just came down. Mark the bill over temporarily. We will take your amendment up afterwards.

#### WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House a gentleman who was born in South Africa. His name is Godfrey Sithole. He left his native country in 1962; he is now engaged in community work in Philadelphia. Welcome to the hall of the House.

The Chair welcomes also, as a guest of Representative Dwight Evans, Ms. Aurelia Saunders-Stephens, acting president of the Ogontz Avenue Revitalization Corporation. Welcome to the hall of the House.

Alan and Joyce Vandersloot and elementary school students are here from the West York Area. They are here as the guests of Representative Michael Bortner. Welcome to the hall of the House.

We have a group of St. John's Golden Agers from Perryopolis. They are here as the guests of Richard Kasunic. Welcome to the hall of the House.

Also in the gallery is a guest of Representative Charles Laughlin, Mr. Lou Persi. He is the guest of not only Mr. Laughlin but the rest of the Beaver County delegation. Welcome to the hall of the House.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 597, PN 675**, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," increasing the salary of county officers holding two or more offices.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. SWEET offered the following amendments No. A1866:

Amend Sec. 1 (Sec. 11), page 2, line 1, by striking out "three thousand dollars (\$3,000)" and inserting  
two thousand dollars (\$2,000)

Amend Sec. 1 (Sec. 11), page 2, line 2, by inserting after "annum."

The periodic salary increases provided for in section 10.1 of the act shall be applicable to this section.

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

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, this bill is designed to plug what is sort of a loophole in dealing with the pay of county officials who are performing more than one job.

The amendment that I am offering really represents a compromise. The amendment will give those people—and I can enumerate the kind of people we are talking about, if anyone wants to know—would give those officeholders, again who are holding more than one position, a \$1,000 increase and also make it abundantly clear that those people from now on will get the periodic percentage increase on their entire salary. Currently they receive a salary for one job, let us say, a register of wills. That salary is subject to the law that we passed that gives the county commissioners the ability to grant percentage pay increases periodically. The register of wills quite often also serves as the register of the orphans' court, and people like that or other officeholders performing an additional duty now get \$1,000 extra under statute. This amend-

ment would say that they get \$2,000 extra under statute and would also make it clear that both salaries are to be considered when and if the county commissioners grant periodic percentage increases.

I would ask for approval of the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

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

NAYS—10

Blaum	Godshall	Noye	Pratt
Carlson	Hasay	Phillips	Showers
Fryer	Kennedy		

NOT VOTING—0

EXCUSED—2

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

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

NAYS—2

Fryer	Lloyd
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NOT VOTING—0

EXCUSED—2

Davies Punt

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.

### WELCOMES

The SPEAKER. It is not often that the Chair is able to welcome the mother of one of our Representatives to the hall of the House. Mrs. Ludmilla Mayernik, mother of David, sits to the left of the Speaker. Welcome to the hall of the House.

We have also Commissioner Ellsworth Mutchler of the Delaware River Joint Toll Bridge Commission, here as the guest of Representative Len Gruppo to the left of the Speaker. Welcome to the hall of the House, Commissioner.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 707, PN 805**, entitled:

An Act authorizing Commonwealth agencies to establish pilot day care programs for the children of agency employees.

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?

On final passage, the Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, although I commend the sponsor of this bill for providing a very important need, a day-care center for some of our State employees, I do have some serious thoughts about this proposal, one in particular that I would like to share with the members of this General Assembly.

Under the bill the employees will be responsible for paying for the services that are established under this day-care center. However, Mr. Speaker, I foresee in the future that a proposal could be made that would mandate the State to pay for these expenses so that we are setting up a structure that would allow in the future the State to run a day-care center with State money.

Mr. Speaker, it is for this reason that I have these forebodings, and that is, to have the State place rules and regulations for raising young people, children, in a day-care center. That sort of bothers me. As I said at the outset, I can understand the concern of the sponsor in trying to provide this service, but I have apprehensions about the future of how this bill will

be treated. Any time we allow a State to provide rules and regulations in the caring and training of children, which is a possibility, I have these forebodings and, respectfully, would request the members to vote against HB 707. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy, on final passage.

Mrs. RUDY. Mr. Speaker, I would just like to answer his question.

Actually, he said that the State would be taking care of the costs of raising these children. Other than for the use of Commonwealth property, all costs and expenses of the maintenance and the operation of this act shall be borne by the employees utilizing the program and its services. I would just like to point that out for the members.

The SPEAKER. The Chair thanks the lady.

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

Mr. CLYMER. Mr. Speaker, I made it clear—at least I thought I did—that I realize that it is the employees who pick up the expense, but what I am saying is, we have a structure that in the foreseeable future someone could amend the bill so that State moneys could be used to provide this training. Instead of the employees, it would be the State that would be picking up the cost. Because that is a possibility, and as I had proceeded in my arguments as to why then I oppose the bill, because of that possibility I am therefore asking opposition to this proposal. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, I would urge passage of this bill. I would note that the previous gentleman expressed his opposition predicated on what somebody might do in the future. He said somebody in the future might amend this bill or might amend this law. Well, if somebody does that, that is going to be those of us in this room and our colleagues over in the Senate, and nobody is proposing that kind of amendment or no one is proposing to create that kind of problem or issue today. I really do not think we ought to vote against the bill in its current form because of some amendment or some change in the law somebody might propose in the future.

All we are doing with this piece of legislation is to authorize Commonwealth agencies as employers to establish day-care programs. We are talking about pilot day-care programs to make it experimental in nature. This is something that large employers all over this country are doing today - our corporations, our universities, many small businesses are doing this. It is nothing extraordinary, but it is necessary that we amend the law to make it clear that these State agencies have this authorization. There should really be no great debate or controversy about it. We want them to act as other employees elsewhere in this country are able to act today.

I would urge that we adopt the bill. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—170

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

NAYS—30

Arty	Duffy	Kennedy	Phillips
Book	Flick	Langtry	Pitts
Bowley	Freind	Lloyd	Robbins
Bowser	Geist	Mackowski	Scheetz
Cornell	Godshall	Merry	Smith, L. E.
Coslett	Hasay	Mowery	Telek
DeVerter	Hayes	Noye	Vroon
Dietz	Johnson		

NOT VOTING—1

Fee

EXCUSED—2

Davies Punt

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

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

\* \* \*

The House proceeded to third consideration of **HB 708, PN 806**, entitled:

An Act authorizing the Department of Auditor General to utilize Commonwealth property for a pilot day care program for the children of its employees.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—173

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

NAYS—27

Barley	Dietz	Johnson	Phillips
Birmelin	Dombrowski	Kennedy	Pitts
Black	Flick	Langtry	Robbins
Bowley	Freind	Lloyd	Scheetz
Bowser	Geist	Mackowski	Smith, L. E.
Clymer	Godshall	Merry	Telek
DeVerter	Hayes	Noye	

NOT VOTING—1

Sirianni

EXCUSED--2

Davies Punt

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

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

**BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 2, PN 1713**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act to provide for the establishment of a Commonwealth Commission on the Bicentennial of the United States Constitution; and making an appropriation.

On the question,

Will the House concur in Senate amendments?

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

YEAS—200

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

Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pott	Wogan
Coy	Josephs	Pratt	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Raymond	Wright, R. C.
Daley	Kosinski	Reber	Yandrisevits
Dawida	Kukovich	Reinard	
Deal	Langtry	Richardson	Irvis,
Dietz	Lashinger	Rieger	Speaker
Dininni	Laughlin		

NAYS—0

NOT VOTING—1

Bortner

EXCUSED—2

Davies Punt

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The clerk of the Senate, being introduced, returned the following **HB 136, PN 1625**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," shifting the burden of proof from vendors to the Department of Revenue on questions concerning the utilization of exemption certificates; eliminating the split second quarter for filing of sales tax returns; reducing the personal income tax rate; permitting the equitable adjustment of taxes and penalties; revising the provisions relating to net loss carryover; adding a definition of "taxable year"; providing a processing exemption for computer software from the capital stock and franchise tax; providing an investment credit; eliminating tentative payments for corporate net income taxes and requiring the prepayment of estimated taxes; reducing tentative tax payments for the capital stock and franchise tax; providing an unemployment compensation interest fund tax; changing the time period within which petitions for refunds may be filed; and making repeals.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the House nonconcur in the amendments placed in HB 136 by the Senate.

The SPEAKER. It is suggested by the majority leader that the House vote in the negative on the question of concurrence in Senate amendments.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I support the gentleman's recommendation that the House nonconcur in Senate amendments.

The SPEAKER. It is suggested by both floor leaders that the House, on the question, shall the House concur, vote in the negative.

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

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

YEAS—0

NAYS—201

Acosta	Dininni	Laughlin	Robbins
Afferbach	Distler	Lescovitz	Roebuck
Angstadt	Dombrowski	Letterman	Rudy
Argall	Donatucci	Ievdansky	Ryan
Arty	Dorr	Levin	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Durham	Livengood	Saurman
Barley	Evans	Lloyd	Scheetz
Battisto	Fargo	Lucyk	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Maderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Micozzie	Stevens
Burd	Geist	Miller	Stewart
Burns	George	Moehlmann	Struban
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.
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
Colafrella	Howlett	Phillips	Wass
Cole	Hutchinson	Piccola	Weston
Cordisco	Itkin	Pievsy	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	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Deal	Langtry	Richardson	Speaker
Dietz	Lashinger	Rieger	

NOT VOTING—0

EXCUSED—2

Davies Punt

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The clerk of the Senate, being introduced, returned the following **HB 175, PN 1676**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for program criteria; and providing for a prescription drug education program.

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

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

Mr. ITKIN. Mr. Speaker, the Senate did a couple of things to the bill which I would like to describe to the House.

First, they added language to section 1 of the bill to further clarify that only mail-order pharmacy services provided by pharmacies located and licensed in the Commonwealth may participate as providers under the program. This amendment does not exclude or preclude any pharmacy from participating in the PACE (Pharmaceutical Assistance Contract for the Elderly) program, but rather the language allows the handful of pharmacies which offer mail-order delivery services to be providers of PACE benefits.

Secondly, the Senate amended HB 175 to allow the dispensing fee to pharmacists under the PACE program to be the same as that under the medical assistance program if that fee is the greater of the two.

Mr. Speaker, I ask for concurrence in the Senate amendments.

The SPEAKER. It has been moved by the gentleman, Mr. Itkin, that the House do concur in amendments inserted by the Senate to HB 175.

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

Mr. WILSON. Thank you, Mr. Speaker.

I am just going to urge that the House do concur in the amendments inserted by the Senate.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GANNON. I just wanted to get a clarification from Mr. Itkin.

The SPEAKER. Mr. Itkin will stand for interrogation. You may proceed, Mr. Gannon.

Mr. GANNON. I noticed that the Senate struck out language that I had placed in as an amendment to a previous bill, Mr. Speaker, and my question is this: I see their language says "...only...pharmacies which are licensed by the Commonwealth and which have their principal place of business..."

Now, going back a little bit on the debate on my amendment awhile back, I was concerned that we would have a corporation or a business with its principal place of business somewhere else in the country running a mail-order operation in the Commonwealth. My question was this: Under this lan-

guage, if a corporation had its principal place of business outside the Commonwealth, could they open a pharmacy in the Commonwealth and have a licensed pharmacy and run mail order out of that pharmacy?

Mr. ITKIN. Mr. Speaker, my understanding is that they would have to have two things: They would have to be licensed in Pennsylvania, and their principal place of business would have to be within Pennsylvania. If those two conditions are not met, then they would not be eligible to participate in the program.

Mr. GANNON. I understand that, but what I am asking is, is that only that the pharmacy itself has to be principally located in the Commonwealth or could the company that owns that pharmacy be located someplace else?

Mr. ITKIN. Mr. Speaker, it says that only mail-order pharmacy services which have their principal place of business.

Mr. GANNON. Okay. I understand what you are saying. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. GANNON. Mr. Speaker, briefly.

I think that the language which the Senate has put in has opened up somewhat of a loophole in the bill. However, I still support it and I recommend a "yes" vote on it.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Davies Punt

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. Now to correct the record.

The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Mr. Speaker, on HB 567 I was recorded as not voting and I was in my seat. I would like to be recorded as voting in the affirmative.

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

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

Mr. BORTNER. Mr. Speaker, on concurrence on HB 2 I was recorded as not voting. I would like to be recorded in the affirmative. Thank you.

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

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

Mr. VROON. Mr. Speaker, this is a correction.

I voted in the affirmative on HB 708. I wish to be recorded as wishing to vote in the negative.

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

RULES COMMITTEE MEETING

The SPEAKER. There will be a meeting of the Rules Committee at the desk of the majority leader immediately, now.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. To announce a committee meeting now, the Chair recognizes the gentleman from Philadelphia, Mr. Oliver.



Mr. OLIVER. Thank you, Mr. Speaker.

At the call of the recess there will be a meeting of the State Government Committee in the rear of the House. Thank you.

### JUDICIARY COMMITTEE MEETING

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

Mr. PRATT. Thank you, Mr. Speaker.

For all of the members of the House Judiciary Committee, there will be a meeting of the full committee at the call of the recess in room 401.

### BILLS SIGNED BY SPEAKER

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

#### HB 2, PN 1713

An Act to provide for the establishment of a Commonwealth Commission on the Bicentennial of the United States Constitution; and making an appropriation.

#### HB 175, PN 1676

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 program criteria; and providing for a prescription drug education program.

### SUBCOMMITTEE ON COUNTIES MEETING

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

Mr. GAMBLE. Mr. Speaker, I would like to announce a subcommittee meeting at 9 in the morning in the majority caucus room, the Subcommittee on Counties. Thank you.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. REINARD. Thank you, Mr. Speaker.

I would like to submit some comments for a matter of record.

Mr. REINARD submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Brent F. Johnson, who has recently been awarded Scouting's highest honor - Eagle Scout.

Mr. Speaker, on Tuesday, June 18, Brent F. Johnson will be officially recognized in his induction ceremony as Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following Citation of Merit honoring Brent F. Johnson.

WHEREAS, Brent F. Johnson has earned the Eagle award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 28.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania, congratulates Brent F. Johnson on the occasion of his being honored with the Eagle Scout Award, commends him on the outstanding work he has done to earn this coveted honor, and wishes him continued success in the future.

Mr. Speaker, it is my pleasure that I place in the Legislative Journal the name of Brent F. Johnson.

Mr. Speaker, I am very happy today to announce to you and the members of the Pennsylvania House of Representatives two winners of a recent contest which I sponsored in the Richboro Elementary School in Richboro, Pennsylvania.

The contest was called "There Ought to be a Law," and it required each student to write an essay on what should be considered for legislative action as a new law in Pennsylvania.

The first winner in the third grade class was Tracy Kubak, and her law was one that would reform the amount of taxes paid by our farmers so their land will remain for farming and will not be sold for development. The second winner in the third grade class was Kristen Heiss, and her law was one that would eliminate the many experiments performed on animals except where they are needed in medical research.

Mr. Speaker, besides being recognized here today, each winner is to receive a House of Representatives Citation of Merit honoring her outstanding achievement.

### BILL REREPORTED FROM COMMITTEE

#### HB 1330, PN 1711

By Rep. MANDERINO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," eliminating the split second quarter for filing of sales tax returns; permitting the equitable adjustment of taxes and penalties; providing a processing exemption for computer software from the capital stock and franchise tax; eliminating tentative payments for corporate net income taxes and requiring the prepayment of estimated taxes; changing the time period within which petitions for refunds may be filed; and making repeals.

#### RULES.

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1330 be recommended to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### RECESS

The SPEAKER. The House will stand in recess until 1:30.

### AFTER RECESS

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

**SENATE MESSAGE**

**AMENDED SENATE BILL  
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House by amending said amendments to **SB 441, PN 1141**.

Ordered, That the clerk present the same to the House requesting concurrence.

**SENATE MESSAGE**

**AMENDED HOUSE RESOLUTION  
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 6, PN 1708**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**CALENDAR CONTINUED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 855, PN 1445**, entitled:

An Act requiring certain contracts to be written in plain language; and providing remedies and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. REBER offered the following amendment No. A2132:

Amend Sec. 7, page 6, line 15, by striking out "main" and inserting  
principal

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

On page 6 of the bill, the line which presently uses the word "main" office for purposes of sending consent agreements, I am changing the word "main" to "principal" office to conform to the rules of civil procedure of the Commonwealth and other statutory pronouncements which track this particular concept and language to make it consistent. I believe this is an agreed-to amendment.

The SPEAKER. On the Reber amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I agree with this amendment, and I think it does serve to clarify the legislation.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—191**

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

**NAYS—0**

**NOT VOTING—10**

Arty	Cawley	Harper	Stairs
Blaum	DeWeese	Olasz	Tigue
Bowser	Gruitza		

**EXCUSED—2**

Davies Punt

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

On the question,

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

Mr. REBER offered the following amendment No. A2130:

Amend Sec. 7, page 5, line 25, by inserting after "expenses" incurred in the enforcement of rights under this act exclusive of attorneys fees

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

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

Mr. REBER. Mr. Speaker, this particular amendment relates to page 5, which is the damages and enforcement section. On line 25 of page 5, there is language allowing for recovery by the consumer of out-of-pocket expenses. I am adding language to clarify the fact that these out-of-pocket expenses have to be incurred in the enforcement of rights provided under this act, *exclusive of attorney fees*. I believe this is also an agreed-to amendment.

The SPEAKER. On the Reber amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I agree with this amendment and would ask for an affirmative vote.

The SPEAKER. On the Reber amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, will the gentleman, Mr. Kukovich, stand for interrogation?

The SPEAKER. Mr. Kukovich indicates he will so stand. You are in order and may proceed, sir.

Mr. McHALE. Mr. Speaker, I am not really sure that I understand this proposed amendment. Is it correct to state that if a plaintiff, a consumer, prevails in his or her lawsuit under this litigation, the cost of the attorney representing that plaintiff will be paid by the consumer rather than by the responsible defendant? Is that correct?

Mr. KUKOVICH. I am sorry; I could not hear all of that. Could you repeat that, please?

Mr. McHALE. If a consumer brings a lawsuit under this legislation and he or she wins, who pays for the plaintiff's lawyer?

Mr. KUKOVICH. I do not believe that is covered in this amendment. The way the bill stands now, it would be up to the discretion of the court. If the consumer plaintiff would prevail under the way the bill is now, the judge could rule and probably would rule in favor of attorney's expenses. I do not think this amendment really changes that at all.

Mr. McHALE. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—186

Acosta	Dininni	Lescovitz	Ryan
Afferbach	Distler	Levdansky	Rybak
Angstadt	Dombrowski	Linton	Saloom
Argall	Donatucci	Livengood	Saurman
Arty	Durham	Lucyk	Scheetz
Baldwin	Evans	McCall	Schuler
Barber	Fargo	McClatchy	Semmel
Barley	Fattah	McHale	Serafini
Battisto	Fee	McVerry	Seventy
Belardi	Fischer	Mackowski	Showers
Belfanti	Flick	Maiale	Sirianni
Birmelin	Foster, Jr., A.	Manderino	Smith, B.
Black	Fox	Manmiller	Smith, L. E.
Blaum	Fryer	Markosek	Snyder, D. W.
Book	Gallagher	Mayernik	Snyder, G. M.

Bortner	Gallen	Merry	Staback
Bowley	Gamble	Michlovic	Stairs
Bowser	Geist	Micozzie	Steighner
Boyes	George	Miller	Stevens
Brandt	Gladeck	Mochlmann	Stewart
Broujos	Godshall	Morris	Stuban
Bunt	Greenwood	Mowery	Sweet
Burd	Gruitza	Mrkonic	Swift
Burns	Gruppo	Murphy	Taylor, E. Z.
Bush	Hagarty	Nahill	Taylor, F. E.
Caltagirone	Haluska	O'Brien	Taylor, J.
Cappabianca	Harper	O'Donnell	Telek
Carlson	Hasay	Olasz	Tigue
Carn	Hayes	Oliver	Trello
Cawley	Herman	Perzel	Truman
Cessar	Hershey	Petrarca	Van Horne
Chadwick	Honaman	Petrone	Veon
Cimini	Howlett	Phillips	Vroon
Clark	Hutchinson	Piccola	Wambach
Clymer	Itkin	Pievsky	Wass
Colafella	Jackson	Pistella	Weston
Cole	Jarolin	Pitts	Wiggins
Cordisico	Johnson	Pott	Wilson
Cornell	Josephs	Pressmann	Wogan
Coslett	Kasunic	Preston	Wozniak
Cowell	Kennedy	Raymond	Wright, D. R.
Coy	Kenney	Reber	Wright, J. L.
DeLuca	Kosinski	Reinard	Wright, R. C.
DeVerter	Kukovich	Richardson	Yandrisevits
Daley	Langtry	Rieger	
Deal	Lashinger	Robbins	Irvis,
Dietz	Laughlin	Rudy	Speaker

NAYS—4

DeWeese	Freeman	Letterman	Lloyd
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NOT VOTING—11

Civera	Dorr	Gannon	Pratt
Cohen	Duffy	Levin	Roebuck
Dawida	Freind	Noye	

EXCUSED—2

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

On the question recurring,

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

Mr. REBER offered the following amendment No. A2129:

Amend Sec. 5, page 4, line 16, by striking out "in a box,"

On the question,

Will the House agree to the amendment?

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

Mr. REBER. Thank you, Mr. Speaker.

This particular amendment relates to information contained in the bill on page 4. On line 16, the section relating to consumer restrictions to be highlighted as part of the bill, it requires that among other things highlighted on the front page of any statement issued to a consumer that these statements be placed, quote, "in a box." This amendment removes the requirement that the statements be put in a box. There are a couple of reasons for this, Mr. Speaker.

First of all, I think the mere placement of something in a box in some minor types of agreements may be rather burdensome to the individual financial institution.

Second of all, traditionally a lot of things that are placed in boxes become confusing to the consumers because usually these particular items are not to be considered in many instances or are for reference only within the lending institution or to be handled inner office.

So I do not think it does anything to aid the bill. I think it actually causes possibly some confusion and, additionally, causes a great deal of additional expense in the printing or reproduction of the document. I believe the consumer restrictions that are highlighted in the bill otherwise certainly serve the purpose and intent behind this legislation.

I believe this is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I do not have this amendment in front of me right now, but I did discuss this with Representative Reber. It does make somewhat of a change in the bill, but I tend to agree with the amendment. To make sure the members understand, the way the bill is now drafted, with certain waivers of consumers' rights - certain rights they would have in law that they would give up - the bill currently says there would have to be sort of a highlight box. Now, Representative Mayernik has an amendment that would take all of that out. I think perhaps Representative Reber's amendment is a good compromise between what is in the bill and the Mayernik amendment. The language would still be in there and in a position where the consumers could readily find what rights they would waive or what restrictions they would give to themselves under that contract. I think it would be more reasonable to follow Mr. Reber's amendment in dealing with that, and I would ask for a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

Burd	George	Miller	Stuban
Burns	Gladeck	Moehlmann	Sweet
Bush	Godshall	Morris	Swift
Caltagirone	Greenwood	Mowery	Taylor, E. Z.
Cappabianca	Gruitza	Mrkoncic	Taylor, F. E.
Carlson	Gruppo	Murphy	Taylor, J.
Carn	Hagarty	Nahill	Telek
Cawley	Haluska	Noye	Tigue
Cessar	Harper	O'Brien	Trello
Chadwick	Hasay	O'Donnell	Truman
Cimini	Hayes	Oliver	Van Horne
Civera	Herman	Perzel	Veon
Clark	Hershey	Petrarca	Vroom
Clymer	Honaman	Petrone	Wambach
Colafella	Howlett	Phillips	Wass
Cole	Hutchinson	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	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Deal	Kukovich	Reinard	Irvis,
Dietz	Langtry	Richardson	Speaker
Dininni	Lashinger		

NAYS—6

Dawida	McHale	Rybak	Seventy
Freeman	Oiasz		

NOT VOTING—3

Bowser	Cohen	Stairs
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EXCUSED—2

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

On the question recurring,

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

Mr. REBER offered the following amendment No. A2127:

Amend Sec. 4, page 3, by inserting between lines 1 and 2  
(5) Marital agreements.

On the question,

Will the House agree to the amendment?

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

Mr. REBER. Mr. Speaker, on page 2 of the bill there are certain particular types of transactions that are excluded from the purview of this legislation. I would intend to add the language that marital agreements, property settlement agreements, any type of agreement that comes as a result of a domestic divorce action not be required to follow the plain language of this particular type of legislation. The reason for this is obvious. Normally the people are represented by counsel in these situations, or if they are not, they may very well be eligible for counseling with Legal Aid, so I do not think there is really any need for a marital agreement, which in many instances has technical language set forth in common law, case law, statutory law, to be put within the purview of this bill. I think it strengthens the bill and would ask for its support. Thank you.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

The original intention of the bill was not to include agreements such as this since for the most part attorneys are present. They are usually done within the jurisdiction of the court or a domestic relations office in the county, and I would agree with this amendment also.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

NAYS—3

Dawida	Fattah	Pressmann
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NOT VOTING—5

Cohen	Micozzie	Roebuck	Sirianni
Levin			

EXCUSED—2

Davies Punt

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

On the question recurring,

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

Mr. REBER offered the following amendment No. A2133:

Amend Sec. 4, page 2, lines 28 and 29, by striking out all of line 28 and "(4)" in line 29 and inserting  
(3)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Mr. Speaker, if I could, for the record, before I get into this amendment, I would like to state that on the previous amendment, Representative Sirianni was also a cosponsor of that, with myself.

Next, on amendment A2133, the bill presently excludes from the requirements of this bill contracts of insurance. Last session, this particular bill was debated, and at that time I stated for the record a conversation I had had with a number of constituents in my office discussing this particular concept, this particular type of legislation, as it was introduced last session. The good comments, if you will, that I was receiving concerning this particular type of legislation was the fact that many people on the street, when they read about plain language legislation, say, I am glad to see the Commonwealth is doing something to clarify some of the ambiguities and the nebulous language that appear in my insurance contracts. When this was related to me, I had to say to them, well, that may be the case in some States, but, unfortunately, the bill as proposed in the Commonwealth of Pennsylvania does not in fact require insurance contracts to fall within the purview of this particular legislation then and now. So for that reason, Mr. Speaker, I believe that the contracts of insurance should also be required to conform to the mandates of this legislation.

I think that is very important for one particular reason. I think many of us, if not just about everyone in the Commonwealth, enter into various forms of insurance contracts on a regular basis and very seldom, if ever, contact anyone who has competency in interpreting or particularly getting involved in the language and what that language means. In short, people do not run in to see their attorney or run in to Legal Aid for aid and assistance before they enter into various contracts of insurance. I think if there is ever any type of contract that should be put in plain language for the consumer, it is a contract of insurance, and I would ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, I rise to support the Reber amendment. I believe that the consumer is touched more

broadly by insurance contracts than any other contracts in which they may be involved, and if there are any contracts that require clarification so that people can understand what they are buying or what they are getting, it is contracts of insurance. I urge your favorable support of this amendment.

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

Mr. VROON. Mr. Speaker, I rise to oppose this amendment. I think it is sheer folly to try to establish a requirement that all insurance contracts of all kinds be stated in simple English. It just cannot be done. It is a special area, a very highly specialized field. There are some areas in insurance which are conducive to this, but that area is already being taken care of voluntarily by the insurance industry. Casualty and property insurance contracts are already being written in plain English, and sometimes I wish they were not because it results in such a big, thick policy, you do not even have time to read it.

In addition to everything else, I think that in the case of insurance, you are buying insurance usually through an agent, and if you do not buy it through an agent, you should have somebody who knows insurance examine the contract for you before you buy it. It is not like an ordinary commercial contract or a consumer contract. This is a highly specialized field, and I think that we ought to be very, very careful not to jeopardize the fortunes of this bill, which is exactly what would happen if you put this amendment in.

If you will all recall, we went through this trial before, and what happened? The whole bill fell because insurance was in it. I predict to you that if you attempt to insert this again, that insurance contracts be covered by simple language, you will also find the bill being stymied, if not here, in the Senate. So I would strongly urge that we defeat this amendment and let this bill go through with the good things we are trying to do in the bill.

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

Mr. LEVIN. Mr. Speaker, I rise to support the amendment. I disagree with the previous speaker that insurance is so complicated it cannot be explained to the buyer in language that makes sense. There are many instances where policies are written deliberately where the language is obtuse deliberately so that the purchaser does not understand what he is getting. There is no great magic to writing in language that people can understand if you wish to try. I believe that it would be a fraud on the public if we were to pass a plain language bill and exclude insurance. Support the amendment.

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

Mr. REINARD. Thank you, Mr. Speaker.

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

The SPEAKER. Mr. Reber indicates he will stand for interrogation. You may proceed, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, would your amendment include all contracts of insurance?

Mr. REBER. Yes, Mr. Speaker.

Mr. REINARD. Mr. Speaker, in your original debate before the House in speaking of sponsorship and support of this amendment, you made the point that the insurance consumers of Pennsylvania should have a right to know what their contract is in plain language. My point there goes on the fact of who the consumer is. If we are speaking about our constituents being the individual homeowners, automobile purchasers of the Commonwealth, those contracts currently are written on a plain language provision voluntarily by the insurance industry. My concern comes out that when you bring in all contracts of insurance, you are getting into the more specialty lines - excess liability, commercial liability, liability areas that you mentioned in a previous amendment where you were speaking about marriage and some agreements there where counsel is involved. When you are talking about commercial policies and things along that line, especially branches, I think you are going outside of the bounds of the consumer. My question or my comment is, if you are bringing in all bounds or all contracts, could you tell us what the actual purpose in that would be then?

Mr. REBER. In response to that question, Mr. Speaker, I would say first of all that both you and the previous speaker, Mr. Vroon, regarding the negativeness of this particular amendment have said that insurance contracts are already written in plain language. It would then be my position that if insurance contracts are already written in plain language, then submission for them for clarification under the advisory opinion provisions of this statute should already now not cause any harm or hindrance if that is a concern at all of the insurance industry; they should get compliance with the statute as presently written.

Second of all, I do have trouble with certain areas, and some of those areas are the types of policies that you just delineated that I myself in many instances have some trouble understanding what they mean. I would like to think, as Representative McVerry said, that if many of these areas that have caused many portions of litigation and various causes of action that have come up over the years to attorneys, I certainly think that question would also be of concern to the consumer.

Finally, you are saying, how in fact is a consumer, if you will, a person under this act for purposes of an insurance contract? I think that the act is sufficiently broad in its language, in its definitions as presently structured, that certainly an insurance contract is an agreement between two parties, a consumer and a party who is in essence insuring household property, household goods, real property, personal property, whatever you have.

So I certainly think all of those fall within the intent and purview of this statute as presently drafted.

Mr. REINARD. Mr. Speaker, I would like to clarify a comment that you made earlier regarding my statement and the previous speaker.

Currently, personal, automobile, and homeowners' policies are written in plain language. However, not all contracts of insurance are written in plain language. As you know, being a legal document, not all contracts can be written, not all words can easily be defined, and as you do know, there is a contract of adhesion that applies to all insurance policies.

My concern was, if you were speaking strictly of putting in this amendment simply to take care of the residential or homeowner, automobile-type consumer, that area is being covered. If you are putting it in there to expand it to every insurance contract - ocean marine, air cargo, worldwide products legal liability, various different types of legal liabilities that are specially lined such as pollution exclusion - you are going to get into provisions and areas where I believe contracts of adhesion and past meanings as far as what this legal language goes back to, all the way back sometimes to the original days of ocean marine coverage and from its founding of insurance, you are going to complicate the bill. My concern is that I am a little bit concerned that your provision may not be feasible.

Mr. REBER. Mr. Speaker, my only suggestion is if the speaker doing the interrogating would look at the language of the bill as to what we are talking about, this only has to do with those types of consumer insurance contracts, if you will, and I do not think they would encompass a lot of the areas of more commercial types of insurance that you are alluding to. So what I am saying is, I do not think they fall within the purview of the act. I think only those contracts that go to personal family or household purposes, if you will, would be covered by the act. Obviously, if the insurance company is concerned about a particular type of coverage that they might be writing, the easiest thing to do is submit that for the advisory opinion. I think that will clear them from any further liability under the act, and it could be an opinion, if you will, that would in essence say that they do not have to comply, that they are excluded from the consumer contract aspects of the act, therefore not included whatsoever.

The SPEAKER. It has been suggested to the Chair that because the legal profession is well known for being able to explain itself in very simple language, perhaps the attorneys on the floor of the House would be excluded from debate on this particular issue. The Speaker, however, feels that it would be unfair to exclude those who wish to talk about the shadowy penumbra of the purviews so that the rest of us might be casually and not pretextually entertained. So we will continue to hear the lawyers debate how we can put things in plain language. It ought to be very interesting.

Now the gentleman from Westmoreland, Mr. Kukovich, on the various purviews and penumbras.

Mr. KUKOVICH. I am almost afraid to say anything after that, but I will avoid purviews and penumbras and talk about the pragmatics of this amendment.

As you can tell from the debate, this will not be an agreed-to amendment as the other Reber amendments were. However, the reason why insurance was not originally put into this bill was that when we drafted it for this session, we

tried to avoid some of the major controversies that had delayed this bill over the last 4 or 5 years.

I philosophically agree with the Reber amendment, but I, as a sponsor of the bill, am not going to ask the members to vote one way or the other. There are some practical problems. I am worried about some of these amendments, and Representative McVerry has amendments which I again agree with, but I am worried about loving this bill to death and whether amendments like this could hurt the bill in the Senate. With that being the case, I have decided to vote philosophically in favor of this amendment, and I would ask the members to simply vote their conscience on the issue.

The SPEAKER. Mr. Morris, do you wish to debate the Reber amendment?

Mr. MORRIS. I am not sure whether you could call it debate.

I would like to observe that the debate so far on this particular amendment in its technicality plus our experiences here in this chamber last session make me very strongly in favor of Mr. Reber's amendment. But if it is going to louse up the bill for Mr. Kukovich, I will go with him.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, for the second time on the amendment.

Mr. VROON. Mr. Speaker, I would like to make a few remarks and then interrogate Mr. Reber.

The SPEAKER. The gentleman may proceed.

Mr. VROON. Mr. Speaker, I was misquoted a little while ago when I said that the insurance industry is already writing plain English policies; they are, but I also explained that they were property and casualty policies. And there is a big, broad field called life insurance which was not touched at all in my comments, and this is the big area of controversy here. If we were to decide to require plain English in every kind of insurance policy that is written in the United States, we would require a massive restructure of all of the paperwork involved, all of the language involved in every conceivable type of insurance policy, and I am just wondering who in the wide world is going to pay for all that? Now, the question is easy to answer - the obvious answer is the consumer. There is a horrendous cost involved here, and that is one very good reason why insurance policies, especially for life insurance, cannot practically be couched in plain language. This is a very important consideration, and we are already working on the whole concept of plain English, but I think we ought to take it one step at a time and not saddle ourselves with a horrendous amount of cost all at one time.

Now, my interrogation, please, of Mr. Reber.

The SPEAKER. Mr. Reber says he will stand for further interrogation. You may proceed.

Mr. VROON. Mr. Speaker, as a lawyer, can you tell me whether or not you would be agreeable to have all the laws of this Commonwealth couched in plain language, and all of the legislation in particular of this House—

The SPEAKER. Now, Mr. Vroon, that goes beyond fairness. You know none of us can agree to that; otherwise, we would all be out of a job.

Mr. VROON. Mr. Speaker, I am trying to bring out a point here, and it will only take a minute.

The SPEAKER. You go right ahead, but you know we cannot agree to do things in plain language here. That is unfair.

Mr. VROON. Well, that is the whole point. I am saying it is no more reasonable to expect all insurance policies to be couched in plain language.

The SPEAKER. Mr. Reber, do you want to try and answer for the rest of us on that?

Mr. REBER. No, Mr. Speaker.

Mr. Speaker, I believe there is something called the fifth amendment, and I would like to raise that.

The SPEAKER. The gentleman declares the fifth amendment.

Mr. VROON. Mr. Speaker, we may have an amendment here to discuss a little bit later, so I will defer at this time, but I just want to point out to the House that in view of the fifth amendment raised by my colleague here and in view of the remarks by the Speaker, we are not giving the insurance industry fair consideration, because I think their language is just as complex as the language we use in our laws. I therefore again urge a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon, on the amendment.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, next to the purchase of your home, I guess the next most important purchase you can make is the protection or the insurance that you are going to buy to protect it. I think that the Reber amendment just adds a little fairness to that transaction by letting the consumer or the purchaser of that insurance contract truly understand what he is buying.

Mr. Speaker, it is pretty clear from looking at this bill that it does not go beyond a consumer purchase. One of the members already raised the issue that perhaps it would touch on reinsurance or facultative reinsurance or excess insurance or surplus lines insurance or marine insurance, the specialty areas. Well, they are not consumer purchases as they are addressed in this bill, Mr. Speaker, so I do not think we would have a problem there in that type of language.

But one of the other members spoke about life insurance, Mr. Speaker, and that, too, is a very, very important purchase that is made by a consumer, and I would imagine that many of us have been visited by that life insurance salesman selling us financial security for the future and really not touching too much on the technical details of the policy but explaining it in general terms. The consumers find themselves relying upon what is said by the representative of the company, and I think it is only fair, Mr. Speaker, that that person can sit down and read that policy and truly understand what he is actually purchasing. So I think the Reber amendment goes a long way in touching on probably what I think is the most important aspect of this bill, and that is what probably most people buy most often, and that is insurance. So I support the Reber amendment, Mr. Speaker. I think it is a good amendment.

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

The following roll call was recorded:

YEAS—174

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

NAYS—24

Birmelin	Carn	Godshall	Mackowski
Bowley	Cessar	Hershey	Miller
Boyes	Cimini	Hutchinson	Mowery
Bunt	Dietz	Josephs	Robbins
Bush	Fargo	Kennedy	Vroon
Carlson	Flick	Letterman	Wass

NOT VOTING—3

Acosta	Burd	Livengood
EXCUSED—2		
Davies	Punt	

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

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



Mr. REBER offered the following amendment No. A2128:

Amend Sec. 3, page 2, line 13, by inserting after "party" acting in the usual course of business

On the question,

Will the House agree to the amendment?

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

Mr. REBER. Thank you, Mr. Speaker.

Amendment A2128 is reinserting language on page 2 in the definition of "consumer contract" or "contract" section. The language being reinserted by this amendment states as follows: "A written agreement between a consumer and a party"—and now I am quoting the language to be added—"acting in the usual course of business...."

I think this language is very important to give total clarity to this particular act and what we are talking about. There are a number of principles that have evolved in the case law of the Commonwealth of Pennsylvania, a number of interpretations that have come out of the Uniform Commercial Code as codified in the Commonwealth of Pennsylvania, and this "acting in the usual course of business" language has become part of that. I think this strengthens the bill. I think it provides further clarity to the fact that we are talking about those documents that are offered by anyone who attempts to solicit or intends to solicit contracts in the Commonwealth of Pennsylvania, and I would ask for the reinsertion of this language that was deleted in committee. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Mr. Speaker, this was language that was taken out in committee, which I think was a mistake. I had an amendment drafted similar to this. I think Representative Reber is correct, and I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—1

Burd

EXCUSED—2

Davies

Punt

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

On the question recurring,

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

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

Mr. REBER. Mr. Speaker, since we have adopted six out of six amendments, since the debate has been in plain language, and since we are batting 1,000, I am going to withdraw the remaining amendments that have been circulated.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. Before we get to the question, maybe we had better introduce some guests who have been very patient here. To the left of the Speaker, as guests of Representative Ruth Rudy, are Carl and Gladys Burkholder. Welcome to the hall of the House. We are glad to have you here.

CONSIDERATION OF HB 855 CONTINUED

On the question recurring,

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

Mr. MAYERNIK offered the following amendment No. A1773:

Amend Sec. 5, page 4, lines 14 through 30; page 5, lines 1 through 7, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendment?

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

We have plain language bills in seven other States for consumer contracts. This amendment would put us in sync with the other States in the Nation. I believe the guidelines Mr. Kukovich has put in this bill are already defined in HB 855, and the clause which he is trying to put in again was taken out last session. The information is already required by the Federal Truth-in-Lending Act, and I believe it to be redundant or repetitious. I see a duplication of effort which would require restructuring of the contracts already in position and being used in the other States. This would definitely hurt the companies that do business interstate and would cost a large amount of money to them. It would only hurt them and cause these types of businesses to have bad blood about doing business in Pennsylvania.

It would also require either that the length of the paper be extended or another page be put on the contract. I think this is unnecessary, and I ask for an affirmative vote on this amendment.

The SPEAKER. On the Mayernik amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I oppose this amendment. Again, the agreed-to amendment that Representative Reber offered I think was a decent compromise. The bill as now amended by the Reber amendment does away with the so-called highlight box. Now, what this amendment would do is take out the necessity for at least listing all the various restrictions and waivers of rights. It is not repetitious, as the maker of the amendment has said, because on page 5 of the bill it explains that Truth-in-Lending will be included. Other Federal statutes that require consumer restrictions are still included. Now that the bill has been amended by Representative Reber, we are only talking about either no other language or potentially a few lines, a few sentences, that will highlight those parts of contracts, or let us say in a retail agreement they might want to waive the consumer's rights so something that he has bought, if not paid for, could be confiscated without notice, et cetera. That is just one example. But it would be an attack on consumers' rights.

I think the Reber amendment has solved the problem. A couple more lines, if necessary, will not increase the length of the contract, will not increase any costs. I think this is a bad amendment, and I would ask for a "no" vote.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Once again, Mr. Speaker, I would only state that it would require a larger document, it would be repetitious, and it would require additional pages. The other States in the whole Nation do not have this. It would throw us

out of sync with those States and would cause problems with the companies in this State that do interstate business. I ask for an affirmative vote on the amendment.

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

Mr. McVERRY. Mr. Speaker, I support the Mayernik amendment. I cannot agree with Representative Kukovich's analysis that the Reber amendment solves the problem. The Reber amendment does nothing but take out a requirement that you put a box around certain words, but it is the words that are the problem, Mr. Speaker. "If you do not meet your contract obligations, you may lose your house, the property that you bought with this loan, other household goods and furniture, your motor vehicle or money in your account with us." I submit to you that that is confusing, intimidating at the very least to any consumer, and certainly will not aid in business and commerce in Pennsylvania. I would urge adoption of the Mayernik amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, for the second time.

Mr. KUKOVICH. Mr. Speaker, I just call to the members' attention that the quote that Representative McVerry used is simply "may" language to give an example of the way in which these contracts can take advantage of consumers. It is very important that when a consumer signs a contract, the language that takes away their rights is not hidden somewhere in that contract. The Reber amendment has at least dealt with this issue so that the restrictions would be remaining in the contract.

To adopt this amendment would allow unsavory types to take advantage of the consumer and within the bounds of that contract deny them the rights that they have in the normal course of law. I think that would be a mistake, it is terribly anticonsumer, and the reasonable vote on this amendment is "no."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—103

Afflerbach	DeVerter	Kosinski	Scheetz
Angstadt	Dietz	Langtry	Semmel
Argall	Dininni	Levin	Serafini
Battisto	Distler	McCall	Seventy
Birmelin	Donatucci	McClatchy	Sirianni
Black	Dorr	McVerry	Smith, B.
Book	Fargo	Mackowski	Smith, L. E.
Bortner	Fischer	Manmiller	Snyder, D. W.
Bowley	Flick	Markosek	Snyder, G. M.
Bowser	Foster, Jr., A.	Mayernik	Stairs
Boyes	Fox	Merry	Steighner
Brandt	Freind	Micozzie	Stevens
Broujos	Gallen	Moehlmann	Sweet
Bunt	Geist	Noye	Swift
Bush	Godshall	O'Brien	Taylor, E. Z.
Carlson	Gruppo	Olasz	Taylor, J.
Cessar	Hagarty	Perzel	Telek
Chadwick	Hasay	Phillips	Trello
Cimini	Hayes	Piccola	Van Horne
Civera	Herman	Pitts	Vroon
Cole	Hershey	Pressmann	Wass
Cordisco	Honaman	Raymond	Weston
Cornell	Hutchinson	Rieger	Wilson

Coslett	Itkin	Robbins	Wogan
Cowell	Johnson	Ryan	Wozniak
Coy	Kenney	Rybak	
NAYS—97			
Acosta	Evans	Levdansky	Reinard
Arty	Fattah	Linton	Richardson
Baldwin	Fee	Livengood	Roebuck
Barber	Freeman	Lloyd	Rudy
Barley	Fryer	Lucyk	Saloom
Belardi	Gallagher	McHale	Saurman
Belfanti	Gamble	Maiale	Schuler
Blaum	Gannon	Manderino	Showers
Burns	George	Michlovic	Staback
Caltagirone	Gladeck	Miller	Stewart
Cappabianca	Greenwood	Morris	Stuban
Carn	Gruitza	Mowery	Taylor, F. E.
Cawley	Haluska	Mrkonic	Tigue
Clark	Harper	Murphy	Truman
Clymer	Howlett	Nahill	Veon
Cohen	Jackson	O'Donnell	Wambach
Colafella	Jarolin	Oliver	Wiggins
Deluca	Josephs	Petrarca	Wright, D. R.
DeWeese	Kasunic	Petrone	Wright, J. L.
Daley	Kennedy	Pievsky	Wright, R. C.
Dawida	Kukovich	Pistella	Yandrisevits
Deal	Lashinger	Pott	
Dombrowski	Laughlin	Pratt	Irvis,
Duffy	Lescovitz	Preston	Speaker
Durham	Letterman	Reber	

NOT VOTING—1

Burd

EXCUSED—2

Davies

Punt

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

On the question recurring,

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

Mr. MAYERNIK offered the following amendment No. A2153:

Amend Sec. 9, page 8, line 29, by striking out "\$100" and inserting

\$50

On the question,

Will the House agree to the amendment?

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

Mr. MAYERNIK. Mr. Speaker, what this would do is reduce the cost of reviewing a contract from \$100 to \$50. New Jersey is the only State that requires a fee, and that is at \$50 right now. This would again put us in sync with the other States that have this type of provision.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the Mayernik amendment.

Mr. KUKOVICH. Mr. Speaker, I oppose this amendment. I guess it is nice to be in sync with other States, but the point is that Pennsylvania could have the best plain language bill in the country if this is adopted. If many more amendments like this go in, that will not be the case.

New Jersey is in sync with Pennsylvania in terms of having a fee, mostly because they are one of the few States that have a certification and review process. The purpose of that is to provide predictability to business, to give them advance notice so they will not be liable.

The problem is that originally with this bill we had reasonable costs. As a compromise, \$100 was put in as a cap. The Attorney General can charge anywhere from zero to \$100, depending on the difficulty or the nature of the contract. This is not a major issue, but I would suggest that \$50 is probably an average cost, but there may be some very complicated contracts, especially dealing with the obtaining of credit or loan agreements that might cause the Attorney General extra work. I think the \$100 limit is very reasonable for major contracts, and I would ask for a "no" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Mayernik, for the second time on his amendment.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Every day attorneys write to the Attorney General's Office of this Commonwealth and ask for legal opinions. If we were to start charging for every opinion written, we would be charging every corporation and company in the State. I believe it is only reasonable to set the fee at \$50, which Mr. Kukovich has already stated is probably the average fee, and let us leave that as a ceiling. Let us create a climate to have business stay in Pennsylvania.

I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—114

Acosta	DeVerter	Lescovitz	Saurman
Afflerbach	Dietz	Letterman	Schuler
Angstadt	Dininni	McCall	Semmel
Argall	Distler	McClatchy	Serafini
Arty	Dorr	McVerry	Seventy
Barley	Duffy	Mackowski	Sirianni
Birmelin	Durham	Manmiller	Smith, B.
Black	Fargo	Markosek	Smith, L. E.
Book	Fischer	Mayernik	Snyder, D. W.
Bortner	Flick	Merry	Snyder, G. M.
Bowley	Foster, Jr., A.	Micozzic	Staback
Bowser	Fox	Miller	Stairs
Boyes	Freind	Moehlmann	Steighner
Brandt	Gallen	Mowery	Stevens
Bunt	Gannon	Nahill	Swift
Burd	Geist	Noye	Taylor, E. Z.
Burns	Godshall	O'Brien	Taylor, J.
Bush	Gruppo	Perzel	Telek
Caltagirone	Hagarty	Phillips	Trello
Carlson	Hasay	Piccola	Van Horne
Cessar	Hayes	Pitts	Vroon
Chadwick	Herman	Pott	Wass
Cimini	Hershey	Pressmann	Weston
Civera	Honaman	Raymond	Wilson
Clymer	Johnson	Reinard	Wogan
Colafella	Kenney	Robbins	Wozniak
Cole	Kosinski	Rudy	Wright, J. L.
Cornell	Langtry	Ryan	Wright, R. C.
Coslett	Lashinger		

NAYS—78

Barber	Fattah	Kukovich	Reber
Battisto	Fee	Levdansky	Richardson
Belardi	Freeman	Levin	Rieger
Belfanti	Fryer	Linton	Rybak
Blaum	Gallagher	Livengood	Saloom
Broujos	Gamble	Lloyd	Scheetz
Cappabianca	George	McHale	Showers
Carn	Gladeck	Manderino	Stewart
Cawley	Greenwood	Michlovic	Stuban
Cohen	Gruitza	Mrkonic	Taylor, F. E.
Cowell	Haluska	Murphy	Tigue
Coy	Harper	O'Donnell	Truman
Deluca	Howlett	Olasz	Veon
DeWeese	Hutchinson	Oliver	Wambach
Daley	Itkin	Petrarca	Wiggins
Dawida	Jackson	Petrone	Wright, D. R.
Deal	Jarolin	Pievsky	Yandrisevits
Dombrowski	Josephs	Pistella	
Donatucci	Kasunic	Pratt	Irvis,
Evans	Kennedy	Preston	Speaker

NOT VOTING—9

Baldwin	Laughlin	Maiale	Roebuck
Clark	Lucy	Morris	Sweet
Cordisco			

EXCUSED—2

Davies Punt

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

On the question recurring,

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

Mr. MAYERNIK offered the following amendments No. A1769:

Amend Sec. 7, page 5, line 21, by inserting after "remedies.—"

(1)

Amend Sec. 7, page 5, line 25, by striking out "(1)" and inserting

(i)

Amend Sec. 7, page 5, line 26, by striking out "(2)" and inserting

(ii)

Amend Sec. 7, page 5, line 29, by striking out "(3)" and inserting

(iii)

Amend Sec. 7, page 5, line 30, by striking out "(4)" and inserting

(iv)

Amend Sec. 7, page 5, by inserting after line 30

(2) Notwithstanding the provisions of section 11, liability of a person who violates the provisions of this act shall not include attorney fees incurred by another to enforce compliance or to recover damages caused by noncompliance.

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

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

Mr. MAYERNIK. Mr. Speaker, I would like to withdraw this amendment. It has already been covered by the Reber

amendment that was passed by the House as amendment 2130.

The SPEAKER. The Chair thanks the gentleman.

A1769 is withdrawn.

On the question recurring,

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

Mr. McVERRY offered the following amendment No. A2051:

Amend Sec. 4, page 2, line 23, by inserting after "Commonwealth"

after the effective date of this act

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, amendment A2051 is offered as a point of clarification. On page 2, section 4, under "Application of act," the general rule is that "This act applies to all contracts that are made, solicited or intended to be performed in this Commonwealth." I simply add the words "after the effective date of this act" so that there is no confusion that it does not apply to contracts which are already in existence.

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

Mr. KUKOVICH. Mr. Speaker, I agree. This is simply clarifying language. I do not know if it is actually necessary, but it causes no problems with the bill. I can agree to the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—1

Laughlin

EXCUSED—2

Davies Punt

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

On the question recurring,

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

Mr. McVERRY offered the following amendments No. A2058:

Amend Sec. 4, page 2, lines 27 and 28, by striking out all of line 27 and "(3)" in line 28 and inserting

(2)

Amend Sec. 4, page 2, line 29, by striking out "(4)" and inserting

(3)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, as we earlier discussed with contracts of insurance, there are provisions in this bill to exclude from the purview of this act certain types of contracts. One of them that is set forth is contracts to buy securities. I see no unique nature in contracts to buy securities, and I cannot quite understand why consumers should not have plain language advice as to the purchase of securities. So I request that you approve this amendment and eliminate contracts of securities from the exclusionary provision of the bill.

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

Mr. KUKOVICH. Mr. Speaker, this is one of the amendments that I am afraid might have the practical effect of again loving the bill to death, because it creates more lobbyist pressure against it and more problems in the Senate. However,

philosophically I cannot disagree with Representative McVerry, and I would simply ask the members to vote on the merits of that issue. I intend to vote "yes."

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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

NAYS—3

Josephs Letterman Vroon

NOT VOTING—0

EXCUSED—2

Davies Punt

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. McVERRY offered the following amendment No. A2054:

Amend Sec. 5, page 4, lines 14 through 30; page 5, lines 1 through 7, by striking out all of said lines on said pages

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

#### AMENDMENT WITHDRAWN

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, I would like to withdraw amendment 2054.

The SPEAKER. The gentleman has withdrawn amendment 2054.

Does the gentleman have a further amendment to offer?  
Mr. McVERRY. Yes, Mr. Speaker.

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

Mr. McVERRY offered the following amendment No. A2056:

Amend Sec. 8, page 7, lines 13 through 20, by striking out all of said lines and inserting

(3) The creditor, seller or lessor made a good faith and reasonable effort to comply with this act.

(4) The Attorney General has certified that the contract complies with this act. A certificate of compliance by the Attorney General shall be an absolute bar to any legal proceeding under this act.

(5) The consumer was not substantially confused about any of the rights, obligations or remedies under the contract in question.

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

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

Mr. McVERRY. Mr. Speaker, in section 8 of the bill there are certain limitations of liability; that is to say, certain occasions on which there will not be liability imposed under this act. I have restated sections (3), (4), and (5) of those limitations in accordance with the language set forth in the amendment.

The first restatement is paragraph (3), simply to clarify if the creditor, seller, or lessor made a good-faith, reasonable effort to comply with the act, there would be no liability. That good-faith determination would be made by a court at the time the facts of the circumstance are being litigated.

Another limitation on liability is when the Attorney General has certified that the contract is in compliance with the act. I simply add a statement to that, that when the Attorney General has issued such a certification, that will be an absolute bar to any further proceedings under this act.

Lastly, there should not be any liability if the consumer was not substantially confused about any of the rights, obligations, or remedies under the contract in question.

I urge your favorable support.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would have to oppose this amendment. The way the bill is currently drafted, the limitations on liability, I think, are very clearly stated. I think a lot of the language in the McVerry amendment is probably redundant, but I am concerned about some of the other phrases, such as "substantially confused," which enters a new legal argument into this whole issue and probably tends to shift the burden back to the consumer in terms of proving their case.

I do not think the amendment really adds to the bill, and I think it adds a level of confusion. I would ask for a "no" vote on the amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, would the gentleman, Mr. McVerry, stand for interrogation?

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

Mr. McHALE. Mr. Speaker, your amendment, I believe, introduces the question of good faith or bad faith with regard to this kind of litigation. Who has the burden of proof? Would a plaintiff have to show bad faith in order to recover, or would a defendant have to show good faith in order to raise the defense?

Mr. McVERRY. I do not believe it introduces the concept of good faith or bad faith. I believe that the plaintiff would have the burden of establishing that this contract did not come within the purview of the act, not whether or not the person from whom the consumer contracted acted in good or bad faith.

The issue with regard to the words "substantially confused," it simply seems fair to me that a consumer should not be entitled to recover under an act if he or she knew what he or she was doing when they entered into the contract. So if it can be shown by the contractor that there was no substantial confusion, then I do not believe the consumer should be entitled to recover under this act.

Mr. McHALE. Mr. Speaker, that completes my interrogation.

If I may make a brief statement?

The SPEAKER. The gentleman may make a statement.

Mr. McHALE. I echo the words of the gentleman, Mr. Kukovich. The intent and the effect of this amendment would be to introduce another element into the litigation; i.e., the question of good faith. If we allow good faith as a defense, that means that in every lawsuit brought under this statute or proposed statute, the issue of whether or not the defendant has acted in good faith will be one that will have to be proven in a courtroom. That translates into a great deal of money. We are talking about extensive discovery problems, extensive

and enormous legal fees for the plaintiff, if this becomes a matter that has to be litigated. I do not think the burden should be shifted to the consumer. I think the proposed statute is fine as it is currently drafted. I seek a negative vote on the amendment.

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

Mr. McVERRY. Mr. Speaker, I daresay that all 203 members of the House of Representatives can read. All you need do is turn to page 7, subsection (3), line 15, and it says, "...and that it attempted in good faith to comply with this act." I have not introduced a new concept into the act when dealing with the issue of good faith. As a matter of fact, if you compare the amendment language for paragraph (3) with the paragraph (3) that is already in the act, you will see that it is substantially clearer and easier to establish whether or not there has been compliance with the act.

I submit to you that the consumer and the retailer should have the protection set forth in paragraph (4), once there has been a certification that the contract is in compliance, and I also believe that if a person is not confused with that which they are contracting for, they should not have the benefits of this act.

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

The following roll call was recorded:

YEAS—116

Acosta	Donatucci	Lashinger	Robbins
Afflerbach	Dorr	Levin	Roebuck
Angstadt	Duffy	McCall	Rudy
Argall	Durham	McClatchy	Ryan
Arty	Fargo	McVerry	Saurman
Barley	Fischer	Mackowski	Scheetz
Birmelin	Flick	Manmiller	Schuler
Black	Foster, Jr., A.	Markosek	Semmel
Book	Fox	Mayernik	Serafini
Bowser	Freind	Merry	Sirianni
Boyes	Gallen	Micozzie	Smith, B.
Brandt	Gannon	Miller	Smith, L. E.
Bunt	Geist	Moehlmann	Snyder, D. W.
Burns	Gladeck	Morris	Snyder, G. M.
Bush	Godshall	Mowery	Stairs
Carlson	Greenwood	Nahill	Steighner
Cessar	Gruppo	Noye	Stevens
Chadwick	Hagarty	O'Brien	Sweet
Cimini	Hasay	Olasz	Swift
Civera	Hayes	Oliver	Taylor, E. Z.
Clymer	Herman	Perzel	Taylor, J.
Cordisco	Hershey	Phillips	Telek
Cornell	Honaman	Piccola	Wass
Coslett	Jackson	Pitts	Weston
Coy	Johnson	Pott	Wilson
DeVerter	Kennedy	Raymond	Wogan
Dininni	Kenney	Reber	Wright, D. R.
Distler	Kosinski	Reinard	Wright, J. L.
Dombrowski	Langtry	Rieger	Wright, R. C.

NAYS—82

Baldwin	Dawida	Lescovitz	Richardson
Barber	Deal	Letterman	Rybak
Battisto	Dietz	Levdanský	Saloom
Belardi	Evans	Linton	Showers
Belfanti	Fattah	Livengood	Staback
Blaum	Fee	Lloyd	Stewart
Bortner	Freeman	Lucyk	Suban

Bowley	Fryer	McHale	Taylor, F. E.
Broujos	Gallagher	Maiale	Tigue
Caltagirone	Gamble	Manderino	Trello
Cappabianca	George	Michlovic	Truman
Carn	Gruitza	Mrkonc	Van Horne
Cawley	Haluska	Murphy	Veon
Clark	Harper	O'Donnell	Vroon
Cohen	Howlett	Petrarca	Wambach
Colafella	Hutchinson	Petrone	Wiggins
Cole	Itkin	Pjevsky	Wozniak
Cowell	Jarolin	Pistella	Yandrisevits
Deluca	Josephs	Pratt	
DeWeese	Kasunic	Pressmann	Irvis,
Daley	Kukovich	Preston	Speaker

NOT VOTING—3

Burd	Laughlin	Seventy
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EXCUSED—2

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

On the question recurring,

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

Mr. GLADECK offered the following amendments No. A1928:

- Amend Title, page 1, line 1, by inserting after "certain" statutes, rules, regulations and
- Amend Bill, page 1, by inserting between lines 4 and 5

ARTICLE I  
SHORT TITLE

Amend Sec. 1, page 1, line 5, by striking out "1" and inserting  
101

Amend Sec. 1, page 1, line 7, by striking out "Consumer Contract"

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

ARTICLE II  
CONTRACTS

Amend Sec. 2, page 1, line 8, by striking out "2" and inserting  
201

Amend Sec. 2, page 1, line 14, by striking out "act" and inserting  
article

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

Amend Sec. 3, page 2, line 5, by striking out "3" and inserting  
202

Amend Sec. 3, page 2, line 6, by striking out "act" and inserting  
article

Amend Sec. 4, page 2, line 20, by striking out "4" and inserting  
203

Amend Sec. 4, page 2, line 21, by striking out "act" and inserting  
article

Amend Sec. 4, page 2, line 24, by striking out "act" and inserting  
article

Amend Sec. 4, page 3, line 2, by striking out "act" and inserting  
article

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

204

Amend Sec. 6, page 5, line 8, by striking out "6" and inserting

205

Amend Sec. 6, page 5, line 18, by striking out "ACT" and inserting

article

Amend Sec. 7, page 5, line 19, by striking out "7" and inserting

206

Amend Sec. 7, page 5, line 23, by striking out "5" and inserting

204

Amend Sec. 7, page 6, line 3, by striking out "act" and inserting

article

Amend Sec. 7, page 6, line 5, by striking out "act" and inserting

article

Amend Sec. 7, page 6, line 9, by striking out "act" and inserting

article

Amend Sec. 8, page 7, line 6, by striking out "8" and inserting

207

Amend Sec. 8, page 7, line 14, by striking out "act" and inserting

article

Amend Sec. 8, page 7, line 16, by striking out "act" and inserting

article

Amend Sec. 8, page 7, line 20, by striking out "act" and inserting

article

Amend Sec. 8, page 7, line 22, by striking out "act" and inserting

article

Amend Sec. 8, page 7, line 24, by striking out "act" and inserting

article

Amend Sec. 9, page 7, line 26, by striking out "9" and inserting

208

Amend Sec. 9, page 7, line 30, by striking out "act" and inserting

article

Amend Sec. 9, page 8, line 3, by striking out "act" and inserting

article

Amend Sec. 9, page 8, line 12, by striking out "act" and inserting

article

Amend Sec. 9, page 8, line 14, by striking out "act" and inserting

article

Amend Sec. 9, page 8, line 16, by striking out "act" and inserting

article

Amend Sec. 9, page 8, line 19, by striking out "act" and inserting

article

Amend Sec. 9, page 8, line 21, by striking out "act" and inserting

article

Amend Sec. 9, page 8, line 27, by striking out "act" and inserting

article

Amend Sec. 9, page 8, line 30, by striking out "act" and inserting

article

Amend Sec. 10, page 9, line 1, by striking out "10" and inserting

209

Amend Sec. 10, page 9, line 2, by striking out "act" and inserting

article

Amend Sec. 11, page 9, line 4, by striking out "11" and inserting

210

Amend Sec. 11, page 9, line 5, by striking out "act" and inserting

article

Amend Bill, page 9, by inserting between lines 6 and 7

### ARTICLE III

#### STATUTES, RULES AND REGULATIONS

Section 301. General rule.

This article shall apply to all statutes enacted by the General Assembly and all rules and regulations promulgated by every executive branch department, departmental administrative board or commission, independent board or commission, agency or other authority or instrumentality of the Commonwealth which shall become effective subsequent to the effective date of this act.

Section 302. Test of readability.

(a) General rule.—All statutes, rules and regulations promulgated to become effective after the effective date of this act shall be written and organized, to the greatest extent possible, in a manner so that they are easy to read and understand.

(b) Language guidelines.—In determining whether a statute, rule or regulation meets the requirements of subsection (a), the following guidelines shall be considered:

(1) Short words, sentences and paragraphs should be used as much as possible.

(2) Highly technical legal terms other than those commonly understood should be avoided.

(3) Latin and foreign words or other words with obsolete or archaic meanings should not be used.

(4) Words should be defined by using commonly understood meanings.

(5) Sentences should not contain more than one condition.

(6) Cross references, when used, should briefly and clearly describe the substance of the item referenced.

(7) Sentences with double negatives or with exceptions to exceptions should not be used.

Section 303. Compliance.

(a) Compliance by General Assembly.—The General Assembly shall strive to adhere to the guidelines set forth in section 302 and shall be the exclusive judge of its compliance therewith.

(b) Compliance by administrative agencies.—Every executive branch department, departmental administrative board or commission, independent board or commission, agency or other authority or instrumentality of the Commonwealth shall comply with the provisions of section 302 when promulgating rules and regulations. Adherence to those provisions shall be reviewable by the General Assembly and the Independent Regulatory Review Commission pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

### ARTICLE IV

#### SEVERABILITY; EFFECTIVE DATE

Amend Sec. 12, page 9, line 7, by striking out "12" and inserting

401

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

402



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

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

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, this amendment basically expands what we are seeking to do in HB 855 and includes a separate section in the bill that includes statutes, rules, and regulations into the scope of what HB 855 is trying to accomplish. At the same time, it says that the General Assembly shall be the exclusive judge under the compliance section of what we are trying to do here. So there would be no outside agency that would enter into the deliberations as to whether or not a bill that we passed would be constitutional or would comply with the bill or not. I would certainly ask your support of the legislation. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the Gladeck amendment.

Mr. KUKOVICH. Mr. Speaker, we had a debate in committee when Representative Gladeck offered this amendment before. The way it was drafted, there were some constitutional problems. Some of the members of the committee, such as Representative McHale, opposed the amendment. Representative Gladeck was gracious enough to redraft the amendment, and I think the way it is drafted it is quite proper. I suppose it would be hypocritical for us to solely deal with consumer contracts, even though the bill has been somewhat watered down by some of the amendments.

I think it is important that we get on the record legislative intent, and I will try to state very briefly what I feel that is, and then Representative Gladeck can either agree or disagree with it. I think what Representative Gladeck wants to do is create an atmosphere in the Commonwealth whereby in the executive branch the various bureaucrats who draft the regulations perform a much clearer job in complying with the standards that Representative Gladeck has in his amendment.

Secondly, the intention is, with the bills and statutes which we debate here and which are eventually passed, that we do a better job in drafting them in a clear-cut way, again to comply with the standards of Representative Gladeck's amendment. There is no enforcement provision in here that would lead to litigation. The intent is not to have litigation over regulations or statutes but to try to insure that in the future those statutes are drafted in a readable manner. That being the case, I would agree to this amendment.

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

The following roll call was recorded:

YEAS—194

Acosta	Distler	Lescovitz	Roebuck
Afflerbach	Dombrowski	Letterman	Rudy
Angstadt	Donatucci	Levdansky	Ryan
Argall	Dorr	Linton	Rybak
Arty	Duffy	Livengood	Saloom
Baldwin	Durham	Lloyd	Saurman
Barber	Evans	Lucyk	Scheetz
Barley	Fargo	McCall	Schuler
Battisto	Fattah	McClatchy	Semmel

Belardi	Fee	McHale	Serafini
Belfanti	Fischer	McVerry	Seventy
Birmelin	Flick	Mackowski	Showers
Black	Foster, Jr., A.	Maiale	Sirianni
Blaum	Fox	Manderino	Smith, B.
Book	Freeman	Manmiller	Smith, L. E.
Bowley	Freind	Markosek	Snyder, D. W.
Bowser	Fryer	Mayernik	Snyder, G. M.
Boyes	Gallagher	Merry	Staback
Brandt	Gallen	Michlovic	Stairs
Broujos	Gamble	Micozzie	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, E. Z.
Carlson	Gruitza	Nahill	Taylor, F. E.
Carn	Gruppo	Noye	Taylor, 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	Phillips	Vroon
Cohen	Honaman	Piccola	Wambach
Colafella	Howlett	Pievsky	Wass
Cole	Itkin	Pistella	Weston
Cordisco	Jackson	Pitts	Wiggins
Cornell	Jarolin	Pott	Wilson
Coslett	Johnson	Pratt	Wogan
Cowell	Josephs	Pressmann	Wozniak
Coy	Kennedy	Preston	Wright, D. R.
Deluca	Kenney	Raymond	Wright, J. L.
DeVerter	Kosinski	Reber	Wright, R. C.
DeWeese	Kukovich	Reinard	Yandrisevits
Deal	Langtry	Richardson	
Dietz	Lashinger	Rieger	Irvis,
Dininni	Laughlin	Robbins	Speaker

NAYS—7

Bortner	Dawida	Kasunic	Petrone
Daley	Hutchinson	Levin	

NOT VOTING—0

EXCUSED—2

Davies Punt

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. FLICK offered the following amendments No. A2057:

Amend Sec. 3, page 2, lines 17 and 18, by striking out "real property"

Amend Sec. 4, page 2, line 25, by striking out "Property descriptions in deeds and mortgages" and inserting

Real estate conveyance documents, mortgage documents, deeds

Amend Sec. 4, page 2, line 30; page 3, line 1, by striking out "However, no dollar limit shall apply to consumer" in line 30, page 2; and all of line 1, page 3

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

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

Mr. FLICK. Thank you, Mr. Speaker.

In an effort to conform to the intent of this legislation, my amendment is very simple. It merely excludes real estate conveyance documents, mortgage documents, and deeds from inclusion under this act and specifically also deletes real property as one of those areas to be included, and it removes the ceiling of \$50,000 on all real estate contracts.

I urge an affirmative vote on this. Real property is such that it is very technical. With these conveyance documents, generally individuals are represented by legal counsel. There is a substantial amount of consideration, and the mortgage itself represents collateral for that loan. For all these reasons, I would appreciate an affirmative vote on this amendment. Thank you.

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

Mr. KUKOVICH. Mr. Speaker, with most of these amendments sometimes I can tell which lobbying group that they are coming from. I guess it is clear where this one is coming from. It would be nice if I could agree to all these amendments, but then we would not have much of a bill left.

I would remind the members that probably one of the most important things that a consumer deals with is the purchase of real property. Many times when an agreement of sale is signed, I would say the vast majority of times, there is no lawyer yet involved at that stage. If there is one key area where we need to maintain plain language, it is in the area of real estate contracts.

This bill has been around for 5 years; it has been compromised a number of times. The language in here I think is the basic bottom line of what we can deal with in real estate.

The third section of the amendment, which deals with a \$50,000 limit, is to insure that commercial contracts over and above \$50,000 are not included, because there normally is an attorney involved in a commercial contract, but whenever you talk about the sale of real property, you are talking about someone's home; you are talking about their land.

I think it is very vital that we oppose this amendment and make sure that agreements of sale for real property are included in this bill, and I would ask for a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, if we pass this amendment, quite simply, the plain language bill becomes a toothless tiger. The average citizen makes no purchase in his lifetime more important than the purchase of his home.

If this amendment passes, what we are saying is that we want consumers to understand contracts into which they enter, except the contract for their home, except real estate documents, except mortgage documents. I believe it is critically important, particularly at the time that a real estate purchase is being made, that the consumer understand what he is doing. This clearly is an amendment which serves a very limited number of people. It is clearly to the detriment of most Pennsylvania real estate consumers.

I urge a negative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Flick, for the second time.

Mr. FLICK. Thank you, Mr. Speaker.

If the members will look closely to the amendment, while I will delete "real property" on page 2, lines 17 and 18, just by virtue of deleting that does not necessarily mean that it is not included.

Then further down where I merely modify where the maker of the bill has only provided for property descriptions in deeds and mortgages, I merely expand that to include real estate conveyance documents, mortgage documents, and deeds. I am not so sure that the agreement of sale would be included in the deletion as I have proposed here. The agreement of sale is not a conveyance document; it is an agreement to exchange property for consideration. I am not intending to exclude the agreement of sale; I am intending to exclude the conveyance documents.

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

The following roll call was recorded:

YEAS—41

Birmelin	Durham	Langtry	Raymond
Book	Fargo	Lucyk	Reber
Bowser	Flick	McClatchy	Schuler
Brandt	Foster, Jr., A.	McVerry	Serafini
Burd	Fox	Manmiller	Steighner
Bush	Godshall	Micozzie	Stevens
Civera	Hasay	Miller	Swift
Coslett	Hershey	Moehlmann	Taylor, J.
Coy	Kennedy	Piccola	Vroon
Dininni	Kosinski	Pitts	Wambach
Distler			

NAYS—158

Acosta	Deal	Laughlin	Robbins
Afflerbach	Dietz	Lescovitz	Roebuck
Angstadt	Dombrowski	Letterman	Rudy
Argall	Donatucci	Leverdsky	Ryan
Arty	Dorr	Levin	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Evans	Livengood	Saurman
Barley	Fattah	Lloyd	Scheetz
Battisto	Fee	McCall	Semmel
Belardi	Fischer	McHale	Seventy
Belfanti	Freeman	Mackowski	Showers
Black	Freind	Maiale	Smith, B.
Blaum	Fryer	Manderino	Smith, L. E.
Bortner	Gallagher	Markosek	Snyder, D. W.
Bowley	Gallen	Mayernik	Snyder, G. M.
Boyes	Gamble	Merry	Staback
Broujos	Gannon	Michlovic	Stairs
Bunt	Geist	Morris	Stewart
Burns	George	Mowery	Stuban
Caltagirone	Gladeck	Mrkonic	Sweet
Cappabianca	Greenwood	Murphy	Taylor, E. Z.
Carlson	Gruitza	Nahill	Taylor, F. E.
Carn	Gruppo	Noye	Tigue
Cawley	Hagarty	O'Brien	Trello
Cessar	Haluska	O'Donnell	Truman
Chadwick	Harper	Olasz	Van Horne
Cimini	Hayes	Oliver	Veon
Clark	Herman	Perzel	Wass
Clymer	Honaman	Petrarca	Weston
Cohen	Howlett	Petrone	Wiggins
Colafella	Hutchinson	Phillips	Wilson
Cole	Itkin	Pievsky	Wogan

Cordisco	Jackson	Pistella	Wozniak
Cornell	Jarolin	Pott	Wright, D. R.
Cowell	Johnson	Pratt	Wright, J. L.
Deluca	Josephs	Pressmann	Wright, R. C.
DeVerter	Kasunic	Preston	Yandrisevits
DeWeese	Kenney	Reinard	
Daley	Kukovich	Richardson	Irvis,
Dawida	Lashingner	Rieger	Speaker

NOT VOTING—2

Sirianni      Telek

EXCUSED—2

Davies      Punt

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. FLICK offered the following amendment No. A2052:

Amend Sec. 4, page 2, line 25, by striking out "Property descriptions in deeds and mortgages" and inserting

Real estate conveyance documents, mortgage documents, deeds

On the question,

Will the House agree to the amendment?

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

Mr. FLICK. Thank you, Mr. Speaker.

This amendment is more specific. It does not delete real property from the contracts; it merely expands page 2, line 25, by removing the reference to property descriptions in deeds and mortgages and expanding it to include real estate conveyance documents, mortgage documents, and deeds. It is very specific.

It is an area that I think needs to be excluded from the plain language contracts, and I would suggest that each member support my amendment.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

Representative Flick is right; this is not as damaging as the last amendment. However, there is a particular reason why the bill was drafted this way. The reason we excluded property descriptions in deeds and mortgage documents is because there is a specific legal reason for that. There are various terms of art in describing these things that are necessary to be maintained. However, in the rest of the documents, that is not the case. There is no need for legalese in those documents. There is no reason why we cannot have an environment in our courthouses where the typical citizen can understand those documents and their rights therein.

For that reason, I would again ask for a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

The amendment we are now considering is remarkably similar to the one that we just defeated. As the gentleman, Mr. Kukovich, indicated, there is a good reason why legal descriptions are not included under plain language. When you purchase a home, the legal description portion of your deed is probably word for word the same description which has been on record in the courthouse for the last 100 or perhaps 150 years. If we attempted to rewrite those legal descriptions, we would hopelessly cloud the titles on thousands of properties throughout the Commonwealth of Pennsylvania. For that very good reason, legal descriptions have been excluded from plain language.

But to go beyond that—and to use the word "merely" I think is really stretching the meaning of that word—to go beyond legal descriptions and say that the entire document, that the entire deed, will be exempt from the plain language requirements goes much too far. There is absolutely no reason why the general text of a deed should not conform to plain language while simultaneously we grant an appropriate exemption for the legal description.

That is the way the bill is currently drafted; that is the way we should pass it into law. I seek a negative vote on the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—27

Birmelin	Foster, Jr., A.	Mackowski	Serafini
Bowser	Fox	Micozzie	Stevens
Civera	Godshall	Moehlmann	Taylor, E. Z.
Clymer	Hershey	O'Brien	Vroon
Durham	Langtry	Pitts	Wogan
Fargo	McClatchy	Raymond	Wright, J. L.
Flick	McVerry	Schuler	

NAYS—172

Acosta	Dawida	Lashingner	Rieger
Afflerbach	Deal	Laughlin	Robbins
Angstadt	Dietz	Lescovitz	Roebuck
Argall	Dininni	Letterman	Ryan
Arty	Distler	Levdansky	Rybak
Baldwin	Dombrowski	Levin	Saloom
Barber	Donatucci	Linton	Saurman
Barley	Dorr	Livengood	Scheetz
Battisto	Duffy	Lloyd	Semmel
Belardi	Evans	Lucyk	Seventy
Belfanti	Fattah	McCall	Showers
Black	Fee	McHale	Sirianni
Blaum	Fischer	Maiale	Smith, B.
Book	Freeman	Manderino	Smith, L. E.
Bortner	Freind	Manmiller	Snyder, D. W.
Bowley	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Miller	Stewart
Burd	Geist	Morris	Stuban
Burns	George	Mowery	Sweet
Bush	Gladeck	Mrkonic	Swift
Caltagirone	Greenwood	Murphy	Taylor, F. E.
Cappabianca	Gruitza	Nahill	Taylor, J.
Carlson	Gruppo	Noye	Telek
Carn	Hagarty	O'Donnell	Tigue
Cawley	Harper	Olasz	Trello
Cessar	Hasay	Oliver	Truman

Chadwick	Hayes	Perzel	Van Horne
Cimini	Herman	Petrarca	Veon
Clark	Honaman	Petrone	Wambach
Cohen	Howlett	Phillips	Wass
Colafella	Hutchinson	Piccola	Weston
Cole	Itkin	Pievsky	Wiggins
Cordisco	Jackson	Pistella	Wilson
Cornell	Jarolin	Pott	Wozniak
Coslett	Johnson	Pratt	Wright, D. R.
Cowell	Josephs	Pressmann	Wright, R. C.
Coy	Kasunic	Preston	Yandrisevits
Deluca	Kennedy	Reber	
DeVerter	Kenney	Reinard	Irvis,
DeWeese	Kosinski	Richardson	Speaker
Daley	Kukovich		

NOT VOTING—2

Haluska Rudy

EXCUSED—2

Davies Punt

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

On the question recurring,

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

Mr. FLICK offered the following amendment No. A2053:

Amend Sec. 4, page 2, line 30; page 3, line 1, by striking out "However, no dollar limit shall apply to consumer contracts involving real estate."

On the question,

Will the House agree to the amendment?

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

Mr. FLICK. Thank you, Mr. Speaker.

I see the wisdom of the general membership on the board, and I would merely suggest that if we are interested in aiding the consumer, the individual who on a regular basis enters into contracts, I think that \$50,000 is a suitable limit to put on these contracts, and I would ask that therefore the ceiling which would be removed in this legislation be continued.

That is the purpose of my amendment - to have consumer real estate transactions at \$50,000 and below. Thank you.

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

Mr. KUKOVICH. Mr. Speaker, Mr. Flick is trying to do in this amendment what he failed to do in the first amendment, at least partially. The purpose for that section - the \$50,000 limit on non-real-property contracts - is in most non-real-property agreements, things that would cost over \$50,000 normally are such that they are commercial conveyances or they are by a party who has legal representation. However, we do not want that cap to exist on real property transactions for some of the same reasons we have mentioned before - the fact that we are talking about the purchase of a home, we do not want confusion on those issues - and the property values, the fair market value of property is such now that many, many individuals, middle-class individuals, when they enter into a contract to buy real property, come over the \$50,000 line.

We do not think that that should be excluded; we do not think those individuals should be left to fend for themselves without the plain language protections, and we would ask for a "no" vote on the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—24

Birmelin	Hershey	Miller	Serafini
Durham	Jackson	Moehlmann	Stevens
Fargo	Kenney	Nahill	Swift
Flick	Langtry	O'Brien	Taylor, E. Z.
Fox	McClatchy	Pitts	Taylor, J.
George	McVerry	Raymond	Vroon

NAYS—170

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

NOT VOTING—7

Carlson	Civera	Fryer	Saloom
Cessar	Fec	Rudy	

EXCUSED—2

Davies Punt

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

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

Mr. McHALE offered the following amendment No. A1998:

Amend Sec. 7, page 7, lines 3 through 5, by striking out all of said lines

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, in order for the plain language bill to make it this far in the legislative process, it was necessary to clear a great many very difficult hurdles. That required statesmanlike compromise in committee. I agreed with most of those compromises.

However, on the point which is contained in my amendment, I believe that we went too far in committee when we removed the right of class actions under the plain language bill. As the bill was originally drafted, the bill stated that if an injured consumer had a cause of action, had a lawsuit substantially similar to that of another consumer or perhaps five other consumers or 10 or 15 or 20 other consumers, those consumers could band together in a single lawsuit against the appropriate defendant. There are two reasons why that makes sense, and there are two reasons why it was a mistake to eliminate class actions in the committee process.

Number one, if we are dealing with a form contract that has been prepared by a major corporation, and let us say that contract has been signed by 300 consumers, all of whom have the same complaint with regard to the drafting of that contract, does it make sense to require 300 separate lawsuits in order to rectify the error? Does it make sense to tie up 300 courtrooms and 300 judges and conceivably 300 juries in order to correct the same basic mistake which has simply been repeated in form contract after form contract? I believe that in terms of judicial economy, if we have a multitude of plaintiffs, a multitude of consumers, who have basically the same complaint with regard to the drafting of a particular contract, it makes a great deal of sense to allow them to unite with one another in a single class action suit against an individual defendant so that their claims jointly may be decided in a single courtroom by a single judge with a single jury. To require separate actions simply is not very economical.

Secondly, and more importantly, it was no coincidence that this particular right of class action was deleted. The net effect of deleting the right of class actions means that each individual consumer acting as an individual plaintiff must carry his or her own burden in an individual lawsuit. That is very expensive. I am certain that a major corporation would rather deal with a single individual struggling to carry the cost of litigation and maybe failing in that struggle than deal with a number of plaintiffs who, united, can carry the cost of the lawsuit. The proposition is quite simply: divided we fall; united we stand. Corporations fear that.

I urge, Mr. Speaker, that in order to make it realistic for an individual plaintiff to be successful in his lawsuit and not to be buried alive by the costs of litigation, perhaps thousands of dollars in discovery costs, thousands of dollars in deposition costs, it makes sense to allow him to join with his neighbor who has the same complaint in a single lawsuit so that they may share the costs of that litigation. If corporations, which are liable under this law, can divide the potential plaintiffs into separate lawsuits, regardless of the merit of that plaintiff's lawsuit, he will be buried by the cost of it.

I urge, Mr. Speaker, the passage of my amendment returning to the original language of the bill, allowing class action suits so that aggrieved parties may unite their economic strength and obtain redress in the courts. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Mr. Speaker, I will not expand on what Representative McHale said. I think he is absolutely correct; he stated it very accurately. We need this amendment in to provide an adequate enforcement tool for the plain language bill, and I would ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—176

Acosta	Distler	Laughlin	Rieger
Afflerbach	Dombrowski	Lescovitz	Robbins
Angstadt	Donatucci	Letterman	Roebuck
Argall	Durham	Levdansky	Rudy
Arty	Evans	Levin	Ryan
Baldwin	Fargo	Linton	Rybak
Barber	Fattah	Livengood	Saloom
Battisto	Fee	Lloyd	Saurman
Belardi	Fischer	Lucyk	Serafini
Belfanti	Foster, Jr., A.	McCall	Seventy
Black	Fox	McClatchy	Showers
Blaum	Freeman	McHale	Sirianni
Bortner	Freind	Mackowski	Smith, B.
Bowley	Fryer	Maiale	Snyder, G. M.
Bowser	Gallagher	Manderino	Staback
Boyes	Gallen	Manmiller	Stairs
Brandt	Gamble	Markosek	Steighner
Broujos	Gannon	Mayernik	Stevens
Bunt	Geist	Merry	Stewart
Burns	George	Michlovic	Suban
Bush	Gladeck	Micozzie	Sweet
Caltagirone	Godshall	Miller	Swift
Cappabianca	Greenwood	Moehlmann	Taylor, E. Z.
Carlson	Gruppo	Morris	Taylor, F. E.
Carn	Hagarty	Mowery	Taylor, J.
Cawley	Haluska	Mrkonic	Telek
Cessar	Harper	Murphy	Tigue
Cimini	Hasay	O'Brien	Trello
Civera	Hayes	O'Donnell	Truman
Clark	Herman	Olasz	Van Horne
Clymer	Hershey	Oliver	Veon
Cohen	Honaman	Perzel	Wambach
Colafella	Howlett	Petrarca	Wass
Cole	Hutchinson	Petrone	Weston
Cordisco	Itkin	Phillips	Wiggins
Coslett	Jackson	Piccola	Wogan
Cowell	Johnson	Pievsky	Wozniak
Deluca	Josephs	Pistella	Wright, D. R.
DeVerter	Kasunic	Pitts	Wright, J. L.
DeWeese	Kennedy	Pratt	Wright, R. C.

Daley	Kenney	Pressmann	Yandrisevits
Dawida	Kosinski	Preston	
Deal	Kukovich	Raymond	Irvis,
Dietz	Langtry	Reber	Speaker
Dininni	Lashingner		

NAYS—21

Barley	Coy	Nahill	Schuler
Birmelin	Dorr	Noye	Semmel
Book	Duffy	Pott	Smith, L. E.
Burd	Flick	Reinard	Snyder, D. W.
Chadwick	McVerry	Scheetz	Vroon
Cornell			

NOT VOTING—4

Gruitza	Jarolin	Richardson	Wilson
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EXCUSED—2

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

WELCOME

The SPEAKER. We have in the gallery a group of residents from the 34th District of Allegheny County. They are here as the guests of Representative Ron Cowell. Welcome to the hall of the House.

CONSIDERATION OF HB 855 CONTINUED

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

AMENDMENT A1773 RECONSIDERED

The SPEAKER. We have before us a reconsideration motion by which the gentleman from Allegheny, Mr. Preston, and the gentleman from Westmoreland, Mr. Kukovich, move that the vote by which the Mayernik amendment 1773 to HB 855 was passed on this 18th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—197

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

Brandt	Gamble	Michlovic	Steighner
Broujos	Gannon	Micozzie	Stevens
Bunt	Geist	Miller	Stewart
Burd	George	Moehlmann	Stuban
Burns	Gladeck	Morris	Sweet
Bush	Godshall	Mowery	Swift
Cappabianca	Greenwood	Mrkonic	Taylor, E. Z.
Carlson	Gruitza	Murphy	Taylor, F. E.
Carn	Gruppo	Nahill	Taylor, 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	Hutchinson	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	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Dawida	Kukovich	Reinard	Irvis,
Dietz	Langtry	Rieger	Speaker
Dininni	Lashingner	Robbins	

NAYS—1

Caltagirone

NOT VOTING—3

Deal	Linton	Richardson
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EXCUSED—2

Davies	Punt
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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 amendment?

The clerk read the following amendment No. A1773:

Amend Sec. 5, page 4, lines 14 through 30; page 5, lines 1 through 7, by striking out all of said lines on said pages

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

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

Mr. KUKOVICH. Mr. Speaker, I would like the members to pay close attention to what this amendment does. Most of the amendments that were adopted - a lot of the Reber amendments were clarifying, strengthened the bill; Mr. McHale, Mr. McVerry had some amendments - the ones that were adopted I think were helpful to the bill. The bill is probably stronger now than when it left committee.

However, this amendment is extremely damaging. The Reber amendment, again, which was adopted was a valid compromise. It took off the burden of retailers or realtors or bankers or whoever was providing the contracts from putting a highlighted box on the front of the contract. That is now gone. However, if this language would stay in, what that

would mean is that that small minority of individuals who would want to take advantage of the consumer, who would draft contracts where language would be hidden somewhere in that contract whereby they could deny the normal legal rights of any other consumer, would be allowed to remain in the legislation. This is probably the most anticonsumer amendment offered today.

I think to keep this bill viable and a good consumer bill, we need to vote "no" on this amendment.

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I disagree with my colleague, Mr. Kukovich, on his prior statement. If anything, this is for the good of the people of Pennsylvania. These guidelines are already required in HB 855 as set forth by Mr. Kukovich. To put the additional block on would only add to confusion for the consumer. This information is not required in any other State in the Nation nor any other State that has this type of plain language contract. It would only be a burden to the businesses in the Commonwealth of Pennsylvania for additional documentation as well as additional pages, and I believe it will lead to confusion of those individuals signing that contract, as well as a duplication of effort of those contracts.

I again ask for an affirmative vote on the amendment, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Mayernik, stand for interrogation?

The SPEAKER. Mr. Mayernik indicates he will so stand. You are in order, and you may proceed, sir.

Mr. PRESTON. Can you tell me how in this amendment, if it is passed, it will be more confusing than any other State in the Nation?

Mr. MAYERNIK. What we are doing, Mr. Speaker, is, if you enact this separate legislation, we would go out of sync with the other States in the Nation. It will require all the businesses and companies that do interstate business with Pennsylvania to draw up separate documentation. It would be quite confusing, quite expensive, and it would only end up in litigation in our court system.

Mr. PRESTON. Can you explain to me how this will wind up in litigation?

Mr. MAYERNIK. Because the companies would definitely appeal this type of legislation to the courts.

Mr. PRESTON. Can you give me an example as far as what type of stores will be exempt from this legislation?

Mr. MAYERNIK. There are no stores being exempt. Every one would fall under this legislation, HB 855. Mr. Kukovich has drafted the bill that way.

Mr. PRESTON. In other words, what you are saying is, if your amendment passes, that this would not delete any particular type of retail stores from the bill?

Mr. MAYERNIK. Okay. Mr. Speaker, you initially asked me about the legislation. The amendment as I have drafted it

would assist the companies that do interstate business, such as Sears, Penney's, Montgomery Ward, and those retailers that do interstate business.

Mr. PRESTON. So in other words, what we are saying is, if we pass your amendment, which has already passed—that is why I said "in the bill"—what you are saying is that, therefore, stores such as Kaufmann's, Gimbel's, Horne's, Sears, Wanamaker's, other stores that have large chains across the country would be exempt from this, but all the other stores that are only practicing within the State of Pennsylvania would have to comply to this law. Is that what you are saying, sir?

Mr. MAYERNIK. No; that is incorrect, Mr. Speaker. It would not be an exemption for any stores. What it is is a provision to help keep business in Pennsylvania by maintaining consistency of application of this plain language law with other States in the Nation. There is absolutely no exemption at all.

Mr. PRESTON. Thank you, Mr. Speaker.

Can I speak on the amendment?

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

Mr. PRESTON. I would ask that we vote against the Mayernik amendment. I do not think that we should be able to set a separate standard. I personally have had an enormous problem as far as Sears is concerned, as far as understanding their contracts, asking certain questions, having to have to take the contract, as far as if I am getting a roof, say, on my house from them, where I have had to take it to an attorney. It was not exactly clear to me. That attorney actually had to take it to another attorney. I just do not think that we have to sit down here, and I think that what Mr. Kukovich is trying to do is right.

I would ask for a "no" vote on the Mayernik amendment so that we can have everybody, every single body, every retailer, and let us not let the biggies get away with this. Let us vote "no" on the Mayernik amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—98

Afflerbach	Distler	Lucyk	Saurman
Angstadt	Dorr	McCaill	Scheetz
Argall	Duffy	McVerry	Serafini
Baldwin	Durham	Mackowski	Seventy
Birmelin	Fischer	Manmiller	Showers
Black	Flick	Markosek	Sirianni
Bowser	Foster, Jr., A.	Mayernik	Smith, L. E.
Brandt	Fox	Merry	Snyder, D. W.
Broujos	Freind	Micozzie	Snyder, G. M.
Bush	Gallen	Miller	Steighner
Caltagirone	Geist	Moehlmann	Stevens
Carlson	Godshall	Mowery	Taylor, E. Z.
Cessar	Gruitza	Noye	Taylor, J.
Chadwick	Hasay	O'Brien	Telek
Cimini	Hayes	Olasz	Trello
Civera	Herman	Perzel	Van Horne
Clymer	Hershey	Petrarca	Vroon
Cole	Honaman	Phillips	Wass
Cordisco	Itkin	Piccola	Weston
Coslett	Jackson	Pitts	Wilson

Coy	Johnson	Pressmann	Wogan
DeVerter	Kennedy	Raymond	Wozniak
Daley	Kenney	Robbins	Wright, D. R.
Dietz	Kosinski	Ryan	Wright, R. C.
Dininni	Langtry		

NAYS—98

Acosta	Dawida	Lescovitz	Rieger
Arty	Dombrowski	Letterman	Roebuck
Barber	Donatucci	Levdansky	Rudy
Barley	Evans	Levin	Rybak
Battisto	Fattah	Livengood	Saloom
Belfardi	Fee	Lloyd	Schuler
Belfanti	Freeman	McClatchy	Semmel
Blaum	Fryer	McHale	Smith, B.
Book	Gallagher	Maiale	Staback
Bortner	Gamble	Manderino	Stairs
Bowley	Gannon	Michlovic	Stewart
Boyes	George	Morris	Stuban
Bunt	Gladeck	Mrkonic	Sweet
Burd	Greenwood	Murphy	Swift
Burns	Gruppo	Nahill	Taylor, F. E.
Cappabianca	Hagarty	O'Donnell	Tiguc
Carn	Haluska	Oliver	Truman
Cawley	Harper	Petrone	Veon
Clark	Howlett	Pievsy	Wambach
Cohen	Hutchinson	Pott	Wiggins
Colafella	Josephs	Pratt	Wright, J. L.
Cornell	Kasunic	Preston	Yandrisevits
Cowell	Kukovich	Reber	
Deluca	Lashingner	Reinard	Irvis,
DeWeese	Laughlin	Richardson	Speaker

NOT VOTING—5

Deal	Jarolin	Linton	Pistella
Fargo			

EXCUSED—2

Davies Punt

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

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The House will stand at ease for a few moments. The chairman of the Appropriations Committee wishes to announce an immediate meeting.

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

There will be a meeting of the Appropriations Committee at the rear of the House immediately. Thank you, Mr. Speaker.

The SPEAKER. The House will stand at ease.

**WELCOME**

The SPEAKER. We are glad to welcome here a group from the Christ Episcopal Church, North Hills, Allegheny County. They are the guests of Representative Dave Mayernik. Welcome to the hall of the House.

**BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES**

**HB 206, PN 223** By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey to the Promised Land Volunteer Fire Company 0.23 acres of land, more or less, situate in Greene Township, Pike County, Pennsylvania.

STATE GOVERNMENT.

**HB 430, PN 484** By Rep. PRATT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction of district justices.

JUDICIARY.

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

**SB 183, PN 1205 (Amended)** By Rep. PRATT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for facilities for appellate judges; and extending the limitation periods in criminal cases where the victim is a child.

JUDICIARY.

**SB 766, PN 881** By Rep. OLIVER

An Act authorizing the conveyance of certain State land to the East Norriton Fire Company in Montgomery County; and making a repeal.

STATE GOVERNMENT.

**BILLS REREPORTED FROM COMMITTEE**

**HB 179, PN 195** By Rep. PIEVSKY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing a pension for certain paralyzied veterans.

APPROPRIATIONS.

**HB 324, PN 448** By Rep. PIEVSKY

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.

APPROPRIATIONS.

**HB 1330, PN 1711** By Rep. PIEVSKY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," eliminating the split second quarter for filing of sales tax returns; permitting the equitable adjustment of taxes and penalties; providing a processing exemption for computer software from the capital stock and franchise tax; eliminating tentative payments for corporate net income taxes and requiring the prepayment of estimated taxes; changing the time period within which petitions for refunds may be filed; and making repeals.



APPROPRIATIONS.

HB 1362, PN 1677 By Rep. PIEVSKY

An Act providing for the licensing of chiropractors and the regulation of the practice of chiropractic; establishing the State Board of Chiropractic Examiners in the Department of State and providing for its powers and duties; providing for the supervision of schools of chiropractic, for the examination of applicants, for enforcement and for disciplinary actions; providing penalties; and making repeals.

APPROPRIATIONS.

HB 1363, PN 1678 By Rep. PIEVSKY

An Act amending the act of October 10, 1975 (P. L. 383, No. 110), known as the "Physical Therapy Practice Act," further providing for the board, qualifications for licenses and renewal thereof, registration of physical therapy assistants and certification of athletic trainers; providing penalties; and making an editorial change.

APPROPRIATIONS.

SB 237, PN 1106 By Rep. PIEVSKY

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for powers and duties as to dependents; and providing for the authority to sell certain real property and personal property as a single unit.

APPROPRIATIONS.

SB 588, PN 657 By Rep. PIEVSKY

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," increasing the allowable rate of taxation.

APPROPRIATIONS.

SENATE BILL FOR CONCURRENCE

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

SB 632, PN 934

Referred to Committee on HEALTH AND WELFARE, June 18, 1985.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the majority whip for a correction of the record.

Mr. O'DONNELL. Mr. Speaker, I would like the record to reflect that I should be recorded in the negative on HB 567. Thank you.

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

ADDITIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt from the majority leader's office of additions of sponsorships of bills, which the clerk will file.

The following list was submitted:

HB 241, Wambach, Fox; HB 243, Wambach, Fox; HB 517, B. Smith; HB 1028, Herman; HB 1029, Herman; HB 1223, Telek; HB 1341, Cimini; HB 1342, Hershey; HB 1343, Hershey; HB 1346, Langtry, Merry, Cimini; HB 1347, Telek, Langtry; HB 1353, Harper; HB 1376, Telek; HB 1381, Fox; HB 1400, Morris; HB 1409, Telek; HB 1416, DeLuca, Stuban, Cawley, Kasunic, Langtry; HB 1419, Josephs; HB 1420, Josephs; HB 1426, Baldwin; HB 1430, Noye, Lashinger, DeLuca; HB 1431, Lashinger, Noye, Deluca; HB 1432, DeLuca, Noye, Lashinger; HR 102, Langtry; HR 119, Clymer; HR 124, Fischer, Arty, Wogan, Raymond, DeLuca, Fox, Fargo, Semmel, Godshall; HR 132, Pratt.

CONSIDERATION OF HB 855 CONTINUED

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

AMENDMENT A1773 RECONSIDERED

The SPEAKER. The gentleman from Allegheny, Mr. Mayernik, and the gentleman from Franklin, Mr. Coy, have filed with the Chair a motion of reconsideration of the vote by which the gentleman, Mr. Mayernik's amendment 1773 to HB 855 was defeated on this 18th day of June.

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

The following roll call was recorded:

YEAS—195

Table with 4 columns of names: Acosta, Aflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belardi, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Dietz, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Fargo, Fattah, Fee, Fischer, Flick, Foster, Jr., A., Fox, Freeman, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Howlett, Itkin, Jackson, Lescovitz, Letterman, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Moehimann, Morris, Mowery, Mrkonic, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Roebuck, 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., Taylor, J., Telek, Tigue, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Wass, Weston

Cole	Jarolin	Pitts	Wiggins
Cordisco	Johnson	Pott	Wilson
Cornell	Josephs	Pratt	Wogan
Coslett	Kasunic	Pressmann	Wozniak
Cowell	Kennedy	Preston	Wright, D. R.
Coy	Kenney	Raymond	Wright, J. L.
Deluca	Kosinski	Reber	Wright, R. C.
DeVerter	Kukovich	Reinard	Yandrisevits
DeWeese	Langtry	Richardson	
Daley	Lashinger	Rieger	Irvis,
Dawida	Laughlin	Robbins	Speaker
Deal			

NAYS—2

Levdansky      Murphy

NOT VOTING—4

Dininni      Evans      Freind      Hutchinson

EXCUSED—2

Davies      Punt

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

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

The clerk read the following amendment No. A1773:

Amend Sec. 5, page 4, lines 14 through 30; page 5, lines 1 through 7, by striking out all of said lines on said pages

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Just to clarify some of the comments made by Representative Preston on prior debate. The information that is in question is already contained within the four corners of the document. We are not deleting the information; all we are doing is deleting that block. Thank you, Mr. Speaker.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the amendment please stand for interrogation?

The SPEAKER. The gentleman, Mr. Mayernik, indicates he will so stand. You are in order and may proceed, sir.

Mr. PRESTON. If your amendment should pass, would you explain to the House again which form of retail stores will not fall within the jurisdiction of the bill as far as this section is concerned?

Mr. MAYERNIK. Please repeat that, Mr. Speaker.

Mr. PRESTON. Would you inform the members of the House, should your amendment pass, which form, and give an example of a couple of the stores that would be exempt from this section of the bill should you eliminate it. For an example, would you say that Montgomery Ward would be included under your amendment?

Mr. MAYERNIK. Mr. Speaker, my bill would amend page 4, section 5, lines 14 through 30; page 5, lines 1 through 7, striking out those lines. There are no exemptions for any par-

ticular business or corporation. What I am trying to do is to bring this plain language bill in compliance with those other States in the Nation.

Mr. PRESTON. Then let me follow another line and try to be as emphatic as possible. Would you say that interstate stores would include Montgomery Ward, Sears, Horne's, May Company, stores in that like vein? Would you say that those are the types of interstate stores that you are talking about?

Mr. MAYERNIK. If those stores do interstate business, yes, sir, Mr. Speaker.

Mr. PRESTON. So would you tell me then what would happen to those stores, should your amendment pass, in relationship to the bill?

Mr. MAYERNIK. Nothing will happen to those stores. If my amendment will pass, they will not be required to make a specific form exclusively for the Commonwealth of Pennsylvania but one that can be used throughout the Nation and will be in compliance with other States within the Nation.

Mr. PRESTON. Are you saying, therefore, that the State of Pennsylvania should conform to all the other retail stores as far as the other States, whether or not this bill should pass? What I am trying to say is this: If the Kukovich bill should pass, are you saying that the stores that do interstate business should be exempt from this plain language bill?

Mr. MAYERNIK. Mr. Speaker, for the third time, it will not exempt any stores from the plain language bill. All it will do is put them in sync with other plain language bills throughout the Nation.

Mr. PRESTON. Should the bill pass, will retail outlets that do interstate business be required to conform to this bill without your amendment?

Mr. MAYERNIK. Please state that again.

Mr. PRESTON. Should this bill pass without your amendment, would or would not Sears, Montgomery Ward, or May Company, and other interstate stores be required to conform to the language of the bill?

Mr. MAYERNIK. Yes; they would. Every store in the Commonwealth would without my amendment and they are required to with my amendment.

Mr. PRESTON. Mr. Speaker, may I interrogate the maker of the bill, Mr. Kukovich?

The SPEAKER. Mr. Kukovich indicates he will stand for interrogation. You may proceed.

Mr. PRESTON. Mr. Speaker, I have heard the maker of this amendment say that the stores would be applicable, as far as the amendment, whether it passes or whether it does not pass. Could you explain to the membership what the difference is and what the Mayernik amendment does?

Mr. KUKOVICH. Yes, Mr. Speaker.

The bill as it now is with the Reber amendment would just insure that where in a contract already existing—

### POINT OF ORDER

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

Mr. MAYERNIK. A point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. MAYERNIK. If the man questioning already knows the answer, why would he be asking the question?

Mr. PRESTON. I do not know the answer, Mr. Speaker. That is why I am asking the question, if the gentleman had listened to my question.

The SPEAKER. The gentleman, Mr. Mayernik's point would be well taken. If in fact the questioner knows the answer, he is not permitted to ask the question, but the Chair must take on face value what the gentleman, Mr. Preston, says, and he says he does not know the answer. Therefore, the question is in order, and he may proceed.

You may answer, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, again, as the bill is currently amended by the Reber amendment, the so-called highlight box is taken out. However, currently under the contract, pursuant to Federal statute, the Truth-in-Lending Law, there is an area in there where there would be a place for restrictions of consumers' rights. Now, if the language stands as is, a consumer would be able to readily find that area and read in a nice order what those restrictions are. If this amendment goes in, it is really not going to affect most decent retail contracts. What it will do is provide an advantage to fly-by-night outfits to take restrictions and hide them in other parts of the contract, make it more difficult for consumers to know what rights they may be giving up. That is the distinction between the bill with the amendment and without the amendment.

The SPEAKER. Has the gentleman, Mr. Preston, concluded his interrogation?

Mr. PRESTON. No; I have not, Mr. Speaker. I would now like to ask Mr. Mayernik a question, please.

The SPEAKER. Mr. Mayernik indicates he will stand for further interrogation.

Mr. PRESTON. Mr. Speaker, are you introducing this amendment on behalf of any consumer interest groups?

The SPEAKER. Mr. Preston, you may not ask that question. The motivations of members on the floor are not subject to cross-examination.

Mr. PRESTON. I apologize to the gentleman. I would just ask, let us vote "no." Let us represent the consumers in the State of Pennsylvania. Let us just vote "no" on the amendment.

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

Mr. MAYERNIK. Yes, Mr. Speaker. I am introducing it on behalf of the 11.8 million consumers in the Commonwealth of Pennsylvania who hold over 10 million charge cards and charge accounts in this Commonwealth, and that is whom I am introducing this amendment in behalf of, so that they can continue to keep those charge accounts and charge cards so that, as Mr. Kukovich has already stated, it will read in nice order. The information that we are debating is already con-

tained within the bill; it is a matter of how it will be in there. I cannot see chasing business out of Pennsylvania, interstate business. We spent 2 years the past session encouraging business to be in Pennsylvania, and now we are going to deter it by what Mr. Kukovich proposes. Thank you, Mr. Speaker.

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

Mr. DeWEESE. Mr. Speaker, the amendment is contrary to the idealism of the bill. The bill that Mr. Kukovich is trying to realize would allow for the average consumer - my mother and father, my Aunt Ruth, my kid sister - to go into a store, and if they wanted to buy an expensive piece of merchandise, the contractual arrangement that they would be given, on page 1, in a nice, neat area, well-defined, in easily understandable terms, they would understand the nuances and the difficulties of the contractual agreement. We are trying to make for plain language. We are trying to make sure that David Mayernik's and Bill DeWeese's constituents and all of Pennsylvania, buyers and consumers, have a fair shake.

Now, the gentleman, Mr. Mayernik, has proposed his amendment and indicated that other States do it different ways and we are out of sync. Pennsylvania must be a leader; Pennsylvania must set the pace; Pennsylvania must set the pattern. I am convinced that if the Mayernik amendment is accepted, the pace and the pattern of modernization and progressive government in Pennsylvania will be seriously debilitated. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I am a bit disturbed by the fact that the debate seems to have revolved around the idea of whether or not Mr. Mayernik is drawing a distinction between intrastate and interstate contracts. It also seems to have revolved around the idea that big business versus small business. I suggest to you that neither of these ideas is correct.

First of all, as the gentleman, Mr. Kukovich, indicated, the bill, with or without the Mayernik amendment, will apply to every retail outlet which provides contracts in Pennsylvania. Whether they are small or whether they are large makes no difference.

Secondly, the Mayernik amendment draws no distinction between intrastate or interstate. The small business located in Pennsylvania that writes the types of contracts described in this bill will be affected to the exact same degree as the larger Wanamaker's, Gimbel's, and so forth that have been mentioned. The difficulty is that every one of these businesses which writes contracts affected by this bill will have to write two separate kinds of contracts at a minimum - one exclusively for Pennsylvania and one to comply with the seven other States that have this kind of an act. What we are saying is that with this particular provision, if it remains unchanged, you will be impacting every businessman in Pennsylvania who writes contracts under this act. Be they large, be they small, as long as they sell goods in this State, they will have to have a contract to conform with this and a separate contract for other States.

Mr. Mayernik has presented a proposal which maintains the spirit of the act; it maintains the disclosures that are required under the Federal Truth-in-Lending Law, but it allows the businessmen to save the otherwise administrative and overhead costs that would be necessary without the Mayernik amendment. I would urge support for this amendment.

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

Mr. REBER. Thank you, Mr. Speaker.

Very briefly, and hopefully to clarify this for the members who are present who really do not understand what we are talking about, in an amendment adopted by the House earlier, I removed certain language from the 16th line that said "in a box." This particular language that we are now debating had to appear in a box prior to that amendment being adopted. My concern was this: By taking the language as we are presently debating whether to contain in the bill or to delete in the bill, if you had to put it in a particular box with certain sized lines delineating that box, a company might have to have printed forms, might have to go to a printer, might have to incur additional costs over and above what they can do in-house. By deleting that language "in a box," all the company now has to do is give to one of its typists a plain sheet of paper, give them the information that is contained in Representative Kukovich's lines 21 through 25, have that typed on the paper, then have as many photocopies as they would like. That little piece of paper with that photocopy information then becomes page No. 1 of all contracts that fall within the purview of the act. That particular page No. 1 is the first thing that anybody sees, and that information that is contained on that is the only thing that most people are probably going to read anyway. If they are concerned, that language is going to jump out, and they may read further or they may incur additional advice as to what is contained further in the document. If they desire not to do that, I think there has been full disclosure to them.

I think this is a very important part of the bill. I think, frankly, to adopt this amendment you would be effectively gutting the bill. I see absolutely no hardship to any institution, intra- or interstate dealings with Pennsylvania, no hardship befalling them as a result of having to comply with this language.

The members of the legal profession may very well be aware of the face sheet that appears on any complaint that has to be filed against a party in the Commonwealth of Pennsylvania. It has been my experience that that face sheet basically on a complaint does the same thing and has the same intent as this language has on a consumer contract. I think it gives an opportunity to the people to understand in very, very simple layman's terms in a short paragraph that they may have a problem with what they are entering into if they do not read further, if they do not understand, or if they do not do certain things required as a result of the transaction.

I think it is a very simple amendment. I see absolutely no way this can hurt either small business or big business any

more than any other portion of the bill as now amended. I would urge defeat of the amendment.

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

The following roll call was recorded:

YEAS—102

Afflerbach	Daley	Kasunic	Rudy
Angstadt	Dietz	Kenney	Ryan
Argall	Distler	Kosinski	Scheetz
Arty	Dombrowski	Langtry	Schuler
Baldwin	Duffy	Lucyk	Serafini
Barley	Durham	McCall	Showers
Birmelin	Fargo	McVerry	Sirianni
Black	Flick	Mackowski	Snyder, D. W.
Book	Foster, Jr., A.	Markosek	Snyder, G. M.
Bowser	Fox	Mayernik	Steighner
Brandt	Freind	Merry	Stevens
Broujos	Gallen	Micozzie	Swift
Bunt	Gannon	Miller	Taylor, E. Z.
Burd	Geist	Moehlmann	Taylor, F. E.
Bush	Godshall	Mowery	Taylor, J.
Caltagirone	Gruitza	Noye	Telek
Carlson	Hasay	O'Brien	Trello
Cessar	Hayes	Perzel	Van Horne
Chadwick	Herman	Petrarca	Veon
Cimini	Hershey	Phillips	Vron
Civera	Honaman	Piccola	Weston
Clymer	Howlett	Pitts	Wogan
Cole	Itkin	Pressmann	Wozniak
Cordisco	Jackson	Raymond	Wright, D. R.
Coslett	Jarolin	Robbins	Wright, R. C.
Coy	Johnson		

NAYS—95

Acosta	Dorr	Levin	Richardson
Barber	Evans	Linton	Rieger
Battisto	Fattah	Livengood	Roebuck
Belardi	Fee	Lloyd	Rybak
Belfanti	Fischer	McClatchy	Saloom
Blaum	Freeman	McHale	Saurman
Bortner	Fryer	Maiaie	Semmel
Bowley	Gallagher	Manderino	Seventy
Boyes	Gamble	Manmiller	Smith, B.
Burns	George	Morris	Staback
Cappabianca	Gladeck	Mrkonic	Stairs
Carn	Greenwood	Murphy	Stewart
Cawley	Gruppo	Nahill	Suban
Clark	Hagarty	O'Donnell	Sweet
Cohen	Haluska	Olasz	Tigue
Colafella	Harper	Oliver	Truman
Cornell	Josephs	Petrone	Wambach
Cowell	Kennedy	Pievsky	Wass
Deluca	Kukovich	Pistella	Wiggins
DeVerter	Lashinger	Pott	Wilson
DeWeese	Laughlin	Pratt	Yandrisevits
Dawida	Lescovitz	Preston	
Deal	Letterman	Reber	Irvis,
Dininni	Levdansky	Reinard	Speaker
Donatucci			

NOT VOTING—4

Hutchinson	Michlovic	Smith, L. E.	Wright, J. L.
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EXCUSED—2

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

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

Mr. McHALE offered the following amendments No. A2216:

Amend Sec. 7, page 5, by inserting between lines 29 and 30  
(4) Attorney fees.

Amend Sec. 7, page 5, line 30, by striking out "(4)" and inserting  
(5)

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, as this bill worked its way through the committee process, there were a number of amendments attached to it which substantially altered the original terms of the proposed legislation and thereby substantially weakened it. During the last few minutes we have corrected a number of those mistakes. We have restored class actions, for instance, but there remains a basic problem with the bill that I think is addressed by my amendment, so there is a philosophical question here.

If a consumer enters into a contract and that contract does not meet the standards of the plain language bill, and that consumer is forced to go to court in order to obtain a remedy, that consumer in effect has to bring a lawsuit. If that consumer is successful in his lawsuit and does in fact prove that the language of the contract is not in conformity with the plain language act, who should pay for the cost of that consumer's legal fees in bringing the lawsuit? Should the consumer who has proven his case and who has proven the injustice pay the cost of his legal fees, or should the defendant who has been shown not to be in compliance with the plain language act and who forced the lawsuit in the first place be required instead to pay the cost of the plaintiff's legal fees?

Now, I call the members' attention to subsection (2) on line 26, page 5, which indicates that if the total amount of the contract is less than \$100, damages are limited to the total amount of the contract. Let us say hypothetically the consumer enters into a contract which is a \$75 contract - the purchase of a \$75 home appliance. The defendant who is named in that lawsuit will not have to be terribly bright to realize that it will not take very long in running up the costs of the plaintiff's legal fees before it becomes economically impractical to continue with the lawsuit. For how many hours can you afford to retain the services of an attorney when you are suing for \$75 before it becomes unrealistic to continue?

I believe very strongly, Mr. Speaker, that if a consumer foolishly and incorrectly brings a lawsuit under this statute and he fails, he should pay for the cost of his own attorney, but if, on the other hand, he brings a lawsuit arising out of exactly the kind of abuse that we seek to prohibit with this statute and if in fact he proves the truth of his case, then I believe it is appropriate for the defendant to pay for the cost

of his legal fees. To place those economic costs on the back of the successful plaintiff means that many plaintiffs who have legitimate complaints under this act, simply for economic reasons, will not be able to afford to go to court.

I urge that we establish the right to collect legal fees for the plaintiff when he or she is successful in the kind of lawsuit authorized by this proposed statute. To do otherwise means that we are making a statement of principle today but that on a practical level we are going to make it very difficult, if not impossible, for the aggrieved consumers of Pennsylvania to prevail in our courts. I therefore seek an affirmative vote on my amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I agree with the amendment. It is another important enforcement tool for the bill, and I would ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—176

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

NAYS—23

Barley	Fargo	Honaman	Scheetz
Birmelin	Flick	Jackson	Schuler
Book	Foster, Jr., A.	McVerry	Sweet
Brandt	Geist	Mowery	Swift
Chadwick	Godshall	Noye	Vroon
Dorr	Hasay	Pott	

NOT VOTING—2

Pressmann Wright, J. L.

EXCUSED—2

Davies Punt

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

Deluca	Kenney	Reber	Wright, R. C.
DeVerter	Kosinski	Reinard	Yandrisevits
DeWeese	Kukovich	Richardson	
Daley	Langtry	Rieger	Irvis,
Dawida	Lashingner	Robbins	Speaker
Deal	Laughlin		

NAYS—4

Duffy Hutchinson Letterman Maiale

NOT VOTING—1

Itkin

EXCUSED—2

Davies Punt

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.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. We are going to take a condolence resolution on the death of a former member. The clerk will read the condolence resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK  
RESOLUTION

WHEREAS, The Honorable Francis J. Rush, former member of the Pennsylvania House of Representatives, passed away June 15, 1985; and

WHEREAS, A United States Navy veteran of World War II and the Korean Conflict, Mr. Rush served with distinction as a Democratic Committeeman, Democratic Ward Leader of the 12th Ward, Delegate to the 1968 National Convention and Chief Real Estate Appraiser for the Department of Revenue, Inheritance Tax Division. He was elected to the Pennsylvania House of Representatives in 1966 and was reelected in 1968 and 1970. He was a member of the Philadelphia Board of Realtors, Germantown Businessmen's Association, Knights of Columbus, Friendly Sons of St. Patrick and Board of Directors of East Germantown Building and Loan Association; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of a former member, distinguished public servant and respected community leader; extends its heartfelt condolences to his wife, Eleanor Rush; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Eleanor Rush, 4905 South Peninsula Drive, Ponceinlet, Florida 32019.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable William W. Rieger, and unanimously adopted by the House of Representatives on the 17th day of June 1985.

K. Leroy Irvis  
Speaker  
ATTEST:  
John J. Zubeck  
Chief Clerk

On the question,  
Will the House adopt the resolution?

The SPEAKER. Members will rise.  
(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

### REMARKS ON VOTE

The SPEAKER. Does the gentleman from Allegheny, Mr. Itkin, wish to correct the record?

Mr. ITKIN. Mr. Speaker, I believe I was not recorded on HB 855. I wish to be recorded in the affirmative.

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

### CONSIDERATION OF HB 641 RESUMED

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

Mr. LAUGHLIN offered the following amendments No. A2207:

Amend Sec. 2, page 9, by inserting between lines 17 and 18  
Section 1709. Creation of Full-time Jobs.—Notwithstanding any other provisions of this article, for every one hundred thousand dollars (\$100,000) of tax credit granted, there shall be at least one full-time job created; and if any full-time job so created is terminated within one year of the date of its creation, one hundred thousand dollars (\$100,000) of the tax credit granted shall be added to the tax liability of the taxpayer for the tax year in which the termination takes place.

Amend Sec. 2 (Sec. 1709), page 9, line 18, by striking out "1709" and inserting

1710

Amend Sec. 2 (Sec. 1710), page 10, line 13, by striking out "1710" and inserting

1711

Amend Sec. 2 (Sec. 1711), page 10, line 19, by striking out "1711" and inserting

1712

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

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

Mr. LAUGHLIN. Mr. Speaker, as I had said earlier, awarding \$25 million of aid in tax credits to industries in the State of Pennsylvania without any language in the bill that protects the interests of additional employment, which is a major concern voiced earlier this morning by members of the House here, I would ask that we concur in the amendment which will provide that for every \$100,000 of tax credit granted, there shall be at least one full-time job that is created.

We have often heard that the heavy machinery industry and others across the State say that it takes a great deal of investment in industry to create a single job. Well, Mr. Speaker, at least in this instance—and there is no limit on the number of jobs they can create—but at least they will be required to

create one job with that money or face the possible loss of the credit if they remove the position within the period of the year granted.

I would ask for an affirmative vote, Mr. Speaker.

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

Mr. COLAFELLA. Mr. Speaker, I rise to oppose this amendment.

This bill was drafted to give the Ben Franklin Partnership autonomy to make decisions on tax credit, credits for all industries in Pennsylvania. The Ben Franklin Partnership is a bipartisan group of people with expertise in evaluating proposals as to whom to provide tax credits. In the bill on page 7, subsection (3), "...the investments for which the credit is requested will result in the permanent rehiring of laid-off workers, the permanent retention of existing jobs in Pennsylvania or the permanent expansion of employment within this Commonwealth, and a quantitative estimate of the impact of such investment upon employment."

Mr. Speaker, sometimes corporations need to spend millions of dollars just to keep 3,000 jobs that they have. This amendment guts the objectives of the Ben Franklin Partnership that provide tax credits to those who have invested in Pennsylvania; it is a restrictive and negative sign for businesses to invest in Pennsylvania. If all of you have ever been involved in submitting proposals, you all know that when you request moneys you are never asked to require how many new jobs are going to be requested by the amount of moneys that you are requesting. I request very much your support to oppose this amendment.

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

Mr. DUFFY. I would like to ask the maker of the amendment a question, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will stand for interrogation.

Mr. DUFFY. Mr. Speaker, if you had a company that had 15 different divisions and you got \$200,000 in tax credits; they created two jobs in one of the divisions and in the other divisions they might have lost 30 jobs, how would you go ahead and correlate this situation?

Mr. LAUGHLIN. Mr. Speaker, as you know, the bill is drafted specifically to take care of those companies that lost specific amounts of money in the periods of 1981 to 1983, and so it would matter not if they lost the moneys—for instance, if they had a company that was under the same name and under the same tax reporting system—as to what particular section lost those jobs. For instance, if they had a paintmaking operation and in the same building they had one that carried out some other operation that was related to it, it would merely mean that under the overall umbrella, they would be required to create at least one of those positions.

Mr. DUFFY. Thank you, Mr. Speaker.

May I say a word?

The SPEAKER. The gentleman may speak on the amendment.

Mr. DUFFY. From what I can see, I think it would be very, very difficult to go ahead and enforce this particular situation. I think we should vote against the amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Gruitza, on the amendment.

Mr. GRUITZA. Thank you, Mr. Speaker.

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

The SPEAKER. Mr. Laughlin indicates he will stand for interrogation. You are in order, and you may proceed, sir.

Mr. GRUITZA. Mr. Speaker, how does this amendment impact on situations where an employer may not be able to actually state that he is creating any jobs but may be preserving a job or two by making a capital expenditure?

Mr. LAUGHLIN. Mr. Speaker, I am sorry, but because of the noise, I could not hear the question.

The SPEAKER. Try it again, Mr. Gruitza.

Mr. GRUITZA. Mr. Speaker, how would this amendment impact on a situation where an employer may not be able to state that he has created any jobs but because of the tax break he is able to make expenditures that would preserve some jobs in certain circumstances?

Mr. LAUGHLIN. Mr. Speaker, there are already provisions in the job circumstance for the Ben Franklin board to make a decision on granting that particular consideration for the loan or the credit. In this case, Mr. Speaker, all we are doing is adding one other specific area for the Ben Franklin people to consider; that is that it create one additional job for \$100,000. I do not believe that is unreasonable, and I do not believe that it is going to cause any hardship to those companies that are receiving the credit, nor should it.

Mr. GRUITZA. But, Mr. Speaker, again, getting back to my particular question, the board I guess has some discretion, but if we give them this language and we mandate that new jobs must be created, what happens to their discretion in situations where, say, a company like Sharon Steel is mandated by EPA (Environmental Protection Agency) to put in new scrubbers? They are going to come and say, we are not going to be able to create any new jobs with this pollution control equipment but we will be able to preserve 20 jobs in a particular finishing section by making this expenditure. So they are not creating new jobs, but they are able to preserve some jobs. Will your amendment destroy this possibility?

Mr. LAUGHLIN. Absolutely not, Mr. Speaker, and I do not know of any company that would not gladly submit to a one-job requirement in return for receiving \$100,000 of credit from the State of Pennsylvania and from the taxpayers in this State, because I believe that the companies can easily accommodate the one-job provision.

Mr. GRUITZA. Thank you, Mr. Speaker.

I am done with my line of interrogation. If I could comment briefly?

The SPEAKER. The gentleman is in order, and he may do so.

Mr. GRUITZA. Mr. Speaker, I am concerned with this particular amendment. I am a strong advocate of tying tax breaks or incentives to job creation. I think it has been one of the great things through the PIDA (Pennsylvania Industrial Development Authority) program where we have mandated that certain numbers of jobs be created, and philosophically I agree with this. But there is a careful hitch to this, and I think that we should pay attention to it. I do not know that the maker of the amendment has spoken to this issue, and that is, what happens in situations where we are preserving jobs?

Right now in many areas of our State we are fighting just to hang on to some of the basic industrial jobs that we have. Our business community is forced to comply with mandates from the Federal and State Government to install certain types of equipment that certainly do not create any jobs but that in many instances preserve jobs. I am really not very satisfied that the maker of the amendment has spoken to that issue, so I am not sure that I can really support an amendment that although philosophically I agree with, I think in this case we need additional language in this amendment that says that we not only create full-time jobs but also preserve existing jobs. I could buy the amendment with that language.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist, on the amendment.

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

I would like to agree with the previous speakers, especially my friend, Nick Colafella. This amendment will do nothing to help us in western Pennsylvania, where I can see it actually hurting businesses, especially if you have to guarantee one job for each \$100,000, especially in reequipment. A lot of the companies that are looking at this are ESOP's (employee stock ownership plans) that have been created in western Pennsylvania. I do not think anything is more crippling than having us as members of the General Assembly sit on the board of directors of that firm to make those financial decisions. It is our hope that these tax credits will turn these companies around in situations where they can propel themselves into very, very productive employment-type opportunities. I would therefore urge a "no" vote for my colleagues on this side of the aisle and would hope that Mr. Laughlin sticks to the business of helping business rather than putting a collar on them to prohibit them.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman, on the amendment.

Mr. FREEMAN. Thank you, Mr. Speaker.

Will the maker of the amendment stand for a very brief period of interrogation?

The SPEAKER. Mr. Laughlin indicates he will so stand. You may proceed, Mr. Freeman.

Mr. FREEMAN. Mr. Speaker, under the definition in your amendment of creation of a new job, if an individual is laid off and called back to a position, would that be considered creating a new job?

Mr. LAUGHLIN. Absolutely. If that job had been ruled out and he is called back and put back to work in that capacity, I would believe that would meet the qualifications.



Mr. FREEMAN. Thank you, Mr. Speaker. I have no further questions.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski, on the amendment.

Mr. MACKOWSKI. Yes, sir, Mr. Speaker.

Mr. Speaker, I urge my colleagues on both sides of the aisle to vote against this amendment.

I think what we are doing here is really creating inefficiency in a going operation. I think it leans toward the area of featherbedding. It happened in the railroad industry and so forth. It does not accomplish what I think the bill is intended to do, and I think we are treading on very dangerous ground as far as interrupting the business community. Thank you, Mr. Speaker.

The SPEAKER. Mr. Laughlin, do you wish to conclude the debate?

Mr. LAUGHLIN. Mr. Speaker, I listened considerably to the gentleman from the Altoona-Johnstown area who speaks about detrimental efforts with regard to work. This is the same gentleman who voted to give Conrail an additional \$20 million of tax moneys a few years ago while they chose to divest themselves of lines across this State, denying our business industries an opportunity for shipment by rail. I find it unusual that he now says what he did today. Mr. Speaker, other gentlemen have taken this floor and they have stated that there is no other relationship between the number of jobs created and the amount of money given in the form of a loan or a grant. I would suggest they read the Pennsylvania industrial development programs under PIDA, and they would find that there are criteria for additional jobs as well as a relationship to the amount of money given under a grant.

Mr. Speaker, a \$100,000 tax break for a major industry to supply one additional job is not a great weight upon that industry to deliver. Mr. Speaker, I think we should remember that some of these industries are the same ones that came very close to bankrupting our Unemployment Fund in this State earlier in 1981 and 1982 when this House raised the cost of business in this State to provide the additional moneys to fulfill the obligation of unemployment. So, Mr. Speaker, I do not believe we are creating a hardship, nor have I ever put that in a position to be voted on this floor. Mr. Speaker, I think it is a worthwhile amendment and deserves the consideration of each and every member who is interested in employing Pennsylvania residents. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Colafella, for the second time on the amendment.

Mr. COLAFELLA. Mr. Speaker, I oppose this regressive amendment, because if the Ben Franklin Partnership is going to use the barometer that we should just hire one person for every \$100,000 tax credit they give, I think it is a very regressive barometer to use. I think that the barometers they ought to use ought to be not only new jobs but to modernize their jobs. But the key to this whole bill is that the money has to be invested by the industries getting the credit, and the industries must invest in Pennsylvania.

I urge you to oppose this amendment.

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

The following roll call was recorded:

YEAS—37

Acosta	Freeman	Maiale	Staback
Afflerbach	Fryer	Miller	Stevens
Barber	Howlett	Murphy	Stewart
Belfanti	Kosinski	Oliver	Taylor, J.
Boyes	Laughlin	Perzel	Veon
Cappabianca	Letterman	Petrarca	Wambach
Carn	Levdansky	Pitts	Wass
Coy	Lloyd	Pressmann	Wozniak
Dorr	McCall	Rybak	Wright, R. C.
Fischer			

NAYS—159

Angstadt	Dietz	Kenney	Rieger
Argall	Dininni	Langtry	Robbins
Arty	Distler	Lashinger	Roebuck
Baldwin	Dombrowski	Lescovitz	Rudy
Barley	Donatucci	Levin	Ryan
Battisto	Duffy	Linton	Saloom
Belardi	Durham	Livengood	Saurman
Birmelin	Evans	Lucyk	Scheetz
Black	Fargo	McClatchy	Schuler
Blaum	Fee	McHale	Semmel
Book	Flick	McVerry	Serafini
Bortner	Foster, Jr., A.	Mackowski	Seventy
Bowley	Fox	Manderino	Showers
Bowser	Freind	Manmiller	Sirianni
Brandt	Gallagher	Markosek	Smith, B.
Broujos	Gallen	Mayernik	Smith, L. E.
Bunt	Gamble	Merry	Snyder, D. W.
Burd	Gannon	Michlovic	Snyder, G. M.
Burns	Geist	Micozzie	Stairs
Bush	George	Moehlmann	Steighner
Caltagirone	Gladeck	Morris	Suban
Carlson	Godshall	Mowery	Sweet
Cawley	Greenwood	Mrkonic	Swift
Cessar	Gruitza	Nahill	Taylor, E. Z.
Chadwick	Gruppo	Noye	Taylor, F. E.
Cimini	Hagarty	O'Brien	Telek
Civera	Haluska	O'Donnell	Tigue
Clark	Harper	Olasz	Trelfo
Clymer	Hasay	Petrone	Van Horne
Cohen	Hayes	Phillips	Vroon
Colafella	Herman	Piccola	Weston
Cole	Hershey	Pievsky	Wiggins
Cordisco	Honaman	Pistella	Wilson
Cornell	Hutchinson	Pott	Wogan
Coslett	Itkin	Pratt	Wright, D. R.
Cowell	Jackson	Preston	Wright, J. L.
Deluca	Jarolin	Raymond	Yandrisevits
DeVerter	Johnson	Reber	
Daley	Kasunic	Reinard	Irvis,
Dawida	Kennedy	Richardson	Speaker
Deal			

NOT VOTING—5

DeWeese	Josephs	Kukovich	Truman
Fattah			

EXCUSED—2

Davies	Punt
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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. MICHLOVIC offered the following amendments No. A2218:

Amend Sec. 2 (Sec. 1703), page 5, line 30, by inserting after "MORE."

In the case of corporations qualifying for a credit pursuant to section 1704(b), the investments may also consist of expenditures to acquire used, depreciable, tangible property, equipment, buildings or structures if the property, equipment, buildings and structures are used for their intended purpose within 180 days from the date of purchase.

Amend Sec. 2 (Sec. 1704), page 6, line 22, by inserting after "CREDIT.—"

(a)

Amend Sec. 2 (Sec. 1704), page 6, by inserting between lines 27 and 28

(b) A corporation incorporated after the effective date of this article which contributes to the economic revitalization of this Commonwealth by purchasing manufacturing property, plants or equipment in this Commonwealth for the purpose of continuing manufacturing activities which would otherwise be terminated shall be eligible for a tax credit as provided in this article if none of the stockholders of the purchasing corporation were prior owners, or subsidiary corporations (as defined in section 601) of prior owners, of the manufacturing property, plants or equipment. For purposes of this subsection, available credit shall be equal to six million two hundred fifty thousand dollars (\$6,250,000); and threshold level shall be equal to two million dollars (\$2,000,000).

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

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, amendment A2218 is essentially an amendment which would allow a corporation which is incorporated after the time of passage of this legislation to take over a facility that has been shut down in Pennsylvania, whether that corporation is an ESOP, an employee stock ownership plan, like we are considering in the Duquesne Works in Allegheny County, or whether it is another corporation, as long as that corporation is not owned or a subsidiary of the other corporation that previously owned the property to begin with.

Essentially my amendment allows those kinds of corporations to become eligible for this tax credit. They would have to meet the threshold level of \$2 million in assets to still apply, just as all the other corporations would under the Colafella amendment, but they would not have to have tax losses in previous years. Essentially they would be a new corporation, but the tax loss was taken by the other corporation which terminated that facility.

So I ask for support of the amendment. I think it will help a lot of companies that have been terminated; it will help companies that are taking a look at those facilities and encourage them to buy those companies. It will encourage employee ownership groups to take a look at seriously investing their money in taking over a facility, and they will get a little help

from the State with this bill. I would appreciate support of the membership.

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

Mr. COLAFELLA. It is an agreed-to amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—2

Olasz                      Pistella

EXCUSED—2

Davies Punt

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

On the question recurring,

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

Mr. WILSON offered the following amendments No. A2145:

Amend Title, page 1, line 21, by inserting after "PENALTIES,"

excluding from the tax materials used by nonprofit organizations for purposes of commemoration and memorialization of historical events;

Amend Bill, page 2, by inserting between lines 10 and 11

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

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

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(45) The sale at retail or use of materials used in the construction and erection of objects purchased by nonprofit organizations for purposes of commemoration and memorialization of historical events, provided that the object is erected upon publicly owned property or property to be conveyed to a public entity upon the commemoration or memorialization of the historical event.

Amend Sec. 1, page 2, line 11, by striking out "1" and inserting

2

Amend Sec. 1, page 2, lines 11 and 12, by striking out "of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971"

Amend Sec. 2, page 4, line 9, by striking out "2" and inserting

3

Amend Bill, page 10, by inserting between lines 21 and 22

Section 4. Section 1 of this act shall apply retroactively to the calendar years 1983, 1984, 1985 and to all calendar years thereafter. If applicable the Department of Revenue is directed to issue refunds of the tax collected in the calendar years 1983, 1984 and 1985 or the materials described in section 204(45) upon proper receipt of a petition for refund.

Section 5. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 3, page 10, line 22, by striking out "3" and inserting

6

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Mr. Speaker, this is an amendment that would exclude from the sales tax memorials, monuments, things of that nature, that are dedicated to historical events. What would the reason for this be? Very simply, the current law says that we can exclude and do exclude monuments

where in fact there is somebody buried there. What we have here, in a case in Bucks County, we had a group of people who went out and raised some \$96,000 for a memorial to honor the Vietnam War veterans. When they went about to purchase this, the department determined that they had to pay some \$5,000 or \$6,000 in sales tax. I do not believe anybody in the Commonwealth wants to do that, but that is the way the law is, and I am attempting to clear that up by removing that obligation for those groups that want to honor our historical events. Thank you, Mr. Speaker.

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

Mr. LLOYD. Mr. Speaker, I recognize that this amendment is retroactive to 1983, and I am wondering if someone on the floor of the House could give us some idea of what the cost of the amendment would be - Mr. Wilson or someone else from the Appropriations Committee.

The SPEAKER. Mr. Wilson indicates he will stand.

Mr. Wilson.

Mr. WILSON. It is \$4,986.

Mr. LLOYD. That is for everybody who could possibly qualify?

Mr. WILSON. That is the only one we could determine that would be under this purview as amended here now. We have determined that from Revenue. Actually, I was being facetious; it is \$5,000.

Mr. LLOYD. Okay. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

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

Clark	Hayes	Oliver	Van Horne
Clymer	Herman	Perzel	Veon
Cohen	Hershey	Petrarca	Wambach
Colafella	Honaman	Petrone	Wass
Cole	Howlett	Phillips	Weston
Cordisco	Hutchinson	Piccola	Wiggins
Cornell	Itkin	Pievsky	Wilson
Coslett	Jackson	Pistella	Wogan
Cowell	Jarolin	Pitts	Wozniak
Coy	Johnson	Pott	Wright, D. R.
Deluca	Josephs	Pratt	Wright, J. L.
DeVerter	Kasunic	Pressmann	Wright, R. C.
DeWeese	Kennedy	Preston	Yandrisevits
Daley	Kenney	Raymond	
Dawida	Kosinski	Reber	Irvis,
Deal	Kukovich	Reinard	Speaker
Dietz	Langtry	Richardson	

NAYS—2

Levdansky Tigue

NOT VOTING—2

Cappabianca Vroon

EXCUSED—2

Davies Punt

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

On the question recurring,

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

Mr. WILSON offered the following amendments No. A2215:

Amend Title, page 1, line 23, by removing the period after "CORPORATIONS" and inserting ; and further providing for the capital stock and franchise tax.

Amend Bill, page 10, by inserting between lines 21 and 22 Section 3. Section 3003 of the act is amended by adding a subsection to read:

Section 3003. Prepayment of Tax.—\*\*\*

(b.1) Notwithstanding the provisions of subsections (a) and (b), the tentative tax due with respect to the capital stock and franchise tax for taxable years commencing with calendar year 1986 and for each taxable year thereafter shall be computed by applying the current tax rate to seventy-five per cent of such tax base from the year preceding the immediate prior year.

\*\*\*

Amend Sec. 3, page 10, line 22, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Mr. Speaker, in a different tone, in a different approach, what I am attempting to do here is bring to the floor of the House, to the discussion stage, the problem that I think everybody agrees with in the capital stock and franchise tax. I think everybody concurs that prepayment at 90 percent is not proper. It is one of those things we grasped at years ago when we needed money and we figured nobody who voted would be disturbed, so therefore we could solve our problems

by doing it in this manner. The rate of taxation is abominable; it is kind of a determined tax; it is the kind of tax that whatever the Revenue Department seems to want to lay on you, they can lay on you. What I am trying to do in amendment A2215 is simply reduce in the effective year, 1986, the prepayment factor from 90 percent to 75 percent. In other words, when you prepay your tax, you would pay 75 percent and then adjust the balance at the end of the year.

I think it is time we do begin this discussion; I think it is time we do move in a direction of curing this capital stock tax improbability. Let us get to it. This is one way of doing it. I would urge your positive vote.

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I would urge the House to reject this amendment. The net effect of changing the calculation for the payment of this estimated tax will be a cash-flow problem in the current fiscal year of about \$41 million, and approximately \$13 million in the next year. That \$41-million hole is something we are just not prepared to fill. The problem Mr. Wilson describes is a very real problem, but I think that to remedy it in this way would just cause us a very, very immense budget difficulty.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wilson, for the second time on his amendment.

Mr. WILSON. Mr. Speaker, would the gentleman, Mr. O'Donnell, consent to interrogation?

The SPEAKER. Mr. O'Donnell indicates he will stand for interrogation. You are in order, and you may proceed, sir.

Mr. WILSON. Mr. Speaker, I would ask where the conjecture of the \$41 million in the current budget comes from, because the proposal takes place in 1986, I believe. How did you come up with \$41 million and then \$13 million?

Mr. O'DONNELL. I did not personally make the calculation, Mr. Speaker. What we did was referred this amendment to the staff in the same way we would handle a fiscal note, and had them go through an informal estimate, which we have found to be extremely reliable. And perhaps, to give a fuller answer, to lengthen the afternoon we could have gone through an interrogation process on exactly what the fiscal impact of this would be, and having arrived at a conclusion of which I suspect neither Mr. Wilson nor Mr. O'Donnell could be absolutely sure, we would both wind up relying on good estimates. So if we want to reverse the procedure, I would be happy to do that.

Mr. WILSON. I thank the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—104

Afflerbach	Dininni	Kenney	Ryan
Angstadt	Distler	Langtry	Saurman
Argall	Dorr	Lashinger	Scheetz
Arty	Durham	McClatchy	Schuler
Barley	Fargo	McVerry	Semmel
Birmelin	Fischer	Mackowski	Serafini
Black	Flick	Manmiller	Showers
Book	Foster, Jr., A.	Merry	Sirianni
Bowser	Fox	Micozzie	Smith, B.

Boyes	Freind	Miller	Smith, L. E.
Brandt	Gallen	Moehlmann	Snyder, D. W.
Bunt	Gannon	Mowery	Snyder, G. M.
Burd	Geist	Nahill	Stairs
Burns	Gladeck	Noye	Stevens
Bush	Godshall	O'Brien	Suban
Caltagirone	Greenwood	Perzel	Swift
Carlson	Gruppo	Phillips	Taylor, E. Z.
Cessar	Hagarty	Piccola	Taylor, J.
Chadwick	Hasay	Pitts	Telek
Cimini	Hayes	Pott	Vroon
Civera	Herman	Pressmann	Wass
Clymer	Hershey	Raymond	Weston
Cornell	Honaman	Reber	Wilson
Coslett	Jackson	Reinard	Wogan
DeVerter	Johnson	Robbins	Wright, J. L.
Dietz	Kennedy	Rudy	Wright, R. C.

NAYS—97

Acosta	Dombrowski	Levdansky	Richardson
Baldwin	Donatucci	Levin	Rieger
Barber	Duffy	Linton	Roebuck
Battisto	Evans	Livengood	Rybak
Belardi	Fattah	Lloyd	Saloom
Belfanti	Fee	Lucyk	Seventy
Blaum	Freeman	McCall	Staback
Bortner	Fryer	McHale	Steighner
Bowley	Gallagher	Maiale	Stewart
Broujos	Gamble	Manderino	Sweet
Cappabianca	George	Markosek	Taylor, F. E.
Carn	Gruitza	Mayernik	Tigue
Cawley	Haluska	Michlovic	Trello
Clark	Harper	Morris	Truman
Cohen	Howlett	Mrkonic	Van Horne
Colafella	Hutchinson	Murphy	Veon
Cole	Itkin	O'Donnell	Wambach
Cordisco	Jarolin	Olasz	Wiggins
Cowell	Josephs	Oliver	Wozniak
Coy	Kasunic	Petrarca	Wright, D. R.
Deluca	Kosinski	Petrone	Yandrisevits
DeWeese	Kukovich	Pievsky	
Daley	Laughlin	Pistella	Irvis,
Dawida	Lescovitz	Pratt	Speaker
Deal	Letterman	Preston	

NOT VOTING—0

EXCUSED—2

Davies Punt

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?

The SPEAKER. Mr. Wilson, we are told you have a third amendment. That is not yet up from duplicating?

Mr. WILSON. It has been down there. I do not know if it has hit the desk, Mr. Speaker. I could explain it.

The SPEAKER. It is still in duplicating. Is that correct?

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House Bill Harrison, JoAnne Williams, and Marvis Williams. They are the guests of Representative Deal. Welcome to the hall of the House.

CONSIDERATION OF HB 641 CONTINUED

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. Mark HB 641 over temporarily. Rather than hold you here and wait until Mr. Wilson's amendment is duplicated, which may take some time, we will go to page 5.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Lawrence, Mr. Pratt, rise?

Mr. PRATT. Mr. Speaker, on the Laughlin amendment A2207 to HB 641, I inadvertently voted in the negative. I would like to have my vote recorded in the positive, please.

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

If there are any other corrections to the record, the Chair will take them at a regular time so that we can keep going, hopefully, and get over with this calendar.

CONSIDERATION OF HB 284 RESUMED

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

Miss SIRIANNI offered the following amendments No. A2203:

Amend Sec. 2, page 4, line 11, by striking out "SUBSTANTIALLY"

Amend Sec. 2, page 4, line 12, by inserting after "FUNDED" in any amount

On the question,

Will the House agree to the amendments?

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

Miss SIRIANNI. I yield to Mr. Wambach.

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

Miss SIRIANNI. He said he agreed to it.

Mr. WAMBACH. It is the lady's amendment, Mr. Speaker.

The SPEAKER. The lady apparently does not wish to speak on the amendment.

Mr. WAMBACH. I ask my colleagues to support the agreed-to amendment of the lady's. I thought you called on her for an explanation. Thank you, Mr. Speaker.

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

Miss SIRIANNI. Mr. Speaker, I changed the words to read "funded in any amount." I did not stipulate a certain percentage or a certain dollar. I believe it should be if they receive any funds.

The SPEAKER. The Chair understands.

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

The following roll call was recorded:

YEAS—198

Acosta	Dietz	Laughlin	Robbins
Afflerbach	Dininni	Lescovitz	Roebuck
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	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gannon	Michlovic	Steighner
Bunt	Geist	Micozzie	Stevens
Burd	George	Miller	Stewart
Burns	Gladeck	Moehimann	Stuban
Bush	Godshall	Morris	Sweet
Caltagirone	Greenwood	Mowery	Swift
Cappabianca	Gruitza	Mrkonic	Taylor, E. Z.
Carlson	Gruppo	Nahill	Taylor, F. E.
Carn	Hagarty	Noye	Taylor, J.
Cawley	Haluska	O'Brien	Telek
Cessar	Harper	O'Donnell	Tigue
Chadwick	Hasay	Olasz	Trello
Cimini	Hayes	Oliver	Truman
Civera	Herman	Perzel	Van Horne
Clark	Hershey	Petrarca	Veon
Clymer	Honaman	Petrone	Vroon
Cohen	Howlett	Phillips	Wambach
Colafella	Hutchinson	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	Raymond	Wright, R. C.
DeWeese	Kosinski	Reber	Yandrisevits
Daley	Kukovich	Reinard	
Dawida	Langtry	Richardson	Irvis,
Deal	Lashingier	Rieger	Speaker

NAYS—2

Fargo                      Gamble

NOT VOTING—1

Murphy

EXCUSED—2

Davies                      Punt

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Davies                      Punt

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

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

**CONSIDERATION OF HB 289 RESUMED**

On the question recurring,  
Will the House agree to the bill on third consideration?  
Mrs. ARTY offered the following amendment No. A2038:

Amend Sec. 1 (Sec. 1), page 4, line 1, by striking out "or stroke" and inserting  
, stroke or ruptured cerebral aneurysm

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

The SPEAKER. On the amendment, the Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Thank you, Mr. Speaker, and I apologize for any disruption I may have caused by not being prepared this morning.

The SPEAKER. No apology is necessary. The lady is in order and may offer her amendment.

Mrs. ARTY. Thank you for your indulgence, sir.

Mr. Speaker, this amendment adds to the reasons for being eligible for benefits under the provisions of this bill ruptured cerebral aneurysm in addition to stroke and heart attack, and simply covers those people who, for whatever reason, have had death occur during the time that they were serving as a volunteer, either as a firefighter or an ambulance corps attendant, during the time they were serving in that function, and puts ruptured cerebral aneurysm as a reason for being able to collect benefits.

The SPEAKER. The Chair thanks the lady.

On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

This is an agreed-to amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—4

Fargo	Fryer	Kennedy	Levin
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NOT VOTING—0

EXCUSED—2

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

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

Mr. FOX offered the following amendments No. A2211:

Amend Sec. 1 (Sec. 1), page 3, by inserting between lines 16 and 17

(b) A death as the result of performance of duty shall mean a death caused, in whole or in part, by the performance of duty. Presentation of a notarized statement from a physician that death was caused, in whole or in part, as a result of the performance of duty, shall constitute a prima facie presumption that death was so caused. The statement shall be accompanied by a detailed analysis of the reason for the physician's findings.

Amend Sec. 1 (Sec. 1), page 3, line 17, by inserting brackets before and after "(b)" and inserting immediately thereafter

(c)

Amend Sec. 1 (Sec. 1), page 3, line 29, by striking out "(c)" and inserting

(d)

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

The SPEAKER. On the question, the Chair recognizes the gentleman from Montgomery, Mr. Fox.

Mr. FOX. Thank you, Mr. Speaker.

This amendment would help the imbalance that there has been with regard to firemen killed in the line of duty or who

died in the line of duty, creating a presumption that if their physician who attended them found that it was correct that they died in the line of duty, then that would be a presumption that would have to be rebutted. Thank you, Mr. Speaker.

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

The amendment drafted by Mr. Fox helps to expand the definition and will definitely be in favor of the volunteer firemen, rescue squads, and law enforcement. I ask for an affirmative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

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

NAYS—2

Bortner

Fryer

NOT VOTING—0

EXCUSED—2

Davies

Punt

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Dininni	Laughlin	Roebuck
Afflerbach	Distler	Lescovitz	Rudy
Angstadt	Dombrowski	Letterman	Ryan
Argall	Donatucci	Levdansky	Rybak
Arty	Dorr	Linton	Saloom
Baldwin	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	Gallagher	Merry	Staback
Brandt	Gallen	Michlovic	Stairs
Broujos	Gamble	Micozzie	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, E. Z.
Carlson	Gruitza	Nahill	Taylor, F. E.
Carn	Gruppo	Noye	Taylor, 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
Colafella	Howlett	Piccola	Wass
Cole	Hutchinson	Pievsky	Weston
Cordisco	Itkin	Pistella	Wiggins
Cornell	Jackson	Pitts	Wilson
Coslett	Jarolin	Pott	Wogan
Cowell	Johnson	Pratt	Wozniak
Coy	Josephs	Pressmann	Wright, D. R.
Deluca	Kasunic	Preston	Wright, J. L.
DeVerter	Kennedy	Raymond	Wright, R. C.
DeWeese	Kenney	Reber	Yandrisevits
Daley	Kosinski	Reinard	
Dawida	Kukovich	Richardson	Irvis,
Deal	Langtry	Rieger	Speaker
Dietz	Lashinger	Robbins	



## NAYS—2

Fryer Levin

## NOT VOTING—2

Barber Mayernik

## EXCUSED—2

Davies Punt

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

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

**CONSIDERATION OF HB 641 RESUMED**

On the question recurring,

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

## BILL PASSED OVER

The SPEAKER. Mark HB 641 over for today. Over for today, Mr. Wilson.

\* \* \*

The House proceeded to third consideration of **HB 370, PN 400**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'DONNELL offered the following amendments No. A0826:

Amend Sec. 2, page 1, lines 15 and 16, by striking out "Subject to the limitations of subsection (b), the" and inserting  
The

Amend Sec. 2, page 2, line 1, by inserting after "system"  
, and has requested to be on this list

Amend Sec. 2, page 2, line 10, by striking out "exclusion"  
and inserting  
, the inclusion

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, the subject of this bill has been much debated, and I think the members are fairly clear about what its content is. This amendment is very, very straightforward; the issue it presents is very narrow. This amendment says, in effect, that anybody, any student, who wants to be available for recruitment can indicate so and will be on a list that will be available to recruiters. The current message in the bill is that you are on the list and you have to take certain positive action to get off the list. The thrust of this amendment is that you are not on the list unless you say you are.

So, to say it once again, it is a very clear issue. This gives students the opportunity to be recruited. If they so desire, they merely indicate that desire to the school. Thank you.

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

Mr. BROUJOS. Mr. Speaker, the effect of this amendment is really to destroy the act. The whole concept of requiring a list of seniors to be given to recruiters is based on the nature of recruiting. The nature of recruiting is such that 80 to 90 percent of the enlistments occur as a result of the action of recruiters contacting and going to the homes and talking with prospective recruits. The manner in which that is done is seeking the names and lists and then looking them up in the directory every which way, spending a lot of time and wasting a lot of time. Twenty-five percent of a recruiter's time is spent in getting the names of those people.

Now, let us just take an example of one area, the Harrisburg area, where recruiting takes place. Out of the total number of qualified personnel, the Harrisburg recruiting battalion this year enlisted more than 2,500 in the regular service and 1,500 in the reserve; over 90 percent were high school graduates. The nature and quality of our services is increasingly high school graduates, at least 90 percent. How do they get them? They get them by spending 25 percent of their time going after these students and spending all kinds of time.

Now, the important thing about the lists of seniors is that when that list is given to the recruiters, they go immediately to the home or call the person. If they do not have that list, they are not going to be able to reach them except through all the effort that I mentioned. If you require that they go down and sign up their name, it is the same as if you are saying go down if you want to enlist and sign up down at the desk at the MJ Mall. That is not where recruiting takes place. The number of prospective recruits who go down and say, hey, what do you have in the way of military service, are usually people who, other than those who legitimately go and end up in the service, are people who just may not have a job, nothing else to do, maybe just out of jail, or any number of situations. Ninety percent of these people are contacted by going to these homes.

So the effect of this amendment is really to gut it and simply to say, let us have everybody go down and sign up, because they do not sign up. It is a practical thing.

Now, I want to bring to your attention the fact that there is a law right now in the Federal Government that charges the Department of Defense to collect and compile directory information pertaining to each student 17 years of age or older or in the 11th grade who is enrolled in a secondary school in the United States. Now, there have not been any cases that I am aware of in which the United States Government has sought by an action of mandamus to enforce that, but that is the Federal law.

Here on the State level we are in a position where we can simply make it easy for one level of government to help another level of government by giving them that list and giving them a list in which students will have a right simply to say, hey, I do not want to be on it.

We ask the defeat of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller, on the amendment.

Mr. MILLER. Thank you, Mr. Speaker.

I rise on behalf of the O'Donnell amendment. We heard a number of statements, Mr. Speaker, just a couple of minutes ago about the time our military recruiters spend recruiting potential recruits. That is their job. That is what the United States Defense Department hires them and pays them to do.

We, Mr. Speaker, are in the business of providing quality public education for those students of school age in Pennsylvania. Mr. Broujos would suggest that our schoolteachers, aside from spending time doing a dozen and one other administrative tasks, now perform the function of secondary military recruiters.

Mr. Broujos, in opposing this amendment, made another point. He suggested to each one of you that there is a Federal law requiring reconnoitering of these lists, and that may well be, but do not any one of you forget there is also another Federal law requiring 18-year-olds to sign up. Most of our students are hitting that age during their high school year of senior or immediately thereafter, and for that reason again we should not add additional administrative burdens to the classroom teacher.

But look at what else we do if we fail to adopt the O'Donnell amendment. We tell public educators that the primary duty of your office with respect to this law is to be a procurement entity for the United States Defense Department.

Let me just add two other items with respect to this bill. First of all, we make no accommodation for the traditional conscientious objector language of alternative service, and we finally put a subtle distinction on those who would refuse to be added to the list as dissenters, and it is a strong, serious point that even the Federal Selective Service System has reconciled itself with 70 years ago. That critical need for alternative and supportive service is still available to anyone in that category. But do not forget that in our public schools, particularly in the Dutch country areas, are many religious conscientious objectors whose rights again would be ignored by this statute. What the O'Donnell amendment proposes to do is turn this around full circle and in doing so allows the initiative to be on the behalf of the student who is interested.

One final addendum. All of us are in this business of keeping lists to keep in touch with constituents. I do not know of anyone worth their salt who has been in this business more than a week who cannot reconnoiter a pretty darn clear list of high school seniors who are graduating. I know in 16 of the 17 school districts in Lancaster County alone, all you have to do is buy the yearbook, and any recruiter who is burning up 25 percent of his time because he cannot identify these students simply is not capable of doing the job to which he is assigned, and perhaps the United States Defense Department ought to look at him instead of giving the job to our public school administrators.

I rise again to ask your support for the O'Donnell amendment. It is a fair compromise. Thank you.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I wish to address several points that were raised by the speaker. The first is with respect to the quality of recruiters. We have two officers and nine recruiters out here in the lobby now. Anyone can go out and talk to them about a number of things with respect to recruiting. First, the United States Armed Forces send the best personnel they have into recruiting. There are very few complaints about their performance, so the quality of the recruiter is high; they are doing their job, but they are hampered in the job when they have to spend 25 percent of that time seeking to find those lists.

Now, with respect to the law which requires the Federal Government to maintain and to obtain the directory of students, that has to be implemented on the State level and should be implemented and complemented by an act such as this.

The question of the conscientious objector and those who object raises the issue of privacy, and I submit to you that the privacy question is promoted and enhanced by this act. When we look at the question of privacy, everyone says let us protect the privacy of the individual. I would like to know a number of things. How many Representatives—do not raise your hands, but rhetorically—how many Representatives send a graduating congratulatory letter to the graduates of high school, and have you said I do not want to send the letter out unless somebody goes down to the principal and submits their name on a list and writes down I want to receive a letter from my Representative? How many Representatives send them out? There are a lot of them who send them out. They have access to that list, and I imagine if any abuse is going to occur, it can occur from a Representative's office as well as a recruiter, in fact even less in a recruiter's office as far as access.

Now the next question of privacy. If these recruiters are looking up names in phone books and they get the name of Robert Brown, how many Browns are they going to go through? They will tell you out there right now in the lobby that they call up time and again to three, four, five, or six names in the phone book until they get the person they want. Now, how about that invasion of privacy? You cannot turn off that telephone. You cannot say to the telephone, hey, if a recruiter calls up for my kid, shut him off. You cannot do it for insurance; you cannot do it for real estate; you cannot do it for recruiters, and you cannot do it for Representatives when they are running for office. Consequently, the question of privacy is just a red herring that is dragged across this question of making these lists available.

Now, another important thing about the nature of privacy. There are many students who are unaware of the advantages of this program. If I asked you folks here today, if I asked you what benefits are available to a talented student graduating from high school today and spending 2 years in the

service, do you know it is \$17,000 of additional educational benefits? And if I asked you to raise your hand, I will bet there would be a lot who did not know that, and I will bet there are even more parents who do not know that, and there are even less students who know that. Four hundred and eighty dollars a month for 36 months are available, and how is a recruiter going to get that information to students? Is he going to say, here, sign up, and if you sign up at this high school, I have a little surprise for you; I will give you this little package of surprises about educational benefits. Why do we want to harass these schools and everybody by just constantly seeking these lists when they can be made available at a stroke of this legislature?

Finally, I want to say that the question of privacy is also raised in the nature of the approach of recruiters to students and prospective recruits. Very often the recruiter, when he goes to the house, talks to the parents, and the parent says, I want to know what the benefits are, and the parents are surprised. When they hear these benefits, it is the first time, and they want them for their sons. And did you know that in the Harrisburg area specifically, there are over \$20,700,000 of benefits available through the Army—not in Harrisburg but in the general area—\$20,700,000 available to be spent in institutions of higher education here in Pennsylvania, if recruiting is effective, and recruiting is not effective under the present system. Those who support this amendment will not make recruiting as effective as it would with these lists, because there are in fact about one-third of the high school graduating class who will be making career decisions without the benefit of this recruiting information.

I ask again for the defeat of the O'Donnell amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Book.

Mr. BOOK. Mr. Speaker, I rise to oppose the O'Donnell amendment. I think all we are asking here is the same rights that other groups have in high schools. I think we need the tools. If we do not get the tools to work with, we cannot do the job. So I think that by just asking for a list of the students' names with their permission in their senior year, I cannot see any problem with that. We have to recruit these fellows and ladies when they are in their junior or senior year to tell them what we have to offer and what is going on. I just cannot understand why all the problems, when we give it to other groups. People selling rings, books, flower shops get the lists, but we cannot get them in the military. Thank you.

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

Mr. TRELLO. Mr. Speaker, I rise to support the O'Donnell amendment. First of all, I have been a salesman all my life, and when I needed access to names and addresses, I had to work for it. Mr. Broujos says they spend 27 percent of their time recruiting. Well, time is money, and if they are going to involve that amount of work to the school districts, then I think the government that spends their money very, very loosely down in the Pentagon, maybe they ought to pay the school districts for that information.

I do not want anybody messing with my son and daughter unless I am there, and in order for me to be there, they have to contact me at the house, not get the name and address from the school. So I support the O'Donnell amendment. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I find it paradoxical that in this time of high unemployment among our youth, we would not take every opportunity to avail them of job opportunities. I would say for those of you who do not consider youth unemployment a serious problem, support the O'Donnell amendment. For those of you who think that many of our graduating seniors should be idle, not have job opportunities, support the O'Donnell amendment. But if you want to avail them of every opportunity, and a good opportunity, then I strongly urge you to reject the O'Donnell amendment.

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

Mr. GALLEN. Mr. Speaker, I am somewhat amazed that this House is even considering this type of an amendment. Mr. Speaker, the recruiters for the Armed Forces do not want these lists so they can send out pornography to these kids; they want these lists so they can provide information for the young people of this country to join probably the most honorable profession that there is in this country for a young person, and that is the security of this country.

Mr. Speaker, I oppose the amendment.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, it seems to me that HB 370 is an attempt of the House once again to fix something that is not broken, and it seems to me that the O'Donnell amendment is a good way to correct that problem.

Mr. Speaker, I have heard many of my colleagues mention earlier the fact that there is a need for high school graduates to have access to information to make career decisions, but I am also aware of the fact that we have counselors in every high school in the Commonwealth and the fact that these counselors make opportunities available to recruiters to come into the school to recruit those youngsters who desire to have information on opportunities available in the Armed Forces. It seems to me that the O'Donnell amendment is in that direction where those young people who want some information, who want to be made more aware of the opportunities in the Armed Forces, can make their names made available by their own direction through their counselors or through the school district.

I would urge my colleagues to in fact support the O'Donnell amendment to give youngsters an opportunity to initiate on their own their choices in their careers by making their names known to recruiters by their own choice. I encourage everyone to support the O'Donnell amendment.

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

Mr. PETRARCA. Mr. Speaker, we passed this bill unanimously, almost, the last time we voted on it. We have a choice here. We either support a large standing army or we go for a mandatory draft. So do you want a mandatory draft or do you want a volunteer army? The only way you are going to have a strong volunteer army is to oppose the O'Donnell amendment.

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

Mr. DeWEESE. Mr. Speaker, obviously this project has not moved on oiled wheels. Thomas Jefferson once remarked that every difference of opinion is not necessarily a difference of principle. The gentlemen from Philadelphia, Mr. Linton, Mr. O'Donnell, and others have a difference of opinion with the gentleman, Mr. Broujos, and myself. It seems as if the liberal community in Pennsylvania is opposing these measures as if they were some concoction out of hell. I do not believe they are in any way that pernicious. If they were so repugnant, Mr. Speaker, the American Legion of the State of Pennsylvania would not rank this bill as its number one legislative priority. If this measure, if this measure were repugnant in the extreme, the Veterans of Foreign Wars of the Commonwealth of Pennsylvania would not rank this measure as its number one legislative priority.

Let us be definitive, and let DeWeese be brief. The O'Donnell amendment guts the bill. I oppose it vigorously and I hope you will stand shoulder to shoulder with me as we oppose his amendment. Thank you.

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

Mr. BLACK. Mr. Speaker, I just want to clear up a couple of things that I think are in error. It will not be secondary classroom teachers who will be providing the lists; it will be the administration. We have people in our schools called guidance counselors, and one of their responsibilities, I believe, is to tell young people what is available to them in the way of professions. I would encourage us to defeat this amendment so that we can provide the lists to recruiters.

Another question about parents wanting to be there when the recruiter spoke with their child. I think that is why they want to get the addresses and the phone numbers, and the names of some students in schools are not the names of the parents with whom they are residing. I think the recruiters run into some real difficulty in finding the parents of the child to whom they are trying to talk, so I rise in opposition to the O'Donnell amendment. Thank you.

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

Mr. TRELLO. Mr. Speaker, the gentleman said something about liberals being for this amendment. You know, there are six members of my family who served in the Armed Forces, and five of us enlisted. My father served in World War I. Of course, he had just got off the boat from the old country and could not speak English too well. He was drafted, so he went

into the service. When the Second World War broke out, my three older brothers enlisted. When Korea came around, my younger brother and I enlisted. Nobody recruited us.

I am not a liberal, and I resent being called that. All I am saying is—

The SPEAKER. Does the gentleman wish to have the word "liberal" expunged from the record? If the gentleman considers it a personal affront, we will order it so.

Mr. TRELLO. If the Speaker insists. All I am saying—

The SPEAKER. No; the Speaker is a liberal. I do not think it—

Mr. TRELLO. Well, if I am to be called a liberal, then I will call myself a liberal. I do not need anybody else to tell me what I am.

What I am trying to say is that I have a daughter who graduated from high school who was highly recruited by the service, and I encouraged her to take advantage of all that money that is available to save me a buck, you know, but she did not want that. I would rather have them talk to me with my son or daughter, rather than my son or daughter by themselves.

I think we have a choice here to look out for our own. I want to look out for my own. I have been a salesman all my life. I had to work for phone numbers and addresses; let them work for their phone numbers and addresses, too.

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

The following roll call was recorded:

YEAS—80

Afflerbach	Flick	McHale	Rieger
Angstadt	Fox	McVerry	Roebuck
Arty	Freeman	Mackowski	Rudy
Baldwin	Freind	Manderino	Rybak
Barber	Gannon	Markosek	Saurman
Barley	George	Mayernik	Seventy
Battisto	Godshall	Michlovic	Showers
Birmelin	Greenwood	Micozzie	Snyder, D. W.
Bortner	Hagarty	Miller	Stevens
Boyes	Hasay	Mowery	Stuban
Cappabianca	Hershey	Nahill	Taylor, J.
Carn	Honaman	O'Donnell	Trello
Civera	Itkin	Olasz	Truman
Cohen	Josephs	Oliver	Wambach
Cornell	Kenney	Pistella	Weston
Cowell	Kukovich	Pott	Wiggins
DeVerter	Lashinger	Pressmann	Wright, R. C.
Deal	Laughlin	Reber	
Donatucci	Levin	Reinard	Irvis,
Evans	Linton	Richardson	Speaker
Fattah	McClatchy		

NAYS—119

Acosta	Dawida	Kennedy	Ryan
Argall	Dietz	Kosinski	Satoom
Belardi	Dininni	Langtry	Scheetz
Belfanti	Distler	Lescovitz	Schuler
Black	Dombrowski	Letterman	Semmel
Blaum	Dorr	Levdansky	Serafini
Book	Duffy	Livengood	Sirianni
Bowley	Durham	Lloyd	Smith, B.
Bowser	Fargo	Lucyk	Snyder, G. M.
Brandt	Fee	McCall	Staback
Broujos	Fischer	Maiale	Stairs
Bunt	Foster, Jr., A.	Manmiller	Steighner
Burd	Fryer	Merry	Stewart

Burns	Gallagher	Moehlmann	Sweet
Bush	Gallen	Morris	Swift
Caltagirone	Gamble	Mrkonic	Taylor, E. Z.
Carlson	Geist	Murphy	Taylor, F. E.
Cawley	Gladeck	Noye	Telek
Cessar	Gruitza	O'Brien	Tigue
Chadwick	Gruppo	Perzel	Van Horne
Cimini	Haluska	Petrarca	Veon
Clark	Harper	Petrone	Vroon
Clymer	Hayes	Phillips	Wass
Cole	Herman	Piccola	Wilson
Cordisco	Howlett	Pievsky	Wogan
Coslett	Hutchinson	Pitts	Wozniak
Coy	Jackson	Pratt	Wright, D. R.
Deluca	Jarolin	Preston	Wright, J. L.
DeWeese	Johnson	Raymond	Yandrisevits
Daley	Kasunic	Robbins	

NOT VOTING—2

Colafella Smith, L. E.

EXCUSED—2

Davies Punt

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?

Mr. O'DONNELL offered the following amendments No. A1999:

Amend Title, page 1, lines 1 and 2, by striking out all of line 1 and "make available, upon request," in line 2 and inserting  
Providing for the availability of

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 15, by striking out all of said lines on said pages and inserting  
Section 1. List of students.

(a) Lists.—If any public school employee or official provides any person, other than another employee or official of the school district or Department of Education, with a list of the names and addresses of students, that employee or official shall provide recruiting representatives of the military forces of the United States with the same list on the same terms and conditions.

(b) Notification.—Any school official providing any list as provided in subsection (a) shall notify all students proposed to be included in such list. Each student shall be given a reasonable opportunity to request the exclusion of such student's name from the list prior to the release of the list. The list shall not contain the name and address of any student who requested to be excluded.

Amend Sec. 4, page 2, line 16, by striking out "4" and inserting

2

Amend Sec. 5, page 2, line 21, by striking out "5" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I have become more and more convinced, mainly by the cogent arguments of men like Mr. Broujos, that if you really want it, you can do it, and the State Representatives and other political folks who have gone out and secured those lists have demonstrated an ability to do so.

The rejection of the last amendment indicates that at least we want in some way measures of parity. The function of this amendment is, and it says, that if you give the lists to anybody, you give them to military recruiters. Now, maybe that is going to cut down on the amount of time that everybody has to spend, whether they be corporate, military, academic, or otherwise, but this will put the military recruiters on a complete 100-percent parity with everyone else who wants to get in touch with those graduating seniors, including State Representatives.

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

Mr. BROUJOS. Mr. Speaker, again the Pied Piper from Philadelphia would lead our children astray by taking them down that path where really they are not going to have any contact or very minimal contact with a recruiter, and it will significantly hamper the recruiter's function.

Now, let us look at this parity concept. He is asking for parity between a governmental agency and private enterprise or private industry or private groups of any kind, any kind at all.

Now, let us look at the types of people who could possibly ask for lists. There could be people in industry who may ask for lists. There may be Dow Chemical, and somebody may say, I do not want to have my children interviewed by Dow Chemical. Somebody may ask for a list for commercial purposes, and if they give it to one, they will have to give it to another, and eventually the school board would say, a pox on all your houses; we will not give any lists to anybody.

He is equating this Federal agency. What is that Federal agency? The Constitution of the United States says we shall provide for the common defense and promote the general welfare. That common defense is provided by the Commander in Chief, who is Commander in Chief of the Armed Forces. We are required by our Constitution to maintain an army and a militia. Those functions are the functions of the highest level of government, and they have as an ancillary function recruiting. That is a governmental function.

If you were asked to vote for this bill in the middle of the Korean War or World War II, there would not be a question; it would go right through. We are in a struggle today with Communism just as much as we were in Vietnam or in Korea or in the cold war that is going on today, and that struggle requires us to have armed forces and to be strong. That struggle requires us to have recruits; that struggle requires us to have conventional forces instead of constantly relying on nuclear forces. That struggle requires us to have recruits recruited by recruiters, and that list has to come from those schools.

There is no such thing as parity between these different agencies. This idea of saying that you want parity for all government, all agencies, is going to result in a rejection of the Federal Government as a source by schools.

We ask you to defeat the O'Donnell amendment.

The SPEAKER. On the O'Donnell amendment for the second time, the Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, those of us who have had a chance to observe the other chamber have always noticed the difference between this chamber and the other chamber in terms of the decorum and what we consider a measure of a little too much genteelness over there. One of the most enjoyable things about the process here is kind of, as somebody described it, a rough-and-tumble exercise. In addition to being very informing, it is also very entertaining. The difficulty is that while we are being entertained, we are also writing the law. We are affecting people's lives here, and I think you know that. I think it is very entertaining to conjure up this image of shoulder to shoulder, an appropriately military metaphor, and to cast the battle, if you will, in terms of the American Legion on one side and the liberal community on the other side, and to use provocative terms, especially things like "repugnant" and "pernicious" and "the Pied Piper" and all those kinds of entertaining but provocative kinds of notions. It is entertaining; it is in some small way informative, but it may well be destructive of our attempts to write the law here.

I agree with Mr. Broujos on one point and one point only, that the function of the military is the responsibility constitutionally of the highest level of government in this country. It is not the responsibility of the State of Pennsylvania; it is not the responsibility of the local school board; and it is not the responsibility of the superintendent of schools or the teacher in the classroom. There is no question that the President, as Commander in Chief, has the responsibility to carry out this mission. It is also equally clear that we are not, the superintendent of schools, the teacher in the classroom, and the school districts in this State are not the agencies of the Commander in Chief, and it is inappropriate to require them to be such.

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

Miss SIRIANNI. Mr. DeVerter will not let me talk.

The SPEAKER. Let the Chair say that in all the years the Chair has known the lady, the Chair cannot possibly accept the fact that anyone could shut her up.

Mr. DeVERTER. I was just going to say, Mr. Speaker, would you think that was a little prevarication on her part?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, Mr. O'Donnell talked about decorum of this House, and I just wanted to comment on at least one part of one speech made. I do not think anybody in this House ought to reflect upon another member's loyalty to this country or their commitment one way or another on the issue of communism on a bill like this. I am a veteran myself, and I oppose this bill. I do not think we ought to drag ourselves into those kinds of allusions, those kinds of comments. Thank you, Mr. Speaker.

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

The following roll call was recorded:

## YEAS—62

Afflerbach	Fattah	Lashinger	Reber
Angstadt	Fischer	Linton	Reinard
Arty	Flick	McVerry	Richardson
Barber	Fox	Manderino	Rieger
Battisto	Gannon	Markosek	Roebuck
Boyes	George	Michlovic	Saurman
Cappabianca	Godshall	Micozzie	Seventy
Carn	Greenwood	Miller	Snyder, D. W.
Civera	Hagarty	Mowery	Taylor, J.
Cohen	Hasay	Murphy	Trello
Cornell	Hershey	Nahill	Truman
Cowell	Itkin	O'Donnell	Weston
Dawida	Josephs	Olasz	Wiggins
Deal	Kennedy	Oliwer	
Donatucci	Kenney	Pistella	Irvis,
Evans	Kukovich	Pressmann	Speaker

## NAYS—137

Argall	Dietz	Lescovitz	Rybak
Baldwin	Dininni	Letterman	Saloom
Barley	Distler	Levdansky	Scheetz
Belardi	Dombrowski	Levin	Schuler
Belfanti	Dorr	Livengood	Semmel
Birmelin	Duffy	Lloyd	Serafini
Black	Durham	Lucyk	Showers
Blaum	Fargo	McCall	Sirianni
Book	Fee	McClatchy	Smith, B.
Bortner	Foster, Jr., A.	McHale	Smith, L. E.
Bowley	Freeman	Mackowski	Snyder, G. M.
Bowser	Freind	Maiale	Staback
Brandt	Fryer	Manmiller	Stairs
Broujos	Gallagher	Mayernik	Steighner
Bunt	Gallen	Merry	Stevens
Burd	Gamble	Moehlmann	Stewart
Burns	Geist	Morris	Stuban
Bush	Gladeck	Mrkonic	Sweet
Caltagirone	Gruitza	Noye	Swift
Carlson	Gruppo	O'Brien	Taylor, E. Z.
Cawley	Haluska	Perzel	Taylor, F. E.
Cessar	Harper	Petrarca	Telek
Chadwick	Hayes	Petrone	Tigue
Cimini	Herman	Phillips	Veon
Clark	Honaman	Piccola	Vroon
Clymer	Howlett	Pievsky	Wambach
Colafella	Hutchinson	Pitts	Wass
Cole	Jackson	Pott	Wilson
Cordisco	Jarolin	Pratt	Wogan
Coslett	Johnson	Preston	Wozniak
Coy	Kasunic	Raymond	Wright, D. R.
DeLuca	Kosinski	Robbins	Wright, J. L.
DeVerter	Langtry	Rudy	Wright, R. C.
DeWeese	Laughlin	Ryan	Yandrisevits
Daley			

## NOT VOTING—2

Acosta Van Horne

## EXCUSED—2

Davies Punt

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?  
Mr. TIGUE offered the following amendments No. A1864:

Amend Title, page 1, line 1, by inserting after "district"  
and the principal of certain parochial, licensed  
private and nonpublic schools  
Amend Sec. 2, page 1, line 16, by inserting after "district"

and the principal of every parochial, licensed private and nonpublic school, except as otherwise provided, Amend Sec. 2, page 2, line 10, by inserting after "superintendent"

or principal

Amend Sec. 2, page 2, by inserting between lines 11 and 12

(c) Exception.—A school that determines that compiling and providing the list would be against the religious convictions of a majority of its senior students shall be exempt from the requirements of this act.

On the question,

Will the House agree to the amendments?

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, my amendment merely adds the private schools and nonpublic schools to the list of those who must provide the list to recruiters. I think those of you who support the bill, in all honesty, if you are looking for a list to help the all-volunteer force through the recruiters, nearly one out of every five students in this Commonwealth is a student in a private school. So if you want to be honest about it and provide the list, private schools as well as public schools should bear the brunt. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Would the gentleman, Mr. Tigue, please elaborate on section (c) of his amendment, please.

Mr. TIGUE. Section (c), Mr. Speaker, says that a school that determines that compiling and providing a list would be against religious convictions— What that means, in essence, is there are schools, which I agreed to compromise and put this in, such as Quaker schools that have religious convictions which would prohibit them from serving in the Armed Forces, the majority. That is why that subsection is in there.

Mr. DeWEESE. Mr. Speaker, may I continue a brief interrogation?

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

Mr. DeWEESE. If 200 students at Waynesburg High School in Greene County are listed on the senior class roster and 101 of them vote that it is their religious conviction to not have anything to do with the list, would that also come under the auspices of your amendment?

Mr. TIGUE. No. That would come under the auspices of the school. The school would determine that.

Mr. DeWEESE. Thank you.

AMENDMENTS DIVIDED

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

Mr. BROUJOS. Mr. Speaker, I would ask that the Chair rule on whether the amendment is divisible, and if so, I would ask that the division occur after the word "principal" and beginning with the words "Amend Sec. 2, page 2, by inserting between lines 11 and 12." That would leave the last amendment, which is adding subsection (c), as a separate divided amendment.

The SPEAKER. It is the opinion of the Chair, in consultation with the Parliamentarian, that this is divided and would be correctly divided at the lines which the gentleman suggests. The Chair so orders that the amendment has been so divided.

The amendment therefore before the House would read as follows: "Amend Title, page 1, line 1, by inserting after 'district'..." and ending with the words "by inserting after 'superintendent' or principal." That would be one amendment. The second amendment will begin "Amend Sec. 2, page 2, by inserting" and end with the words "requirements of this act."

Therefore, before the House now the Chair places amendment number 1, which reads: "Amend Title, page 1,...by inserting after 'district'..." and ends with the words "by inserting after 'superintendent' or principal." That is the amendment currently before the House.

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

Mr. BROUJOS. Mr. Speaker, I support the first portion of the amendment.

On the question,

Will the House agree to part I of the amendments?

The following roll call was recorded:

YEAS—147

Angstadt	Dombrowski	Letterman	Scheetz
Argall	Donatucci	Levin	Schuler
Barber	Dorr	Linton	Semmel
Barley	Duffy	Lloyd	Serafini
Belardi	Durham	McCall	Sirianni
Belfanti	Evans	McClatchy	Smith, B.
Black	Fargo	McVerry	Smith, L. E.
Blaum	Fattah	Mackowski	Snyder, G. M.
Book	Fee	Maiale	Staback
Bortner	Fischer	Manderino	Stairs
Bowley	Foster, Jr., A.	Manmiller	Steighner
Bowser	Freind	Merry	Stevens
Boyes	Gallen	Micozzie	Stewart
Brandt	Gamble	Morris	Stuban
Broujos	Gannon	Mrkonjic	Sweet
Burd	George	Noye	Swift
Burns	Gladeck	O'Brien	Taylor, E. Z.
Caltagirone	Godshall	Oliver	Taylor, F. E.
Carlson	Greenwood	Perzel	Telek
Carn	Gruitza	Petrarca	Tigue
Cawley	Gruppo	Petrone	Trello
Cessar	Harper	Phillips	Truman
Chadwick	Hasay	Piccola	Van Horne
Cimini	Hayes	Pievsky	Veon
Clark	Herman	Pitts	Vroon
Clymer	Honaman	Pott	Wass
Colafella	Howlett	Pratt	Weston
Cole	Hutchinson	Preston	Wiggins
Cordisco	Jackson	Raymond	Wilson
Coslett	Jarolin	Richardson	Wogan
DeVerter	Josephs	Rieger	Wozniak
DeWeese	Kasunic	Robbins	Wright, D. R.
Daley	Kennedy	Roebuck	Wright, R. C.
Dawida	Kosinski	Rudy	Yandrisevits
Deal	Langtry	Ryan	
Dietz	Laughlin	Saloom	Irvis,
Dininni	Lescovitz	Saurman	Speaker
Distler			

NAYS—53

Afflerbach	Flick	Lashinger	O'Donnell
Arty	Fox	Levdansky	Olasz
Baldwin	Freeman	Livengood	Pistella
Battisto	Fryer	Lucyk	Pressmann
Birmelin	Gallagher	McHale	Reber
Bunt	Geist	Markosek	Reinard
Bush	Hagarty	Mayernik	Rybak
Cappabianca	Haluska	Michlovic	Seventy
Civera	Hershey	Miller	Showers
Cohen	Itkin	Moehlmann	Snyder, D. W.
Cornell	Johnson	Mowery	Taylor, J.
Cowell	Kenney	Murphy	Wambach
Coy	Kukovich	Nahill	Wright, J. L.
Deluca			

NOT VOTING—1

Acosta

EXCUSED—2

Davies Punt

The question was determined in the affirmative, and part I of the amendments was agreed to.

The SPEAKER. Now the Chair places before the House amendment number 2, which begins "Amend Sec. 2, page 2, by inserting between lines 11 and 12" and ending with the words "shall be exempt from the requirements of this act."

On the question,

Will the House agree to part II of the amendments?

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

Mr. BROUJOS. Mr. Speaker, on that amendment. Last year when we presented HB 1398, this amendment was not in the bill. It was offered by a fellow member on the floor and was adopted. It was adopted without any significant debate, discussion, or hearings. At that time I am rather sure—and the sponsor could speak to that—that the intent was to provide that schools of a religious nature would have the opportunity within that school, because of their religious nature, to object. Therefore, I think that the broad language now saying "a school that determines" does not limit it to private but includes public, which again will raise a very serious question of who makes the determination and voting and everything else.

Again, if it applies to public schools, at least, it destroys the effectiveness of the amendment by sending the whole question back to a complicated procedure. I have no objection to that in a private religious school because of the private religious nature of it and because they may have personal objections.

So I would ask for the defeat of the second amendment because it is not clear. If it is clear that it includes public, then I object to it more strenuously.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I suspect that the gentleman, Mr. Broujos, and I are going to disagree on the final passage vote with regard to HB 370, but we agree with regard to this particular amendment.

I believe very, very strongly—and I think it is as clear as a matter can be from the text of the language of this amendment—that it violates the first amendment to the United States Constitution. If we pass this exception, if we allow public school officials to begin interrogating students in the public classroom as to the nature of their religious convictions, we can forget about the guarantee that our forefathers put into the first amendment to provide for the free exercise of religion. I do not want any public school teacher, no matter what the intent, no matter how benevolent the motivation, to inquire into the religious convictions of any student. Those religious convictions belong to that student. Our first amendment to the Constitution guarantees that right.

This amendment, I believe, very clearly strikes at one of the fundamental principles of the Constitution. I believe that it tramples the rights of free exercise of religion as written into the first amendment, and I believe that the day will come that we will sincerely regret this amendment if we are foolish enough to pass it. I ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, as I said in my earlier remarks, I added this part of the amendment as a compromise, and in all honesty, I think the arguments have gone far astray on constitutionality and other things. It merely says that a school—it does not say public or private, obviously—can make the determination that it would be against religious convictions. I think that to say it is against the Constitution, freedom of religion, et cetera, is going far astray. Personally, I have my own feelings about this part of the amendment, and it makes no difference to me, in all honesty, which way you vote.

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Thank you, Mr. Speaker.

I think the first gentleman who spoke has a rather short memory. Just last year we debated this very amendment. I am not sure the language is identical, but I remember a former member who was here questioned me on the floor concerning this type of amendment, and what we were protecting were those schools where really more than half, I would say 90 percent of the students, do have a religious conviction as to not joining the military. But the main point there is not just the students but the people who run the schools, the supervisors, if it would be against their religious convictions to send in the list.

Now, I agree that this is not as clear as the amendment we had last year, but it is the only ball game in town, so I do ask for a positive vote. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Cumberland, Mr. Broujos, for the second time.

Mr. BROUJOS. Mr. Speaker, aside from constitutional questions, there is a very practical problem. If there are 49 percent of the students who do want their names sent to the recruiter and 51 who say no, and therefore the school shall not



comply, then they may interpret that not even to give the names of those who do want to serve, and those who do want to serve may have a religious fervor of their own. So I would ask for the defeat of this subparagraph of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, on the amendment.

Mr. DeWEESE. We have asked for concurrence on the first part of Mr. Tigue's amendment. We have agreed with it, and I think it deserves to be in the bill. I do not necessarily disagree with what the Representative from Luzerne is trying to do, but the slovenliness of the language in this particular amendment is such that Mr. McHale's problem is a serious problem. Possibly we could draft other amendatory language and have it inserted in the State Senate, but the way it stands now, I think Mr. McHale's argument should prevail and that the second half of the Tigue amendment should be defeated.

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

Mr. MILLER. Thank you, Mr. Speaker.

I have heard some very interesting statements today. Some of them are honorable flag waving; I understand that among my colleagues. I am one of those who has served his time in the military but still has reservations with this bill.

I want to point out to Mr. Broujos one thing, because I am afraid speaking to the last speaker is an exercise in futility, and I would ask Mr. Broujos this question: He made the statement on this floor, what if 49 percent of those kids want their names sent in? That is not the issue. They can go see a military recruiter. Every one of you today can go see a military recruiter. They are out here in the back hall. I contend they are not doing their job and that if 49 percent of those students want to go see a military recruiter, there is no constitutional provision, Federal or State, there is no Federal or State statute preventing them from doing it. But the issue that is raised is within the military service selective service law provisions on conscientious objection, we need to also recognize those provisions that apply not only for alternative service but also recognize that religious schools have a unique problem.

I would also finally point out in speaking on the latter half of the Tigue amendment one other critical item that you might want to file away. On my desk the other day, the Pennsylvania Catholic Conference also had some trouble without a provision for alternative service and a provision for students to not put their names in and for schools of religious natures not to comply with this act. But I will go back to square one for any of you who think this is anything but flag waving. If there is flag waving to be done, it is by the point. It is to prod these military recruiters to do their job, because, I will repeat again, anyone in the hall of this House who has been here a week has the skill to get lists like that in much less time than 4 months out of a work year, when you use the figure 25 percent. I do not buy it. We ought to concentrate on public education, Mr. Speaker, and let the recruiters concentrate on legitimate recruiting. Thank you.

On the question recurring,

Will the House agree to part II of the amendments?

The following roll call was recorded:

YEAS—64

Angstadt	Geist	McCall	Rudy
Argall	Godshall	Mackowski	Ryan
Barley	Greenwood	Manderino	Saurman
Battisto	Hasay	Markosek	Scheetz
Belardi	Herman	Merry	Schuler
Boyes	Hershey	Michlovic	Seventy
Brandt	Honaman	Miller	Snyder, D. W.
Bunt	Howlett	Moehlmann	Staback
Cohen	Itkin	Morris	Swift
Dorr	Johnson	Murphy	Tigue
Fargo	Josephs	Olasz	Trello
Fattah	Kennedy	Pistella	Truman
Fischer	Kenney	Pott	Weston
Flick	Letterman	Pressmann	Wright, D. R.
Fox	Levin	Raymond	Wright, J. L.
Freeman	Linton	Roebuck	Yandrisevits

NAYS—134

Afflerbach	Deluca	Kosinski	Richardson
Arty	DeVerter	Kukovich	Rieger
Baldwin	DeWeese	Langry	Robbins
Barber	Daley	Lashinger	Rybak
Belfanti	Dawida	Laughlin	Saloom
Birmelin	Deal	Lescovitz	Semmel
Black	Dietz	Levdansky	Showers
Blaum	Dininni	Livengood	Sirianni
Book	Distler	Lloyd	Smith, B.
Bortner	Dombrowski	Lucyk	Smith, L. E.
Bowley	Donatucci	McClatchy	Snyder, G. M.
Bowser	Duffy	McHale	Stairs
Broujos	Durham	McVerry	Steighner
Burd	Evans	Maiale	Stevens
Burns	Fee	Manmiller	Stewart
Bush	Foster, Jr., A.	Mayernik	Stuban
Caltagirone	Freind	Micozzie	Sweet
Cappabianca	Fryer	Mowery	Taylor, E. Z.
Carlson	Gallagher	Mrkonic	Taylor, F. E.
Carn	Gallen	Nahill	Taylor, J.
Cawley	Gamble	Noye	Telek
Cessar	Gannon	O'Brien	Van Horne
Chadwick	George	O'Donnell	Veon
Cimini	Gladeck	Oliver	Vroon
Civera	Gruitza	Perzel	Wambach
Clark	Gruppo	Petrarca	Wass
Clymer	Hagarty	Petrone	Wiggins
Colatella	Haluska	Phillips	Wilson
Cole	Harper	Piccola	Wogan
Cordisco	Hayes	Pievsky	Wozniak
Cornell	Hutchinson	Pitts	Wright, R. C.
Coslett	Jackson	Pratt	
Cowell	Jarofin	Preston	Irvis,
Coy	Kasunic	Reber	Speaker

NOT VOTING—3

Acosta	Reinard	Serafini
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EXCUSED—2

Davies	Punt
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The question was determined in the negative, and part II of the amendments was not agreed to.

On the question,

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

Mr. COHEN offered the following amendments No. A0953:

Amend Title, page 1, line 3, by striking out "armed forces recruiters" and inserting certain persons

Amend Sec. 1, page 1, line 9, by inserting after "recruiters" , educational institutions, employers of Pennsylvania residents and certain government officials

Amend Sec. 1, page 1, line 12, by inserting after "recruiters" , to all colleges and universities, vocational, technical and business schools located in Pennsylvania, any employer employing Pennsylvania residents and State and local government officials desiring to encourage voter registration

Amend Sec. 3, page 2, line 15, by removing the period after "forces" and inserting and to all colleges and universities, vocational, technical and business schools located in Pennsylvania, any employer employing Pennsylvania residents and State and local government officials desiring to encourage voter registration.

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

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

Mr. COHEN. Mr. Speaker, this amendment is very different from the amendments that we voted on before. This amendment does not take access away from the military for one single student in the Commonwealth of Pennsylvania. Under this amendment, the military has the same access to each and every student as they have without this amendment. What this amendment seeks to do, however, is to address seriously concerns of opposition to the bill.

The Preamble to the Constitution of the United States, as Mr. Broujos indicated, does call on the United States to provide for the common defense. But before it reaches the phrase "provide for the common defense," it has the phrase "insure domestic tranquility," and I think there will be a lot more domestic tranquillity in this Commonwealth if we listen to some of the concerns of the opponents of this legislation while we simultaneously pursue the goals of this legislation.

This legislation says that in addition to the military, which, as I said, gets the list of every student graduating in the Commonwealth of Pennsylvania, colleges and universities get it; vocational business schools get it; employers seeking employees get it; and government officials desiring to encourage voter registration get it. So the list is available to more people if more people want it. I do not imagine that everybody wants it, but some people, I think, do want it. Anybody who has ever been in Harrisburg knows you cannot have an apartment in Harrisburg without getting saturated four, five, six, seven times a year from Harrisburg Area Community College, which is besieging you, letting you know their latest course offerings. Other community colleges, including Philadelphia Community College, have similar records of saturating the area. So certainly some community colleges would welcome this list, and probably some of the others who are eligible for this under this amendment will welcome this list.

Giving this list to other groups guarantees that students are not only contacted by military recruiters, so that the fear of some parents expressed in the House and expressed on television and on the radio and in the newspapers that students will

only be exposed to military recruiters will not be met. In addition, the list which some people are worried about among those who oppose it, there will be no such thing as a list of people just opposed to being recruited by the military; all there will be is a list of people who do not want to be recruited by anybody.

I think this deals with the two major objections of opponents of this legislation. It does not take away access to this list by anybody. This amendment is not offensive to the bill. It is supported by the prime sponsor of this bill, Mr. DeWeese. I urge your support of this amendment.

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

The following roll call was recorded:

YEAS—89

Table listing names of members who voted 'YEAS' in four columns: Afflerbach, Barber, Battisto, Belardi, Belfanti, Blaum, Book, Bortner, Bowley, Broujos, Bush, Caltagirone, Carn, Cawley, Clark, Cole, Cordisco, Cowell, Coy, DeLuca, DeWeese, Daley, Dawida, Dombrowski, Donatucci, Duffy, Fattah, Fischer, Fox, Gallagher, Gamble, Greenwood, Gruitza, Hagarty, Haluska, Harper, Herman, Howlett, Itkin, Jarolin, Josephs, Kasunic, Kosinski, Langtry, Laughlin, Lescovitz, Letterman, Levdansky, Levin, Linton, Lucyk, McCall, Manderino, Mayernik, Merry, Morris, Mowery, Mrkonic, Olasz, Oliver, Petrarca, Petrone, Pievsky, Pistella, Pratt, Pressmann, Reber, Roebuck, Rudy, Saloom, Serafini, Seventy, Staback, Steighner, Stewart, Stuban, Taylor, E. Z., Taylor, F. E., Taylor, J., Tigue, Trello, Truman, Van Horne, Veon, Wambach, Weston, Wiggins, Wozniak, Wright, D. R.

NAYS—104

Table listing names of members who voted 'NAYS' in four columns: Angstadt, Argall, Arty, Baldwin, Barley, Birmelin, Black, Bowser, Boyes, Brandt, Bunt, Burd, Burns, Cappabianca, Carlson, Cessar, Chadwick, Cimini, Civera, Clymer, Cornell, Coslett, DeVerter, Deal, Dietz, Dininni, Distler, Dorr, Durham, Fargo, Fee, Flick, Foster, Jr., A., Freeman, Freind, Fryer, Gallen, Gannon, Geist, George, Gladeck, Godshall, Gruppo, Hasay, Hayes, Hershey, Honaman, Hutchinson, Jackson, Johnson, Kennedy, Kenney, Kukovich, Lashinger, Livengood, Lloyd, McClatchy, McHale, McVerry, Mackowski, Maiale, Manmiller, Michlovic, Miller, Moehlmann, Murphy, Nahill, Noye, O'Donnell, Perzel, Phillips, Piccola, Pitts, Pott, Preston, Raymond, Reinard, Richardson, Rieger, Robbins, Ryan, Rybak, Saurman, Scheetz, Schuler, Semmel, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Stairs, Stevens, Swift, Telek, Vroon, Wass, Wilson, Wogan, Wright, J. L., Wright, R. C., Yandrisevits, Speaker

## NOT VOTING—8

Acosta	Colafella	Markosek	O'Brien
Cohen	Evans	Micozzie	Sweet

## EXCUSED—2

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

At great personal risk, may I ask a question of Mr. DeWeese?

The SPEAKER. Mr. DeWeese indicates he will stand for interrogation on final passage.

Mr. STEVENS. Mr. Speaker, I have no problems with this bill, but I do want to ask a question as I am concerned about what would happen if when the recruiters get the list they would decide to release that list to salesmen and other people who have no legitimate interest themselves in that list?

Mr. DEWEESE. They would be dealt with harshly and immediately by the Uniform Code of Military Justice.

Mr. STEVENS. But is there anything specific in this legislation that would prohibit the recruiters from releasing that list to commercial enterprises?

Mr. DEWEESE. Section 4, page 2: "A person who violates this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100."

Mr. STEVENS. But is it a violation for them to release the list to commercial enterprises? Does this bill make it a violation to release the list to others? That is my concern.

Mr. DEWEESE. That is my interpretation. Yes.

Mr. STEVENS. Thank you.

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

Mr. BROUJOS. Mr. Speaker, the question of prosecution is simply one where there would be punishment for those abusing it, but the best answer to that is, has anyone in this chamber ever heard of any recruiter abusing that access that they do have now in a number of cases? I have not heard of any.

Finally, I have to clarify, Mr. Speaker, the question of the reference to communism. Obviously I made no impugnation and I certainly do not want myself to be restricted and prevented from arguing a point which is sound simply because I indicate we are in a struggle, and I think that the analogy that if we were in war we would support it but now we do not perceive the threat is a valid one. That is the only issue I wish to make, and I ask for the support of this bill.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Book.

Mr. BOOK. Mr. Speaker, I just rise and hope that my colleagues will support HB 370. I think we need this bill. We need all the tools we can get to recruit, and I hope you think hard and fast and vote a "yes" vote on HB 370. Thank you.

## PARLIAMENTARY INQUIRY

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

Mr. PISTELLA. A parliamentary inquiry, Mr. Speaker.

Representative Cohen is submitting a reconsideration motion for his amendment 0953.

The SPEAKER. We now have it before us. We did not have it before.

Mr. PISTELLA. I realize that, Mr. Speaker.

The SPEAKER. What is your point?

Mr. PISTELLA. The point is that I am the cosponsor of that reconsideration and would like to speak on the amendment, if it would be possible.

The SPEAKER. Well, technically it is too late to do it, but because the Chair tries to be courteous to members who are a bit delayed—The Chair specifically said the "Chair" tries to be courteous.

## DECISION OF CHAIR RESCINDED

The SPEAKER. The Chair will rescind, without objection, its statement that the bill is on final passage.

Mr. GALLEN. Mr. Speaker, I object.

The SPEAKER. The objection having been filed, the Chair has no alternative except to say that it is too late to offer an amendment. It is too late to offer a procedural motion. The question is on final passage.

## PARLIAMENTARY INQUIRY

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

Mr. LEVIN. A point of information.

The SPEAKER. What is the gentleman's point?

Mr. LEVIN. Is it possible to move the bill to the third consideration calendar and then have the—

The SPEAKER. The motion to place on final passage postponed is in order.

Mr. LEVIN. If that is done, can the bill be immediately brought back, and then is the reconsideration proper?

The SPEAKER. The Parliamentarian informs the Chair that the procedure would be to file a reconsideration motion to reconsider the procedural announcement of the Chair stating that the bill is on final passage. If the members agree with that procedural motion to place it on third consideration rather than final passage, then, of course, we could reconsider the amendment. The Chair would suggest that that be done so we can get out of this parliamentary morass and nonsense.

The House will stand at ease.

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter, to correct a vote.

Mr. DeVERTER. May I correct a vote, please, Mr. Speaker?

The SPEAKER. The gentleman may do so.

Mr. DeVERTER. On HB 370, O'Donnell amendment A0826, in my haste to vote in the negative my green light came up and I am voted in the affirmative, but I do wish to be voted in the negative. Thank you, Mr. Speaker.

**JUDICIARY COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt, to announce a committee meeting.

Mr. PRATT. An announcement, Mr. Speaker.

For the benefit of the members of the House Judiciary Committee, there will be a very, very brief meeting tomorrow morning at 10 a.m. in room 401.

**LOCAL GOVERNMENT  
COMMITTEE MEETINGS**

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

Mr. GAMBLE. Mr. Speaker, there will be a meeting at 9 o'clock tomorrow in the majority caucus room of the Local Government Subcommittee on Counties. That will be prior to the Local Government meeting at 9:30.

**REMARKS ON VOTES**

The SPEAKER. Now to correct the record, the Chair recognizes the gentleman from Northampton, Mr. Rybak.

Mr. RYBAK. On HB 641, the Laughlin amendment A2207, I believe I inadvertently voted in favor of that; I intended to oppose it.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Pressmann.

Mr. PRESSMANN. Mr. Speaker, a correction.

On HB 855, amendment A2216, I was out of my seat and would have voted in the affirmative. Thank you.

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

Mr. SERAFINI. Thank you, Mr. Speaker.

Mr. Speaker, on HB 370, amendment 1864, the Tigue II amendment, I am not shown as voting. I would like to be recorded in the affirmative. Thank you.

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

Mr. MORRIS. Thank you, Mr. Speaker.

On HB 641, Laughlin amendment 2207, I think I pushed the wrong button and voted the way I did not intend to. I would like the record to show that I would like to be recorded in the affirmative.

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

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, on HB 370, amendment A1864, part II, my switch did not reflect my vote. I would like the record to show I would have voted in the affirmative.

**CONSIDERATION OF HB 370 CONTINUED  
PARLIAMENTARY INQUIRY**

Mr. DORR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr. What is the gentleman's parliamentary inquiry?

Mr. DORR. Mr. Speaker, it is my recollection, which may be faulty, that other Speakers have ruled or perhaps this Speaker has ruled that it is improper to reconsider a parliamentary motion, that reconsideration is only proper—

The SPEAKER. Let me correct you. It is improper to reconsider a procedural motion.

Mr. DORR. Right.

The SPEAKER. The moving of a bill from third consideration to final passage is not merely a procedural motion.

Mr. DORR. What is it, Mr. Speaker?

The SPEAKER. It is a substantive vote. It is a substantive vote which is dictated by the words of the Constitution of the State on how many days a bill must be considered.

Mr. DORR. Thank you, Mr. Speaker.

The SPEAKER. Because there was an objection to the Chair receding from an announcement—

Now who rises?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I would respectfully request Representative Gallen to withdraw his objection so that we can reconsider the amendment and beat it down. Thank you, Mr. Speaker.

The SPEAKER. That would be the faster way of doing it.

**OBJECTION WITHDRAWN**

The SPEAKER. Does Mr. Gallen withdraw his objection?

Mr. GALLEN. Yes, Mr. Speaker, and I do it reluctantly because of what happened the other day - the discourtesy shown to the minority leader by the majority leader - but I do withdraw.

The SPEAKER. The gentleman, Mr. Gallen, has withdrawn his objection.

The Chair recognizes the majority leader.

Mr. MANDERINO. I am always as courteous on this floor as I find Mr. Gallen.

**DECISION OF CHAIR RESCINDED**

The SPEAKER. There being no objection, the Chair recedes from its announcement that the bill is on final passage, and the bill appears on third consideration.

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

**AMENDMENT A0953 RECONSIDERED**

The SPEAKER. Because it appears on third consideration, the Chair places before the members a procedural motion filed by the gentleman from Philadelphia, Mr. Cohen, and the gentleman from Allegheny, Mr. Pistella, by which they move that the vote by which amendment A0953 was defeated on the 18th day of June be reconsidered.

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

The following roll call was recorded:

**YEAS—198**

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

**NAYS—1**

Reber

**NOT VOTING—2**

Acosta

Evans

**EXCUSED—2**

Davies

Punt

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. A0953:

Amend Title, page 1, line 3, by striking out "armed forces recruiters" and inserting  
certain persons

Amend Sec. 1, page 1, line 9, by inserting after "recruiters"  
, educational institutions, employers of Pennsylvania residents and certain government officials

Amend Sec. 1, page 1, line 12, by inserting after "recruiters"  
, to all colleges and universities, vocational, technical and business schools located in Pennsylvania, any employer employing Pennsylvania residents and State and local government officials desiring to encourage voter registration

Amend Sec. 3, page 2, line 15, by removing the period after "forces" and inserting

and to all colleges and universities, vocational, technical and business schools located in Pennsylvania, any employer employing Pennsylvania residents and State and local government officials desiring to encourage voter registration.

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I wish to address the issues that have been brought forth in this particular amendment with the caution that I think the General Assembly has acted in haste in the heat of debate on what it perceives to be a controversial issue. What the Cohen amendment is doing is suggesting that educational institutions - universities, vocational-technical schools - be given first crack at Pennsylvania graduating seniors.

Now, I want to emphasize something, and that is the fact that we in this General Assembly, under the recommendation of the Governor, have instituted training programs for science and mathematics in our Department of Education. We have gone out of our way to fund a \$190-million bond program for economic development. But during the course of the heat of debate today on whether or not school districts should provide lists of graduating seniors to recruiters, I think we are about to let go a very valuable, irreplaceable natural resource, and that is the youth of the Commonwealth of Pennsylvania.

What I am asking the members to do is to give our Pennsylvania businesses and universities first crack at those graduating seniors so that we will have individuals prepared to go into those programs for vocational and technical training in their universities. Let us take care of Pennsylvania first and their needs before we arbitrarily disbar this amendment as just

another attempt to gut a bill that everyone is concerned about. I just want to caution the members to think about that before they vote against this particular amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I rise in opposition to the Cohen amendment.

There is a lot in the Cohen amendment that of course is not objectionable to me, but I think the one thing that is found in there that causes me to oppose it is the provision that any employer employing Pennsylvania residents is entitled to get one of these lists. Now, we have businesses all over the East employing Pennsylvania residents. I daresay that if I wanted to distribute junk mail to graduating seniors, it would be very simple if I was from out of State to hire a Pennsylvania resident for the sole purpose of obtaining these lists.

Under all the circumstances, I think that this amendment deserves the same treatment so many of the other amendments received here before by many of us who are totally in support of the principle espoused by the gentlemen, Mr. DeWeese and Mr. Broujos. I would ask for a negative vote.

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

Mr. GALEN. Mr. Speaker, just to amplify on what Mr. Ryan had to say. This would open the lists up to mail-order insurance companies, used-car dealers, any type of mail-order house would have access to these lists.

Mr. Speaker, the intent of this legislation is to allow the Armed Forces of the United States to provide information about the Armed Forces and the benefits they can provide to graduating high school seniors - a very, very noble motive, Mr. Speaker. I do not think we ought to junk it up with this type of amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I believe that this amendment is well intended but very poorly drafted. I agree with the gentleman, Mr. Ryan, in his concern about who qualifies as an employer under this particular paragraph. I would bring to the attention of the members of the House that the phrase used here in terms of qualifying for the release of this information reads as follows: "...any employer employing Pennsylvania residents,..." end of quote. I believe that this opens the door for the release of very confidential information to the most extreme political organizations, for instance, that exist in our country. If we do so, we sacrifice, I believe, the constitutional privacy considerations of high school seniors. To state the matter very simply: Do we really want to require our school administrations to release lists of graduating seniors to the American Nazi Party, to the Communist Party, to other extreme political organizations simply because those organizations may qualify as employers here in the Commonwealth?

I believe we ought to look very carefully at the terminology included in this paragraph. I believe we ought to show much greater sensitivity to the constitutional privacy considerations

of graduating high school seniors. If we intend to release this information, I believe we must do so in a much more restricted manner than this amendment would call for. This would open the door; I am afraid, once we pass it, we would not be able to close it. I ask for a negative vote.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would not worry about giving the lists to industries. They would probably want to pay minimum wage on everything or have someone take a concession for wages. So I would recommend that we continue to defeat this kind of legislation and try to teach our young people to go in the service where they can get paid a decent wage for the work they are going to do and at the same time get additional schooling. I do not think that our industry in the State of Pennsylvania or anyplace in the United States deserves too much, since they are asking for concessions from everybody every time you turn around.

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

Mr. COHEN. Mr. Speaker, I am kind of taken aback by the argument that somehow this legislation is going to give the names of students to the Nazi Party. I think that kind of argument shows the high emotions that are generated over this legislation and does not show concern for what this legislation seeks to do. This amendment is designed, as Mr. Pistella said, to see that this list is available to those people who have a legitimate interest in contacting high school seniors. That includes employers; that includes colleges. I do not think that it is necessarily constructive nor the slightest bit accurate to conclude that this list is going to any kind of subversive purposes.

I would urge support of this amendment. This amendment recognizes that the military is one of many agencies in society through which young people can enjoy worthwhile service.

The SPEAKER. For the second time, the Chair recognizes the gentleman, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, a few moments ago I really did not intend to use inflammatory rhetoric in discussing who might qualify as an employer under the terms of this amendment. I wanted to make what I believe is a very legitimate point - that any employer, regardless of the number of employees or regardless of the nature of that employment, would qualify under this amendment to receive a list of the graduating seniors.

Earlier I inadvertently focused on political organizations that would in all probability be considered by most Pennsylvanians to be extreme. That was not my basic point. My basic point is, whether you are talking about an employer who happens to be involved in political activity or any other employer, the definition of "employer" as included in this amendment is much too broad. There is nothing under this amendment which would empower school officials to pick and choose which employers would receive the list and which would not.

I believe that the language of the amendment is very clear on its face. Any employer in Pennsylvania, regardless of the number of employees, regardless of the nature of that employment, would be able to demand and would be able to receive under this bill a copy of the list of graduating seniors. To put the matter simply, I think that is unfair to the graduating seniors. I think that invades their privacy and opens them to contact by organizations and groups with which they would not want to be associated.

I indicated earlier and believe that this amendment is well intended. I emphasize it was very poorly drafted. The definition of "employer" is much too broad. I seek a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, on the amendment.

Mr. DeWEESE. I have no objection to the Cohen amendment. Thank you.

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

The following roll call was recorded:

YEAS—57

Barber	Howlett	Morris	Seventy
Battisto	Itkin	Murphy	Staback
Belardi	Jarolin	Olasz	Steighner
Blaum	Josephs	Oliver	Stewart
Carn	Kasunic	Petrarca	Stuban
Cawley	Kosinski	Petrone	Sweet
Cohen	Langtry	Pievsky	Taylor, F. E.
Cordisco	Laughlin	Pistella	Tigue
Cowell	Levdansky	Pratt	Trello
DeWeese	Levin	Pressmann	Truman
Daley	Linton	Reber	Wambach
Dombrowski	McCall	Rieger	Wiggins
Fattah	Manderino	Roebuck	Wozniak
Fischer	Markosek	Saloom	Wright, D. R.
Harper			

NAYS—139

Acosta	DeVerter	Johnson	Reinard
Afflerbach	Dawida	Kennedy	Robbins
Angstadt	Dininni	Kenney	Rudy
Argall	Distler	Kukovich	Rybak
Arty	Donatucci	Lashingier	Saurman
Baldwin	Dorr	Lescovitz	Scheetz
Barley	Duffy	Letterman	Schuler
Belfanti	Durham	Livengood	Semmel
Birmelin	Fargo	Lloyd	Serafini
Black	Fee	Lucyk	Showers
Book	Flick	McClatchy	Sirianni
Bortner	Foster, Jr., A.	McHale	Smith, B.
Bowley	Fox	McVerry	Smith, L. E.
Bowser	Freeman	Mackowski	Smith, L. E.
Boyes	Freind	Maiale	Snyder, D. W.
Brandt	Fryer	Manmiller	Snyder, G. M.
Broujos	Gallagher	Mayernik	Stairs
Bunt	Gallen	Merry	Stevens
Burd	Gamble	Michlovic	Swift
Burns	Gannon	Micozzie	Taylor, E. Z.
Bush	Geist	Miller	Taylor, J.
Caltagirone	George	Moehlmann	Telek
Cappabianca	Gladeck	Mowery	Van Horne
Carlson	Godshall	Mrkoncic	Veon
Cessar	Greenwood	Nahill	Vroon
Chadwick	Gruitza	Noye	Wass
Cimini	Gruppo	O'Brien	Weston
Civera	Hagarty	O'Donnell	Wilson
Clark	Hasay	Perzel	Wogan
Clymer	Hayes	Phillips	Wright, J. L.
Colafella	Herman	Piccola	Wright, R. C.

Cole	Hershey	Pitts	Yandrisevits
Cornell	Honaman	Pott	
Coslett	Hutchinson	Preston	Irvis,
Coy	Jackson	Raymond	Speaker
Deluca			

NOT VOTING—5

Deal	Evans	Haluska	Richardson
Dietz			

EXCUSED—2

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—131

Argall	Dombrowski	Levdansky	Serafini
Baldwin	Dorr	Livengood	Sirianni
Barber	Duffy	Lloyd	Smith, B.
Barley	Durham	Lucyk	Smith, L. E.
Battisto	Evans	McCall	Snyder, G. M.
Belardi	Fargo	McClatchy	Staback
Belfanti	Fee	Mackowski	Stairs
Black	Fischer	Manderino	Steighner
Blaum	Foster, Jr., A.	Manmiller	Stevens
Book	Freind	Mayernik	Stewart
Bowley	Fryer	Merry	Stuban
Bowser	Gallagher	Moehlmann	Sweet
Broujos	Gallen	Morris	Swift
Bunt	Gamble	Mrkoncic	Taylor, E. Z.
Burns	Geist	Noye	Taylor, F. E.
Bush	George	O'Brien	Telek
Caltagirone	Gladeck	Perzel	Tigue
Cawley	Greenwood	Petrarca	Truman
Cessar	Gruitza	Petrone	Van Horne
Chadwick	Gruppo	Phillips	Veon
Cimini	Haluska	Piccola	Vroon
Clark	Harper	Pievsky	Wambach
Clymer	Hayes	Pitts	Wass
Cole	Herman	Pratt	Wiggins
Cordisco	Hutchinson	Preston	Wilson
Coy	Jackson	Raymond	Wogan
Deluca	Jarolin	Robbins	Wozniak
DeVerter	Johnson	Ryan	Wright, D. R.
DeWeese	Kasunic	Saloom	Wright, R. C.
Daley	Kosinski	Saurman	Yandrisevits
Dawida	Laughlin	Scheetz	
Dietz	Lescovitz	Schuler	Irvis,
Dininni	Letterman	Semmel	Speaker
Distler			

NAYS—68

Acosta	Cowell	Kukovich	Pistella
Afflerbach	Deal	Langtry	Pott
Angstadt	Donatucci	Lashingier	Pressmann
Arty	Fattah	Levin	Reber
Birmelin	Flick	Linton	Reinard
Bortner	Fox	McHale	Richardson
Boyes	Freeman	McVerry	Rieger
Brandt	Gannon	Markosek	Roebuck
Burd	Godshall	Michlovic	Rudy

Cappabianca	Hagarty	Micozzie	Rybak
Carlson	Hasay	Miller	Seventy
Carn	Hershey	Mowery	Showers
Civera	Honaman	Murphy	Snyder, D. W.
Cohen	Itkin	Nahill	Taylor, J.
Colafella	Josephs	O'Donnell	Trello
Cornell	Kennedy	Olasz	Weston
Coslett	Kenney	Oliver	Wright, J. L.

NOT VOTING—2

Howlett           Maiale

EXCUSED—2

Davies           Punt

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

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

### REMARKS ON VOTES

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

Mr. HALUSKA. Mr. Speaker, I would like to vote "yes" on amendment A953 to HB 370.

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

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

Mr. TELEK. On HB 855 I was temporarily out of my seat. On amendment 2057 I wish to be voted in the negative.

### BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

If there are any other corrections to the record, the Chair will take them tomorrow.

### ADJOURNMENT

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Wednesday, June 19, 1985, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:20 p.m., e.d.t., the House adjourned.