

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 29, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 31

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:

Eternal and Everlasting Father, as grateful stewards of Thine we come before Thee at the beginning of this session. We thank Thee for all the joys of life and the evidences of Thy grace and bounty. We are appreciative of Thy boundless mercy and tenderest care in all the situations of life. And we humbly pray that the spirit thereof may be reflected in the deeds we bring to maturity. Counsel us with the competency of Thy divine presence, inspire us with the indwelling of Thy eternal spirit, and guide us with the example of Thy blessed assurance. This we ask through the power of Thy presence, the confidence of Thy guidance, and the blessedness of Thy peace. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was delivered by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Tuesday, April 28, 1987, will be delayed until the Journal is in print. The Chair hears no such objection.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Speaker takes note and the clerk will file these additions and deletions for sponsorships of bills.

The following list was submitted:

ADDITIONS:

HB 1, Morris, Preston, Pistella, Fox; HB 11, O'Donnell; HB 12, O'Donnell; HB 13, O'Donnell; HB 14, O'Donnell; HB 15, O'Donnell; HB 16, O'Donnell; HB 17, O'Donnell; HB 18, O'Donnell; HB 100, Wiggins; HB 243, Leh; HB 265, Phillips; HB 517, Kosinski; HB 554, Levadansky; HB 555, Levadansky; HB 590, Caltagirone; HB 660, Heckler; HB 682, Kosinski; HB 951,

Kukovich; HB 960, Cimini; HB 1003, Ritter; HB 1019, Davies; HB 1065, Boyes, Stevens, Argall, Hasay, Cimini, Showers; HB 1085, Stairs; HB 1100, Morris, Preston, Fox, Ritter, Pistella; HB 1114, Mowery; HB 1132, Boyes; HB 1140, Petrarca; HB 1142, Mayernik; HB 1161, E. Z. Taylor, Saurman, Phillips, Wogan, Petrarca, Battisto, McHale, Laughlin; HB 1199, J. J. Taylor; HR 73, R. C. Wright; HR 83, Raymond.

DELETIONS:

HB 233, Weston; HB 486, Wogan; HB 495, Bunt; HB 496, Bunt; HB 1132, Coy.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the tabled calendar and placed on the active calendar:

HB 11;
HB 12;
HB 13;
HB 14;
HB 15;
HB 16;
HB 17;
HB 76;
HB 188;
HB 211;
HB 824;
HB 1072; and
HB 1083.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee. Are there any requests for leaves?

Mr. FEE. Yes, Mr. Speaker. The gentleman from Columbia, Mr. STUBAN, for today; the lady from Centre, Mrs. RUDY, for today; and the gentleman from Westmoreland, Mr. PETRARCA, for today.

The SPEAKER. Without objection, and the Chair does not hear objection, the leaves are granted.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Dauphin, Mr. DININNI, for the day.

The SPEAKER. The request is granted, there being no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1201 By Representatives HOWLETT, WIGGINS, REBER, KENNEY and MORRIS

An Act imposing a moratorium on mass burn incinerators.

Referred to Committee on CONSERVATION, April 29, 1987.

No. 1202 By Representatives LASHINGER, GLADECK, SAURMAN, VROON, GODSHALL, NAHILL, CORNELL, HAGARTY, FOX, McCLATCHY, CLYMER, HALUSKA, KUKOVICH, BATTISTO, MICHLOVIC, E. Z. TAYLOR, TIGUE, LANGTRY, McVERRY, BOOK, FISCHER, DORR, LEVDANSKY, ARTY, SHOWERS, MELIO and VEON

An Act amending the act of December 16, 1986 (P. L. 1641, No. 187), known as the "Little Randolph-Sheppard Act," further defining "State property."

Referred to Committee on STATE GOVERNMENT, April 29, 1987.

No. 1203 By Representatives LASHINGER, GODSHALL, NAHILL, HALUSKA, KUKOVICH, BATTISTO, MICHLOVIC, E. Z. TAYLOR, GEIST, FISCHER, DORR, STABACK, LEVDANSKY, SAURMAN, MELIO, RAYMOND, PETRARCA and VEON

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further defining "earned income."

Referred to Committee on FINANCE, April 29, 1987.

No. 1204 By Representatives CALTAGIRONE, WAMBACH, DALEY, LaGROTTA, KUKOVICH, MORRIS, TRELL, LAUGHLIN, BELFANTI, ANGSTADT, COLAFELLA, COHEN, PRESTON, OLASZ and LESCOVITZ

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), known as the "Commonwealth Attorneys Act," providing for the appointment of a special prosecutor.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1205 By Representatives HECKLER, GRUPPO, J. L. WRIGHT, MELIO, CORRIGAN and WESTON

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, regulating commercial use of congested waters of this Commonwealth.

Referred to Committee on GAME AND FISHERIES, April 29, 1987.

No. 1206 By Representatives PUNT, MOEHLMANN, CIVERA, CAWLEY, SALOOM, OLASZ and TRELL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the disposition of certain persons who are convicted of gambling involving small games of chance.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1207 By Representatives PUNT, SALOOM, CIVERA, OLASZ, CAWLEY, PETRONE and HALUSKA

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing penalties involving small games of chance.

Referred to Committee on LIQUOR CONTROL, April 29, 1987.

No. 1208 By Representatives MORRIS, RUDY, COY, SHOWERS, BATTISTO, LaGROTTA, HALUSKA, HECKLER, WASS, SCHULER, KUKOVICH, ANGSTADT, YANDRISEVITS, JADLOWIEC, NOYE, COLE, HERSHHEY, SAURMAN, McHALE, LESCOVITZ, VAN HORNE, E. Z. TAYLOR, LEVDANSKY, GODSHALL, SCHEETZ, D. W. SNYDER, CORRIGAN, BOWSER, DORR, BOOK, FAROG, SEMMEL, REBER, BARLEY, VROON, B. SMITH, G. SNYDER, JOHNSON and PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, creating the offense of trespass by motor vehicles; and further providing for fines, penalties and suspension of driver's license for unauthorized operation of motor vehicles on private real property.

Referred to Committee on TRANSPORTATION, April 29, 1987.

No. 1209 By Representatives MORRIS, COY, SHOWERS, BATTISTO, WASS, LaGROTTA, RYBAK, HALUSKA, KUKOVICH, ANGSTADT, CESSAR, YANDRISEVITS, COLE, HERSHHEY, SAURMAN, McHALE, LESCOVITZ, VAN HORNE, E. Z. TAYLOR, GODSHALL, TIGUE, D. W. SNYDER, CORRIGAN, BOWSER, KASUNIC, BOOK, SEMMEL, REBER, VROON, JOHNSON, WOZNIAK, HERMAN and PERZEL

An Act to promote and encourage the protection, preservation and conservation of locally designated scenic roads.

Referred to Committee on CONSERVATION, April 29, 1987.

No. 1210	By Representatives MORRIS, COY, SHOWERS, BATTISTO, LaGROTTA, COLE, WASS, SCHULER, ANGSTADT, YANDRISEVITS, NOYE, LESCOVITZ, VAN HORNE, HERSHY, SAURMAN, KASUNIC, E. Z. TAYLOR, GODSHALL, TIGUE, SCHEETZ, D. W. SNYDER, CORRIGAN, BOWSER, BOOK, FARGO, SEMMEL, BARLEY, VROON, B. SMITH, G. SNYDER, JOHNSON and PERZEL	Referred to Committee on JUDICIARY, April 29, 1987.
	An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for immunity of owner or possessor of land from civil damages resulting from unauthorized operation of motor vehicles on private real property.	By Representatives WOGAN, MAIALE, HOWLETT, KOSINSKI, PERZEL, TRUMAN, DONATUCCI, J. TAYLOR, KENNEY and O'BRIEN
	Referred to Committee on JUDICIARY, April 29, 1987.	An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," providing that judges of the Philadelphia Traffic Court may solemnize marriages.
No. 1211	By Representatives GEIST, JOHNSON, HAYES, BRANDT, BARLEY, SCHULER, SCHEETZ, HONAMAN, MOEHLMANN and MILLER	Referred to Committee on JUDICIARY, April 29, 1987.
	An Act selecting, designating and adopting the K4S 1361 Steam Locomotive as the official locomotive of the Commonwealth of Pennsylvania.	By Representatives DALEY, PISTELLA, PETRARCA, MORRIS, McCALL, YANDRISEVITS, KUKOVICH, DeLUCA, BUNT, BLAUM, PETRONE, SALOOM, ACOSTA, KOSINSKI, MELIO, E. Z. TAYLOR, JACKSON, BROUJOS and COLAFELLA
	Referred to Committee on TRANSPORTATION, April 29, 1987.	An Act amending the act of April 28, 1961 (P. L. 111, No. 50), known as the "Tourist Promotion Law," further providing for grants to tourist promotion agencies.
No. 1212	By Representatives DOMBROWSKI, FEE, CESSAR, DUFFY, RIEGER, DAWIDA, PISTELLA, LESCOVITZ, HOWLETT, BATTISTO, MAIALE, CIVERA, MICOZZIE, MAYERNIK and DeLUCA	Referred to Committee on BUSINESS AND COMMERCE, April 29, 1987.
	An Act amending the act of June 28, 1935 (P. L. 477, No. 193), referred to as the "Enforcement Officer Disability Benefits Law," providing for a presumption relating to heart impairment, sickness or disease.	By Representatives DALEY, PISTELLA, KASUNIC, DeLUCA, PETRARCA, MORRIS, McCALL, YANDRISEVITS, BUNT, BLAUM, PETRONE, SALOOM, ACOSTA, KOSINSKI, MELIO, E. Z. TAYLOR, JACKSON and BROUJOS
	Referred to Committee on LABOR RELATIONS, April 29, 1987.	An Act requiring certain leases executed by the Pennsylvania Turnpike Commission to contain in-State preference provisions concerning the sale of promotional objects.
No. 1213	By Representatives FOSTER, SWEET, NAHILL, SHOWERS, BOYES, SCHEETZ, E. Z. TAYLOR, CAPPABIANCA, BOWSER, FLICK, MERRY and HECKLER	Referred to Committee on BUSINESS AND COMMERCE, April 29, 1987.
	An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for the powers and duties of the coroner; and making an editorial change.	By Representatives CAPPABIANCA, MERRY, STEIGHNER, DOMBROWSKI, TIGUE, HALUSKA, SIRIANI, MICLOVIC, FLICK, TRELLA, MOWERY, SCHEETZ, PETRONE, NAHILL, PISTELLA, BELARDI and CAWLEY
	Referred to Committee on JUDICIARY, April 29, 1987.	An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," clarifying the provisions exempting property of associations and institutions of benevolence and charity from taxation.
No. 1214	By Representatives FOSTER, SWEET, NAHILL, SHOWERS, BOYES, SCHEETZ, E. Z. TAYLOR, CAPPABIANCA, BOWSER, FLICK, MERRY and HECKLER	Referred to Committee on BUSINESS AND COMMERCE, April 29, 1987.
	An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for ambulances and coroners; and making an editorial change.	By Representatives STEVENS, COLAFELLA, HASAY, D. W. SNYDER, J. L. WRIGHT, MORRIS, BELFANTI, TRELLA, NOYE, STABACK, GRUPPO, JADLOWIEC, FOX, SCHULER, GODSHALL, PERZEL, SHOWERS, LUCYK, PRESTON, CIVERA, CORRIGAN, ARTY, FISCHER,

J. TAYLOR, CAWLEY, SEMMEL,
BLACK, O'BRIEN, NAHILL, MERRY,
LEVDANSKY, E. Z. TAYLOR, SCHEETZ,
ANGSTADT, SIRIANI, RAYMOND and
BALDWIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, granting civil immunity to drivers of emergency vehicles; and making repeals.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1220 By Representatives STEVENS, WOGAN,
KOSINSKI, TRELLIO and PETRONE

An Act providing for an ad hoc postretirement adjustment for certain retired members of the Pennsylvania State Police and Capitol Police and Pennsylvania Liquor Control Board enforcement officers.

Referred to Committee on STATE GOVERNMENT, April 29, 1987.

No. 1221 By Representatives SCHULER, DISTLER,
TRELLIO, RAYMOND, BARLEY and
BELARDI

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for the power to construct sidewalks, curbs and gutters and for the assessments of costs.

Referred to Committee on LOCAL GOVERNMENT, April 29, 1987.

No. 1222 By Representatives DeLUCA, TRELLIO,
DOMBROWSKI, COHEN, COLAFELLA,
KASUNIC, CORRIGAN, PRESSMANN,
TIGUE, LaGROTTA, YANDRISEVITS,
KOSINSKI, STABACK, PISTELLA,
WIGGINS, LEVDANSKY, MICHLOVIC,
MARKOSEK, COWELL, PETRONE,
VAN HORNE, MELIO, VEON, BELARDI
and DALEY

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), known as the "Pennsylvania Prevailing Wage Act," requiring contractors and subcontractors to submit employee wage records to the department; providing that records so submitted shall be public records; and extending the time within which actions for wages may be instituted.

Referred to Committee on LABOR RELATIONS, April 29, 1987.

No. 1223 By Representatives DeLUCA, KASUNIC,
ITKIN, PHILLIPS, VEON, FOX,
DOMBROWSKI, TIGUE, TRELLIO,
MELIO, HALUSKA, McHALE,
D. W. SNYDER, PETRARCA,
MICHLOVIC, E. Z. TAYLOR,
RICHARDSON, BELARDI and DALEY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for inspection of highway crossing safety devices by railroads or carriers.

Referred to Committee on CONSUMER AFFAIRS, April 29, 1987.

No. 1224 By Representatives DeLUCA, ITKIN,
KASUNIC, DALEY, FARGO,
JADLOWIEC, GRUPPO, NOYE,
VAN HORNE, GEIST, MORRIS,
JOHNSON, MRKONIC, BOWLEY,
NAHILL, HECKLER, MELIO, HALUSKA,
KENNEY, RAYMOND, SCHEETZ,
R. C. WRIGHT, KOSINSKI,
YANDRISEVITS and MICHLOVIC

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the impoundment of a vehicle for the owner's failure to pay the fine and costs on a conviction of driving while operating privilege is suspended or revoked.

Referred to Committee on TRANSPORTATION, April 29, 1987.

No. 1225 By Representatives DeLUCA, ITKIN,
KASUNIC, DALEY, SCHULER, FOX,
MARKOSEK, NOYE, JOHNSON,
TRELLIO, MELIO, HALUSKA,
E. Z. TAYLOR, B. SMITH and BELARDI

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting interference with the work of a police dog under the control of a police officer; and prohibiting denial of facilities or services due to accompaniment of a police dog.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1226 By Representatives HASAY, GEORGE,
WOZNIAK, REBER, JAROLIN,
BELARDI, LUCYK, MICHLOVIC,
HAYDEN, BARLEY, WASS,
JADLOWIEC, SAURMAN, ARGALL,
SCHEETZ, LEVDANSKY,
DOMBROWSKI, FEE, O'DONNELL,
NOYE, MORRIS, LETTERMAN,
STUBAN, KUKOVICH, LaGROTTA,
CAPPABIANCA, VAN HORNE,
CARLSON, DeWEESE, MRKONIC,
PHILLIPS, BALDWIN, TIGUE,
MAYERNIK, DUFFY, DISTLER,
HERSHEY, HALUSKA, PETRARCA,
BLAUM, LLOYD, JOHNSON, STABACK,
D. R. WRIGHT, McHALE, MARKOSEK,
ANGSTADT, KOSINSKI, KASUNIC,
COLE, HERMAN, JACKSON,
COLAFELLA, BUNT, LESCOVITZ,
RAYMOND, SEMMEL, STAIRS, FLICK,
GRUPPO, COY, SHOWERS, FISCHER,
ARTY, YANDRISEVITS, LASHINGER,
VEON, REINARD, DeLUCA and RITTER

An Act establishing an Emergency Sewer Facilities Grant Program; imposing additional powers and duties on the Department of Environmental Resources; and making an appropriation.

Referred to Committee on CONSERVATION, April 29, 1987.

No. 1227 By Representatives GEORGE, HASAY, WOZNIAK, REBER, JAROLIN, BELARDI, LUCYK, MICHLOVIC, HAYDEN, BARLEY, WASS, JADLOWIEC, SAURMAN, ARGALL, SCHEETZ, LEVDANSKY, DOMBROWSKI, FEE, O'DONNELL, NOYE, MORRIS, LETTERMAN, STUBAN, KUKOVICH, LaGROTTA, CAPPABIANCA, VAN HORNE, CARLSON, DeWEESE, MRKONIC, PHILLIPS, BALDWIN, TIGUE, MAYERNIK, DUFFY, DISTLER, HERSHY, HALUSKA, PETRARCA, BLAUM, LLOYD, JOHNSON, STABACK, D. R. WRIGHT, McHALE, MARKOSEK, ANGSTADT, KOSINSKI, KASUNIC, COLE, HERMAN, JACKSON, COLAFELLA, BUNT, LESCOVITZ, RAYMOND, SEMMEL, STAIRS, FLICK, GRUPPO, COY, SHOWERS, FISCHER, ARTY, YANDRISEVITS, LASHINGER, VEON, REINARD, DeLUCA and RITTER

An Act establishing an Emergency Water Facilities Grant Program; imposing additional powers and duties on the Department of Environmental Resources; and making an appropriation.

Referred to Committee on CONSERVATION, April 29, 1987.

No. 1228 By Representatives DONATUCCI, RIEGER, PISTELLA, RYBAK, GRUPPO, ITKIN, CARN, MELIO, MRKONIC, MICOZZIE, DeLUCA, TRELLA, FREEMAN, McHALE, KOSINSKI, E. Z. TAYLOR, DURHAM, JOSEPHS, KENNEY, RAYMOND, HARPER and MICHLOVIC

An Act providing for item pricing of grocery items; providing further duties of the Department of Agriculture; and providing penalties.

Referred to Committee on CONSUMER AFFAIRS, April 29, 1987.

No. 1229 By Representatives RYAN, O'DONNELL, HAGARTY, LASHINGER, MOEHLMANN, HECKLER, WOGAN and REBER

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

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1230 By Representatives COLE, PITTS, BURD, BROUJOS, VAN HORNE, MARKOSEK, COWELL, DOMBROWSKI, FEE, GRUPPO, BOOK, COY and D. R. WRIGHT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of vandalism of public park monuments.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1231 By Representatives WESTON, WOGAN, O'BRIEN, KENNEY, J. TAYLOR and PERZEL

An Act relating to the public school system in cities of the first class; creating a new school district to be operated and managed pursuant to the provisions of the home rule charter of the city of the first class; creating an appointed independent Commission on Public Education responsible for the management of the school district within the framework of the home rule charter; providing for a superintendent appointed by the commission, subject to the mayor's approval; preserving certain laws with respect to the indebtedness of the district, tax levies, personnel policies, employees' retirement rights and collective bargaining; and making certain repeals under certain terms and conditions.

Referred to Committee on EDUCATION, April 29, 1987.

No. 1232 By Representative WESTON

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for special occasion permits.

Referred to Committee on LIQUOR CONTROL, April 29, 1987.

No. 1233 By Representatives WESTON, JADLOWIEC, MAIALE, HOWLETT, MRKONIC, NOYE, BOOK, KASUNIC, FOX, KOSINSKI, PERZEL, DORR, HAGARTY, WOGAN, BUNT, JOHNSON, ARTY, B. SMITH, E. Z. TAYLOR, ANGSTADT, SEMMEL, KENNEY, SIRIANI, STEVENS, HARPER, CIMINI and LANGTRY

An Act establishing minimum rights for law enforcement officers and firefighters in connection with the investigative inquiries of the chief executive officer or the governing bodies of municipalities.

Referred to Committee on LABOR RELATIONS, April 29, 1987.

No. 1234 By Representatives WESTON, CESSAR, NAHILL, MAIALE, HOWLETT, RITTER, BOOK, KASUNIC, FOX, HAGARTY, WOGAN, ARTY, DeLUCA, CAWLEY, LEVDANSKY, McHALE, STEVENS and CIMINI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring seat belts for school buses; and providing penalties.

Referred to Committee on TRANSPORTATION, April 29, 1987.

No. 1235 By Representatives WESTON, MAIALE, HOWLETT, BOOK, WOGAN, BUNT, JOHNSON, CAWLEY, E. Z. TAYLOR, KENNEY, SIRIANI and CIMINI

An Act prohibiting political subdivisions from interfering with certain recruiting practices by the United States and the Commonwealth of Pennsylvania.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, April 29, 1987.

No. 1236 By Representatives WESTON, CESSAR, MAIALE, HOWLETT, KASUNIC, FOX, BUNT, JOHNSON, CAWLEY, E. Z. TAYLOR, KENNEY, SIRIANI and CIMINI

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further requiring fingerprinting of all students as part of the first grade registration procedure.

Referred to Committee on EDUCATION, April 29, 1987.

No. 1237 By Representatives WESTON, NAHILL, MRKONIC, BOOK, KASUNIC, FOX, KOSINSKI, BUNT, JOHNSON, ARTY, DeLUCA, E. Z. TAYLOR, JADLOWIEC, ANGSTADT, KENNEY, SIRIANI, STEVENS, HARPER, CIMINI and LANGTRY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing for the crime of rape.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1238 By Representatives WESTON, ARTY, BOYES, NAHILL, McHALE, RYBAK, CORRIGAN, DAWIDA, JOHNSON, RAYMOND, FOX, ITKIN, PETRONE, FREEMAN, HERMAN, PETRARCA, HERSHEY, J. TAYLOR, SHOWERS, KUKOVICH and E. Z. TAYLOR

An Act providing for parental leave for employees in cases of birth or adoption; establishing protection of employment status and benefits; and providing for civil action for employers failing to comply.

Referred to Committee on LABOR RELATIONS, April 29, 1987.

No. 1239 By Representative WESTON

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for penalties.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1240 By Representative WESTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing the age requirements for the offense of statutory rape.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1241 By Representatives WESTON and KENNEY

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, requiring municipalities to treat condominium owners the same as single-family dwelling

owners for the purposes of collection, removal and disposal of refuse.

Referred to Committee on STATE GOVERNMENT, April 29, 1987.

No. 1242 By Representative WESTON

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the definition of "maximum annual income."

Referred to Committee on HEALTH AND WELFARE, April 29, 1987.

No. 1243 By Representative WESTON

An Act providing for the political activities of firefighters employed by cities of the first class; imposing a penalty; and making a repeal.

Referred to Committee on URBAN AFFAIRS, April 29, 1987.

No. 1244 By Representative WESTON

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 copayments.

Referred to Committee on HEALTH AND WELFARE, April 29, 1987.

No. 1245 By Representative WESTON

An Act providing for the political activities of police officers employed by cities of the first class; imposing a penalty; and making a repeal.

Referred to Committee on URBAN AFFAIRS, April 29, 1987.

No. 1246 By Representative WESTON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for recorded-message calls.

Referred to Committee on CONSUMER AFFAIRS, April 29, 1987.

No. 1247 By Representatives PERZEL, VROON, JOHNSON, BELFANTI, DeLUCA, NOYE, FOX, KOSINSKI, JACKSON, PHILLIPS, CIVERA, BUNT, COLAFELLA, BOYES, CORRIGAN, J. TAYLOR, CAWLEY, E. Z. TAYLOR, ANGSTADT, BURD, KENNEY, STEVENS, REBER and LANGTRY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, clarifying a certain exception to the Pennsylvania Uniform Firearms Act relating to prison guards.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1248 By Representatives VEON, SWEET and COLAFELLA

An Act creating the Commonwealth Baccalaureate Education System Trust; prescribing the powers and duties of the trust and of its board of directors; providing for advance tuition payment contracts; establishing the Advance Tuition Payment Fund and providing for its administration; and providing remedies.

Referred to Committee on EDUCATION, April 29, 1987.

No. 1249 By Representatives DAWIDA, MAYERNIK, McVERRY, MOEHLMANN, LANGTRY, FARMER, PICCOLA, REBER, MURPHY, VAN HORNE, FATTAH, BALDWIN and SHOWERS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the priority of advances made under certain mortgages; and providing for the rights of mortgagees, mortgagors and other parties with respect to certain mortgages.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1250 By Representatives EVANS, DEAL, CARN, HAYDEN, TRUMAN, ROEBUCK and RIEGER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for registration of family day-care providers.

Referred to Committee on HEALTH AND WELFARE, April 29, 1987.

No. 1251 By Representatives EVANS, KOSINSKI, CARN, WIGGINS, TRUMAN, HAYDEN, ROEBUCK and RIEGER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for technical assistance to family day-care home providers.

Referred to Committee on HEALTH AND WELFARE, April 29, 1987.

No. 1252 By Representatives EVANS, KOSINSKI, DEAL, CARN, WIGGINS, TRUMAN, HAYDEN, ROEBUCK and RIEGER

An Act creating a Pennsylvania Honors Scholarship Program administered by the Department of Education to provide an annual scholarship to a student in each school district who has excelled in educational achievements and endeavors.

Referred to Committee on EDUCATION, April 29, 1987.

No. 1253 By Representatives EVANS, KENNEY, CARN, TRUMAN, HAYDEN, ROEBUCK and RIEGER

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing a tax credit for certain child day-care center payments.

Referred to Committee on FINANCE, April 29, 1987.

No. 1254 By Representatives EVANS, KOSINSKI, CARN, TRUMAN and RIEGER

An Act amending the act of August 21, 1953 (P. L. 1273, No. 361), known as "The Private Detective Act of 1953," defining the term "patrol agency"; and further providing for employees and penalties.

Referred to Committee on JUDICIARY, April 29, 1987.

No. 1255 By Representatives EVANS, CARN, KENNEY, TRUMAN, HAYDEN, ROEBUCK and RIEGER

An Act providing for awarding of contracts by the Commonwealth to certain small businesses and businesses which employ disadvantaged persons; creating the Job Creation and Small Business Assistance Council and providing for its operation; establishing a designated small business contract program and a procedure for the solicitation of bids; and providing penalties.

Referred to Committee on BUSINESS AND COMMERCE, April 29, 1987.

No. 1256 By Representatives EVANS, KOSINSKI, DEAL, CARN, TRUMAN, HAYDEN, ROEBUCK and RIEGER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for technical assistance to prospective family day-care providers.

Referred to Committee on HEALTH AND WELFARE, April 29, 1987.

No. 1257 By Representatives B. SMITH, BELFANTI, DAVIES, STABACK, NOYE, LEVDANSKY, PHILLIPS, BATTISTO, SAURMAN, HECKLER, GRUPPO, E. Z. TAYLOR and MELIO

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for completion of a hunter safety or furtaker training course prior to obtaining a new license after revocation of a previous license.

Referred to Committee on GAME AND FISHERIES, April 29, 1987.

No. 1258 By Representatives B. SMITH, KASUNIC, DAVIES, MELIO, NOYE, LEVDANSKY, PHILLIPS, TRELLA, SAURMAN, GRUPPO, TIGUE, E. Z. TAYLOR, STABACK, BOWSER, DISTLER and HECKLER

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further prohibiting the use of certain devices to release two or more arrows.

Referred to Committee on GAME AND FISHERIES, April 29, 1987.

No. 1259 By Representative WESTON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for antique and classic motor vehicles; and providing for collector motor vehicles.

Referred to Committee on TRANSPORTATION, April 29, 1987.

No. 1260 By Representative WESTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of jostling; and providing penalties.

- Referred to Committee on JUDICIARY, April 29, 1987.
- No. 1261** By Representatives BELFANTI, CALTAGIRONE, CARN, WASS, TIGUE, RYBAK, J. L. WRIGHT, TRELLA, ITKIN, CORRIGAN, BLAUM, JOHNSON, KOSINSKI, TRUMAN, BUNT, VEON, MORRIS, FISCHER, BELARDI, FOX, PETRONE, SHOWERS, MELIO, PHILLIPS, NAHILL, HAYDEN, HALUSKA, BATTISTO, ARGALL, STABACK, E. Z. TAYLOR, CIVERA, BALDWIN, PETRARCA, STEVENS, BOWLEY and CAWLEY

An Act relating to the protection of the abused, neglected, exploited or abandoned elderly; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of the elderly; providing protective services; providing for funding; and making repeals.

Referred to Committee on HEALTH AND WELFARE, April 29, 1987.

- No. 1262** By Representatives BELFANTI, FARGO, SCHULER, CALTAGIRONE, WASS, TIGUE, RYBAK, TRELLA, ITKIN, CORRIGAN, BUNT, MORRIS, VEON, FISCHER, B. SMITH, FOX, PETRONE, SHOWERS, MELIO, VAN HORNE, PHILLIPS, NOYE, HALUSKA, BATTISTO, STABACK, CAWLEY, CIVERA, PETRARCA, MICHLOVIC and BOWLEY

An Act making a continuing appropriation to the Department of Environmental Resources for purposes of providing grants to municipalities and counties for costs in preparing official stormwater management plans.

Referred to Committee on CONSERVATION, April 29, 1987.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

- No. 96** By Representatives IRVIS, RYAN, MANDERINO, MICHLOVIC, COWELL, LASHINGER, FEE, DOMBROWSKI, LEVDANSKY, ITKIN, KUKOVICH, MILLER and GRUPPO

Designating Thursday, May 7, 1987, as "Pennsylvania Barrier Awareness Day."

Referred to Committee on RULES, April 29, 1987.

- No. 98** (Concurrent) By Representatives SEVENTY, HUTCHINSON, PISTELLA, CESSAR, BOOK, BURD, MANDERINO, LEVDANSKY, BROUJOS, VAN HORNE, COLE, WILSON, GRUPPO, DOMBROWSKI and ITKIN

Urging the Pennsylvania Turnpike Commission and the Department of Transportation to place all new rest and restaurant facilities in the center or median area on all divided roads.

Referred to Committee on RULES, April 29, 1987.

SENATE BILLS FOR CONCURRENCE

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

SB 213, PN 222

Referred to Committee on JUDICIARY, April 29, 1987.

SB 245, PN 255

Referred to Committee on JUDICIARY, April 29, 1987.

SB 354, PN 380

Referred to Committee on JUDICIARY, April 29, 1987.

SB 442, PN 479

Referred to Committee on APPROPRIATIONS, April 29, 1987.

SB 443, PN 857

Referred to Committee on APPROPRIATIONS, April 29, 1987.

SB 444, PN 481

Referred to Committee on APPROPRIATIONS, April 29, 1987.

SB 445, PN 482

Referred to Committee on APPROPRIATIONS, April 29, 1987.

SB 468, PN 513

Referred to Committee on JUDICIARY, April 29, 1987.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Langtry	Richardson
Argall	Dorr	Lashinger	Rieger
Arty	Duffy	Laughlin	Ritter
Baldwin	Durham	Leh	Robbins
Barley	Evans	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fattah	Linton	Saloom
Birmelin	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Blaum	Flick	Lucyk	Schuler
Book	Foster	McCall	Semmel
Bortner	Fox	McClatchy	Serafini
Bowley	Freeman	McHale	Seventy
Bowser	Freind	McVery	Showers
Boyes	Gallen	Maiale	Sirianni
Brandt	Gamble	Maine	Smith, B.
Broujos	Gannon	Manderino	Smith, S. H.

Bunt	Geist	Manmiller	Snyder, D. W.
Burd	George	Markosek	Snyder, G.
Burns	Gladeck	Mayernik	Staback
Bush	Godshall	Melio	Stairs
Caltagirone	Gruitza	Merry	Steighner
Cappabianca	Gruppo	Michlovic	Stevens
Carlson	Hagarty	Micozzie	Sweet
Carn	Haluska	Miller	Taylor, E. Z.
Cawley	Harper	Moehlmann	Taylor, F.
Cessar	Hasay	Morris	Taylor, J.
Chadwick	Hayden	Mowery	Telek
Cimini	Hayes	Mrkonic	Tigue
Civera	Heckler	Murphy	Trello
Clark	Herman	Nahill	Truman
Clymer	Hershey	Noye	Van Horne
Cohen	Hess	O'Brien	Veon
Colafella	Honaman	O'Donnell	Vroon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrone	Wiggins
Coy	Jackson	Phillips	Wilson
DeLuca	Jadlowiec	Piccola	Wogan
DeVerter	Jarolin	Pievsky	Wozniak
DeWeese	Johnson	Pistella	Wright, D. R.
Daley	Josephs	Pitts	Wright, J. L.
Davies	Kasunic	Pressmann	Wright, R. C.
Dawida	Kennedy	Preston	Yandrisevits
Deal	Kenney	Punt	
Dieterick	Kosinski	Raymond	
Distler	Kukovich	Reber	Irvins, Speaker

ADDITIONS—0**NOT VOTING—0****EXCUSED—4**

Dininni	Petrarca	Rudy	Stuban
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CITATIONS PRESENTED

The SPEAKER. The Chair requests that you take your seats at this time and stay there quietly. Members, please take your seats quietly. Thank you.

As all of us must be aware, this is the time of the year when sensitive people around the world mourn the loss of those killed in the Holocaust four decades ago. What many of us, however, have not known is that all mankind did not turn to bestiality; that there were those in Europe who, at the risk of their own lives and safety and the lives and safety of their families, even German officers, who refused to join the beast in its destruction of over 4 million Jews.

Two women - Sondra Myers being one of them, and Sister Carol Rittner, Sister of Mercy, being the other - edited a book which was brought to the Speaker's attention by Carmel Sirianni called "The Courage To Care." That is also now on film and will be shown here at 12 noon. It has been mentioned for prize awards and certainly deserves it.

While we are extremely busy today and must get on with our work within 15 minutes, the Chair was certain that we would take that much time to listen briefly to what Sondra and Sister of Mercy Rittner had to say about those with the courage to care. And because it was Carmel Sirianni who brought this book first to my attention, I invite Representative Sirianni to introduce the editors of this book, to read the citations to be awarded to them.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Sondra and Sister, would you please step up here.

First of all, I would just like to show you the book that was published, coauthored by Sondra and Sister Rittner. On my left we have Sister Carol Rittner and on my right we have Sondra Myers from Scranton, Pennsylvania, and I think that Representative Belardi and Representative Cawley, who come from Scranton, Pennsylvania, should come up here with us, too, because they too are friends of Sondra Myers.

It gives me a great deal of pleasure to present this citation first of all to Sondra Myers. I have known Sondra for many years and I have known of her many good works that she has done in Lackawanna County during the past several years, and in addition to that, my parents knew her parents in Old Forge and knew the good work that they did down there, so she comes from a line of good, hard workers. I know that from way back, and I would like to present this citation to her, which reads:

**CITATION BY
THE HOUSE OF REPRESENTATIVES**

WHEREAS, Sondra Myers of Scranton is a national leader in the arts and humanities who has devoted herself to programs, projects, institutions and organizations which foster cultural enrichment for everyone; and

WHEREAS, Mrs. Myers has provided exceptional service and dedicated efforts as program chairman of the International Conference "Faith in Humankind: Rescuers of Jews during the Holocaust" which was held in Washington; as co-editor of the book—

which I just held up—

and co-executive producer of the thirty minute prize-winning documentary film "The Courage to Care", which was shown nationally on PBS stations and was nominated for an Academy Award in 1986;

For those of you who watch PBS, it is going to be shown tonight at 10:30, and I hope you will all have an opportunity to see it.

WHEREAS, Mrs. Myers is actively involved on the local, regional, state and national levels of numerous organizations including president of the National Federation of State Humanities Councils; past chairman and founder, State Arts Advocacy League of America; founding president and past president, Citizens for the Arts in Pennsylvania; member and past chairman, Pennsylvania Humanities Council; member and past chairman, City of Scranton Commission for Architecture and Urban Design; president, board of directors, Northeastern Pennsylvania Philharmonic Orchestra; member, board of trustees, Philadelphia Colleges of the Arts; and member, board of directors, Philadelphia Alliance for Teaching the Humanities in the Schools. Mrs. Myers has founded and supervised many programs and projects and has received numerous awards and honors for her outstanding work and achievements.

in many communities, and if you do not believe me, ask Governor Casey, because that is where she was last fall. That is how he got here.

It gives me great pleasure to present this citation to Sondra at this time.

Mrs. MYERS. Thank you, Carmel and Speaker Irvis and all of you here.

It gives me particular pleasure and pride to receive this honor in the halls of government. The people that we wrote about and made a film about and had a conference about, people, non-Jews, who rescued Jews during the Holocaust, did their rescuing against the law, against the law of the country and the regime under which they lived. Today's events make me appreciate more that I live under a government, under the government of this Commonwealth and this country, which permits and encourages us to be humane and humanitarian. I greatly appreciate and treasure this honor. Thank you.

Miss SIRIANNI. And now I have a citation for Dr. Sister Carol Rittner, who is from the Harrisburg area.

WHEREAS, Dr. (Sister) Carol Rittner is to be commended for her contributions to education and to the humanities; and

WHEREAS, Sister Carol, RSM, a member of the Religious Sisters of Mercy, combines experience in higher education administration, teaching, research and special project development. For more than ten years, her special expertise in Christian-Jewish relations and in Holocaust studies have served as the foundation for much of her work. In 1984, Sister Carol developed and organized an international conference, sponsored by the United States Holocaust Memorial Council, Washington, D.C., focusing on non-Jews who helped Jews during the Holocaust. In addition she co-authored the film and book "The Courage to Care", which was shown nationally on PBS stations and was nominated for an Academy Award in 1986; and

WHEREAS, Dr. Rittner's exceptional career as an educator includes service as an administrator and adjunct associate professor at Mercy College of Detroit, director of special programs and planning at Mount Aloysius Junior College and a high school English teacher at Catholic High Schools in Pennsylvania; and

WHEREAS, Dr. Rittner is actively involved in numerous civic and professional organizations and serves as special advisor to Elie Wiesel, Chairman of the United States Holocaust Memorial Council and member of the executive committee of Jerusalem Women's Seminar, the board of trustees of College Misericordia and the Association of Governing Boards, Colleges and Universities.

It is with a great deal of pleasure that I now present Sister Rittner with this citation for the good works that she has done for all of us.

SISTER RITTNER. I want to thank all of you for this wonderful honor, and perhaps I could just make a few comments about people who helped Jews during the Holocaust.

People often say, what was their motivation? Let me just read one quotation from the book. This is a quotation of

John Weidner's, who helped to rescue more than 200 Jews in Nazi-occupied Europe. I am quoting now. He said:

My family was Dutch and Christian. Even when we were quite young, my parents always encouraged us, my sisters and me, to read the Bible and to believe that love was the aim of our lives. My mother and father taught us that Moses got the instruction from God that tells us "to love our neighbors as ourselves." And we also knew from the Bible that Jesus Christ, who was Himself a Jew, had said that the greatest commandment was "to love God and to love your neighbor as yourself." Both at home and at school, our education was directed toward love, compassion, and service to others.

It seems to me it is a good quotation for all of us to keep in mind. Thank you very much.

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:

SB 549, PN 609; and SB 550, PN 691.

* * *

The House proceeded to second consideration of **HB 38, PN 41**, entitled:

An Act authorizing the Department of Environmental Resources to make grants to river watch groups; establishing procedures for the application for and utilization of grant money; and making an appropriation.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 38 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 775, PN 845**, entitled:

An Act amending the act of July 2, 1984 (P. L. 527, No. 106), known as the "Recreational Improvement and Rehabilitation Act," providing additional funds to the Department of Community Affairs; and extending the provisions of the law for an additional three years.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that HB 775 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 916, PN 998**, entitled:

An Act providing for a Statewide toll-free telephone number by which the public may report environmental emergencies; and imposing duties on the Department of Environmental Resources.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that HB 916 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 419, PN 457**, entitled:

An Act regulating smoking in Commonwealth buildings.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that HB 419 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 774, PN 1260**, entitled:

An Act providing for the preservation of certain historic structures; authorizing the establishment of municipal historic preservation committees; and imposing powers and duties on the Pennsylvania Historical and Museum Commission.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that HB 774 be recommitted for a fiscal note to the Committee on Appropriations.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1000, PN 1102**, entitled:

An Act reenacting and amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing for the creation, powers and duties of the Alcoholic Beverages Commission; establishing administrative officers and units for the administration and enforcement of the act; providing for the powers and duties of the Auditor General, State Treasurer, Attorney General and Pennsylvania State Police; regulating advertising; further providing for licenses, for penalties, for funding and for disposition of moneys; and transferring personnel, property and appropriations.

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

AMENDMENT A0595 RECONSIDERED

The SPEAKER. Moved by the majority leader that the vote by which amendment A0595 to HB 1000 was passed on the 28th day of April be reconsidered.

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

The following roll call was recorded:

YEAS—193

Acosta	Dombrowski	LaGrotta	Rieger
Angstadt	Donatucci	Langtry	Ritter
Argall	Dorr	Lashinger	Robbins
Ary	Duffy	Laughlin	Roebuck
Baldwin	Durham	Leh	Ryan
Barley	Evans	Lescovitz	Rybak
Battisto	Fargo	Levdansky	Saloom
Belardi	Farmer	Linton	Saurman
Belfanti	Fattah	Livengood	Scheetz
Birmelin	Fee	Lloyd	Schuler
Black	Fischer	Lucyk	Semmel
Blaum	Flick	McCall	Serafini
Book	Foster	McClatchy	Seventy
Bortner	Fox	McHale	Showers
Bowley	Freeman	McVerry	Sirianni
Bowser	Freind	Maine	Smith, B.
Boyes	Gallen	Manderino	Smith, S. H.
Brandt	Gamble	Manniller	Snyder, D. W.
Broujos	Gannon	Markosek	Snyder, G.
Bunt	Geist	Mayernik	Staback
Burd	George	Melio	Stairs
Burns	Gladeck	Merry	Steighner
Bush	Godshall	Michlovic	Stevens
Caltagirone	Gruitzka	Micozzie	Sweet

Cappabianca	Gruppo	Miller	Taylor, E. Z.
Carlson	Hagarty	Moehlmann	Taylor, F.
Carn	Haluska	Morris	Taylor, J.
Cawley	Harper	Mowery	Telek
Cesar	Hasay	Murphy	Tigue
Chadwick	Hayden	Nahill	Trello
Cimini	Hayes	Noye	Truman
Civera	Heckler	O'Brien	Van Horne
Clymer	Herman	O'Donnell	Veon
Cohen	Hershey	Olasz	Vroon
Colafella	Hess	Oliver	Wambach
Cole	Honaman	Perzel	Wass
Cornell	Howlett	Petrone	Weston
Corrigan	Hughes	Phillips	Wiggins
Cowell	Hutchinson	Piccola	Wilson
Coy	Itkin	Pievsky	Wogan
DeLuca	Jackson	Pistella	Wozniak
DeVerter	Jadlowiec	Pitts	Wright, D. R.
DeWeese	Jarolin	Pressmann	Wright, J. L.
Daley	Johnson	Preston	Wright, R. C.
Davies	Josephs	Punt	Yandrisevits
Dawida	Kasunic	Raymond	
Deal	Kenney	Reber	
Dietterick	Kosinski	Reinard	Irvis,
Distler	Kukovich	Richardson	Speaker

NAYS—1

Mrkonic

NOT VOTING—4

Clark	Kennedy	Letterman	Maiale
EXCUSED—4			
Dininni	Petrarca	Rudy	Stuban

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. A0595:

Amend Sec. 60 (Sec. 461), page 117, line 11, by inserting after "courses"

and units of nonprofit nationally chartered clubs

Amend Sec. 60 (Sec. 461), page 117, line 27, by inserting after "licensees"

and units of nonprofit nationally chartered clubs

Amend Sec. 60 (Sec. 461), page 120, by inserting between lines 19 and 20

(g) "Nonprofit nationally chartered club" as used in this section shall mean any club which does not contemplate pecuniary gain or profit, incidental or otherwise, having a national charter.

(h) "Unit of a nonprofit nationally chartered club" as used in this section shall mean any post, branch, lodge or other subordinate unit of a nonprofit nationally chartered club.

On the question recurring,

Will the House agree to the amendments?

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

It is your amendment. Do you wish to speak to it, Mr. Letterman?

Mr. LETTERMAN. I do not know anything about it, Mr. Speaker.

The SPEAKER. Mr. Manderino, this is the reconsideration motion. The motion is now before us.

The Chair recognizes the majority leader.

Mr. MANDERINO. I think the gentleman, Mr. Letterman, is confused. This is the amendment that you added yesterday, having nationally chartered organizations be outside the quota.

Mr. LETTERMAN. Yes.

Mr. MANDERINO. It is now being reconsidered. Do you want to speak in favor?

Mr. LETTERMAN. Who asked to reconsider?

Mr. MANDERINO. I did.

Mr. LETTERMAN. Oh. Why did you do such a dumb thing?

The SPEAKER. Mr. Letterman.

Mr. LETTERMAN. Now, I thought it was the best piece of legislation that was passed yesterday, and Mr. Manderino really surprises me, you know?

I do not see why anyone would object to something that you need in this country and this State, because today they cannot even get the amount of members that they need to form a new organization. I certainly think that it is well deserved that we do not count them in our quota. I do not know why you would count them in a quota, except I suppose Jim is going to tell me we are just letting it open for more and more people to have a license. And I do not understand where he comes from all of a sudden not wanting to see anybody drink at all.

I think good organizations like the clubs I am talking about do a lot of good for the country and for the State. There are a lot of good organizations that cannot even get formed because they are in a quota system, and I would ask that you give me an affirmative vote on the amendment.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Mr. Speaker, I have a hope that we can maintain the liquor control system in Pennsylvania somewhere near close to the way it operates presently, and that is the reason I have asked that the Letterman amendment be reconsidered.

What the Letterman amendment allows is any nationally chartered organization that happens to be nonprofit to get a liquor license in Pennsylvania without being within the quota that every municipality now must abide by. There are so many national organizations, Mr. Speaker, and I could go out and charter probably 600 in the next 2 weeks, and each one of those under this amendment would be able to get a liquor license in each community in the Commonwealth. There could be such a proliferation of licenses—and believe me, there will be such a proliferation of licenses—that you would not imagine. You might as well not have any system at all and anybody who wants to sell booze can sell it, because that is what you are permitting with this kind of an amendment.

As I said, the hour became late yesterday. People began pushing green lights on amendments without really seriously considering, and there are some others that we will reconsider this morning that fall within the same vein.

If you are interested at all in the liquor control system and maintaining some harness on the distribution and consumption of liquor, of malt beverages, of alcohol, which has been proven to be a hard drug, susceptible to much abuse, leading to many social problems, if you are at all interested in controlling and harnessing the sale the way it has been in Pennsylvania, we must defeat this amendment.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, in the State of Pennsylvania today we have a lot of nationally recognized organizations and clubs that operate without a liquor license. They operate by bringing the liquor into the clubs themselves, and they are allowed to do that. All I am saying is you should be allowed to sell it to them properly within the building that they come to, and I would ask for an affirmative vote.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, last week we passed a House resolution commemorating the Sertoma clubs of Pennsylvania for their great work. Now, Sertoma means "Service to Mankind." It would be a sad and tragic day if that organization had to exist upon a liquor license or drink in order for them to exist, which they do not. But the very fact that they provide such a wonderful service to the various neighborhoods and communities in which they are located speaks well for them. So I, too, would ask for a negative vote on this amendment. Thank you.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Mr. Speaker, briefly.

Just because you are nationally chartered and nonprofit does not have anything to do with and does not mean that you are benevolent, charitable, educational, or any of those good things. It just means that you do not derive a profit from the activity that you are engaged in. You could be engaged in activities that none of us would want to be identified with and still be nonprofit. But there can be a number of people who earn a very good living from selling that alcohol in that nonprofit club that happens to be nationally chartered, and believe me, we would have them all over the place. There would be 10, 15 in every community over and above quota, even more in some.

I ask for a negative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—27

Bowser	Fischer	McVerry	Punt
Brandt	Fox	Micozzie	Saloom
Cessar	Godshall	Miller	Taylor, F.
Clark	Kenney	Morris	Truman
Cornell	Langtry	Nahill	Wilson
Coy	Letterman	Petrone	Wogan
Distler	McHale	Preston	

NAYS—158

Acosta	Dietterick	Kosinski	Ritter
Angstadt	Dombrowski	LaGrotta	Robbins
Argall	Donatucci	Lashinger	Roebuck
Asty	Dorr	Leh	Ryan
Baldwin	Duffy	Lescovitz	Rybak
Barley	Durham	Levdansky	Saurman
Battisto	Fargo	Linton	Scheetz
Belardi	Fattah	Livengood	Schuler
Belfanti	Fee	Lloyd	Semmel
Birmelin	Flick	Lucyk	Serafini
Black	Foster	McCall	Seventy
Blaum	Freeman	McClatchy	Showers
Book	Gallen	Maiale	Sirianni
Bortner	Gamble	Maine	Smith, B.
Bowley	Gannon	Manderino	Smith, S. H.
Boyes	Geist	Manmiller	Snyder, D. W.
Broujos	George	Markosek	Snyder, G.
Burd	Gladeck	Mayernik	Staback
Burns	Gruitza	Melio	Stairs
Bush	Gruppo	Merry	Steighner
Caltagirone	Hagarty	Michlovic	Stevens
Cappabianca	Haluska	Moehlmann	Sweet
Carlson	Harper	Mowery	Taylor, E. Z.
Carn	Hasay	Murphy	Taylor, J.
Cawley	Hayden	Noye	Telek
Chadwick	Hayes	O'Brien	Tigue
Cimini	Heckler	O'Donnell	Trello
Civera	Herman	Olasz	Veon
Clymer	Hershey	Oliver	Vroon
Cohen	Hess	Phillips	Wambach
Cole	Honaman	Piccola	Wass
Corrigan	Howlett	Pievsky	Wiggins
Cowell	Hughes	Pistella	Wozniak
DeLuca	Itkin	Pitts	Wright, D. R.
DeVerter	Jackson	Pressmann	Wright, J. L.
DeWeese	Jadlowiec	Raymond	Wright, R. C.
Daley	Jarolin	Reber	Yandrisevits
Davies	Johnson	Reinard	
Dawida	Kasunic	Richardson	Irvis,
Deal	Kennedy	Rieger	Speaker

NOT VOTING—13

Bunt	Freind	Kukovich	Perzel
Colafella	Hutchinson	Laughlin	Van Horne
Evans	Josephs	Mrkonic	Weston
Farmer			

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the negative, and the amendments were not agreed to.

FILMING PERMISSION

The SPEAKER. Permission has been granted on the floor for WPVI, WHP-TV, and WLYH to film for 10 minutes on the floor of the House.

CONSIDERATION OF HB 1000 CONTINUED

On the question recurring,

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

The SPEAKER. We are going to follow this order of reconsiderations: Mr. Sweet's amendment will be next; Mr. Van Horne's after that; Mr. DeLuca after Mr. Van Horne; Mr.

Colafella following Mr. DeLuca; Mr. Carn following Mr. Colafella; then Mr. Gladeck, in that order.

AMENDMENT A0748 RECONSIDERED

The SPEAKER. Moved by the majority leader that the vote by which amendment A0748 to HB 1000 was passed on the 28th day of April be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—188

Acosta	Dombrowski	Lashinger	Rieger
Angstadt	Donatucci	Laughlin	Ritter
Argall	Dorr	Leh	Robbins
Asty	Duffy	Letterman	Roebuck
Baldwin	Durham	Levdansky	Ryan
Barley	Fargo	Linton	Rybak
Battisto	Farmer	Livengood	Saloom
Belardi	Fattah	Lloyd	Saurman
Belfanti	Fee	Lucyk	Scheetz
Birmelin	Fischer	McCall	Schuler
Black	Flick	McClatchy	Semmel
Blaum	Foster	McHale	Serafini
Book	Fox	McVerry	Seventy
Bortner	Freeman	Maiale	Showers
Bowley	Freind	Maine	Sirianni
Bowser	Gallen	Manderino	Smith, B.
Boyes	Gamble	Manmiller	Smith, S. H.
Brandt	Gannon	Markosek	Snyder, D. W.
Bunt	Geist	Mayernik	Snyder, G.
Burd	George	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitzka	Micozzie	Stevens
Cappabianca	Gruppo	Miller	Sweet
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Nahill	Telek
Chadwick	Hayden	Noye	Tigue
Cimini	Hayes	O'Brien	Trello
Civera	Herman	O'Donnell	Truman
Clark	Hershey	Olasz	Van Horne
Clymer	Hess	Oliver	Vroon
Cohen	Honaman	Perzel	Wambach
Cole	Howlett	Petrone	Wass
Cornell	Hughes	Phillips	Weston
Corrigan	Itkin	Piccola	Wiggins
Cowell	Jackson	Pievsky	Wilson
Coy	Jadlowiec	Pistella	Wogan
DeLuca	Jarolin	Pitts	Wozniak
DeVerter	Johnson	Pressmann	Wright, D. R.
DeWeese	Josephs	Preston	Wright, J. L.
Daley	Kasunic	Punt	Wright, R. C.
Davies	Kennedy	Raymond	Yandrisevits
Dawida	Kosinski	Reber	
Deal	Kukovich	Reinard	Irvis,
Dietterick	LaGrotta	Richardson	Speaker
Distler	Langtry		

NAYS—2

Kenney	Mrkonic		
NOT VOTING—8			

Broujos	Evans	Hutchinson	Murphy
Colafella	Heckler	Lescovitz	Veon

EXCUSED—4

Dininni Petrarca Rudy Stuban

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. A0748:

Amend Sec. 4 (Sec. 102), page 18, by inserting between lines 19 and 20

"Wine coolers" shall mean a wine-based beverage with an alcohol content of less than eight per centum consisting of a blend of wine, fruit pulp and/or fruit juices and other ingredients.

Amend Sec. 29 (Sec. 407), page 54, line 2, by inserting after "Beverages"

and Wine Coolers

Amend Sec. 29 (Sec. 407), page 54, line 6, by inserting after "beverages"

and wine coolers

Amend Sec. 29 (Sec. 407), page 54, line 9, by inserting after "beverages"

and wine coolers

Amend Sec. 29 (Sec. 407), page 54, line 14, by inserting after "beverages"

and wine coolers

Amend Sec. 43 (Heading), page 86, line 5, by inserting after "Beverages"

and Wine Coolers

Amend Sec. 44 (Sec. 431), page 86, line 17, by inserting after "beverages"

and wine coolers

Amend Sec. 44 (Sec. 431), page 87, line 6, by inserting after "beverages" where it appears the second time

and wine coolers

Amend Sec. 44 (Sec. 431), page 87, line 8, by inserting after "beverages" where it appears the first time

and wine coolers

Amend Sec. 44 (Sec. 431), page 87, line 8, by inserting after "beverages" where it appears the second time

and wine coolers

Amend Sec. 44 (Sec. 431), page 88, line 1, by inserting after "beverages"

and wine coolers

Amend Sec. 44 (Sec. 431), page 88, line 18, by inserting after "beverages"

and wine coolers

Amend Sec. 44 (Sec. 431), page 88, line 25, by inserting after "beverages"

and wine coolers

Amend Sec. 44 (Sec. 431), page 88, line 27, by inserting after "beverages"

and wine coolers

Amend Sec. 44 (Sec. 431), page 89, line 2, by inserting after "beverages"

and wine coolers

Amend Sec. 44 (Sec. 431), page 89, line 14, by inserting after "beverages"

and wine coolers

Amend Sec. 44 (Sec. 431), page 90, line 10, by inserting after "affected."

All wine coolers shall remain subject to the act of June 9, 1936 (1st Sp.Sess., P.L.13, No.4), entitled, as reenacted and amended, "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania

Liquor Control Board." Such tax shall be remitted by the manufacturer to the commission. All wine coolers shall remain subject to Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

Amend Sec. 45 (Sec. 432), page 93, line 21, by inserting after "Beverages"

and Wine Coolers

Amend Sec. 45 (Sec. 432), page 96, line 5, by inserting after "beverages"

and wine coolers

Amend Sec. 45 (Sec. 432), page 96, line 6, by inserting after "beverages"

and wine coolers

Amend Sec. 45 (Sec. 432), page 96, line 12, by inserting after "beverages"

and wine coolers

Amend Sec. 52 (Sec. 438), page 106, line 3, by inserting after "beverages"

and wine coolers

Amend Sec. 52 (Sec. 438), page 106, line 4, by inserting after "beverages"

and wine coolers

Amend Sec. 55 (Sec. 441), page 108, line 19, by inserting after "beverages"

and wine coolers

Amend Sec. 55 (Sec. 441), page 108, line 23, by inserting after "beverages"

and wine coolers

Amend Sec. 55 (Sec. 441), page 108, line 29, by inserting after "beverages"

and wine coolers

Amend Sec. 55 (Sec. 441), page 109, line 7, by inserting after "beverages"

and wine coolers

Amend Sec. 55 (Sec. 441), page 109, line 14, by inserting after "beverages"

and wine coolers

Amend Sec. 56 (Sec. 442), page 109, line 22, by inserting after "beverages"

and wine coolers

Amend Sec. 56 (Sec. 442), page 109, line 28, by inserting after "beverages"

and wine coolers

Amend Sec. 56 (Sec. 442), page 110, line 1, by inserting after "beverages"

and wine coolers

Amend Sec. 56 (Sec. 442), page 110, line 4, by inserting after "beverages"

and wine coolers

Amend Sec. 56 (Sec. 442), page 110, line 8, by inserting after "beverages"

and wine coolers

Amend Sec. 56 (Sec. 442), page 110, line 12, by inserting after "beverages"

and wine coolers

On the question recurring,

Will the House agree to the amendments?

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

Mr. SWEET. Thank you, Mr. Speaker.

I will not debate at any length now. I assume there are some people who have some questions or who want to make points about the amendment. I would merely remind the members, this is the amendment that says that wine-based coolers may be sold through the existing controlled beer distribution

system. The same rules that apply to the sale of beer would apply to the sale of wine-based coolers, and I would remind the members that there is a rather bizarre distinction in the law right now which allows malt-based coolers to be sold through the beer system but not wine-based coolers, and that is a distinction that is based on historical accident rather than on reason.

So I would ask that the amendment be adopted, and I will yield to members who have questions or have statements with the realization that I will probably have comments on those.

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

Mr. J. L. WRIGHT. Thank you, Mr. Speaker.

May I interrogate the sponsor of the amendment?

The SPEAKER. Mr. Sweet indicates he will stand for interrogation. You may proceed, Mr. Wright.

Mr. J. L. WRIGHT. I hope you are more knowledgeable of the bill and of the amendments already adopted than I am.

Mr. SWEET. I rather doubt— Well, go ahead.

Mr. J. L. WRIGHT. If this amendment passes, what is the minimum number of bottles or containers of wine coolers that a beer distributor may sell?

Mr. SWEET. The rules will be exactly the same as the rules for beer. The same volume of wine cooler could be sold as the volume of beer.

Mr. J. L. WRIGHT. Can they sell a four-pack?

Mr. SWEET. I am not sure how many bottles will be sold, Mr. Speaker. I think that the law is based on the volume rather than on the bottles.

Mr. J. L. WRIGHT. As I now understand it, a beer distributor may sell no less than a case of beer, which is what, 24 bottles? If he sells a wine cooler, may he sell 4, 6, 10, 18, or 24?

Mr. SWEET. If what you are getting at is can he sell a six-pack or a four-pack of wine cooler, the answer is no.

Mr. J. L. WRIGHT. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I support the amendment.

It seems that this is the most reasonable compromise that can be made with respect to wine coolers. One of the things that annoyed me about the absence of wine coolers through the beer distributing process was that when people who spoke to me spoke of buying wine coolers, they told the story of going to the liquor stores to buy wine coolers and they could not buy them chilled, whereas through the beer distributing system they could buy them chilled.

Now, I do not happen to drink them; I have never even tasted them, but there are an awful lot of people who do. They drink them primarily in the summertime, and I think they should be available cool or in a cooled condition. I do not believe that selling them through the beer distributors or through the taverns is going to put any more alcohol on the streets or in the homes of the citizens of Pennsylvania but rather is going to make them more available in a manner that they want to buy them - they want to buy them in a chilled condition for a picnic; they want to buy them in a chilled con-

dition for a family outing of some sort. I think it is ridiculous the way we have them now that you have to go into a liquor store to buy something that in many cases has less alcohol in it than the beer that is for sale now at the beer distributors.

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

Mr. CLYMER. Thank you, Mr. Speaker.

The SPEAKER. Just a moment, Mr. Clymer. I want to make another announcement.

FILMING PERMISSION

The SPEAKER. We have additional cameramen coming on the floor - WGAL-TV. Why do we have two people - Sinkovitz and Shrader? We do not want both of them. WGAL, just one person, or a cameraman and a reporter, but not two cameramen. All right.

And WITF-TV.

The cameramen are instructed that you have 10 minutes and then I want you off the floor, because I am not going to allow any more cameramen to come on the floor until one or two of you have vacated. We are not going to allow cameras to be strung all up the corridor.

CONSIDERATION OF HB 1000 CONTINUED

The SPEAKER. All right, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if the prime sponsor of the amendment would stand for brief interrogation?

The SPEAKER. Mr. Sweet indicates he will stand. You may proceed, Mr. Clymer.

Mr. CLYMER. Mr. Speaker, in the remarks that this is a controlled mode of operation, could you answer me this question: Could wine coolers be sold in other places than beer distributorships which you have implied?

The SPEAKER. Just a moment, Mr. Clymer.

Try it now, Mr. Clymer.

Mr. CLYMER. The question, Mr. Speaker, is this: There is an understanding—I will admit sometimes these amendments confuse me—but under the amendment that you have presented before us, could wine coolers be sold elsewhere besides beer distributorships that the bill seems to imply?

Mr. SWEET. Mr. Speaker, wine coolers could be sold in exactly the same volume and under exactly the same conditions as beer in any facility that now may sell beer. So to further elaborate to get where I think you are going in your question, a tavern could sell takeout wine coolers as it today can sell takeout beer or takeout malt-based coolers.

Mr. CLYMER. Thank you.

And, Mr. Speaker, could those restaurants that are licensed to open on Sundays because 40 percent of their volume is food and nonalcoholic beverages, would they be able to sell wine-cooler drinks under your bill?

Mr. SWEET. If they may sell beer.

Mr. CLYMER. Okay. And if an establishment has a beer license, would they be able to sell wine coolers, Mr. Speaker?

Mr. SWEET. As I have said twice, Mr. Speaker, if they may sell beer, they may sell wine coolers.

Mr. CLYMER. Thank you, Mr. Speaker.

That is the end of the interrogation. May I speak on the amendment?

The SPEAKER. The gentleman has the floor. He may proceed.

Mr. CLYMER. Mr. Speaker, I do not know if the other members share my somewhat confusion about this, but it seems to me that the implication was that only beer distributorships could sell this, and through the interrogation we find that taverns and bars and restaurants will be able to sell wine coolers on a takeout basis, plus the other establishments that I had mentioned.

I will talk about the reason for my concern on this amendment, and many of the members had spoken about this yesterday: the fact that wine coolers contain a higher percent of alcohol by volume, so we are making this product available to many people who should not have it in their possession. I am thinking particularly of the advertisements of wine coolers and their thrust at the youth of Pennsylvania. The fact that it has a softer taste, a fruit taste, many of these youngsters will be drinking this wine cooler not realizing that they are quickly reaching a point of intoxication, and when we put them in a car or other kinds of transportation, they become a danger.

Mr. Speaker, is it consistent for us to support this legislation and vote as we did for underage drinking penalties? We are concerned that we want to do the best for our youth, and this to me is not consistent with some of the things we have done.

On the House calendar is SR 43. It is to congratulate SADD, Students Against Driving Drunk, for their efforts, and this is one area that I am sure these students would have a major concern about, that we are allowing the availability of wine coolers to come through our society.

I talked before briefly about the resolutions and special committees that this House has generated to try to curb the problems of alcohol abuse in Pennsylvania. All of us are aware of horror stories in our districts of what alcohol abuse has done to our citizens.

And, Mr. Speaker, a few other points and things I raised yesterday I will just briefly touch upon.

If we consider the effect this will have on the population, we realize that across America there are 15 million to 20 million children of alcoholic parents who are not receiving help. They are the silent suffering in our society, and this bill will not make that situation any better. Ninety percent of all abuse cases of children—and we all have a concern here—have an alcoholic parent. Fifty percent of all future alcoholics will come from alcoholic homes.

Mr. Speaker, I could go on, but I think I have made the point about the problems that the availability of this particular beverage will cause. And, of course, I commend the majority leader in his efforts to alert the General Assembly on the problems as well.

Mr. Speaker, may I conclude my remarks this morning by relating an inspiring situation that took place here in the House of Representatives about a year ago. A young lady by the name of Katie Gleason spoke to the members of this General Assembly. She, for the freshman members, is the daughter of a former distinguished member of this House. She is a very mature young lady whose youth belies her teen age. But the thing that impressed me was she came to this General Assembly and she pleaded with us from her heart about the problems of drug and alcohol abuse among her friends in school. She pleaded with us that whatever we do, we would take proper action and the right course to protect her friends and herself from any harm that could come from drug and alcohol abuse. She pleaded with us, and she used one word that stuck in my memory—and I am sure those who heard her speak remember that as well—she called us stewards. She said we are the stewards here in Pennsylvania, not the wine industry of California, not the lobbyists. Though we may claim them as friends, they are not the stewards. They are not the ones who are to protect our young people—and I am centering around them at the present time—from the harm of alcoholic abuse. And she pleaded with us that whatever we would do, we would think of her and her friends before we would take any action. We are the stewards, she said, and would we help her in her efforts to help her and her friends.

So, Mr. Speaker, I rise, as I said, in opposition to the Sweet-Wogan amendment. I wish the members would consider some of the things I have said here this morning, and I ask for their "no" vote. Thank you very much.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House the Big Spring High School Student Council and advisers. They are in the balcony. They are the guests of Representative Fred Noye and Representative John Broujos. Welcome to the hall of the House. We are delighted to have you here.

CONSIDERATION OF HB 1000 CONTINUED

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

Mr. OLASZ. Mr. Speaker, would the maker of the amendment stand for interrogation, please?

The SPEAKER. Mr. Sweet will stand for further interrogation. You may proceed, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, on the bottom of page 19—I am waiting until the maker gets a copy of the bill.

Let me qualify my question, first of all, Mr. Speaker. As mentioned earlier, I, too, am among the many that are confused by the phrasing of various statements in this bill. But on the bottom of page 19, it says "...the purpose of this act is to prohibit the manufacture of and transactions in liquor, alcohol and malt or brewed beverages which take place in this Commonwealth...." The question I have, does your amendment prohibit the manufacturing of wine coolers in the State of Pennsylvania?

Mr. SWEET. I do not believe so, Mr. Speaker. My amendment does not even deal with anything on page 19.

Mr. OLASZ. Well, what I am concerned about, Mr. Speaker, is throughout this text, as I indicated earlier, I think mass confusion reigns. But I was concerned that we were in a sense writing a proprietary law where only an outside manufacturer could come into Pennsylvania with wine coolers.

Mr. SWEET. I do not see that, Mr. Speaker. Let me say it once again. It is my best reading of my amendment that what it does is allow wine coolers to be sold through the controlled system that we have already set up in Pennsylvania with the orderly sale of beer and malt-based coolers. I do not believe my amendment has anything to do with the manufacture or the production of any alcoholic beverage, let alone wine coolers.

Mr. OLASZ. All right. Mr. Speaker, I just want to speak now against the amendment.

The SPEAKER. The gentleman may proceed.

Mr. OLASZ. Earlier in the day yesterday, many of my colleagues expressed concern about the "ma and pa" taverns. I submit that if this amendment passes, we will see "ma and pa" ground up in the rust of the decaying steel mills in western Pennsylvania.

We are concerned in many areas about the proliferation of drinking, and I think that if this amendment passes, we are going to make it more available. And contrary to what the minority leader had said earlier, 8 percent alcohol in wine coolers is much higher by approximately 2.4 percent than the highest alcoholic content in any beer that can currently be purchased in Pennsylvania. So rather than the wine cooler having a lower alcoholic content, it in fact possesses more alcoholic content than beer by volume. I am submitting that instead of putting a firecracker in someone's hand, if you give them a wine cooler you are handing them a stick of TNT. Thank you, Mr. Speaker.

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

Mr. LINTON. Thank you, Mr. Speaker.

Would the gentleman, Mr. Sweet, stand for a brief period of interrogation?

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, could you tell me if there is in fact a fiscal note attached to your amendment?

Mr. SWEET. Mr. Speaker, staff inquired with the staff of the House Appropriations Committee about whether a fiscal note was needed for this amendment, and I was advised that a fiscal note is not necessary. The amendment provides that the taxes that are imposed by the Commonwealth will be paid under this proposal, number one. Number two, wine coolers will still be sold in the State stores, and therefore, whatever taxes and handling charges and the like that already inure to the Commonwealth will be retained. Thirdly, Mr. Speaker, if all of the discussion about increased consumption is even only 5 percent right, the convenience of being able to purchase this

increasingly popular product to those who are over 21 and allowed to drink will mean that there will be a substantial amount of additional revenue to the Commonwealth. So for all those reasons, Mr. Speaker, Appropriations Committee staff apparently decided that there was not a negative impact to the Commonwealth and therefore did not feel the need to draft a fiscal note.

Mr. LINTON. Mr. Speaker, are you suggesting that as we provide opportunities for wine coolers to be sold in the wholesale outlets, that there will be no reduction in sales of wine coolers in our controlled liquor stores?

Mr. SWEET. I am suggesting, Mr. Speaker, that there will be no overall loss of revenue to the Commonwealth. And in fact, Mr. Speaker, it is my firm personal belief that there would be an increase in revenue to the Commonwealth as a result of this amendment.

Mr. LINTON. Mr. Speaker, I have seen some figures that seem to project as much as \$6 million in terms of lost revenues, and I would like to ask for a fiscal note.

The SPEAKER. Does the amendment have a fiscal note, Mr. Sweet?

Mr. SWEET. Mr. Speaker, as I just explained to the interrogator, my office inquired of the House Appropriations Committee staff to ask them whether or not a fiscal note was necessary, and for the reasons I just enumerated, we were told that a fiscal note was not necessary. The taxes will still be paid on this product, and the product will still be sold in the State stores, and therefore, there is no financial loss to the Commonwealth.

The SPEAKER. The gentleman, Mr. Linton, is advised that the chairman of the Appropriations Committee has indicated that this does not require a fiscal note. Therefore, the gentleman's objection is not well taken, and we must ignore it.

You may proceed with your examination if you wish.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, would I be in order in asking the chair of the Appropriations Committee to give me some idea of what we can expect to happen to the Commonwealth revenues as a result of this amendment?

The SPEAKER. It would be in order to ask him, but it would be polite if you would give him an opportunity to consult with staff. I am sure, as gifted and brilliant as the chairman is, he does not carry all those figures in his mind. If you will recede from your position, the Chair will call on you a little later. Walk down and explain to the chairman what you are looking for. When he is ready to answer your question, we will call on both of you.

Mr. LINTON. Thank you, Mr. Speaker.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment stand for interrogation?

The SPEAKER. Mr. Sweet will indeed stand for further interrogation. You may proceed, Mr. Tigue.

Mr. TIGUE. Mr. Speaker, based on the proposal in your amendment, from whom would the distributors obtain the wine coolers - from the State store system or from private enterprise?

Mr. SWEET. They would obtain it from private enterprise, Mr. Speaker.

Mr. TIGUE. Also, under your proposal, would the taverns be allowed to buy from the State stores? Let me rephrase that. Would the taverns be required to buy from the State stores, or could they go to a distributor to purchase the product?

Mr. SWEET. They could purchase it either way, Mr. Speaker.

Mr. TIGUE. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman may speak on the subject matter.

Mr. TIGUE. Mr. Speaker, I am not against increasing the distribution system for wine coolers. I agree with Mr. Ryan that we should make them available for off-premises consumption and licensees, and in fact I do not have anything against distributors.

However, I do have a problem with this proposal in that you are now setting up a dual system of distribution. By setting up this dual system of distribution, you have in fact taken away this product from the State stores. The liquor stores will not be able to compete pricewise because of the markup and other costs to the Liquor Control Board to handle this product. The manufacturers who will supply the distributors will not have these costs.

In my opinion, the reason for retaining the State store system is very simple - for revenue. If we are to go with this proposal, the State store system will lose revenue by the fact that this product will not be purchased by any licensees or individuals from the State stores. If the amendment included purchasing wine coolers from the State system with the discount, as is done now in all other wine and liquor products, I would support the amendment. As it is offered, I ask that you reject this amendment. Thank you.

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

Mr. SALOOM. Mr. Speaker, I rise to oppose this amendment for many reasons. The total sales of wine coolers in our State store system last year was 600,000 cases. This means about 5 percent of the business that was handled in the State store system was on wine coolers. Next year this is expected to go to as high as 10 percent of our total sales.

The number of dollars that was taken in on wine coolers last year was \$16,026,000. The gross profit from these sales was over \$9 million. The sales tax, of course, that was collected and that will not be lost was \$926,000. And to answer some of the questions about the fiscal note, it should have had a fiscal note. The amount of profit that was made on the sale of wine coolers by the State store system was almost \$7 million.

We have word from some of the local industries around Pennsylvania, especially the local brewers, Jones and Stroh's

and Pittsburgh Brewing, that this would hurt their business and would hurt the employment of their employees in Pennsylvania. We ask that this amendment be defeated to help the Pennsylvania industry, the brewing industry.

We are worried about underage drinking in Pennsylvania, and, of course, a flier was sent around here yesterday stating that the underage drinkers have turned to wine coolers.

Mr. Speaker, if you will, please vote against this amendment and help stop alcohol abuse in Pennsylvania. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. We have some children in the balcony. They are from the Elizabethtown Area High School: Lisa Weachter, Chris Kroesen, Dan Neyer, Diane Myers, and Sheryl Rutt. And two of their classmates are here as guest pages: Joy Kraybill and Erika Shubert. Their adviser is Dale Denlinger, and they are all in the balcony except the guest pages. Welcome to the hall of the House, children. We are delighted to have you here.

FILMING PERMISSION

The SPEAKER. Mike Ross from WHTM-TV is being given unlimited permission to film on the floor of the House; unlimited for 10 minutes, Mike.

CONSIDERATION OF HB 1000 CONTINUED

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

Mr. GAMBLE. Mr. Speaker, will the maker of the amendment stand for brief interrogation?

The SPEAKER. Mr. Sweet indicates he will continue to stand for interrogation. You may proceed.

Mr. GAMBLE. Mr. Speaker, it is my understanding the beer distributors presently have the permission to sell malt coolers. Do we in Pennsylvania permit malt coolers to be sold in the State stores?

Mr. SWEET. Quite frankly, Mr. Speaker, I do not consume either of these products, and I am not sure.

Mr. GAMBLE. I am impressed.

Mr. SWEET. I did not say I was a teetotaler, Mr. Speaker; I said I do not consume either of the coolers.

I do not know, quite frankly, whether the liquor control system sells the malt-based coolers or not. I am sure Mr. Saloom or someone else knows.

Mr. GAMBLE. All right. I would like to ask for a clarification. The question has been raised this morning and the statement was made that some of the most popular wines in our State stores, namely, the Lambruscos, Cello and Riunite and so forth, are under the 8-percent alcohol level. It has been stated that if these winemakers would simply put the word "cooler" on those wines if this amendment passes, then the distributors could justifiably sell that wine as a wine cooler.

Mr. SWEET. Mr. Speaker, is that in the form of a question?

Mr. GAMBLE. Yes.

Mr. SWEET. In looking at the amendment, I see a definition of "wine cooler," and it includes "a blend of wine, fruit pulp and/or fruit juices and other ingredients." That would be the definition that would be applied by the Liquor Control Board, and I am sure that they would adhere to it rigidly.

Mr. GAMBLE. Not to get too technical, but that was my next question. Wine is made from grapes. Most wines are made from grapes, which is a fruit, and there is pulp involved, and there are juices that come from that grape.

For example, Mr. Speaker, if the wine, say, is 7 percent alcohol, could it not be understood that the remaining 93 percent would be fruit juices or could have some fruit pulp in it?

Mr. SWEET. Mr. Speaker, I think that there is clear English language here, and they are clear words. Aside from that, knowing of the views of the Liquor Control Board and its rigid, strong bias towards control, which we in this legislature want them to assume, I do not think the Liquor Control Board is going to let that kind of very creative reading of the definition get by them.

Mr. GAMBLE. Thank you, Mr. Speaker. I have no other questions.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Jarolin, on the amendment.

Mr. JAROLIN. Thank you, Mr. Speaker.

The SPEAKER. Do you wish to interrogate or merely speak on the amendment?

Mr. JAROLIN. No, I would just like to speak on the amendment. I do not think there is any use in interrogating the maker.

The SPEAKER. The gentleman is so recognized.

Mr. JAROLIN. Mr. Speaker, in the investigation of teenage alcohol abuse, I had discovered that on numerous occasions students would be walking down the street and you could not tell whether they had a bottle of soda or a bottle of wine cooler in their hands. I believe wholeheartedly that by instituting wine coolers in the distributorships you are only increasing the place where these teenagers can get more to drink.

I would request a "no" vote if you legislators here have any conscience whatsoever on teenage alcohol abuse. Thank you.

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I rise to make a statement on the amendment. I look at the amendment from a different perspective, that of one of employment in Pennsylvania. I see this amendment as being beneficial only to the California wine industry, and that is to the extreme detriment of the Pennsylvania breweries, almost to the annihilation of the Pennsylvania breweries.

Recently we have heard of the closing of the doors of a Pennsylvania brewery, that of Schmidt's of Philadelphia and Norristown. We only have eight Pennsylvania breweries in

this Commonwealth. They are located in large towns and small towns throughout - Lion, Inc., in Wilkes-Barre, Jones Brewing in Smithton, Latrobe Brewing in Latrobe, Pittsburgh Brewing in Pittsburgh, Schmidt's in Philadelphia and Norristown—but you can strike that one now—Straub in Saint Marys, Stroh's in Allentown, and Yuengling in Pottsville. These breweries employ Pennsylvanians. These Pennsylvanians utilize Pennsylvania goods and services. In my opinion, a vote for the Sweet amendment would be a vote to be putting Pennsylvanians out of work.

I ask for a negative vote on the Sweet amendment.

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

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, I think the earlier points raised by Representatives Linton and Tigue were well taken concerning the possible need for a fiscal note. But I submit that the reason that there probably is not a fiscal note is because this amendment would cause more wine coolers to be sold within Pennsylvania, whereas many wine coolers, at least in my part of the State, are bought by Pennsylvanians who are crossing the river into New Jersey and buying wine coolers, cases of wine coolers, which are at least \$9 or \$10 lower a case in New Jersey.

This amendment would not take jobs from Pennsylvanians; this amendment would help take sales away from New Jersey. This amendment is not about prohibition, despite what a number of earlier speakers would have us believe. This amendment, which is essentially the same amendment which passed the House of Representatives by a wide margin back in December 1985, is very simply going to add some equity to the distribution of wine coolers in Pennsylvania. It is going to treat them the way they should be treated, just the way beer is treated, and it is not going to take them out of the State stores. The State stores will still carry them, and I think that everybody here should remember that.

This is a good amendment, Mr. Speaker, and I think it should be supported.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I think what this Assembly has done today or what it did last night and what it may do today is to believe the commercials that they see on TV. What our young kids are looking at today is their entry into the alcoholism as a drug, and their entry in can be eased in, eased in by something called a wine cooler, eased in by something known to them, probably, or thought about to them as a nonalcoholic soda pop when in fact we know standing here today that what wine coolers are by volume exceeds the alcohol level of beer. We even have wines in our State stores today that have less percentage of alcohol by volume than some beers do, but yet we house them and keep them for sale in a controlled system, a controlled system where salesclerks say that my duty here today is to serve you and my duty is not based on the amount of sales I can produce, either in a privatization that was con-

sidered in the last administration or by using the system of distribution by beer distributors.

Let us not kid ourselves. Let us not kid our children in saying that wine coolers are in fact a nonalcoholic soda pop. Pressure today in articles that were distributed—and you have all received them—said that 34 percent of fourth grade students feel pressured to try wine coolers—34 percent—and yet 24 percent feel pressured to try crack or cocaine.

Let us not begin the easement; let us not begin the easement of our kids' minds into the drug industry through alcoholism by wine coolers. Let us maintain the present system, Mr. Speaker. Thank you.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose this amendment. In the first place, "wine cooler" to me is misleading. I have a Coca-Cola cooler that I put ice in and Coca-Colas to take to the park, and when I first heard this "wine cooler," I thought of a cooler for wine.

I would like to know the contents of this so-called wine cooler. What is the alcoholic content of a wine cooler? Mr. Speaker, will you answer that for me?

The SPEAKER. Mr. Sweet.

Mr. SWEET. Mr. Speaker, the definition of "wine cooler" is in the first paragraph of the amendment.

Mrs. HARPER. I do not have the amendment. I am sorry.

Mr. SWEET. Mr. Speaker, I will read it to you then. It says, "'Wine coolers' shall mean a wine-based beverage—"

The SPEAKER. Mr. Sweet, sorry to interrupt you.

The member who is smoking within the hall of the House knows the rules. Put yourself or the cigarette out. You decided to stay. I assume you are putting the cigarette out.

You may proceed, Mr. Sweet.

Mrs. HARPER. Well, to save time, Mr. Speaker, I will just say that I am against the further distribution of any alcoholic beverages. Thank you.

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

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

I would like to just briefly reemphasize the comments of Representative Mayernik on the impact of jobs in Pennsylvania. The Stroh Brewery Company, for instance, has one of its largest plants in the Lehigh Valley, employing over 600 employees and paying over \$33 million in local, State, and Federal taxes per year. Thank you, Mr. Speaker.

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

Mr. SWEET. Mr. Speaker, I will not belabor the issue. Let me just make two points.

There has been an awful lot of rhetoric on the floor of the House about two things - jobs and teenage drinking. I am concerned about jobs, and I am against teenage drinking. I do not think that this amendment really has anywhere near the major impact on either of those problems that has been mentioned on the floor of the House today. I think our enthusiasm has outpaced reason in some of that kind of dis-

cussion. There are other jobs to consider besides the jobs of those who phoned your office this morning, and they are the jobs of all the Pennsylvania beer distributors who will be affected and their employees and the jobs of Pennsylvania taverns and Pennsylvania restaurants and their employees.

There has been a little bit of conflict in some of the points that have been raised about consumption. On the one hand, there have been crocodile tears about increased consumption, and yet, on the other hand, some have said do not take this money away from the Liquor Control Board; they are looking for big profits next year by selling wine coolers.

I would suggest, Mr. Speaker, that we are talking here about a controlled system of distribution of beer. We are not talking about private sales in supermarkets or anything else, and if that system works well and we do the things that we are talking about in this bill - tough enforcement, strong penalties, sound education in our schools against drinking - and if all the people who talked today about this great evil of wine coolers will support those initiatives, then we will cut out teenage drinking. Let us be serious about what we are doing. What we are talking about today is allowing the consumers of Pennsylvania a little better and a little easier access to a product that they want to buy. We are not taking away anything in terms of revenues or jobs from either the Pennsylvania liquor system or any Pennsylvania brewery that is making a good product and marketing it well.

I would ask for an affirmative vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the Sweet amendment.

Very unassumingly, the gentleman in defense of his amendment says we are going to distribute this wine cooler through a controlled system. Well, the controlled system that controls adequately the distribution of beer in this Commonwealth does not necessarily control or can it necessarily control the distribution of wine. And if it could, why not give it full wine? And if it can do that, why not give it whiskey, too? I mean, it is a controlled system. It is designed for the controlled sale of beer, and it does that very well.

We also have our system of State stores that controls the sale of wine, and the point that was made by several gentlemen is that we have a number of wines, not wine coolers, wines in this Commonwealth with the 8-percent alcohol content. The average beer in Pennsylvania is a little less than 5 percent. You are putting the potential out there of really raising alcohol consumption in Pennsylvania by putting wine coolers with beer distributors. Beer distributors, in the rules and regulations we have made for their operation, were not made for the harder liquors or wines, and the wine cooler misses the mark by little, being a wine.

Mr. Speaker, I ask that we all join together, as we did several times yesterday, in overwhelmingly defeating the expansion into our markets of wine coolers by voting in the negative on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—77

Argall	Donatucci	Langtry	Raymond
Belardi	Dorr	Lashinger	Reber
Book	Fargo	Laughlin	Reinard
Bortner	Farmer	Leh	Robbins
Bowley	Flick	Lescovitz	Ryan
Bowser	Fox	Lucyk	Sirjanni
Brandt	Freind	McClatchy	Smith, B.
Broujos	Gallen	McVerry	Smith, S. H.
Bunt	Gannon	Merry	Staback
Bush	Geist	Michlovic	Sweet
Cappabianca	Gladeck	Nahill	Taylor, E. Z.
Carlson	Godshall	Noye	Taylor, J.
Cawley	Hagarty	O'Brien	Telek
Civera	Hayden	O'Donnell	Van Horne
Clark	Heckler	Perzel	Vroon
Colafella	Honaman	Piccola	Weston
Cornell	Itkin	Pistella	Wilson
Cowell	Jackson	Pressmann	Wogan
Davies	Kenney	Punt	Wright, J. L.
Dawida			

NAYS—120

Acosta	Durham	Levdansky	Roebuck
Angstadt	Evans	Linton	Rybak
Arty	Fattah	Livengood	Saloom
Baldwin	Fee	Lloyd	Saurman
Barley	Fischer	McCall	Scheetz
Battisto	Foster	McHale	Schuler
Belfanti	Freeman	Maiale	Semmel
Birmelin	Gamble	Maine	Serafini
Black	George	Manderino	Seventy
Blaum	Gruitzka	Manmiller	Showers
Boyes	Gruppo	Markosek	Snyder, D. W.
Burd	Haluska	Mayernik	Snyder, G.
Burns	Harper	Melio	Stairs
Caltagirone	Hasay	Micozzie	Steighner
Carn	Hayes	Miller	Stevens
Cessar	Herman	Moehlmann	Taylor, F.
Chadwick	Hershey	Morris	Tigue
Cimini	Hess	Mowery	Trello
Clymer	Howlett	Mrkonic	Truman
Cohen	Hughes	Murphy	Veon
Cole	Hutchinson	Olasz	Wambach
Coy	Jadlowiec	Oliver	Wass
DeLuca	Jarolin	Petrone	Wiggins
DeVerter	Johnson	Phillips	Wozniak
DeWeese	Josephs	Pievsky	Wright, D. R.
Daley	Kasunic	Pitts	Wright, R. C.
Deal	Kennedy	Preston	Yandrisevits
Dietterick	Kosinski	Richardson	
Distler	Kukovich	Rieger	
Dombrowski	LaGrotta	Ritter	Irvin,
Duffy	Letterman		Speaker

NOT VOTING—1

Corrigan

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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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?

AMENDMENT A0732 RECONSIDERED

The SPEAKER. The Chair has a motion for reconsideration filed by the gentleman, Mr. Ryan, whereby he moves that the vote by which amendment A0732 to HB 1000 was passed on the 28th day of April be reconsidered.

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

The following roll call was recorded:

YEAS—185

Angstadt	Distler	LaGrotta	Rieger
Argall	Dombrowski	Langtry	Ritter
Aarty	Donatucci	Lashinger	Robbins
Baldwin	Dorr	Laughlin	Roebuck
Barley	Duffy	Leh	Ryan
Battisto	Durham	Lescovitz	Rybak
Belardi	Evans	Levdansky	Saloom
Belfanti	Fargo	Linton	Saurman
Birmelin	Farmer	Livengood	Scheetz
Black	Fee	Lloyd	Schuler
Blaum	Fischer	Lucyk	Semmel
Book	Flick	McCall	Seventy
Bortner	Foster	McClatchy	Showers
Bowley	Fox	McHale	Sirianni
Bowser	Freeman	Maiale	Smith, B.
Boyes	Gallen	Maine	Smith, S. H.
Brandt	Gamble	Manderino	Snyder, D. W.
Broujos	Gannon	Manmiller	Snyder, G.
Bunt	Geist	Markosek	Staback
Burd	George	Mayernik	Stairs
Burns	Gladeck	Merry	Steighner
Bush	Godshall	Michlovic	Stevens
Caltagirone	Gruitza	Miller	Sweet
Cappabianca	Gruppo	Moehlmann	Taylor, E. Z.
Carlson	Hagarty	Morris	Taylor, F.
Carn	Haluska	Mowery	Taylor, J.
Cawley	Harper	Murphy	Telek
Cessar	Hasay	Nahill	Tigue
Chadwick	Hayes	Noye	Trello
Cimini	Heckler	O'Brien	Truman
Civera	Herman	O'Donnell	Van Horne
Clark	Hershey	Olasz	Veon
Clymer	Hess	Oliver	Vroon
Cohen	Honaman	Perzel	Wambach
Colafella	Howlett	Petrone	Wass
Cole	Hughes	Phillips	Weston
Cornell	Itkin	Piccola	Wiggins
Cowell	Jackson	Pievsky	Wilson
Coy	Jadlowiec	Pistella	Wogan
DeLuca	Jarolin	Pitts	Wright, D. R.
DeVerter	Johnson	Pressmann	Wright, J. L.
DeWeese	Josephs	Preston	Wright, R. C.
Daley	Kasunic	Punt	Yandrisevits
Davies	Kennedy	Raymond	
Dawida	Kenney	Reber	Irvins,
Deal	Kosinski	Reinard	Speaker
Dietterick	Kukovich	Richardson	

NAYS—5

Acosta Hutchinson	Melio	Mrkonic	Wozniak
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NOT VOTING—8

Corrigan Fattah	Freind Hayden	Letterman McVery	Micozzie Serafini
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EXCUSED—4

Diminini	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A0732:

Amend Sec. 14 (Sec. 212), page 31, lines 28 through 30, by striking out all of said lines

Amend Sec. 14 (Sec. 212), page 32, line 1, by striking out “e” and inserting

(d)

Amend Sec. 14 (Sec. 212), page 32, line 5, by striking out “f” and inserting

(e)

Amend Sec. 14 (Sec. 212), page 32, line 7, by striking out “g” and inserting

(f)

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. DeLuca. Mr. DeLuca, this is your amendment.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, this is a simple amendment. Under the bill we are mandating that the hearing examiners, which they are called today and we are changing them to administrative law judges, be attorneys. I have no problems with them being attorneys, but I think what we should do is hire the most qualified person to be the hearing examiner or, under the bill, administrative law judges. What we should do is hire the most qualified person. We should not lock ourselves into hiring just attorneys in this bill, and that is exactly what we are doing. One of our United States Senators, if he wanted to come back to Pennsylvania, could not sit on the hearing examiner board as administrative law judge because he is not an attorney, yet he is setting national policy for this country.

I think we should pass this amendment again, and if they want to hire attorneys, fine. If we have a qualified person who is not an attorney, then he should be hired. I ask for an affirmative vote on this. Thank you.

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

Mr. RYAN. Mr. Speaker, by definition, by definition almost, the administrative law judge would call for an attorney to be a necessary part of the qualification. This particular amendment I think snuck in the last time. I would hope that we can sneak it out.

I just disagree with the gentleman. If we are going to have something in the nature of a quasi-judicial job - that is, the job of the administrative law clerk - I think that person should be trained in the law, and I say that with all due respect to nonlawyers. It is just one of those necessary evils that in certain jobs a lawyer is necessary, and I think this is one of them. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I agree with the minority leader. Yesterday we passed an amendment that all the hearing examiners presently on board would be transferred

and become administrative law judges, and I thought at that time there must be some who were not attorneys because of the amendment Mr. DeLuca had introduced. On checking with the board, every hearing examiner presently on board and working is an attorney. So we are transferring all of them into the administrative law judge position, and I think that is as it should be.

As Mr. Ryan has indicated, the word "judge" indicates that there should be a familiarity with the law and an ability to use the law and understand the law, and the trained mind of an attorney is much better suited in those matters where a person's livelihood, in many cases, is on the line before the administrative law judge in a hearing wherein a determination is going to be made whether a suspension or a revocation or a large fine might be imposed.

Mr. Speaker, I think we would be going backwards in adopting the DeLuca amendment, and I ask for a negative vote.

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

Mr. McCLATCHY. Mr. Speaker, I would like to rise and ask for a negative vote on the amendment.

I kind of find myself in an uncomfortable position as a non-lawyer, a nonattorney, siding with both of my good friends, the majority and minority leaders, on this subject, but I, too, agree and I think that, as we reformed the State judicial system many years ago and we stressed and are still trying to stress the fact that all of our J.P.'s (justices of the peace) become lawyers or have a law background, I think that brings an expertise into our judicial system, and I do not think it is a good idea to move backward. Most people are trained much more so than I would ever hope to be in the law and how to in fact deal with the law. I think it is proper that they be attorneys, and I think that is a step upward in progress. Therefore, I would ask for a negative vote on the amendment. Thank you, Mr. Speaker.

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

Mr. TRELLLO. Mr. Speaker, I rise to support the amendment. I do not think we have two sets of rules in this chamber, because not so long ago we gave the okay for nonattorneys to be district justices and unemployment referees.

What are they trying to say - that a person who is not an attorney is not qualified to make decisions on law? All of us in this chamber are not attorneys, but we make decisions every day. I am not an expert on the law, but I have access to experts whom I can call and get the expert information.

I say you are making second-class citizens out of everybody who is not an attorney, and I do not think we have two sets of rules in this chamber. I think if we are allowing district justices to be justices, then we should allow nonattorneys to be on that board.

I urge everybody to make an affirmative vote. Thank you very much.

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

Mr. LETTERMAN. Mr. Speaker, I would just like to say that we are not running a welfare program for lawyers in this bill, and I would ask that we vote in the affirmative.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. We will have to wait until the machine is reset. I think you blew the fuse there, Mr. Letterman. Notice what has happened to the machine? It is not registering any longer.

FILMING PERMISSION

The SPEAKER. Permission has been granted for Terry Way of UPI to take still photos on the floor of the House.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wants to remind the members that we are all obliged under the law to file financial disclosure statements and May 1 is the absolute deadline on that. By May 1 you must file your financial disclosure statements.

CONSIDERATION OF HB 1000 CONTINUED

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—134

Baldwin	Distler	Langtry	Rybak
Barley	Dombrowski	Laughlin	Saloom
Battisto	Donatucci	Leh	Saurman
Belardi	Duffy	Lescovitz	Scheetz
Belfanti	Evans	Letterman	Serafini
Birmelin	Fargo	Levdansky	Seventy
Black	Fee	Lucyk	Smith, S. H.
Blaum	Fischer	McCall	Snyder, D. W.
Book	Flick	McHale	Snyder, G.
Bowley	Foster	Maine	Staback
Bowser	Freeman	Manniller	Stairs
Brant	Freind	Markosek	Steighner
Broujos	Gallen	Mayernik	Stevens
Bunt	Gamble	Melio	Taylor, E. Z.
Burd	Geist	Merry	Taylor, F.
Cappabianca	George	Michlovic	Telek
Carn	Gladeck	Miller	Tigue
Cawley	Godshall	Mowery	Trello
Cessar	Haluska	Mrkonic	Truman
Cimini	Harper	Murphy	Van Horne
Civera	Hasay	O'Brien	Veon
Clark	Hayden	Olasz	Wambach
Clymer	Herman	Perzel	Wass
Colafella	Hershey	Petrone	Weston
Corrigan	Howlett	Phillips	Wiggins
Cowell	Hughes	Pistella	Wilson
Coy	Hutchinson	Pitts	Wogan
DeLuca	Itkin	Pressmann	Wozniak
DeWeese	Jadlowiec	Preston	Wright, D. R.
Daley	Jarolin	Punt	Wright, R. C.
Davies	Kasunic	Richardson	Yandrisevits
Dawida	Kennedy	Rieger	
Deal	Kenney	Robbins	Irvis,
Dietterick	LaGrotta	Roebuck	Speaker

NAYS—62			
Acosta	Durham	Kukovich	Oliver
Angstadt	Farmer	Lashinger	Piccola
Argall	Fattah	Linton	Pievsky
Asty	Fox	Livengood	Raymond
Bortner	Gannon	Lloyd	Reber
Boyes	Gruitza	McClatchy	Reinard
Burns	Gruppo	McVerry	Ritter
Bush	Hagarty	Maiale	Ryan
Caltagirone	Hayes	Manderino	Schuler
Carlson	Heckler	Micozzie	Semmel
Chadwick	Hess	Moehlmann	Showers
Cohen	Honaman	Morris	Sirianni
Cole	Jackson	Nahill	Smith, B.
Cornell	Johnson	Noye	Taylor, J.
DeVerter	Josephs	O'Donnell	Vroon
Dorr	Kosinski		
NOT VOTING—2			
Sweet	Wright, J. L.		
EXCUSED—4			
Diminni	Petrarca	Rudy	Stuban

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

On the question recurring,

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

AMENDMENT A0535 RECONSIDERED

The SPEAKER. Now the gentleman, Mr. Van Horne's amendment is up for reconsideration.

Moved by the gentleman, Mr. Hayes, that the vote by which amendment A535 was passed on the 28th day of April be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Acosta	Dombrowski	LaGrotta	Richardson
Angstadt	Donatucci	Langtry	Rieger
Argall	Dorr	Lashinger	Ritter
Asty	Duffy	Laughlin	Robbins
Baldwin	Durham	Leh	Roebuck
Barley	Evans	Lescovitz	Ryan
Battisto	Fargo	Levdansky	Rybak
Belardi	Farmer	Linton	Saloom
Belfanti	Fattah	Livengood	Saurman
Birmelin	Fee	Lloyd	Scheetz
Black	Fischer	Lucyk	Schuler
Blaum	Flick	McCall	Semmel
Book	Foster	McClatchy	Serafini
Bortner	Fox	McHale	Seventy
Bowley	Freeman	McVerry	Showers
Bowser	Freind	Maiale	Sirianni
Boyes	Gallen	Maine	Smith, B.
Brandt	Gamble	Manderino	Smith, S. H.
Broujos	Gannon	Manmiller	Snyder, D. W.
Bunt	Geist	Markosek	Snyder, G.
Burd	George	Mayernik	Staback
Burns	Gladeck	Melio	Stairs
Bush	Godshall	Merry	Steighner
Cappabianca	Gruitza	Michlovic	Stevens
Carlson	Gruppo	Micozzie	Taylor, E. Z.
Carn	Hagarty	Miller	Taylor, F.
Cawley	Haluska	Moehlmann	Taylor, J.

NAYS—2			
Cessar	Harper	Morris	Telek
Chadwick	Hasay	Mowery	Tigue
Cimini	Hayden	Murphy	Trello
Civera	Hayes	Nahill	Truman
Clark	Heckler	Noye	Van Horne
Clymer	Herman	O'Donnell	Veon
Cohen	Hershey	Olasz	Vroon
Colafella	Hess	Oliver	Wambach
Cornell	Honaman	Perzel	Wass
Corrigan	Howlett	Petrone	Weston
Cowell	Itkin	Phillips	Wiggins
Coy	Jackson	Piccola	Wilson
DeLuca	Jadlowiec	Pievsky	Wogan
DeVerter	Jarolin	Pistella	Wozniak
DeWeese	Johnson	Pitts	Wright, D. R.
Daley	Josephs	Pressmann	Wright, J. L.
Davies	Kasunic	Preston	Wright, R. C.
Dawida	Kennedy	Punt	Yandrisevits
Deal	Kenney	Raymond	
Dietterick	Kosinski	Reber	Irvis,
Distler	Kukovich	Reinard	Speaker

NAYS—2

Hutchinson

Mrkonic

NOT VOTING—6

Caltagirone	Hughes	O'Brien	Sweet
Cole	Letterman		

EXCUSED—4

Diminni	Petrarca	Rudy	Stuban
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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. A0535:

Amend Bill, page 136, by inserting between lines 26 and 27
Section 69.1. The act is amended by adding a section to read:

Section 470.3. Sale of Wine by Importing Distributors and Distributors.—(a) Importing distributors may sell wine, provided the wine is subject to a territorial agreement with a wine manufacturer or winery similar to the agreement in section 431.

(b) Distributors may sell wine, provided the distributor complies with the provisions of the territorial agreement described in subsection (a).

(c) All wine for sale under this section shall be in kegs made of stainless steel. Each keg shall contain twenty-five or more liters of wine.

(d) All wine sold pursuant to this section shall be subject to the same rate of taxation as wines and spirits for sale in this Commonwealth. The commission is authorized to promulgate regulations to carry out this section.

On the question recurring,

Will the House agree to the amendment?

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

Mr. HAYES. Thank you, Mr. Speaker.

Yesterday, Mr. Speaker, there were a few amendments offered cast in the light of economic development. I can recall quite well the two amendments offered by the gentleman from Cumberland, Mr. Broujos, and then there was one also offered by the gentleman, Mr. Van Horne, and I have here his statements in support of his amendment, the one that is imme-

diately before us, amendment 535. The entire text of his comments evolved around economic development, that if we would just but add these few words, why, we would do well by the manufacturers of certain types of wines in the Commonwealth of Pennsylvania.

When you look at the words of the amendment and the amendment roll-call vote, it goes without saying that we do a great deal more with this amendment than just change a few words in the proposed legislation which will make it possible for sparkling wine in a keg to be sold in the control system of Pennsylvania. To the contrary, you are allowing to have it sold far beyond the control system, to importing distributors and distributors. As I checked the roll calls yesterday of all the amendments, it did not seem to me that the roll call taken on the Van Horne amendment was in any way whatsoever in sync with the way the House was positioning itself amendment after amendment after amendment in terms of what a majority in this House conceives to be the best public policy with regard to the control of alcoholic beverages.

The Van Horne amendment would allow Pennsylvania wines, be it sparkly or not so sparkly, to be sold outside the control system and be sold by distributors. This House had expressed itself in opposition to that type of provision, and I am asking that the House today defeat the Van Horne amendment. Certainly there is more involved than just a mere few words about economic development. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Van Horne.

Mr. VAN HORNE. Mr. Speaker, in order to reiterate from yesterday, this strictly does deal with the singular issue of the sparkling wines, because section (c) dealing with the kegs being in stainless steel is the singular technology, as I said yesterday, dealing only with a small firm in Westmoreland County that has been able to develop the technology. It has nothing to do with the other wines that have a cardboard container that is lined with foil or other metals or that sort which has been subject to vandalism and is really a loophole around a lot of the existing tax laws. This is in effect to protect and make sure the tax laws as well as all manufacturing regulations by the LCB and others are conformed with.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the Van Horne amendment.

This amendment pure and simply allows not bottles of wine but kegs of wine to be sold by the distributors. So the boys who order a barrel of beer for the baseball game now can order a barrel of wine for the baseball game.

The distinction that the gentleman, Mr. Van Horne, would like us to make is that only sparkling wines could be sold this way. Well, that may or may not be. Maybe with present technology that might be. I will take his word for it that only sparkling wines can go in aluminum kegs, but I daresay that if we allow wine to come into Pennsylvania in kegs through distributors and importing distributors, somebody will find a way to successfully put in those aluminum kegs wines that do not

happen to be sparkling wines. And, of course, I do not know what the difference in sparkling wines and wines is except a little bubbly. They still have, they still have the content of alcohol which is undesirable in this kind of a distribution system.

I would ask for a negative vote for all the reasons that we talked about on former amendments that the merchandising of more alcohol in Pennsylvania is undesirable.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Van Horne.

Mr. VAN HORNE. Mr. Speaker, just to clarify it. Number one, we are talking about the State, but under the Federal guidelines of the Bureau of Alcohol, Tobacco, and Firearms, this is the only company in the United States that has been able to produce that, so you just cannot willy-nilly get into this business.

Secondly, it is not for the good old boys in the fraternity to have a sparkling keg party; it is for in-use or use only in the restaurants of the Commonwealth.

In addition, at this present time it is being sold in New Jersey, District of Columbia, Maryland, Ohio, Virginia, Kentucky, and West Virginia. The fact is these people have thousands of dollars' worth of Pennsylvania licenses displayed on their walls at their facility. They are able to produce it here but not able to sell it here.

I would appreciate an affirmative vote on the amendment.

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

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman's amendment adds a whole new section to the bill, and that amendment has no mention whatsoever of sparkling wine. It says flat out, "Distributors may sell wine"; it does not say sparkling wine. There is no definition in the bill with regard to sparkling wine, and there is no question that you can put whatever kind of beverage you want in one of those stainless steel containers and it would satisfy the legal definition of this bill as suggested by Representative Van Horne.

If he had a more narrow purpose, he certainly missed the mark by a wide shot with the language of his amendment. This amendment opens it up really, really wide, and wine will be flowing freely across Pennsylvania.

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

Mr. CLARK. Thank you, Mr. Speaker.

Just to talk about a current provision in the Liquor Code that prohibits the sale of wine in kegs. The current limit is a 4-liter size container, which is about a gallon. The people who want to buy kegs—at least I do not think Mr. Manderino's constituents want to buy kegs of wine and go out and play softball; if he does, he has got a different kind of league than I have—the people who want keg wines are licensees of the board, taverns which have keg wine systems like every other State in the Union where people can put keg wines on tap, where there is no regulation, but in Pennsylvania—and I would compliment Representative Van Horne for making it

so strict—his amendment limits it to only containers greater than 25 liters of wine. Mr. Manderino would have to have a couple hundred people on his softball team to drink that kind of wine. But this is for the sale to licensees of the board for service on premises, not for sale outside the system.

We have a ridiculous situation back in Westmoreland County where we have a company that is manufacturing this wine, a licensed Pennsylvania winery, selling it in all of the surrounding States but they cannot sell it to tavern owners in Pennsylvania for sale on their premises. They are interested in moving out. Frankly, we cannot afford the loss of the 18 to 20 jobs that they have there, and as a benefit, the stainless steel that the kegs are made out of is even made in Pennsylvania.

I would urge the adoption of this amendment.

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

The following roll call was recorded:

YEAS—70

Acosta	DeLuca	Hutchinson	Perzel
Battisto	DeWeese	Kenney	Petrone
Belardi	Dawida	Kosinski	Preston
Book	Distler	Kukovich	Reber
Bowser	Dombrowski	Langtry	Reinard
Brandt	Duffy	Lashinger	Robbins
Broujos	Evans	Lescovitz	Roebuck
Bunt	Farmer	Letterman	Staback
Burd	Fattah	Levdansky	Steighner
Burns	Flick	Lucyk	Sweet
Caltagirone	Gamble	McClatchy	Taylor, J.
Carn	Gladeck	Maine	Trello
Cawley	Godshall	Markosek	Truman
Clark	Gruita	Merry	Van Horne
Colafella	Hagarty	Michlovic	Weston
Cole	Hayden	Murphy	Wiggins
Cornell	Heckler	Nahill	Wozniak
Cowell	Howlett		

NAYS—127

Angstadt	Fischer	McCall	Saloom
Argall	Foster	McHale	Saurman
Anty	Freeman	McVerry	Scheetz
Baldwin	Freind	Maiale	Schuler
Barley	Gallen	Manderino	Semmel
Belfanti	Gannon	Manmiller	Serafini
Birmelin	Geist	Mayernik	Seventy
Black	George	Melio	Showers
Blaum	Gruppo	Micozzie	Sirianni
Bortner	Haluska	Miller	Smith, B.
Bowley	Harper	Moehlmann	Smith, S. H.
Boyes	Hasay	Morris	Snyder, D. W.
Bush	Hayes	Mowery	Snyder, G.
Cappabianca	Herman	Mrkonic	Stairs
Carlson	Hershey	Noye	Stevens
Cessar	Hess	O'Brien	Taylor, E. Z.
Chadwick	Honaman	O'Donnell	Taylor, F.
Cimini	Hughes	Olasz	Telek
Civera	Itkin	Oliver	Tigue
Clymer	Jackson	Phillips	Veon
Cohen	Jadlowiec	Piccola	Vroon
Corrigan	Jarolin	Pievsky	Wambach
Coy	Johnson	Pistella	Wass
DeVerter	Josephs	Pitts	Wilson
Daley	Kasunic	Pressmann	Wogan
Davies	Kennedy	Punt	Wright, D. R.
Deal	LaGrotta	Raymond	Wright, J. L.
Dietterick	Laughlin	Richardson	Wright, R. C.
Donatucci	Leh	Rieger	Yandrisevits
Dorr	Linton	Ritter	

Durham	Livingood	Ryan	Irvis,
Fargo	Lloyd	Rybak	Speaker
Fee			

NOT VOTING—1

Fox			
		EXCUSED—4	
Dininni	Petrarca	Rudy	Stuban

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

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House, as guests of Representative Paul McHale, Mr. Michael Harakal, who is the Whitehall Township executive, and Mr. Doug Bowen, who is the manager of the Whitehall Township Water Authority. They are to the left of the Speaker. Please rise. Welcome to the hall of the House. We are delighted to have you here.

Mr. Colafella has the president of Peoples Natural Gas in Pittsburgh, Mr. Jack Hoey, and Dr. Oscar Remick, who is the president of Westminster College. They are to the left of the Speaker. Welcome to the hall of the House. We are delighted to have you.

CONSIDERATION OF HB 1000 CONTINUED

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

AMENDMENT A0678 RECONSIDERED

The SPEAKER. The Chair has a motion signed by the gentleman from Crawford, Mr. Merry, by which he moves that the vote by which amendment A0678 to HB 1000 was passed on the 28th day of April be reconsidered.

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

The following roll call was recorded:

YEAS—194

Acosta	Dombrowski	Lashinger	Richardson
Angstadt	Donatucci	Laughlin	Rieger
Argall	Dorr	Leh	Ritter
Anty	Duffy	Lescovitz	Robbins
Baldwin	Durham	Letterman	Roebuck
Barley	Evans	Levdansky	Ryan
Battisto	Fargo	Linton	Rybak
Belardi	Farmer	Livingood	Saloom
Belfanti	Fattah	Lloyd	Saurman
Birmelin	Fee	Lucyk	Scheetz
Black	Fischer	McCall	Schuler
Blaum	Flick	McClatchy	Semmel
Bortner	Foster	McHale	Serafini
Freeman	McVerry	Seventy	Showers
Book	Miller	Maiale	Sirianni
Geist	Levdansky	Maine	Smith, B.
Wright, D. R.	Letterman	Wogan	Smith, S. H.
Wright, J. L.	Showers	Wambach	Snyder, D. W.
Yandrisevits	Wass	Wass	Snyder, G.

Burns	Gladeck	Melio	Staback
Bush	Godshall	Merry	Stairs
Caltagirone	Gruitza	Michlovic	Steighner
Cappabianca	Gruppo	Micozzie	Stevens
Carlson	Hagarty	Miller	Sweet
Carn	Haluska	Moehlmann	Taylor, E. Z.
Cawley	Harper	Morris	Taylor, F.
Cessar	Hasay	Mowery	Taylor, J.
Chadwick	Hayden	Mrkonic	Telek
Cimini	Hayes	Murphy	Tigue
Civera	Heckler	Nahill	Trello
Clark	Herman	Noye	Truman
Clymer	Hershey	O'Brien	Van Horne
Cohen	Hess	O'Donnell	Veon
Colafella	Honaman	Olasz	Vroon
Cole	Howlett	Oliver	Wambach
Cornell	Hughes	Perzel	Wass
Corrigan	Itkin	Petrone	Weston
Cowell	Jackson	Phillips	Wiggins
Coy	Jadlowiec	Piccola	Wilson
DeLuca	Jarolin	Pievsky	Wogan
DeVerter	Johnson	Pistella	Wozniak
DeWeese	Josephs	Pitts	Wright, D. R.
Daley	Kasunic	Pressmann	Wright, J. L.
Davies	Kennedy	Preston	Wright, R. C.
Dawida	Kenney	Punt	Yandrisevits
Deal	Kosinski	Raymond	
Dietterick	Kukovich	Reber	
Distler	Langtry	Reinard	
			NAYS—2

Hutchinson LaGrotta

NOT VOTING—2

Broujos Fox

EXCUSED—4

Dininni Petrarca Rudy Stuban

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. A0678:

Amend Sec. 60 (Sec. 461), page 117, line 29, by inserting a bracket before "(b)"

Amend Sec. 60 (Sec. 461), page 117, line 29, by striking out the bracket before "board"

Amend Sec. 60 (Sec. 461), page 117, line 29, by striking out "] commission"

Amend Sec. 60 (Sec. 461), page 118, line 1, by striking out the bracket before "board"

Amend Sec. 60 (Sec. 461), page 118, line 1, by striking out "] commission"

Amend Sec. 60 (Sec. 461), page 118, line 2, by inserting a bracket after "area."

On the question recurring,

Will the House agree to the amendments?

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

Mr. COLAFELLA. Mr. Speaker, my amendment prohibits the board from having the discretion of giving a resort license. In Beaver County we have been designated a resort county, and that is absolutely ridiculous. What is happening in Beaver County is that a number of resort licenses have been granted in Beaver County and the tavern owners in Beaver County are

very, very upset about this, and they have all the right in the world to be upset about it. For that, I ask your approval of my amendment.

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

Mr. MERRY. Mr. Speaker, yesterday on amendment A678 by Representative Colafella, he gave a series of numbers addressing an amendment on page 117. It referred only to the removal of brackets and certain words. Most of the members here did not understand the full impact of that amendment. That amendment essentially removes these few words. The present language says, "The commission shall have the power to increase the number of licenses in any such municipality which in the opinion of the commission is located within a resort area."

Now, resort areas are through the entire Commonwealth. Representing portions of Crawford and Erie Counties, I find myself with Presque Isle within 3 or 4 miles that has over 4 million visitors a year. I have in the southern end Pymatuning, which has a like amount of 4 to 5 million per year.

The loss of the ability to have resort licenses would decimate my district as it would many other counties. There seems to be a great need for the ability of the court or the commission to permit tourist licenses. Apparently, in some districts—and Beaver County may be one—either the courts or someone has used poor judgment, because it has been alleged that in those counties they are able to get a so-called free license. As we all know, there is a marketplace for licenses throughout the Commonwealth. We are finding many licensees paying amounts from \$10,000 to \$50,000 or \$100,000 to buy a license. Then we find someone else going around the system, going through the courts and having the district declared a tourist area and getting a free license, free of all costs except those legal costs involved in pursuing the application.

I do suggest that there is something wrong with our system. There should not be a free license; there should be some way that a price would be placed upon an extra license that is available through some act of the commission. But here we are sending the improper message to the conference committee which will ultimately draw up this new ABC bill or liquor control bill, whatever the case may be.

I feel that if we all now understand that the passage of this amendment would eliminate all future extra licenses in resort areas, thereby eliminating the ability of the public to buy a drink in a tourist area, I feel that we should not vote this amendment. So, Mr. Speaker, in view of the explanation where we now understand that voting for the amendment may eliminate tourist licenses, I urge a "no" vote on this.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, because of my respect for this sponsor, I rise reluctantly to oppose the amendment. I agree with the comments of the gentleman, Mr. Merry, but I think it is important to point out to the membership that the Liquor Code, I

believe, currently provides for a retail liquor license to be issued for every 2,000 inhabitants of that municipality. A hypothetical would be in Montgomery County, the Valley Forge area, where there is a municipality of some 22,000 to 24,000. Retail licenses would be issued up to a maximum of 12 within that quota. There is an influx of some 125,000 to 150,000 people into that municipality on any one day because of the shopping attractions, because of the national park being within that municipality, because of the hotels, and because of other tourist attractions. Those retail licenses can in no way service that number of people on any given day. This provision was inserted into the Liquor Code to specifically apply to municipalities that have this influx of people on a daily basis or on a seasonal basis.

Interestingly here, one should point out that the Pennsylvania Liquor Control Board, while they have been painted as the culprit during the debate over the past few months on this legislation, has adopted a policy of opposing the issuance of resort licenses in the Commonwealth. Most of the licenses have been granted by the courts of common pleas in our respective counties. So it has not been the Liquor Board that has issued carte blanche these resort licenses; it has been our own individual courts of common pleas.

I would have agreed with the gentleman, Mr. Wilson, yesterday who tried to provide a definition of a resort area. I was concerned that it was not the right definition. I was talking to Representative Dorr yesterday. The most recent case appears to come out of York County and sets probably what is a better standard for a resort area. It seems that this qualified a community that, because they have a campground, though the campground is populated maybe one or two nights a week, that did not qualify as a resort area. Instead, communities like the Pocono region, like Valley Forge, and like more urbanized areas where there is great tourism, Philadelphia, have been qualified as resort areas. So the culprit has not been the Liquor Board on the issuance of these licenses; it has been our own courts of common pleas, and I think justifiably so in a lot of cases. I am not familiar with the problem in Beaver County, but in communities across the State there continues to be a great need to operate outside of the quota system.

I think what it is further proof of is the fact that the Liquor Board has not been the culprit; we have been the culprit over the years. We are working with a Liquor Code that continues to be outdated, and thinking that we can do it, that we can bring it into the 1980's in the piecemeal fashion that we have been doing the last 2 days, is probably fooling everyone but it is not going to work. It is indicative of the fact that that 2,000-inhabitant quota system just does not work in 1987 in a lot of our communities. For that reason, Mr. Speaker, I would ask for a negative vote on Mr. Colafella's amendment. Thank you.

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

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the words of Representative Merry and Representative Lashinger. I just want to add a couple of points.

First of all, I also am very sympathetic toward my good friend, Representative Colafella's predicament in Beaver County. It may be that Beaver County should not be. I am not that familiar with the amenities in Beaver County but maybe it should not be dubbed a resort area. I do not know that. It is probably true if he says that. However, realize what we are doing. Like Representative Merry, I was on the telephone. I rushed back and instinctively voted "no," but I was not sure of the full impact until I read it today, and that is to say, from the southeastern part of this Commonwealth - in Montgomery, Bucks, and even parts of Delaware County - to the Poconos, to Erie, Somerset, and other counties, if we simply base licenses on permanent population— Take for example Monroe County, which has 70,000 people on the books by the 1980 census. We have at any given time between a half a million to 1 million people in the county and over 8 million visitors in a year. In no way, if our licenses were based upon permanent population, could we accommodate, of course, that many people.

So the policy of the Liquor Code to allow for resort areas I think is a sound policy. I certainly am vehemently opposed to such things as nuisance bars and to licenses that do not belong in a county. However, let us not eliminate the resort licenses, because they certainly impact strongly on the economy of this State. The resort areas need to accommodate the visitors.

Thank you very much, and I ask for a negative vote on this amendment.

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

Mr. WASS. Thank you, Mr. Speaker.

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

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

Mr. COLAFELLA. Yes; I will.

The SPEAKER. You may proceed, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I do not have your amendment before me. You have grandfathered in the ones that already have licenses. Is that right?

Mr. COLAFELLA. Yes.

Mr. WASS. Mr. Speaker, since the provision was initiated, how many additional licenses have been issued? Can you help me with that?

Mr. COLAFELLA. I am sorry, Mr. Speaker. Will you repeat the question?

Mr. WASS. Since the provision where the board could issue tourist licenses, how many additional licenses have been issued in Pennsylvania?

Mr. COLAFELLA. I cannot speak for Pennsylvania. I can only speak for Beaver County, and that is my concern in that in Beaver County there have been I would say probably 10 to 15 resort licenses that were granted to businesses, and those are the ones that I am concerned about, because in my opinion no resort licenses should have been given in Beaver County.

Mr. WASS. Thank you, Mr. Speaker. That ends my interrogation.

Mr. Speaker, as I view the problem of those who have spoken against this particular amendment, I do, coming from western Pennsylvania, recognize that this is just another avenue to expand liquor licenses in Pennsylvania. So it is kind of a tough vote for me. I certainly would not want to do anything to not help my districts where they have a large influx of tourism, but in Indiana County I certainly would object to this type of an avenue, opening this avenue, using this mechanism to increase the amount of licenses available in Pennsylvania.

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

Mr. STEVENS. Thank you, Mr. Speaker.

The tourism industry is one of the most important industries in Pennsylvania. We have had many factories shut down; we are having trouble in our garment industry, and while we must help those industries, we must also recognize the importance of the tourist industry in Pennsylvania.

I think that the court of common pleas is an adequate protection in any county where there may be too many licenses under the resort clause. But to take this clause out of the Liquor Code would devastate the tourism industry, and that would pose a great hardship on the residents of Pennsylvania. I would like to see the future Liquor Control Board be more liberal in giving out resort licenses and let the law of supply and demand decide what licenses there should be. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—24

Angstadt	Dietterick	Laughlin	Saloom
Birmelin	Dombrowski	Lescovitz	Smith, S. H.
Bortner	George	Murphy	Veon
Boyes	Hayes	Nahill	Wass
Colafella	Johnson	Perzel	Wright, R. C.
DeWeese	LaGrotta	Raymond	Yandrisevits

NAYS—169

Acosta	Dorr	Langtry	Richardson
Argall	Duffy	Lashinger	Rieger
Arty	Durham	Leh	Ritter
Baldwin	Evans	Letterman	Robbins
Barley	Fargo	Levdansky	Roebuck
Battisto	Farmer	Linton	Ryan
Belardi	Fattah	Rybak	Rybak
Belfanti	Fee	Lloyd	Saurman
Black	Fischer	Lucyk	Scheetz
Blaum	Flick	McCall	Schuler
Book	Foster	McClatchy	Semmel
Bowley	Fox	McHale	Serafini
Bowser	Freeman	McVerry	Seventy
Brandt	Freind	Maiale	Showers
Broujos	Gallen	Maine	Sirianni
Bunt	Gamble	Manderino	Smith, B.
Burd	Gannon	Manmiller	Smith, S. H.
Burns	Geist	Markosek	Snyder, D. W.
Bush	Gladeck	Mayernik	Snyder, G.
Caltagirone	Godshall	Melio	Staback
Cappabianca	Gruitza	Merry	Steighner
Carlson	Gruppo	Michlovic	Stevens
Carn	Hagarty	Micozzie	Sweet
Cawley	Haluska	Miller	Taylor, E. Z.

Cessar	Harper	Moehlmann	Taylor, F.
Chadwick	Hasay	Morris	Taylor, J.
Civera	Hayden	Mowery	Telek
Clark	Heckler	Mrkonic	Tigue
Clymer	Herman	Noye	Trello
Cohen	Hershey	O'Brien	Truman
Cole	Hess	O'Donnell	Van Horne
Cornell	Honaman	Olasz	Vroon
Corrigan	Howlett	Oliver	Wambach
Cowell	Hutchinson	Petrone	Weston
Coy	Itkin	Phillips	Wilson
DeLuca	Jackson	Piccola	Wogan
DeVerter	Jadlowiec	Pievsky	Wozniak
Daley	Jarolin	Pistella	Wright, D. R.
Davies	Josephs	Pitts	Wright, J. L.
Dawida	Kasunic	Pressmann	
Deal	Kennedy	Preston	Irvis,
Distler	Kenney	Reber	Speaker
Donatucci	Kukovich	Reinard	

NOT VOTING—5

Cimini	Kosinski	Punt	Wiggins
Hughes			

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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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?

AMENDMENT A0638 RECONSIDERED

The SPEAKER. The Chair has before it a motion to reconsider the vote by which amendment A0638 to HB 1000 was defeated on the 28th day of April, signed by the gentleman from Allegheny, Mr. Clark.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

Acosta	Dombrowski	Langtry	Reinard
Angstadt	Donatucci	Lashinger	Richardson
Argall	Dorr	Laughlin	Rieger
Arty	Duffy	Leh	Ritter
Baldwin	Durham	Lescovitz	Robbins
Barley	Evans	Letterman	Roebuck
Battisto	Fargo	Levdansky	Ryan
Belardi	Fattah	Linton	Rybak
Belfanti	Fee	Livengood	Saloom
Black	Fischer	Lloyd	Saurman
Blaum	Flick	Lucyk	Scheetz
Book	Foster	McCall	Schuler
Bowley	Fox	McClatchy	Semmel
Bowser	Freeman	McHale	Serafini
Brandt	Freind	McVerry	Seventy
Broujos	Gallen	Maiale	Showers
Bunt	Gamble	Maine	Sirianni
Burd	Gannon	Manderino	Smith, B.
Burns	Geist	Manmiller	Smith, S. H.
Bush	Gladeck	Markosek	Snyder, D. W.
Caltagirone	Godshall	Snyder, D. W.	
Cappabianca	Gruitza	Snyder, G.	
Carlson	Gruppo	Staback	
Carn	Hagarty	Steighner	
Cawley	Haluska	Stevens	
		Sweet	
		Taylor, E. Z.	

Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cesar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Tigue
Cimini	Hayes	Nahill	Trello
Civera	Heckler	Noye	Truman
Clark	Herman	O'Brien	Van Horne
Clymer	Hershey	O'Donnell	Veon
Colafella	Hess	Olasz	Vroon
Cole	Honaman	Oliver	Wambach
Cornell	Howlett	Perzel	Wass
Corrigan	Itkin	Petrone	Weston
Cowell	Jackson	Phillips	Wilson
Coy	Jadlowiec	Piccola	Wogan
DeLuca	Jarolin	Pievsky	Wozniak
DeVerter	Johnson	Pistella	Wright, D. R.
DeWeese	Josephs	Pitts	Wright, J. L.
Daley	Kasunic	Pressmann	Wright, R. C.
Davies	Kennedy	Preston	Yandrisevits
Dawida	Kenney	Punt	
Deal	Kosinski	Raymond	Irvis,
Dietterick	Kukovich	Reber	Speaker

NAYS—1

Hutchinson

NOT VOTING—5

Cohen	Miller	Sweet	Wiggins
Hughes			

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A0638:

Amend Sec. 57, page 110, line 26, by inserting after “reenacted”

and amended

Amend Sec. 57 (Sec. 443), page 113, by inserting between lines 22 and 23

(h) Notwithstanding any provision of this act to the contrary, a manufacturer of malt or brewed beverages, or any affiliate or subsidiary thereof, may hold a financial interest in an importing distributor, if such manufacturer, affiliate or subsidiary does not:

(1) control the majority of the voting stock of the importing distributor, if the importing distributor is a corporation; or

(2) act as general partner of the importing distributor, if importing distributor is a limited partnership. The provisions of subsection (c) of section 431, with respect to residency and stockholder requirements, shall not apply to manufacturers of malt or brewed beverages, or affiliates, subsidiaries, officers or directors thereof, which hold a financial interest in an importing distributor pursuant to the provisions of this subsection.

On the question recurring,

Will the House agree to the amendments?

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

Mr. CARN. Thank you, Mr. Speaker.

What this amendment will do is allow malt breweries to be able to provide financial assistance to persons or organizations desiring to become importing distributors. Presently the

law does not allow breweries to invest or be part owners in any wholesale distributorships, and this would allow them to make financial assistance available to those persons who have an interest in becoming wholesale distributors.

I ask for a “yes” vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—30

Burns	Hayden	Oliver	Taylor, J.
Carn	Hughes	Perzel	Truman
Clark	Hutchinson	Punt	Veon
Colafella	Itkin	Rieger	Wambach
DeWeese	Josephs	Roebuck	Wogan
Evans	Kosinski	Saloom	Wozniak
Gladeck	Lescovitz	Seventy	Wright, R. C.
Harper	Olasz		

NAYS—159

Acosta	Deal	Kukovich	Pressmann
Angstadt	Dietterick	LaGrotta	Preston
Argall	Distler	Langtry	Reinard
Ary	Dombrowski	Lashinger	Richardson
Baldwin	Donatucci	Laughlin	Ritter
Barley	Dorr	Leh	Robbins
Battisto	Duffy	Letterman	Ryan
Belardi	Durham	Levdansky	Rybak
Belfanti	Fargo	Livengood	Saurman
Birmelin	Farmer	Lloyd	Scheetz
Black	Fee	Lucyk	Schuler
Blaum	Fischer	McCall	Semmel
Book	Flick	McClatchy	Serafini
Bortner	Foster	McHale	Showers
Bowley	Fox	McVerry	Sirianni
Bowser	Freeman	Maine	Smith, B.
Boyes	Freind	Manderino	Smith, S. H.
Brandt	Gallen	Manmiller	Snyder, D. W.
Broujos	Gamble	Markosek	Snyder, G.
Bunt	Geist	Mayernik	Staback
Burd	George	Melio	Stairs
Bush	Godshall	Merry	Steighner
Caltagirone	Gruitz	Michlovic	Stevens
Cappabianca	Gruppo	Micozzie	Sweet
Carlson	Hagarty	Miller	Taylor, E. Z.
Cawley	Haluska	Moehlmann	Taylor, F.
Cesar	Hasay	Morris	Telek
Chadwick	Hayes	Mowery	Tigue
Cimini	Heckler	Mrkonic	Trello
Civera	Herman	Murphy	Van Horne
Clymer	Hershey	Nahill	Vroon
Cole	Hess	Noye	Wass
Cornell	Honaman	O'Brien	Weston
Corrigan	Jackson	O'Donnell	Wilson
Cowell	Jadlowiec	Petrone	Wright, D. R.
Coy	Jarolin	Phillips	Wright, J. L.
DeLuca	Johnson	Piccola	Yandrisevits
DeVerter	Kasunic	Pievsky	
Daley	Kennedy	Pistella	
Davies	Kenney	Pitts	
Dawida			

NOT VOTING—9

Cohen	Howlett	Maiale	Reber
Fattah	Linton	Raymond	Wiggins
Gannon			

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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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?

AMENDMENT A0706 RECONSIDERED

THE SPEAKER. The Chair has before it a motion signed by the gentleman from Westmoreland, Mr. Saloom, by which he moves that the vote by which amendment A0706 to HB 1000 was passed on the 28th day of April be reconsidered.

It is signed by Mr. Saloom; that is an amendment by Mr. Gladeck.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Acosta	Distler	Kukovich	Raymond
Angstadt	Dombrowski	LaGrotta	Reber
Argall	Donatucci	Langtry	Reinard
Arty	Dorr	Lashinger	Richardson
Baldwin	Duffy	Laughlin	Rieger
Barley	Durham	Leh	Ritter
Battisto	Evans	Lescovitz	Robbins
Belardi	Fargo	Letterman	Roebuck
Belfanti	Farmer	Levdansky	Ryan
Birmelin	Fattah	Linton	Rybak
Black	Fee	Livengood	Saloom
Blaum	Fischer	Lloyd	Saurman
Book	Flick	Lucyk	Schuler
Bortner	Foster	McCall	Semmel
Bowley	Fox	McClatchy	Serafini
Bowser	Freeman	McHale	Seventy
Boyes	Freind	McVerry	Showers
Brandt	Gallen	Maiiale	Smith, B.
Broujos	Gamble	Maine	Smith, S. H.
Bunt	Gannon	Manderino	Snyder, D. W.
Burd	Geist	Manmiller	Snyder, G.
Burns	George	Markosek	Staback
Bush	Gladeck	Mayernik	Stairs
Caltagirone	Godshall	Melio	Steighner
Cappabianca	Gruitza	Merry	Stevens
Carlson	Gruppo	Michlovic	Taylor, E. Z.
Carn	Hagarty	Micozzie	Taylor, F.
Cawley	Haluska	Miller	Taylor, J.
Cessar	Harper	Moehlmann	Telek
Chadwick	Hasay	Morris	Tigue
Cimini	Hayden	Mowery	Trello
Civera	Hayes	Mrkonic	Truman
Clark	Herman	Murphy	Van Horne
Clymer	Hershey	Nahill	Veon
Colafella	Hess	Noye	Vroon
Cole	Honaman	O'Brien	Wambach
Cornell	Howlett	O'Donnell	Wass
Corrigan	Hughes	Olasz	Weston
Cowell	Itkin	Oliver	Wilson
Coy	Jackson	Perzel	Wogan
DeLuca	Jadlowiec	Petrone	Wozniak
DeVerter	Jarolin	Phillips	Wright, D. R.
DeWeese	Johnson	Pievsky	Wright, J. L.
Daley	Josephs	Pistella	Wright, R. C.
Davies	Kasunic	Pitts	Yandrisevits
Dawida	Kennedy	Pressmann	
Deal	Kenney	Preston	Irvis,
Dietterick	Kosinski	Punt	Speaker

NAYS—1

Hutchinson

NOT VOTING—7

Cohen	Piccola	Sirianni	Wiggins
Heckler	Scheetz	Sweet	

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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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. A0706:

Amend Sec. 14, page 33, by inserting between lines 10 and 11
Section 217. Wine Marketing.—(a) There is hereby established within the commission the Bureau of Wine which shall be responsible for the purchasing and the wholesale and retail marketing of premium wines so as to make these wines available to Pennsylvania consumers at competitive prices and in a convenient atmosphere.

(b) The management of the bureau shall be vested in a director, an assistant director for purchasing and an assistant director for marketing.

(c) The commission shall establish that at least five per centum of all State stores within a metropolitan area are wine specialty stores, at which premium wine shall be sold. These stores shall not sell any distilled product. The stores shall be in addition to the current number of State stores in operation in said area.

(d) (1) The term "metropolitan area" as used in this section shall mean any one county or any combination of two, three or four counties contiguous and adjacent with a total population of fifty thousand or more.

(2) The term "wine" as used in this section shall mean liquor which is fermented from grapes and other fruits, having alcoholic content of twenty-four per centum or less. The term "wine" shall not include malt or brewed beverages, nor shall wine include any products containing alcohol derived from malt, grain, cereal, molasses or cactus.

On the question recurring,

Will the House agree to the amendment?

THE SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

MR. SALOOM. Would Mr. Gladeck stand for interrogation, please?

THE SPEAKER. Mr. Gladeck indicates he will stand for interrogation. You may proceed.

MR. SALOOM. Mr. Speaker, in your amendment in section (c) the last sentence says, "The stores shall be in addition to the current number of State stores in operation in said area." Does this mean that besides the 18 wine stores that are currently in Pennsylvania, you are forcing the ABC to open an additional 35 stores?

MR. GLADECK. No; it does not mean that I am going to force them to open an additional 35 stores at all, but it does mean exactly, Mr. Speaker, what it says, which means that we want to add wine shops to those areas that meet the specifications of section (c) the way you noted. It would be in addition to the number of State stores that would be, say in Philadelphia. Philadelphia has approximately 100 stores. Five percent

of that would be five stores, and they would be wine specialty shops only that would only sell wine. They would not be permitted to sell liquor or liqueur.

Mr. SALOOM. Mr. Speaker, this does state, though, that the State system must open and maintain 35 stores in the Commonwealth regardless of whether they are making money or they are losing money and whether it costs the taxpayers money to keep these stores open—

The SPEAKER. Just a moment. He cannot hear you.

Repeat the question, Mr. Saloom, please.

Mr. SALOOM. Mr. Speaker, regardless of whether Pennsylvania is making money or they are losing money, your amendment states that they must maintain these stores.

Mr. GLADECK. No; my amendment does not exactly say that, but my amendment does require that the system open the required amount of stores. I believe in the fiscal note that was referred to during yesterday's debate, they estimate that it would require approximately 10 additional wine shops. And where it was not noted yesterday but should be noted today, this bill will sunset, Mr. Speaker, after 5 years. If there are stores that are not profitable, I would certainly imagine that this body, being the responsible body that we are, would certainly give the Bureau of Wine, which would be created under this amendment, the right to do with the stores as they wish so long as they are profitable. There are currently stores, as I have been told, in the system now that are subsidized because they are in areas where people would have to travel a long way to get liquor, and they are not necessarily as profitable as perhaps the LCB would like.

Mr. SALOOM. Mr. Speaker, you stated that there would be only 10 additional stores?

Mr. GLADECK. I said that the fiscal note that was gotten from Representative Pievsky's Appropriations Committee estimated that, and I will read from it, "This amendment would require approximately 10 additional stores." That is exactly what it says. And as you well know, the new ABC could open as many as they want, as they could do now if they so desired, but this amendment would only require that they open those minimum number of stores under the hopes that we can encourage a better consumption of wine in Pennsylvania and have people who choose to drink it buy their wine in Pennsylvania who would now buy it outside of Pennsylvania because they cannot get the selection.

Mr. SALOOM. Mr. Speaker, somebody's arithmetic is really wrong. We have 705 State stores in the Commonwealth. Five percent of 705 is 35 stores. There are 18 stores in operation now. This would cause an additional 17 stores.

Mr. GLADECK. No, it does not, Mr. Speaker. If you read the amendment, and I am awfully sorry, but if you refer to it, it does not refer to every State store in Pennsylvania; it only refers to those metropolitan areas that would have over 50,000 people residing in them, and that, as you well know, does not take in a lot of the counties outside of Allegheny and the southeast. Unless they have the population to support it, it was my feeling that it should be the responsibility of the new Bureau of Wine to decide whether or not to situate stores in

those areas based on whether or not they would be profitable, and I would imagine that that is where Representative Pievsky's committee came up with the number of 10.

Mr. SALOOM. Thank you, Mr. Speaker.

I would like to make a statement on the amendment, please.

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

Mr. SALOOM. Mr. Speaker, we have some costs here from the State store system that these additional stores would cost an initial \$7,700,000 to open. They would have an annual operating cost of \$2,950,000. The director and the additional people - just the purchasers, the buyers, and the clerical staff to run the new wine commission that we would create with this amendment - would cost an additional \$210,000 a year. There would be a total cost to the Commonwealth in the first year of operation of \$10,860,000.

I would say that it is wrong to force the Alcoholic Beverages Commission of this Commonwealth, if that is what it is called in the next few months, to open these stores at a loss, to open these stores to promote and force the State to merchandise imported wines and wine products. Even if we broke even, I feel it would be wrong to have these wine stores compete against the Pennsylvania farmers, the Pennsylvania wine-growers, and the Pennsylvania wineries. If there is a need for these specialty stores, then let the Alcoholic Beverages Commission make that decision upon the need. I believe they will, and I ask for you to please defeat this amendment. Thank you, Mr. Speaker.

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I listened to the remarks of the gentleman, Mr. Saloom, and I have to say that I think his numbers are crazy.

Now, the original numbers that we heard here earlier were from Mr. Pievsky's Appropriations Committee which said that the cost of this would be some \$1 1/2 million or \$2 million, which I thought was high, frankly. But \$10 million I believe is nuts, and let me tell you why I say that. I will bet you you could go into these metropolitan areas and sell to private enterprise licenses for \$50,000 or \$100,000 to run the very wine shops that Mr. Gladeck is talking about, and I daresay those people would not go into that with the idea in mind of losing \$1 million per wine shop.

Now, Mr. Saloom would try and talk us out of this amendment because it might cost a few dollars, yet when all the other arguments were made that this is good for industry or that more money will come into the Commonwealth, we were told, no, money is not important. I agree with that; money is not that important at this time. This is one of the services that the Liquor Board or the new ABC owes the people of Pennsylvania. It is the one complaint that every one of us receives week in and week out. I have had three calls today because the Inquirer had an article this morning on our activities of yesterday. This is the only saving thing, frankly, that we did yesterday in the minds of many people. We should not have

incurred—if this is your problem, and it does not happen to be mine—we should not have incurred the wrath of the liquor clerks, because if anything, this preserves or perhaps increases their jobs a little bit. You still have the control because it is still being done by the control system of the ABC or the Liquor Board.

This is the most sensible amendment from a public standpoint that has been offered, and I think we are foolish if we do not continue this amendment in the bill. Thank you, Mr. Speaker.

Mr. SALOOM. Mr. Speaker?

The SPEAKER. Mr. Saloom, you have spoken once. Therefore, we will recognize the gentleman from Northumberland, Mr. Belfanti, who has not spoken for the first time.

Mr. BELFANTI. Thank you, Mr. Speaker.

Very briefly—and I spoke on this amendment yesterday for a brief period of time—I think over the past four terms I have only received three or four complaints about the liquor store system from any of my constituents, and I believe all of them have been directly related to the fact that wines are not available in either good quantity or good selection. I am not certain whether the Gladeck amendment will improve that in areas like mine. However, I think my constituents would be willing to drive to Scranton or Reading or Harrisburg if they are wine connoisseurs in order to get some decent wine and have a decent selection.

Secondly, I agree with Mr. Gladeck. This bill has a 5-year sunset provision, and if we find at the end of the 5 years that any of these shops are not turning a profit, then I think that we will have every opportunity 5 years from now to eliminate those shops from the marketplace. So I support the Gladeck amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, for the second time on the amendment.

Mr. SALOOM. Mr. Speaker, my figures that are called crazy by the minority leader of \$10,860,000 total cost for the first year of operation, I have just received these, sent to me from the Liquor Control Board, and this is their estimated cost for the first year of operation.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am still not impressed and I still say that it is crazy. The Liquor Control Board has never really impressed me under any administration with the way they have run their business, and if they think it is going to cost \$10 million to run 10 additional shops, they really probably should be out of business. I daresay that if one of these wine shops were located on Route 202 in my legislative district and it was a good wine shop, they would pick up the \$10 million from the Pennsylvanians who are now driving into Delaware down Route 202 to buy wine.

Mr. SALOOM. Mr. Speaker, I would like to remind the minority leader that the only moneymaking—

The SPEAKER. Whoa. You are not reminding anybody of anything. You have spoken twice.

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

Mr. FATTAH. Would the maker of the amendment stand for brief interrogation?

The SPEAKER. Mr. Gladeck?

Mr. GLADECK. Yes.

The SPEAKER. You may proceed, Mr. Fattah.

Mr. FATTAH. Mr. Speaker, in your thoughts in terms of trying to implement this effort in the State system, did you give any thought to requiring that a certain segment of each store be set aside for specialty wines versus this idea of 5 percent of the stores?

Mr. GLADECK. I did not give any thought to that. The truth of the matter is I think it is better served the way that I designed the amendment. They did not seem, some of the specialty stores that we have, one of which is located near where you live—well, not really too near but Chestnut Hill—they have probably less than 10 percent of the space as what they would call a specialty wine store. I would say that this would be a better way to go, and that is why we want to create the Bureau of Wine, so that they can bring qualified people in to run the wine business in Pennsylvania the way it should be run.

Mr. FATTAH. I am not opposed to your amendment; I am just trying to understand.

The store that you refer to in Chestnut Hill has part of the space associated with this issue of specialty wine. Is that correct?

Mr. GLADECK. They have space set aside for that. That is right.

Mr. FATTAH. All right. But your plan as implemented in this amendment would just set up a few stores around this State that would solely deal with specialty wines and would not require any of the other stores necessarily—

Mr. GLADECK. That is right. It would be over and above what would be there now, and the goal of it is to provide areas that have the population to support the stores the opportunity to buy wine in those shops, and that is why we have it 50,000 people or above.

Mr. FATTAH. This is my question, Mr. Speaker, because I am trying to understand why you would think that there are certain segments of the State where these wines would sell and certain segments of the State where it would not be necessary to have these specialty wines available.

Mr. GLADECK. It was not that they would not sell; it was that I did not feel that it was right to require every county in the State to have one. There are sophisticated wine drinkers all over the Commonwealth, but with 67 counties I do not know that that would be economically feasible. So to require them to do that I thought would not be in the financial best interests of what we are trying to do. There is no prohibition in this amendment that would stop the new ABC from situating a wine shop in some of the more rural counties that would not possibly have 50,000 people or above. My goal is simply to try to touch as much of the population with this as I can initially.

Mr. FATTAH. So you are not in any way suggesting that in counties where there may be less than 50,000 people, that there would not be sophisticated wine drinkers then.

Mr. GLADECK. I am sorry. I cannot hear you.

The SPEAKER. No wonder. Try it again, Mr. Fattah.

Mr. FATTAH. Mr. Speaker, so you are not suggesting then to the members of the House that in counties where there may perhaps be less than 50,000 persons, that somehow they necessarily would have to be less than sophisticated wine drinkers.

Mr. GLADECK. No. Like I just said, there are sophisticated wine drinkers all over the Commonwealth, but the only problem is, from a business standpoint I feel that to require the new ABC, the Bureau of Wine, to establish stores in every county I do not think would be in anybody's economic best interests. And if they want to establish a store where they feel it can turn the profit that they want, then they can certainly do that.

Mr. FATTAH. Thank you, Mr. Speaker.

I am finished with my interrogation and would like to make some comments on the amendment.

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

Mr. FATTAH. For the first time in my three terms in the House of Representatives, I think that I agree—I am not overly sure, but I think that I agree with Representative Gladeck in his amendment and would ask the House to support it. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—128

Acosta	Distler	Lashinger	Reber
Asty	Donatucci	Laughlin	Reinard
Baldwin	Dorr	Leh	Rieger
Battisto	Durham	Lescovitz	Robbins
Belfanti	Fargo	Linton	Roebuck
Black	Farmer	Lucyk	Ryan
Book	Fattah	McCall	Saurman
Bortner	Flick	McClatchy	Schuler
Bowley	Fox	McHale	Semmel
Bowser	Freind	McVerry	Serafini
Brandt	Gallen	Maine	Seventy
Broujos	Gamble	Manmiller	Showers
Bunt	Gannon	Markosek	Sirianni
Burd	Geist	Mayernik	Smith, B.
Burns	Gladeck	Merry	Smith, S. H.
Bush	Godshall	Michlovic	Snyder, D. W.
Carlson	Gruitza	Micozzie	Stairs
Carn	Gruppo	Miller	Stevens
Cawley	Hagarty	Moehlmann	Taylor, E. Z.
Cessar	Hayden	Morris	Taylor, J.
Chadwick	Heckler	Murphy	Tigue
Civera	Herman	Nahill	Trello
Clark	Hershey	Noye	Truman
Colafella	Honaman	O'Brien	Van Horne
Cornell	Itkin	O'Donnell	Wambach
Cowell	Jackson	Olasz	Weston
Coy	Jadlowiec	Perzel	Wiggins
DiLuca	Johnson	Petrone	Wilson
DeVerter	Kennedy	Piccola	Wogan
Davies	Kenney	Preston	Wright, J. L.
Dawida	Kosinski	Punt	Wright, R. C.
Ditterick	Langtry	Raymond	Yandrisevits

NAYS—67

Angstadt	Duffy	Kasunic	Ritter
Argall	Evans	Kukovich	Rybak
Barley	Fee	LaGrotta	Saloom
Belardi	Fischer	Levdansky	Scheetz
Birmelin	Foster	Livengood	Snyder, G.
Blaum	Freeman	Lloyd	Staback
Boyes	George	Maiale	Steighner
Caltagirone	Haluska	Manderino	Taylor, F.
Cappabianca	Harper	Melio	Telek
Cimini	Hasay	Mowery	Veon
Clymer	Hayes	Mrkonic	Vroon
Cohen	Hess	Oliver	Wass
Cole	Howlett	Phillips	Wozniak
Corrigan	Hughes	Pistella	Wright, D. R.
DeWeese	Hutchinson	Pitts	
Daley	Jarolin	Pressmann	Irvis,
Deal	Josephs	Richardson	Speaker
Dombrowski			

NOT VOTING—3

Letterman	Pievsky	Sweet
EXCUSED—4		

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the amendment was agreed to.

The SPEAKER. We have now finished all the reconsideration motions. We are now back on the amendments to the bill. We have approximately eight amendments. We can finish this rather quickly if we decide to do so.

On the question recurring,

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

(Amendment A0773, offered by Mr. Saurman on April 28, 1987, was withdrawn.)

Mr. SAURMAN offered the following amendment No. A0782:

Amend Sec. 82 (Sec. 494), page 177, line 8, by inserting after "section."

A person convicted of knowingly furnishing liquor or malt or brewed beverages to a minor shall have his license suspended for six (6) months for a first offense and for one (1) year for a second offense.

On the question,

Will the House agree to the amendment?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Just a word of explanation with the amendment number: The amendment that I offered yesterday I have changed with the addition of one word, and this amendment reflects that change. This was on advice of some of my colleagues. That one word simply puts in the word "knowingly," which means that the distributor would knowingly furnish this alcohol.

Mr. Speaker, I feel very strongly about this, and normally I do not like to get into a lengthy explanation, but I do feel that there are some things that really should be discussed in conjunction with this bill. First of all, we have heard, again, many comments about control, about holding down con-

sumption, at least not increasing it, and it seems that we look upon the whole State system as a control system which historically developed or evolved from prohibition into a desire on the part of the residents of Pennsylvania to do just that, to hold down the amount of consumption that takes place.

I certainly have no animosity toward the alcohol and malt beverage industry, but I do have a real concern for people. Frankly, the concern I have is for the many terrible choices that have been made which forces us to consider remedial legislation. I also have been an advocate of the right for people to make these choices even when they are not in their best interest, and in that light, I have supported amendments which frankly concern me. In some instances, they have in fact I think increased the opportunity for obtaining more alcohol, but my constituents have stated this is what they want, and I think we are correct in making them available.

But I do want to talk about a very serious situation. It has been referred to, and Representative Cohen sent an article around, but we are all aware, I am sure, of this terrible menace of underage drinking which has crept into our society.

I think that I need to relate an experience, really, in law enforcement. During the 11 years when I was the mayor of the borough of Ambler, it was my responsibility to be in charge of the police department. The very first thing that I did the first week that I was in office was I rode with a police officer on duty. As we turned the corner, there were some kids against the building, and they were shooting crap. The officer pulled over and leaned out the window and said to them, you guys break it up and take off. And then he turned to me apologetically and said, they are breaking the law and I know it, but if I arrest them, I have to provide custodial care; I have to take them over to Norristown to the courthouse and take them to the juvenile officers; I have to fill out a lot of forms; and while I am doing that, they will be released and back in the corner so that when I return to the borough they will be laughing at me.

Mr. Speaker, we do and have done a lot to introduce strict penalties for those illegal drug dispensers or salesmen who prey upon our children. I am asking that we do something about those legal drug dispensers, because alcohol is in fact a drug, who prey upon our young people.

Once again, to use an illustration—and I apologize if Peck Foster has already used this—there was a farmer who had a mule, and he sold the mule to another farmer. He said to the farmer, this mule is really a good, hard-working mule, and he was put on the farmer's truck, and he took him home. And the farmer tried to get the mule off the truck, and the mule would not move, and he called the other farmer from whom he bought it and he said, I cannot get this fool mule to move. He said, you told me he was an obedient and a hard-working mule. And the farmer said, I will be right over. He came over and he took a 2-by-4 and he struck the mule in the head, and he said, come on now, mule, just walk off of this truck. And the mule moved right off the truck. He said, you see, he is a very polite and a very hard-working mule, but you have got to get his attention.

We have to get the attention, in my opinion, of these people who irresponsibly sell alcohol and malt beverages to our underage drinkers, and this amendment, with the new language particularly which says specifically "knowingly furnishing," will take care of that aspect. I would certainly request and plead that you support this amendment. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, I would like to interrogate the maker of the amendment, please.

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

Mr. LETTERMAN. Mr. Speaker, how are you going to prove that they knowingly furnished minors?

Mr. SAURMAN. Mr. Speaker, when anyone is accused of doing something, they prove their innocence, and they are assumed innocent until such time as they are proven guilty. When there is a case brought against a distributor and he is unable to prove that either proper identification or some—In fact, identification is required in any instance. And maybe even if the individual is a 23-year-old or a 25-year-old that simply looks young, if the individual knows that his license is at stake, he will make that individual prove that he is of age, and I do not think that is too much to ask. If he has not done it, if he does not check it, then he has knowingly sold it without proper proof of evidence of the age of that individual.

Mr. LETTERMAN. Well, let me ask you this, Mr. Speaker: I know all this that you just told me, but how do you prove he did not check to see if he was 21 years of age or not? Because the kid told the cop that he did not?

Mr. SAURMAN. I think, Mr. Speaker, that the burden of proof as to whether or not the sale was made under the auspices of identification would be left to the distributor.

Mr. LETTERMAN. I have heard many cases where distributors have checked, and a minor went someplace else and bought the booze and then blamed it on him for selling it to him. Now, how do you prove that he did not check him or where he even bought it?

Mr. SAURMAN. Mr. Speaker, there are allegations made constantly and there are accusations made constantly, but an arrest or an attempted prosecution is based upon evidence, and that evidence has to be overwhelming and has to be established beyond a shadow of a doubt. We are not talking about witch-hunts in this case; we are talking about evidence which is definite, where it can be proven that the individual knowingly sold it. We are sending, in my opinion, a message here, and we are causing the individual distributor to take additional precaution to prevent that.

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

The SPEAKER. The gentleman has the floor. He may proceed.

Mr. LETTERMAN. Mr. Speaker, I think we have been sending a message to distributors and tavern owners for many years. I think they have been doing their job. I do not think

the parents of the children and the minors in the State of Pennsylvania do their job, and I do not think that minors should have a right to go in and impose on a person to sell him the booze without any kind of penalty.

I think we are going about it all backwards. If you really want to do something, why do you not put a penalty on the minor that goes in to purchase the booze? You continually want to mistreat the person who owns the business in this State. They have so much on their backs right now to try to prove and keep these minors out of the place of business that I think it is about time we turn this kind of an amendment down and look forward to the amendment that says that if a minor purchases liquor or attempts to purchase in this State, that he is immediately arrested and that his parents should be arrested for letting him out on the streets to do so. It is time we do it and not put it all on these people.

I ask for this amendment to be defeated.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I think that Representative Saurman has his heart in the right place. However, if you echo what Representative Letterman just said, I agree with it. We had a piece of legislation last year that Representative Blaum and I introduced in this House. This House was very receptive and passed it, and it addresses both issues of what both legislators just explained on the floor. It expresses that if a person knowingly and willingly furnishes a minor with alcoholic beverage, he is fined \$1,000 on the first offense and \$2,000 on the second offense. But in HB 1000 there is law right now if this bill is to pass where the question of supersedeas has now been returned on the burden of proof to the tavern owner or to the beer distributor.

I think at this particular time if we go further than that, we are only hurting our cause, because if you echo what Representative Letterman has said now, he is absolutely right. There will be legislation following, coming up in this session, that has been introduced and that is presently in the House Liquor Committee, both by Representative Blaum and myself, to address the entire issue of underage drinking where if the minor goes into a place and he knows that he is not 21 years of age and he furnishes a false identification card, he will lose his driver's license. For the first offense, I think it is 90 days; and for the second offense, it is 6 months. We are addressing that problem when the minor does something wrong. But today to have this amendment pass and continue to hurt the small businessmen is not the right way to attack this issue. We have attacked part of the issue in HB 1000, to repeat myself, by reversing the supersedeas situation, and I think we should leave it be at this point in time. It was our intent, Representative Blaum and myself, to put the amendment of the underage drinking into HB 1000, but not to make the bill more complex, we have decided to wait for a further date to have HB 668 come before you, and you will be able to vote on both sides of the issue - one, when the minor breaks the law; and two, when the beer distributor or the tavern owners break the law.

I urge you to reject this amendment because it does not go the whole route. Thank you, Mr. Speaker.

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

Mr. ACOSTA. Thank you, Mr. Speaker.

If I would have to vote 1,000 times for amendments to fine the bar owners over and over again for selling to minors, I would do so. I do not know about all the districts that we all represent, but I know about one district, and that is the 180th District. The bar owners in my district do not care at all who buys beer from them. I see it happening every day, and I identify myself to these bar owners, and I tell them that they are breaking the law. They do not care.

So I am asking everyone— And again, I do not know how your functions are in your own districts, but in my district if we want to say that we care for the young people, we have to go after the bar owners. They do not worry or care for the law as long as they make a buck, so they sell the beer 50 times a day to minors if they have to. Thank you.

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

Mr. SERAFINI. Mr. Speaker, I agree with most of what Mr. Acosta just stated. However, I would like to know if the sponsor of the amendment would answer a few questions.

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

Mr. SERAFINI. Mr. Speaker, in your amendment I notice that you did put "knowingly" to describe a form of the responsibility of the licensee. Would "knowingly" mean that the individual would have to tell the licensee that he is underage and inform the licensee of his age, under 21, in order for this amendment to stand?

Mr. SAURMAN. Yes. The word "knowingly" indicates that he would intentionally have sold to a minor.

Mr. SERAFINI. In other words, to go one step beyond that, what I am trying to say is if the minor had not been asked to show any proof of age, if he looked as though he were over 21 and the licensee assumed that he was over 21 and the individual did not on his own accord tell the licensee that he was under 21, would the conviction still stand?

Mr. SAURMAN. Mr. Speaker, you are posing a hypothetical that would be presented in a judicial court of proceedings or a hearing setting. The person who would make the decision that you are asking me to make would have a great deal more information than you have just given me.

The whole concept of putting this suspension into the operation is that the individual would be taking a chance, which is a very serious chance, in operating as you have just described.

If I were that operator, I would want to make darn sure that I knew very well that that individual was in fact legally able to purchase that so that if I came before that hearing, whoever the person was who was listening would not side with whoever was bringing the charges and say, yeah, you should have known; you knew. Therefore, what we are suggesting is, just as with an operator's license on the highway, there are violations that take place. If you want to speed, you are fine if

someone does not catch you; and if you are caught, whether you knowingly speeded or not or were in excess of the speed limit, the person who hears that case will determine. So the best thing to do is to err on the side of caution, and that is what I am seeking, erring on the side of caution, erring on the side of making certain that these kinds of things do not happen.

Mr. SERAFINI. Mr. Speaker, I believe you should go just slightly beyond what you have just mentioned. I mean, what you are doing here is putting someone out of business if a youngster forges identification and goes into an establishment and is served. That individual's entire lifetime investment could be in jeopardy here, and I believe you should know what you mean by "knowingly." You could describe "knowingly" simply by answering my question yes or no. If an individual does not tell the licensee what his age is, would that licensee be liable?

Mr. SAURMAN. Mr. Speaker, the word "knowingly," as I understand it from a former assistant district attorney, is defined by court practice and by law currently. That same definition would be in effect and in this case preside.

Mr. SERAFINI. Would you describe what that means then, according to what you just stated?

Mr. SAURMAN. Mr. Speaker, I cannot. I am not an attorney. I have been advised that this is a term that has legal precedent, that has legal definition. Whether or not and how it is defined in any specific instance, the little experience that I have with the law, is in the mind of the person who is at that time rendering a decision.

Mr. SERAFINI. Well, Mr. Speaker, what we are doing then is voting on an amendment that the maker of the amendment is not certain of the meaning of. This is extremely dangerous, and although I am sure most of us will vote for it because we do not want to be known as individuals supporting the sale of liquor to minors, it does put in jeopardy a licensee's ability to exist in a business that he probably has an extremely great investment in, and to be closed for 6 months would be to me an exceptionally great price to pay for a law which we passed not knowing the entire meaning of. Thank you for your kindness.

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

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment. It is a very, very simple amendment that I can vote for and go home.

All of our bars back home want this type of amendment. They are good businessmen. They do not want anybody out there ruining their reputation where they are selling to young people. They want to clean up the act, and they want to take these bums who are selling to the younger age children out of the system.

So this is a good amendment. Six months; he is going to lose his home. He ought to lose his life if he is selling knowingly to an underage drinker. Now, let us clean up this act.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. I think what we have here is just simply the wrong approach to combating the problem of underage drinking in Pennsylvania. What we have is a situation where a bartender may know a customer who is underage and knowingly serves that customer, and the owner of that building, the owner of that establishment, the person who has made the investment, would lose their livelihood for a period of 6 months. That is not the way to combat underage drinking in Pennsylvania. That person is actually a victim of underage drinking and not the cause.

We are absolutely missing the boat if we continue to attack the problem of underage drinking by penalizing and putting out of business tavern owners when the direct perpetrators of the crime are kids. And Pennsylvania law right now establishes no deterrent whatsoever on them to make them even think twice before going into a tavern and that gentleman putting his very business, his livelihood, on the line. They think nothing of doing it. They come up with ingenious methods to fool that tavern owner. What we cannot get into is somebody losing a license, losing their livelihood, for a period of 6 months because of a mistake which a bartender knowingly made. That is not the way to go about this problem.

In HB 668, which was mentioned earlier by Representative Civera, we establish very tough penalties on those who knowingly and intentionally sell or furnish alcohol to a minor, and we allow the courts to determine whether or not the owner of that establishment is in fact the one to be held liable for those penalties. But we also attack the problem at its heart and where it should be attacked, and that is by establishing deterrents and establishing penalties for Pennsylvania's teenagers.

I think what we have to do is wait for HB 668, which should be coming before this body very shortly, and vote "no" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Thank you, Mr. Speaker.

Mr. Speaker, I am also opposed to the amendment. I can appreciate the intentions of the sponsor of the amendment, but I think he has gone about it in the wrong way.

I want to tell you an incident of a tavern owner in my district who had been in business for 4 years and never had a citation filed against him, and he had a 20 1/2-year-old girl with a false ID card which resembled her picture come in, and this gentleman spends hundreds of dollars having a person at the front door checking cards. She went to the hearing, and she admitted that she used the false ID card. Yes, she was checked and was questioned if it was her card, and she said yes. That tavern owner was found guilty.

I am concerned about this word "knowingly" in here. Is the board going to interpret being found guilty as knowingly serving a minor? That interpretation troubles me. He was fined \$500 on a first offense ever in over 4 years since he established the business, and I think that that was an injustice when the girl admitted that she had used a false card and yes she was questioned. I was very concerned about that and did

not feel that it was a fair ruling and an injustice had been done to him. I say vote "no" on this amendment and address teenage drinking in the bill that we will be considering in the very near future.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. Mr. Chadwick and Mr. Heckler, you are next on the order of business, but Mr. Yandrisevits has informed the House and informed the Chair that he is going to question the constitutionality of this amendment. That may solve the problem of debate. So if you will excuse us for passing you over temporarily, we will recognize Mr. Yandrisevits.

The Chair recognizes the gentleman from Northampton, Mr. Yandrisevits. Why do you rise?

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

The amendment says that a person convicted of knowingly furnishing and so forth shall have his license suspended for 6 months. It seems to indicate to me that the prohibition against knowingly furnishing would apply to any person in the Commonwealth. However, the only people who could be subject to the penalty of the section would be people who happen to be licensees. Therefore, anyone else who was convicted of violating this section could not be punished. That seems to set up two different classes who are subject to two different sets of penalties, and therefore, I would ask the House to rule on the constitutionality of the amendment.

The SPEAKER. The question of constitutionality is for the floor of the House to debate. If the House says it is constitutional, it is. If the House says it is not constitutional, it is not. Shall we limit ourselves to a few minutes of debate on this and then get to the vote.

On the question,

Will the House sustain the constitutionality of the amendment?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I would simply say that, in my opinion, legally we license so that we can control. When we issue a license, we also issue certain circumstances, and if a person violates those circumstances, then they stand in violation and certainly that license can be revoked by those who extended it. It has nothing to do, in my opinion, with the Constitution, and I would ask for a vote that this is indeed a constitutional amendment. Thank you.

The SPEAKER. The question is, is the Saurman amendment constitutional? Those who believe it to be constitutional will vote "yes"; those who believe it to be unconstitutional will vote "no." The members will proceed to vote. Vote "yes" if you believe it to be constitutional; "no" if you believe it to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—90

Acosta	Farmer	Kosinski	Robbins
Angstadt	Fischer	Kukovich	Ryan
Barley	Foster	Lashinger	Saurman
Battisto	Fox	Leh	Scheetz
Birmelin	Freind	Livengood	Semmel
Black	Gamble	Lloyd	Serafini
Bortner	Geist	McClatchy	Smith, B.
Bowser	George	McHale	Smith, S. H.
Boyes	Gladeck	McVery	Snyder, D. W.
Bunt	Godshall	Michlovic	Snyder, G.
Cawley	Gruppo	Morris	Stairs
Cessar	Hagarty	Mowery	Stevens
Chadwick	Hayes	Mrkonic	Taylor, E. Z.
Cimini	Heckler	Murphy	Taylor, J.
Clymer	Herman	Nahill	Telek
Cole	Hershey	Noye	Tigue
Cornell	Hess	O'Brien	Vroon
Coy	Hughes	Phillips	Wass
Davies	Itkin	Pitts	Wilson
Dawida	Jadlowiec	Preston	Wogan
Distler	Johnson	Punt	Wozniak
Duffy	Kennedy	Reinard	Wright, D. R.
Fargo	Kenney		

NAYS—106

Argall	Dietterick	Letterman	Richardson
Arty	Dombrowski	Levdansky	Rieger
Baldwin	Donatucci	Linton	Ritter
Belardi	Dorr	Lucyk	Roebuck
Belfanti	Durham	McCall	Rybak
Blaum	Evans	Maiale	Saloom
Book	Fattah	Maine	Schuler
Bowley	Fee	Manderino	Seventy
Brandt	Flick	Manniller	Showers
Burd	Freeman	Markosek	Sirianni
Burns	Gallen	Mayernik	Staback
Bush	Gannon	Melio	Steighner
Caltagirone	Gruitza	Merry	Sweet
Cappabianca	Harper	Micozzie	Taylor, F.
Carlson	Hasay	Miller	Trello
Carn	Hayden	Moehlmann	Truman
Civera	Honaman	O'Donnell	Van Horne
Clark	Howlett	Olasz	Veon
Cohen	Hutchinson	Oliver	Wambach
Colafella	Jackson	Perzel	Weston
Corrigan	Jarolin	Petrone	Wiggins
Cowell	Josephs	Piccola	Wright, J. L.
DeLuca	Kasunic	Pievsky	Wright, R. C.
DeVerter	LaGrotta	Pistella	Yandrisevits
DeWeese	Langtry	Pressmann	
Daley	Laughlin	Raymond	Irvis,
Deal	Lescovitz	Reber	Speaker

NOT VOTING—2

Broujos Haluska

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

The SPEAKER. The vote indicates that the floor of the House has decided that the Saurman amendment is unconstitutional, and therefore, it may not be further considered by this House.

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

Mr. O'BRIEN offered the following amendments No. A0771:

Amend Sec. 79 (Sec. 491), page 154, line 7, by inserting after "a" where it appears the first time
restaurant liquor licensee from providing private affairs the primary function of which is for catering only to weddings or special occasions arranged twenty-four hours in advance, nor to prohibit a

Amend Bill, page 266, by inserting between lines 6 and 7
Section 150.1. The amendment to section 491(6) relating to catering by restaurant liquor licensee shall apply to cases of charged violations which have not been adjudicated by the Pennsylvania Liquor Control Board on the effective date of this act.

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

The SPEAKER. On the question, will the House adopt the O'Brien amendment, the Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

Mr. Speaker, certain catering businesses which operate with a restaurant liquor license specialize in private parties to the exclusion of other permissible business activities. In doing so, they are in technical violation of the law. However, the LCB feels that this is not an enforcement problem that it should be concerned with but rather a result of a deficiency in the statute.

This is a curative amendment recommended and drafted by the enforcement division of the LCB, and I ask for your support.

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

The following roll call was recorded:

YEAS—190

Acosta	Dietterick	Kenney	Richardson
Angstadt	Distler	Kosinski	Rieger
Argall	Dombrowski	Kukovich	Ritter
Asty	Donatucci	Langtry	Robbins
Baldwin	Dorr	Lashinger	Roebuck
Barley	Duffy	Laughlin	Ryan
Battista	Durham	Leh	Rybak
Belardi	Evans	Lesscovitz	Saloom
Belfanti	Fargo	Letterman	Saurman
Birmelin	Farmer	Levdansky	Scheetz
Black	Fattah	Linton	Schuler
Blaum	Fee	Livengood	Semmel
Book	Fischer	Lloyd	Serafini
Bortner	Flick	McCall	Seventy
Bowley	Foster	McClatchy	Showers
Bowser	Fox	McHale	Sirianni
Boyes	Freeman	McVerry	Smith, B.
Brandt	Freind	Maiale	Smith, S. H.
Broujos	Gallen	Maine	Snyder, D. W.
Bunt	Gamble	Manmiller	Snyder, G.
Burd	Gannon	Markosek	Staback
Burns	Geist	Mayernik	Stairs
Bush	George	Merry	Steighner
Caltagirone	Gladeck	Michlovic	Stevens
Cappabianca	Godshall	Micozzie	Sweet
Carlson	Gruitza	Miller	Taylor, E. Z.
Carn	Gruppo	Moehlmann	Taylor, F.

Cawley	Hagarty	Mowery	Taylor, J.
Cessar	Harper	Mrkonic	Telek
Chadwick	Hasay	Murphy	Tigue
Cimini	Hayden	Nahill	Trello
Civera	Hayes	Noye	Truman
Clark	Heckler	O'Brien	Van Horne
Clymer	Herman	Olasz	Veon
Cohen	Hershey	Oliver	Vroon
Colafella	Hess	Perzel	Wambach
Cole	Honaman	Petrone	Wass
Cornell	Howlett	Phillips	Weston
Corrigan	Hughes	Piccola	Wilson
Cowell	Hutchinson	Pievsky	Wogan
Coy	Itkin	Pistella	Wozniak
DeLuca	Jackson	Pitts	Wright, D. R.
DeVerter	Jadlowiec	Pressmann	Wright, J. L.
DeWeese	Jarolin	Preston	Wright, R. C.
Daley	Johnson	Punt	Yandrisevits
Davies	Josephs	Raymond	
Dawida	Kasunic	Reber	Irvis,
Deal	Kennedy	Reinard	Speaker

NAYS—5

Lucyk	Melio	O'Donnell	Wiggins
NOT VOTING—3			

Haluska	LaGrotta	Morris	
EXCUSED—4			

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the amendments were agreed to.

The SPEAKER. Those members who wish to correct the record for yesterday or today, remain, please, after the rest of the members depart for just a minute and we will take your corrections of the record. We do not want to wait until next Monday to do that.

On the question recurring,

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

Mr. PICCOLA offered the following amendment No. A0800:

Amend Sec. 44 (Sec. 431), page 93, by inserting between lines 16 and 17

(e) (1) All importing distributors who are given distributing rights by an out-of-State manufacturer of malt or brewed beverages or by the primary importing distributor thereof, as herein provided, shall sell or deliver the same to each and every distributor within the specific geographic area for which said importing distributor is given or acquires distributing rights on a fair and equitable basis with respect to price and quantity: Provided, That the importing distributor shall require said distributor to agree to a contract term, in substance or effect, as follows:

The importing distributor expects that the distributor will price competitively the importing distributor's products handled by the distributor, devote reasonable effort and resources to the sale of such products and maintain a reasonable sale level.

(2) This subsection shall apply to all distributing rights granted to importing distributors, whether granted prior to or after the effective date of this subsection.

On the question,

Will the House agree to the amendment?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment would require that all importing distributors sell their product at wholesale to distributors located within their geographic marketing area. A minor problem has developed in a very few handful of cases where an importer refuses for no legitimate reason to sell to a distributor, and when he does that and takes away the product of a major portion of the market in that area, he effectively puts that distributor out of business. This is not a problem in 99 percent of the cases, but there are a handful of importing distributors who refuse to sell, and under the law as it is currently written, a distributor may not purchase the particular product outside his geographical market area. This would require that the importer sell to the distributor.

I ask for favorable consideration of the amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Will the gentleman, Mr. Piccola, submit to interrogation?

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

Mr. MANDERINO. The amendment as I read it requires the importing distributor to distribute on a fair and equitable basis with respect to price and quantity. Does that mean if you sell the same quantity to a distributor, you ought to go at the same price?

Mr. PICCOLA. I did not quite understand—I did not hear the last part of your question.

Mr. MANDERINO. Well, your amendment says that the importing distributor must treat the D distributor, so to speak, on a fair and equitable basis with respect to price and quantity. Does that mean if I am selling the same quantity to two different distributors, I ought to sell them at the same price?

Mr. PICCOLA. I do not think it would necessarily mean that.

Mr. MANDERINO. Well, what does it mean then?

Mr. PICCOLA. I think it would only have meaning with specific circumstances that you would present to me on a case-by-case basis.

Mr. MANDERINO. I gave you a case. You are selling the same quantity to two different distributors. Must it be sold at the same price?

Mr. PICCOLA. And it was the same product?

Mr. MANDERINO. Same product, same quantity.

Mr. PICCOLA. Then I would say yes, Mr. Speaker, if all other factors including quantity were equal. Yes.

Mr. MANDERINO. And if you had two distributors each wanting to receive a certain quantity, must you give each the quantity that they want to receive if you are able to do so?

Mr. PICCOLA. I do not believe so, Mr. Speaker. I say that because I think you have the right to sell the quantity that they are able through the history of their trade to move in their particular distributorship. So I do not think that would be accurate.

Mr. MANDERINO. I have no further questions.

Mr. Speaker, I have difficulty in understanding what Mr. Piccola wants to do here. He says that he wants to treat the D distributors fair and equitable in their dealings with the importing distributor, but when you sell the same quantity, you do not necessarily have to give it to them at the same price, and if they request the same quantity or a certain quantity and you have it to give, you do not have to give the one the same amount you give to the other. Well, you know, that is pretty severe discrimination so far as the D distributor is concerned. That is what he ordinarily complains about: I am not getting the product at the price others can get the product, and I am not getting as much of the product as I would like to get and I know other distributors that are getting more in my same area.

Now, if you are not going to take care of those basic complaints, I worry about what it is you are taking care of in here, and I do not understand what it is you are taking care of, so I would ask for a negative vote.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, this is a very puzzling amendment to me. I do not understand whether or not he is saying that if an importing distributor was to allow all the D distributors within a given area the right to sell his product, are you saying that they must fix the price? That is exactly what your amendment is saying to me, that you are price fixing, and that is illegal in the State of Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola. Do you wish to answer?

Mr. PICCOLA. I do not see anywhere in this amendment, Mr. Speaker, where there is a price-fixing mechanism.

The problem is this, Mr. Speaker: that the distributor must purchase the product that he sells from an importing distributor. If that importing distributor refuses to sell him the product, then he is effectively out of business because he cannot purchase that product anywhere else under the law. That is what the law now says. All this amendment is saying is that you must sell him the product at a fair and equitable price in terms of price and quantity. It is not saying what that price would be. It is not even giving any real specific guidelines as to what that should be except that it has to be fair and equitable. And it is also saying that there should be a contract between that importer and that distributor setting forth the terms and conditions of the marketing of that product. It is not setting any price, and the problem has developed, Mr. Speaker, because the law now requires that the distributor purchase from the ID, the importing distributor, of that geographic area. When that fellow refuses to sell, if he is carrying the exclusive market for a couple of products that make up the bulk of the market in that area and he refuses to sell to that D, that distributor, he has effectively put that man out of business, and this has happened or is happening in Pennsylvania in just a small number of cases.

Mr. LETTERMAN. Mr. Speaker, I would like to make a statement, please.

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

Mr. LETTERMAN. Mr. Speaker, the reason why we have importing distributors and D distributors in the State of Pennsylvania is because the importing distributor does go out and he pays more for his license; he goes out and he purchases a franchise. Now, what Mr. Piccola wants us to believe is that I do not like you, Mr. Irvis, very much, and you run a D distributorship down the road. Now, he is going to force me to sell my product to you, and I do not like you at all so I do not want to, and I have already paid for my right to that franchise. What he is really saying is that you are going to take that franchise that I have bought and purchased and worked for and built up, and now I have to give it to the D distributor to go out and peddle. That does not make good sense to me, and I do not know why we even have classifications of distributors if you are going to force them to do what you are asking them to do.

The other thing that I see is "The importing distributor expects that the distributor will price competitively the importing distributor's products handled by the distributor, devote reasonable effort and resources to the sale of such products and maintain a reasonable sale level." You know, if you meet in the beer business and you discuss prices among yourselves, that is illegal. So how can you expect a man to sit down and tell you what is the high or the low level that you can sell a case of beer for. You are price fixing. That is what you are doing no matter how you look at it.

I say that the amendment is unconstitutional, and I would like to have a vote on it.

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

The following roll call was recorded:

YEAS—83

Angstadt	Flick	Letterman	Scheetz
Argall	Fox	Lloyd	Schuler
Barley	Freind	McCall	Semmel
Black	Gladeck	McClatchy	Serafini
Book	Godshall	McHale	Sirianni
Bowser	Hagarty	McVerry	Smith, B.
Boyes	Haluska	Maine	Smith, S. H.
Brandt	Hasay	Manmiller	Snyder, D. W.
Bunt	Hayes	Merry	Snyder, G.
Burd	Heckler	Micozzie	Stairs
Cessar	Herman	Miller	Taylor, E. Z.
Chadwick	Hershey	Moehlmann	Taylor, J.
Civera	Hess	Nahill	Telek
Clark	Honaman	Noye	Tigue
Cornell	Jackson	Petrone	Trello
DeVerter	Jadlowiec	Piccola	Vroon
Dombrowski	Johnson	Pitts	Wambach
Dorr	Kenney	Reber	Wass
Durham	Langtry	Robbins	Wilson
Fargo	Lashinger	Ryan	Wright, R. C.
Farmer	Leh	Saurman	

NAYS—112

Acosta	Dawida	LaGrotta	Raymond
Asty	Deal	Laughlin	Reinard
Baldwin	Dietterick	Lescovitz	Richardson
Battisto	Distler	Levdansky	Rieger
Belardi	Donatucci	Linton	Ritter
Belfanti	Duffy	Livengood	Roebuck
Birmelin	Evans	Lucyk	Rybak
Blaum	Fee	Maiale	Saloom
Bortner	Fischer	Manderino	Seenty
Bowley	Foster	Markosek	Showers
Broujos	Freeman	Mayernik	Staback
Burns	Gallen	Melio	Steighner
Bush	Gamble	Michlovic	Stevens
Caltagirone	Gannon	Morris	Sweet
Cappabianca	Geist	Mowery	Taylor, F.
Carlson	George	Mrkonic	Truman
Carn	Gruitzka	Murphy	Van Horne
Cawley	Gruppo	O'Brien	Veon
Cimini	Harper	O'Donnell	Weston
Clymer	Hayden	Olasz	Wiggins
Colafella	Howlett	Oliver	Wogan
Cole	Hughes	Perzel	Wozniak
Corrigan	Itkin	Phillips	Wright, D. R.
Cowell	Jarolin	Pievsky	Wright, J. L.
Coy	Josephs	Pistella	Yandrisevits
DeLuca	Kasunic	Pressmann	
DeWeese	Kennedy	Preston	Irvis,
Daley	Kosinski	Punt	Speaker
Davies	Kukovich		

NOT VOTING—3

Cohen	Fattah	Hutchinson
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EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the negative, and the amendment was not agreed to.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Centre, Mr. Letterman, rise?

Mr. LETTERMAN. On the last vote on amendment A800, I thought you were taking it on the unconstitutionality of the thing, and since you voted the amendment, I voted in the affirmative. I would like to be in the negative.

The SPEAKER. All right. Your remarks will be spread upon the record.

CONSIDERATION OF HB 1000 CONTINUED

On the question recurring,

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

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

Mr. CLARK. Mr. Speaker, along those lines, I would appreciate it, if we have a motion or something, that we know what is going on. I was waiting to speak on that amendment.

The SPEAKER. The Chair did not notice you, and you were not on the Chair's list to speak. It did not deliberately ignore you, Mr. Brian Clark.

On the question recurring,
Will the House agree to the bill on third consideration as amended?
Mr. MURPHY offered the following amendment No. A0783:

Amend Bill, page 116, by inserting between lines 25 and 26
Section 58.1. The act is amended by adding a section to read:

Section 445. Limited Breweries.—(a) Holders of a limited brewery license may:

(1) Sell malt or brewed beverages produced by the limited brewery on the licensed premises under such conditions and regulations as the commission may enforce, to the commission, to individuals for consumption on or off the premises and to hotel, restaurant, club and public service liquor licensees.

(2) Operate a restaurant or brewery pub on the licensed premises under such conditions and regulations as the commission may enforce.

(b) The term "limited brewery" as used in this section shall include manufacturers of malt or brewed beverages produced within this Commonwealth not exceeding twenty thousand barrels per year.

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

My amendment establishes limited breweries, which are breweries that produce less than 20,000 barrels per year, and it permits them, under regulations from the commission, to sell the beer through the existing outlets. It also permits them to operate one restaurant or brewery pub on the premises where the manufacturing takes place. This amendment attempts to limit some of the concerns raised yesterday.

This would permit microbreweries that have been growing around the country to do business in Pennsylvania. There are a number of such breweries interested in opening and establishing their facilities in Pennsylvania. They cannot presently do that without this legislation. I believe that this would be helpful to the Commonwealth and urge your support. Thank you.

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

Mr. CLARK. Thank you, Mr. Speaker.

Yesterday I opposed an amendment that Mr. Murphy offered on microbreweries because it created more than one license for the microbrewery. This amendment tightens that language so that a microbrewery would only have one license at the premises where they make the beer. So if a manufacturer like Jim Manderino had Jim Manderino Beer and Jim Manderino Stout, a heavier beer, he would only get one license regardless of the number of brands or whatever, so that we would be able to keep control of it and allow some economic development.

I urge the adoption of this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Will the gentleman, Mr. Murphy, consent to interrogation?

The SPEAKER. Mr. Murphy indicates he will rise to interrogation. You may proceed.

Mr. MANDERINO. Mr. Speaker, as I understand the amendment being offered today, it differs from the amendment which failed yesterday in that the amendment yesterday provided for any number of different places that the 20,000 barrels could be distributed or sold. Is that correct? And this only has in the first instance the premises on which they are produced.

Mr. MURPHY. Mr. Speaker, yesterday we permitted, as we do for wine distributors, three other locations besides where it was produced. This amendment simply limits their ability to have a restaurant or pub on the facility where it is produced, so there would just be one place to sell it.

Mr. MANDERINO. All right. Under subparagraph (1) of section 445, they can "sell malt or brewed beverages produced by the limited brewery on the licensed premises under such conditions and regulations as the commission may enforce...." I am not sure of what the rest of the language is saying. What does your language after "may enforce" relate to - "to the commission, to individuals for consumption on or off the premises and to hotel, restaurant, club and public service liquor licensees"?

Mr. MURPHY. What it indicates is that the commission may permit them to— If, for example, a hotel in Harrisburg wanted to sell Pennsylvania Pilsner, the commission could permit them to sell Pennsylvania Pilsner beer, if it were produced in a limited brewery, in that hotel, but it could be sold at other locations as regulated by the commission.

Mr. MANDERINO. I am still confused by the wording "to the commission" in the third sentence, what that is there for.

Mr. MURPHY. It says that it can sell to the commission if the—

Mr. MANDERINO. All right. I am sorry.

Mr. MURPHY. If the commission had an interest in distributing Pennsylvania Beer or Jim Manderino Beer, if there were such a beer manufactured, the commission could and would have the power under their regulations to purchase that beer from this limited brewery.

Mr. MANDERINO. Would the limited brewery then have the power also, because of the words "to individuals for consumption on or off the premises—" Would that mean that this brewery could deliver to people's homes in Pennsylvania?

Mr. MURPHY. That would not be my intention, Mr. Speaker. My intention would be that the commission could sell the beer to individuals through the regular system. My assumption is the commission by this language has the power to regulate that, and so they could do that.

Mr. MANDERINO. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—114

Acosta	Durham	Langtry	Preston
Angstadt	Farmer	Lashinger	Punt
Argall	Fattah	Leh	Raymond
Baldwin	Flick	Lescovitz	Reber

Battisto	Fox	Letterman	Reinard
Belardi	Freeman	Levdansky	Richardson
Book	Freind	Linton	Ritter
Bowley	Gallen	Lucyk	Roebuck
Bowser	Gamble	McHale	Saurman
Brandt	Gannon	McVerry	Semmel
Broujos	Geist	Maiale	Serafini
Burd	Gladeck	Maine	Snyder, D. W.
Burns	Godshall	Markosek	Steighner
Caltagirone	Gruitza	Merry	Stevens
Cawley	Gruppo	Michlovic	Sweet
Cessar	Hagarty	Miller	Taylor, F.
Chadwick	Harper	Moehlmann	Taylor, J.
Clark	Hayden	Morris	Van Horne
Colafella	Heckler	Mrkonic	Veon
Cole	Hershey	Murphy	Weston
Cornell	Honaman	Nahill	Wiggins
Cowell	Howlett	O'Brien	Wilson
DeLuca	Itkin	O'Donnell	Wogan
DeWeese	Jarolin	Olasz	Wozniak
Davies	Kasunic	Perzel	Wright, D. R.
Dawida	Kennedy	Petrone	Wright, R. C.
Dietterick	Kenney	Pievsky	
Distler	Kosinski	Pistella	
Duffy	Kukovich	Pressmann	

NAYS—79

Arty	Dombrowski	Laughlin	Saloom
Barley	Donatucci	Livengood	Scheetz
Belfanti	Dorr	Lloyd	Schuler
Birmelin	Evans	McCall	Seventy
Black	Fargo	McClatchy	Showers
Blaum	Fee	Manderino	Smith, B.
Bortner	Fischer	Manmiller	Smith, S. H.
Boyes	Foster	Mayernik	Snyder, G.
Bunt	George	Melio	Staback
Bush	Haluska	Micozzie	Stairs
Cappabianca	Hasay	Mowery	Taylor, E. Z.
Carlson	Hayes	Noye	Telek
Cimini	Herman	Oliver	Tigue
Civera	Hess	Phillips	Trello
Clymer	Hughes	Piccola	Vroon
Cohen	Hutchinson	Pitts	Wambach
Corrigan	Jackson	Rieger	Wass
Coy	Jadlowiec	Robbins	Wright, J. L.
DeVerter	Johnson	Ryan	Yandrisevits
Daley	LaGrotta	Rybak	

NOT VOTING—5

Carn	Josephs	Sirianni	Truman
Deal			

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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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. BOWSER offered the following amendments No. A0676:

Amend Sec. 95 (Sec. 505.2), page 187, line 14, by inserting after "wines"

and wine coolers

Amend Sec. 95 (Sec. 505.2), page 187, line 17, by inserting after "wine"

and wine coolers

Amend Sec. 95 (Sec. 505.2), page 187, line 27, by inserting after "wine"

and wine coolers

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

This is a technical amendment. What it would do is put specific language into the limited wineries law to allow them to make coolers. Now, there are two limited wineries doing it on the strength of what the LCB has said, that it is in fact legal, but the other people are a little skeptical that possibly down the road they would change their interpretation. So all I am doing is putting specific language in for limited wineries. Now, the marketing would be the same as is in the law now for their other wines; there would be no additional marketing of these wine coolers.

I would appreciate a little help on this. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, would the gentleman, Mr. Bowser, consent to interrogation?

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

Mr. MANDERINO. Mr. Speaker, it is my understanding that certain limited wineries in Pennsylvania already feel that they have the authority to make wine coolers.

Mr. BOWSER. The LCB has told me they do, but there is no specific language. They are interpreting it as a wine product in the law right now.

Mr. MANDERINO. So you are just really clarifying what the LCB has already indicated is a permitted practice of Pennsylvania wineries.

Mr. BOWSER. Right. I have asked the Reference Bureau to put language together so that it is specifically in there. Right.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. BOWSER. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Acosta	Dombrowski	Laughlin	Rieger
Angstadt	Donatucci	Leh	Ritter
Argall	Dorr	Lescovitz	Robbins
Arty	Duffy	Letterman	Roebuck
Baldwin	Durham	Levdansky	Ryan
Barley	Evans	Linton	Rybak
Battista	Fargo	Livengood	Saloom
Belardi	Farmer	Lloyd	Saurman
Belfanti	Fattah	Lucyk	Scheetz
Birmelin	Fee	McCall	Schuler
Black	Flick	McClatchy	Semmel
Blaum	Foster	McHale	Serafini
Book	Fox	McVerry	Seventy
Bortner	Freeman	Maiale	Showers
Bowley	Freind	Maine	Sirianni
Bowser	Gallen	Manderino	Smith, B.
Boyes	Gamble	Manmiller	Smith, S. H.
Brandt	Gannon	Markosek	Snyder, D. W.
Broujos	Geist	Mayernik	Snyder, G.
Bunt	George	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner

Bush	Gruitz	Micozzie	Stevens
Caltagirone	Gruppo	Miller	Sweet
Cappabianca	Hagarty	Moehlmann	Taylor, E. Z.
Carlson	Harper	Morris	Taylor, F.
Carn	Hasay	Mowery	Taylor, J.
Cawley	Hayden	Mrkonic	Telek
Cessar	Hayes	Murphy	Tigue
Chadwick	Heckler	Nahill	Trello
Cimini	Herman	Noye	Truman
Civera	Hershey	O'Brien	Van Horne
Clark	Hess	O'Donnell	Veon
Clymer	Honaman	Olasz	Vroon
Colafella	Howlett	Oliver	Wambach
Cole	Itkin	Perzel	Wass
Cornell	Jackson	Petrone	Weston
Corrigan	Jadlowiec	Phillips	Wiggins
Cowell	Jarolin	Piccola	Wilson
Coy	Johnson	Pievsky	Wogan
DeLuca	Josephs	Pistella	Wozniak
DeVerter	Kasunic	Pitts	Wright, D. R.
DeWeese	Kennedy	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kosinski	Punt	Yandrisevits
Dawida	Kukovich	Raymond	
Deal	LaGrotta	Reber	
Dieterick	Langtry	Reinard	
Distler	Lashinger	Richardson	Speaker

NAYS—2

Fischer Hughes

NOT VOTING—3

Cohen Haluska Hutchinson

EXCUSED—4

Dininni Petrarca Rudy Stuban

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. LAUGHLIN offered the following amendments No. A0795:

Amend Sec. 4 (Sec. 102), page 18, by inserting between lines 19 and 20

“Wine coolers” shall mean a wine-based beverage with an alcohol content of less than eight per centum consisting of a blend of wine, fruit pulp and/or fruit juices and other ingredients.

Amend Sec. 29 (Sec. 407), page 54, line 2, by inserting after “Beverages”

and Wine Coolers

Amend Sec. 29 (Sec. 407), page 54, line 6, by inserting after “beverages”

and wine coolers

Amend Sec. 29 (Sec. 407), page 54, line 9, by inserting after “beverages”

and wine coolers

Amend Sec. 29 (Sec. 407), page 54, line 14, by inserting after “beverages”

and wine coolers

Amend Sec. 43 (Heading), page 86, line 5, by inserting after “Beverages”

and Wine Coolers

Amend Sec. 44 (Sec. 431), page 86, line 17, by inserting after “beverages”

and wine coolers

Amend Sec. 44 (Sec. 431), page 87, line 6, by inserting after “beverages” where it appears the second time

and wine coolers

Amend Sec. 44 (Sec. 431), page 87, line 8, by inserting after “beverages” where it appears the first time and wine coolers

Amend Sec. 44 (Sec. 431), page 87, line 8, by inserting after “beverages” where it appears the second time and wine coolers

Amend Sec. 44 (Sec. 431), page 88, line 1, by inserting after “beverages” and wine coolers

Amend Sec. 44 (Sec. 431), page 88, line 18, by inserting after “beverages” and wine coolers

Amend Sec. 44 (Sec. 431), page 88, line 25, by inserting after “beverages” and wine coolers

Amend Sec. 44 (Sec. 431), page 88, line 27, by inserting after “beverages” and wine coolers

Amend Sec. 44 (Sec. 431), page 89, line 2, by inserting after “beverages” and wine coolers

Amend Sec. 44 (Sec. 431), page 89, line 14, by inserting after “beverages” and wine coolers

Amend Sec. 44 (Sec. 431), page 90, line 10, by inserting after “affected.”

All wine coolers shall remain subject to the act of June 9, 1936 (1st Sp.Sess., P.L.13, No.4), entitled, as reenacted and amended, “An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board.” All wine coolers shall remain subject to Article II of the act of March 4, 1971 (P.L.6, No.2), known as the “Tax Reform Code of 1971.” All wine coolers for sale under this act shall be purchased from or through the Pennsylvania State Store system. The commission is authorized to promulgate regulations to carry out this requirement.

Amend Sec. 45 (Sec. 432), page 93, line 21, by inserting after “Beverages”

and Wine Coolers

Amend Sec. 45 (Sec. 432), page 96, line 5, by inserting after “beverages”

and wine coolers

Amend Sec. 45 (Sec. 432), page 96, line 6, by inserting after “beverages”

and wine coolers

Amend Sec. 45 (Sec. 432), page 96, line 12, by inserting after “beverages”

and wine coolers

Amend Sec. 52 (Sec. 438), page 106, line 3, by inserting after “beverages”

and wine coolers

Amend Sec. 52 (Sec. 438), page 106, line 4, by inserting after “beverages”

and wine coolers

Amend Sec. 55 (Sec. 441), page 108, line 19, by inserting after “beverages”

and wine coolers

Amend Sec. 55 (Sec. 441), page 108, line 23, by inserting after “beverages”

and wine coolers

Amend Sec. 55 (Sec. 441), page 108, line 29, by inserting after “beverages”

and wine coolers

Amend Sec. 55 (Sec. 441), page 109, line 7, by inserting after “beverages”

and wine coolers

Amend Sec. 55 (Sec. 441), page 109, line 14, by inserting after "beverages"
and wine coolers
 Amend Sec. 56 (Sec. 442), page 109, line 22, by inserting after "beverages"
and wine coolers
 Amend Sec. 56 (Sec. 442), page 109, line 28, by inserting after "beverages"
and wine coolers
 Amend Sec. 56 (Sec. 442), page 110, line 1, by inserting after "beverages"
and wine coolers
 Amend Sec. 56 (Sec. 442), page 110, line 4, by inserting after "beverages"
and wine coolers
 Amend Sec. 56 (Sec. 442), page 110, line 8, by inserting after "beverages"
and wine coolers
 Amend Sec. 56 (Sec. 442), page 110, line 12, by inserting after "beverages"
and wine coolers

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

AMENDMENTS WITHDRAWN

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

Mr. LAUGHLIN. Mr. Speaker, the amendment was drafted because yesterday Representative Sweet was successful in passing his amendment on wine coolers. Since that was now defeated today, there is no need for it, Mr. Speaker, and I would ask that it be withdrawn.

The SPEAKER. The Chair thanks the gentleman. The amendment is withdrawn.

FILMING PERMISSION

The SPEAKER. Permission is given to Jim Pianka of channel 29 to videotape on the floor.

CONSIDERATION OF HB 1000 CONTINUED

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

Mr. CAWLEY offered the following amendments No. A0797:

Amend Title, page 1, line 24, by striking out "and"
 Amend Title, page 1, line 25, by removing the period after "appropriations" and inserting
 ; and providing for retirement incentives for certain employees.

Amend Sec. 143, page 264, line 22, by inserting after "Police."

An enforcement officer who is transferred under this subsection shall receive an additional three years of credited service under the State Employees' Retirement System of Pennsylvania if, after the effective date of this act and before December 31, 1987, the enforcement officer retires at 50 years of age or older with a minimum of 17 years of credited service.

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

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

Mr. CAWLEY. Thank you, Mr. Speaker.

This is an early retirement amendment, Mr. Speaker. This would allow enforcement officers who are transferred to the State Police division and have 17 years of working time and are 50 years of age to be credited with 3 years of service and they would be eligible to retire, sort of like if they do not like it, they can get an early retirement, Mr. Speaker.

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

Mr. MANDERINO. I hate to ask the question. Does this amendment have a fiscal note, Mr. Speaker?

The SPEAKER. The Chair is not aware of any fiscal note. Did you ask for a fiscal note, Mr. Cawley?

Mr. CAWLEY. No, I did not, Mr. Speaker, but if you would like to hold the bill up, I will.

AMENDMENTS WITHDRAWN

The SPEAKER. Mr. Cawley, in all fairness to you, this does require a fiscal note before the House can consider it. I suggest that you withdraw it.

Mr. CAWLEY. All right, Mr. Speaker. I will do that, and I will send it over to the Senate. Thank you.

The SPEAKER. Thank you.

Why does the gentleman from Blair, Mr. Geist, rise?

Mr. GEIST. Mr. Speaker, I had sent up earlier today for an amendment. That amendment has not come down yet. If I may explain it, then there would be no need to run it.

The SPEAKER. No, you may not explain an amendment on the floor which is not on the floor, and, no, we may not run an amendment which is not here.

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—166

Acosta	Dawida	Kukovich	Richardson
Angstadt	Deal	LaGrotta	Rieger
Argall	Dieterick	Lashinger	Ritter
Arty	Distler	Laughlin	Robbins
Baldwin	Dombrowski	Leh	Roebuck
Barley	Donatucci	Lescovitz	Rybak
Battisto	Dorr	Letterman	Saloom
Belardi	Duffy	Levdansky	Scheetz
Belfanti	Durham	Linton	Schuler
Birmelin	Evans	Livengood	Semmel
Black	Fattah	Lloyd	Serafini
Blaum	Fee	Lucyk	Seventy
Bortner	Fischer	McCall	Showers
Bowley	Foster	McHale	Sirianni
Bowser	Freeman	Maiale	Smith, S. H.

Boyes	Freind	Maine	Snyder, G.
Brandt	Gallen	Manderino	Staback
Broujos	Gamble	Manmiller	Stairs
Burns	Gannon	Markosek	Steighner
Bush	George	Mayernik	Stevens
Caltagirone	Gladeck	Melio	Sweet
Cappabianca	Gruitza	Michlovic	Taylor, E. Z.
Carlson	Gruppo	Micozzie	Taylor, F.
Carn	Haluska	Miller	Telek
Cawley	Harper	Morris	Tigue
Cessar	Hasay	Mrkonic	Trello
Chadwick	Hayden	Murphy	Truman
Cimini	Hayes	Noye	Van Horne
Civera	Herman	O'Brien	Veon
Clark	Hershey	O'Donnell	Wambach
Clymer	Hess	Olasz	Wass
Cohen	Howlett	Oliver	Weston
Colafella	Hughes	Perzel	Wiggins
Cole	Hutchinson	Petrone	Wogan
Corrigan	Itkin	Phillips	Wozniak
Cowell	Jadlowiec	Piccola	Wright, D. R.
Coy	Jarolin	Pievsky	Wright, J. L.
DeLuca	Johnson	Pistella	Wright, R. C.
DeVerter	Josephs	Pitts	Yandrisevits
DeWeese	Kasunic	Pressmann	
Daley	Kenney	Preston	Irvins,
Davies	Kosinski	Raymond	Speaker

NAYS—32

Book	Geist	McClatchy	Reinard
Bunt	Godshall	McVerry	Ryan
Burd	Hagarty	Merry	Saurman
Cornell	Heckler	Moehlmann	Smith, B.
Fargo	Honaman	Mowery	Snyder, D. W.
Farmer	Jackson	Nahill	Taylor, J.
Fox	Kennedy	Punt	Vroon
	Langtry	Reber	Wilson

NOT VOTING—0

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

RESOLUTIONS

Mr. WOZNIAK called up HR 13, PN 152, entitled:

Memorializing Congress to study the possibility of erecting a memorial for the soldiers who served during the Korean War.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Acosta	Distler	LaGrotta	Richardson
Angstadt	Dombrowski	Langtry	Rieger
Argall	Donatucci	Lashinger	Ritter
Arty	Dorr	Laughlin	Robbins
Baldwin	Duffy	Leh	Roebuck
Barley	Durham	Lescovitz	Ryan
Battisto	Evans	Letterman	Rybak
Belardi	Fargo	Levdansky	Saloom
Belfanti	Farmer	Livengood	Saurman
Birmelin	Fee	Lloyd	Scheetz
Black	Fischer	Lucyk	Schuler

Blaum	Flick	McCall	Semmel
Book	Foster	McClatchy	Serafini
Bortner	Fox	McHale	Seventy
Bowley	Freeman	McVerry	Showers
Bowser	Gallen	Maiale	Sirianni
Boyes	Gamble	Maine	Smith, B.
Brandt	Gannon	Manderino	Smith, S. H.
Broujos	Geist	Manmiller	Snyder, D. W.
Bunt	George	Markosek	Snyder, G.
Burd	Gladeck	Mayerik	Staback
Burns	Godshall	Meilio	Stairs
Bush	Gruitza	Merry	Steighner
Carn	Hayden	Hayden	Taylor, E. Z.
Cawley	Herman	Hayes	Taylor, F.
Cessar	Hasay	Herman	Taylor, J.
Clark	Hershey	Hess	Telek
Clymer	Hess	Hickler	Tigue
Cohen	Howlett	Herman	Trell
Colafella	Hughes	Hughes	Truman
Cole	Hutchinson	Hughes	Van Horne
Corrigan	Itkin	Jackson	Veon
Cowell	Jadlowiec	Jackson	Wambach
Coy	Jarolin	Jarolin	Wass
DeLuca	Johnson	Johnson	Wiggins
DeVerter	Josephs	Josephs	Wozniak
DeWeese	Kasunic	Kasunic	Wright, J. L.
Daley	Kenney	Kennedy	Yandrisevits
Davies	Kosinski	Kosinski	Speaker

NAYS—0

NOT VOTING—9

DeWeese	Haluska	Miller	Wright, D. R.
Fattah	Linton	Perzel	Wright, R. C.

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. FOX called up HR 58, PN 1033, entitled:

Directing the Education Committee to study the Special Education Program of the Commonwealth of Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta	Dombrowski	LaGrotta	Reber
Angstadt	Donatucci	Langtry	Reinard
Argall	Dorr	Lashinger	Rieger
Arty	Ferguson	Ritter	Robbins
Baldwin	Frost	Robbins	Roebuck
Barley	Duffy	Roebuck	Ryan
Battisto	Durham	Ryan	Rybak
Belardi	Evans	Rybak	Saloom
Belfanti	Fargo	Saloom	Saurman
Birmelin	Fee	Saurman	Scheetz
Black	Fischer	Scheetz	Schuler
	Black	Shuler	Semmel
	Blaum	Shuler	
	Flick	Shuler	

Book	Foster	McCall	Serafini
Bortner	Fox	McClatchy	Seventy
Bowley	Freeman	McHale	Showers
Bowser	Freind	McVerry	Sirianni
Boyes	Gallen	Smith, B.	Smith, B.
Brandt	Gamble	Maine	Smith, S. H.
Broujos	Gannon	Manderino	Snyder, D. W.
Bunt	Geist	Mannmiller	Snyder, G.
Burd	George	Markosek	Staback
Burns	Gladeck	Mayernik	Stairs
Bush	Godshall	Melio	Steighner
Caltagirone	Gruitza	Merry	Stevens
Cappabianca	Gruppo	Michlovic	Taylor, E. Z.
Carlson	Harper	Micozzie	Taylor, F.
Carn	Hasay	Moehlmann	Taylor, J.
Cawley	Hayden	Morris	Telek
Cessar	Hayes	Mowery	Tigue
Chadwick	Heckler	Mrkonic	Trello
Cimini	Herman	Murphy	Truman
Civera	Hershey	Nahill	Van Horne
Clark	Hess	Noye	Veon
Clymer	Honaman	O'Brien	Vroon
Cohen	Howlett	O'Donnell	Wambach
Colafella	Hughes	Olasz	Wass
Cole	Hutchinson	Oliver	Weston
Cornell	Itkin	Perzel	Wiggins
Corrigan	Jackson	Petrone	Wilson
Cowell	Jadlowiec	Phillips	Wogan
Coy	Jarolin	Piccola	Wozniak
DeLuca	Johnson	Pievsky	Wright, D. R.
DeVerter	Josephs	Pistella	Wright, J. L.
Daley	Kasunic	Pitts	Wright, R. C.
Davies	Kennedy	Pressmann	Yandrisevits
Dawida	Kenney	Preston	
Deal	Kosinski	Punt	
Dietterick	Kukovich	Raymond	
Distler			Speaker

NAYS—0

NOT VOTING—7

DeWeese	Haluska	Richardson	Sirianni
Hagarty	Miller	Ritter	

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mrs. LANGTRY called up HR 80, PN 1228, entitled:

Honoring the Girl Scouts on the 75th Anniversary of the organization.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Langtry	Richardson
Angstadt	Dorr	Lashinger	Rieger
Argall	Duffy	Laughlin	Ritter
Arty	Durham	Leh	Robbins
Baldwin	Evans	Lescovitz	Roebeck
Barley	Fargo	Letterman	Ryan
Battisto	Farmer	Levdansky	Rybak
Belardi	Fattah	Linton	Saloom
Belfanti	Fee	Livengood	Saurman
Birmelin	Fischer	Lloyd	Scheetz
Black	Flick	Lucyk	Schuler
Blbaum	Foster	McClatchy	Semmel
Book	Fox	Freind	Serafini

Bortner	Freeman	McHale	Seventy
Bowley	Freind	McVerry	Showers
Bowser	Gallen	Maiale	Sirianni
Boyes	Smith, B.	Maine	Smith, S. H.
Brandt	Smith, S. H.	Manderino	Snyder, D. W.
Broujos	Snyder, D. W.	Manmiller	Snyder, G.
Bunt	Snyder, G.	Markosek	Staback
Burd	Staback	Gladeck	Melio
Burns	Stairs	Godshall	Stairs
Bush	Steighner	Gruitza	Steighner
Caltagirone	Melio	Gruppo	Michlovic
Cappabianca	Sweet	Cappabianca	Stevens
Carlson	Taylor, E. Z.	Hagarty	Micozzie
Carn	Taylor, F.	Carlson	Taylor, E. Z.
Cawley	Taylor, J.	Cimini	Taylor, F.
Cessar	Telek	Civera	Truman
Chadwick	Tigue	Clark	Van Horne
Cimini	Trello	Clymer	Veon
Civera	Heckler	Cohen	Vroon
Clark	Herman	Colafella	Wambach
Clymer	Murphy	Cole	Wass
Cohen	Truman	Cornell	Weston
Colafella	Nahill	Corrigan	Wiggins
Cole	Van Horne	Cowell	Wilson
Cornell	Veon	Coy	Wogan
Corrigan	Veon	DeLuca	Wozniak
Cowell	Vroon	DeVerter	Wright, D. R.
Coy	Wambach	Daley	Wright, J. L.
DeLuca	Wass	Davies	Wright, R. C.
DeVerter	Wass	Dawida	Yandrisevits
Daley	Weston	Deal	
Davies	Wiggins	Dietterick	
Dawida	Wilson	Distler	
Deal	Wilson	Dombrowski	
Dietterick	Wigan		Speaker
Distler			

NAYS—0

NOT VOTING—2

DeWeese	Miller
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EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. DISTLER called up HR 81, PN 1229, entitled:

Designating the month of May 1987 as "Project Graduation Awareness Month."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Acosta	Duffy	Laughlin	Ritter
Argall	Durham	Leh	Robbins
Arty	Evans	Lescovitz	Roebuck
Baldwin	Fargo	Letterman	Ryan
Barley	Farmer	Levdansky	Rybak
Battisto	Fee	Fee	Saloom
Belardi	Fischer	Fischer	Saurman
Belfanti	Flick	Flick	Scheetz
Birmelin	Black	Black	Schuler
Black	Blaum	Blaum	Semmel
Blbaum	Foster	Foster	McClatchy
Book	Book	Fox	McHale
Book	Bowley	Freeman	Serafini
Book	Freind	McVerry	Seventy
Book	Gamble	Maiale	Showers
Book	Gannon	Maine	Sirianni

Brandt	Geist	Manderino	Smith, B.
Broujos	George	Manmiller	Smith, S. H.
Bunt	Gladeck	Markosek	Snyder, D. W.
Burd	Godshall	Mayernik	Snyder, G.
Burns	Gruitza	Melio	Staback
Bush	Gruppo	Merry	Stairs
Caltagirone	Hagarty	Michlovic	Steighner
Cappabianca	Haluska	Micozzie	Stevens
Carlson	Harper	Moehlmann	Sweet
Carn	Hasay	Morris	Taylor, E. Z.
Cessar	Hayden	Mowery	Taylor, F.
Chadwick	Hayes	Mrkonic	Taylor, J.
Cimini	Heckler	Murphy	Telek
Civera	Herman	Nahill	Tigue
Clark	Hershey	Noye	Trello
Clymer	Hess	O'Brien	Truman
Cohen	Honaman	O'Donnell	Van Horne
Colafella	Howlett	Olasz	Veon
Cole	Hughes	Oliver	Vroon
Cornell	Hutchinson	Perzel	Wambach
Corrigan	Itkin	Petrone	Was
Cowell	Jackson	Phillips	Weston
Coy	Jadlowiec	Piccola	Wiggins
DeLuca	Jarolin	Pievsky	Wilson
DeVerter	Johnson	Pistella	Wogan
Daley	Josephs	Pitts	Wozniak
Davies	Kasunic	Pressmann	Wright, D. R.
Dawida	Kennedy	Preston	Wright, J. L.
Deal	Kenney	Punt	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Distler	Kukovich	Reber	
Dombrowski	LaGrotta	Reinard	Irvis,
Donatucci	Langtry	Richardson	Speaker
Dorr	Lashinger	Rieger	

NAYS—0

NOT VOTING—9

Angstadt	Cawley	Fattah	Linton
Battisto	DeWeese	Gallen	Miller
Bortner			

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. RYBAK called up HR 82, PN 1222, entitled:

Recognizing the United Way in this year of its centennial, 1987.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Acosta	Donatucci	Langtry	Richardson
Angstadt	Dorr	Lashinger	Rieger
Argall	Duffy	Laughlin	Ritter
Asty	Durham	Leh	Robbins
Baldwin	Evans	Lescovitz	Roebuck
Barley	Fargo	Letterman	Ryan
Battisto	Farmer	Levdansky	Rybak
Belardi	Fattah	Linton	Saloom
Belfanti	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Blaum	Flick	Lucyk	Schuler
Book	Foster	McCall	Semmel
Bortner	Fox	McClatchy	Serafini
Bowley	Freeman	McHale	Seventy
Bowser	Freind	McVerry	Showers
Boyes	Gallen	Maiale	Sirianni

Brandt	Gamble	Maine	Smith, B.
Broujos	Gannon	Manderino	Smith, S. H.
Bunt	Geist	Manmiller	Snyder, D. W.
Burd	George	Markosek	Snyder, G.
Burns	Gladeck	Mayernik	Staback
Bush	Godshall	Melio	Stairs
Caltagirone	Gruitza	Merry	Steighner
Cappabianca	Gruppo	Michlovic	Stevens
Carlson	Hagarty	Micozzie	Sweet
Carn	Haluska	Moehlmann	Taylor, E. Z.
Cessar	Hasay	Morris	Taylor, F.
Chadwick	Hayden	Mowery	Taylor, J.
Cimini	Heckler	Mrkonic	Telek
Civera	Herman	Nahill	Tigue
Clark	Hershey	Trello	Trello
Clymer	Hess	O'Brien	Truman
Cohen	Honaman	O'Donnell	Van Horne
Colafella	Howlett	Olasz	Veon
Cole	Hughes	Oliver	Vroon
Cornell	Hutchinson	Perzel	Wambach
Corrigan	Itkin	Petrone	Wass
Cowell	Jackson	Phillips	Weston
Coy	Jadlowiec	Piccola	Wiggins
DeLuca	Jarolin	Pievsky	Wilson
DeVerter	Johnson	Pistella	Wogan
Daley	Josephs	Pitts	Wozniak
Davies	Kasunic	Pressmann	Wright, D. R.
Dawida	Kennedy	Preston	Wright, J. L.
Deal	Kenney	Punt	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Distler	Kukovich	Reber	
Dombrowski	LaGrotta	Reinard	Irvis,
Donatucci	Langtry	Richardson	Speaker
Dorr	Lashinger	Rieger	

NAYS—0

NOT VOTING—3

Birmelin	Hayden	Miller
EXCUSED—4		

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

ADDITIONS OF SPONSORS

The SPEAKER. On HR 82 it has been suggested to the Chair that all the members of the House may wish to attach their names to this resolution. Unless you are in objection and you file that with the amendment clerk, we will attach all the names of the people sitting on the floor of the House to that resolution. If you have an objection to that, notify the amendment clerk and your name will not be attached.

* * *

Mr. KUKOVICH called up HR 88, PN 1224, entitled:

Designating the month of May, 1987 as "WIC Works Month" in the Commonwealth of Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Acosta	Dombrowski	Langtry	Richardson
Angstadt	Donatucci	Lashinger	Rieger
Argall	Dorr	Laughlin	Ritter
Asty	Duffy	Leh	Robbins
Baldwin	Durham	Lescovitz	Roebuck

Barley	Evans	Letterman	Ryan
Battisto	Fargo	Levdansky	Rybak
Belardi	Farmer	Linton	Saloom
Belfanti	Fattah	Livengood	Saurman
Birmelin	Fee	Lloyd	Scheetz
Black	Fischer	Lucyk	Schuler
Blaum	Flick	McCall	Semmel
Book	Foster	McClatchy	Serafini
Bortner	Fox	McHale	Seenty
Bowley	Freeman	McVerry	Showers
Bowser	Freind	Maiiale	Sirianni
Boyes	Gallen	Maine	Smith, B.
Brandt	Gamble	Manderino	Smith, S. H.
Broujos	Gannon	Manmiller	Snyder, D. W.
Bunt	Geist	Markosek	Snyder, G.
Burd	George	Mayernik	Staback
Burns	Gladeck	Melio	Stairs
Bush	Godshall	Merry	Steighner
Caltagirone	Gruitza	Michlovic	Stevens
Cappabianca	Gruppo	Micozzie	Sweet
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Tigue
Cimini	Hayes	Nahill	Trello
Civera	Heckler	Noye	Truman
Clark	Herman	O'Brien	Van Horne
Clymer	Hershey	O'Donnell	Veon
Cohen	Hess	Olasz	Vroon
Colafella	Honaman	Oliver	Wambach
Cole	Howlett	Perzel	Wass
Cornell	Hughes	Petrone	Weston
Corrigan	Itkin	Phillips	Wiggins
Cowell	Jackson	Piccola	Wilson
Coy	Jadlowiec	Pievsky	Wogan
DeLuca	Jarolin	Pistella	Wozniak
DeVerter	Johnson	Pitts	Wright, D. R.
DeWeese	Josephs	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kennedy	Punt	Yandrisevits
Dawida	Kenney	Raymond	
Deal	Kosinski	Reber	
Dietterick	Kukovich	Reinard	
Distler	LaGrotta		Speaker

NAYS—0

NOT VOTING—2

Hutchinson	Miller		
		EXCUSED—4	

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. GEORGE called up HR 92, PN 1261, entitled:

Directing the House Committee on Conservation to hold hearings on the environmental impact of mass burn incineration plants.

On the question,

Will the House adopt the resolution?

The SPEAKER. On HR 92, the Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. I would like to question the maker of this resolution, if I could, please, on HR 92.

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

Mr. GODSHALL. There are presently two methods of disposing of trash, either bury it or burn it, and we are running out of a lot of burial sites. Down in southeastern Pennsylvania we have a number of projects that are on the books for the mass burning of trash. Will this resolution in any way interfere with those plants that we are planning to build? They are in Lancaster County, Montgomery County, Delaware County, et cetera, and we are trying to dispose of the trash through the mass burning methods. Most of our landfills have been closed. Will this resolution interfere?

Mr. GEORGE. Absolutely not.

Mr. GODSHALL. The money that we have spent and so forth, there will not be a holdup of a year or more before regulations come down from DER (Department of Environmental Resources) changing the concept of mass burning as we presently know it.

Mr. GEORGE. I am sorry. I did not hear the gentleman.

Mr. GODSHALL. There will be no regulations coming down from DER putting on hold everything that is on the books as of right now.

Mr. GEORGE. The purpose of the resolution before you, Mr. Speaker, is that a couple of weeks ago a resolution was passed because there were so many legislators who wanted an unbiased report on the issue of burning, but there was not enough time, and because we have had a request from at least 10 legislators from both sides of the aisle to maybe come into their area to get an unbiased opinion on both sides of the issue is the only reason that we have asked for an extension of time. That has nothing to do with a moratorium; it has nothing to do with an anticipated upstart of an incineration project. Absolutely not.

Mr. GODSHALL. Okay. We spent about one-half million dollars in my district putting a mass burning plant together, and I just do not want to see that go down the drain or wasted for a year before we can get going. Thank you, Mr. Speaker.

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

Mr. REBER. Mr. Speaker, I have an amendment. It had been given to the amendment clerk approximately 2 hours ago.

The SPEAKER. Has the amendment been circulated? It is. All right. The Chair was unaware of that.

On the question recurring,

Will the House adopt the resolution?

Mr. REBER offered the following amendment No. A0803:

Amend last Resolve Clause, page 1, lines 16 and 17, by striking out "one year" and inserting six months

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.

It is a very simple amendment and I think now, in light of the prior debate that was just held between Representative Godshall and Representative George, may very well alleviate any possible fears whatsoever of repercussions as Representative Godshall has expressed. The amendment simply takes the 1-year extension and limits the time period to 6 months.

As a member of the Conservation Committee, I was present at a recent hearing that we held on this particular issue approximately 10 to 14 days ago. I think that with the numerous requests as Representative George has expressed that we have had, we can certainly accommodate all those and any reasonable requests within a 6-month period. I think it is imperative, Mr. Speaker, that we move forward as rapidly and as expeditiously as possible but also be appropriately pragmatic and deliberate in our deliberation, and I think we can certainly do this in a 6-month period. We are going to have a number of recesses and a summer recess and what have you, that this matter can be taken a hard and fast look at but yet move forward with dispatch.

I do not think there is any particular issue facing this Commonwealth any more critical than solid waste and anything that we have to do with aspects of potential pollution to the environment. But by the same token, Mr. Speaker, the longer we dawdle on moving forward with solid waste initiatives, with new high-technological proposals and what have you, we are also contributing to the ongoing solid waste crisis. I think that there may be hysteria that develops out of this particular issue and I think it is incumbent upon us to move forward with absolutely the most deliberate but yet quick dispatch in resolving this problem, and I, for one, as a member of the House Conservation Committee, stand ready to move forward around the clock, if you will, to determine and come forward with a report which will in fact take care of the particular concerns that had the genesis in HR 28 that brought about this particular investigation in the first instance.

Therefore, Mr. Speaker, I think that it is in the best interests of those projects that are already on line in regard to the many projects that are already in the planning stages that have bond issues tacked on to them that may very well be jeopardized to the public and private financing proposals that are integrated into those particular proposals, but most importantly, Mr. Speaker, I think the commitment of this General Assembly must begin to show in the area of forceful and pragmatic environmental initiatives.

Let us stop talking about it and let us put something on the books that means something. I think this is one way we can do it - move forward quickly with a pragmatic report, report back to this body, and move forward. I would ask that we take a 6-month-period-of-time extension. That is all we need. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, the matter before us is important. I have no objection to cutting it to 6 months if the gentleman feels it can be done. I simply will come back to the legis-

lature, should there be any unanswered questions, knowledgeable that you will agree and we will extend it if additional time is needed. So we can concur with the amendment; there is no problem. If there is interest in what they are saying and what they are thinking, we can work with anybody and we can bring this solution about. This has been ongoing. We are willing to work in an unbiased, nonpartisan way to be able to resolve the matter.

If my colleague, Mr. Hasay, can agree, I can attest that we can accept it.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

I, too, feel that it is fine if the gentleman from Montgomery wants to have it for 6 months. But I would like to bring to the attention of the members that this HR 92 is not the moratorium legislation that would limit the construction of incinerators, and I, too, would oppose the moratorium.

All this resolution and the amendment will do is allow the House Conservation Committee to conduct their public hearings towards what the environmental impact is on incineration and not moratorium. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Lashinger	Richardson
Argall	Dorr	Laughlin	Rieger
Aryt	Duffy	Leh	Ritter
Baldwin	Durham	Lescovitz	Robbins
Barley	Evans	Letterman	Roebuck
Battisto	Fargo	Levdansky	Ryan
Belardi	Farmer	Linton	Rybak
Belfanti	Fattah	Livengood	Saloom
Birmelin	Fee	Lloyd	Saurman
Black	Fischer	Lucyk	Scheetz
Blaum	Flick	McCall	Schuler
Book	Foster	McClatchy	Semmel
Bortner	Fox	McHale	Serafini
Bowley	Freeman	McVerry	Seventy
Bowser	Freind	Maiale	Showers
Boyes	Gallen	Maine	Sirianni
Brandt	Gamble	Manderino	Smith, B.
Broujos	Gannon	Manniller	Smith, S. H.
Bunt	Geist	Markosek	Snyder, D. W.
Burd	George	Mayernik	Snyder, G.
Burns	Gladeck	Melio	Staback
Bush	Godshall	Merry	Stairs
Caltagirone	Gruitz	Michlovic	Steighner
Cappabianca	Gruppo	Micozzie	Stevens
Carlson	Hagarty	Miller	Sweet
Carn	Haluska	Moehlmann	Taylor, E. Z.
Cawley	Harper	Morris	Taylor, F.
Cessar	Hasay	Mowery	Telek
Chadwick	Hayden	Mrkonic	Tigue
Cimini	Hayes	Murphy	Trello
Civera	Heckler	Nahill	Truman
Clark	Herman	Noye	Van Horne
Clymer	Hershey	O'Brien	Veon
Cohen	Hess	O'Donnell	Vroon
Colafella	Honaman	Olasz	Wambach
Cole	Howlett	Oliver	Wass
Cornell	Hughes	Perzel	Weston
Corrigan	Hutchinson	Petrone	Wiggins
Cowell	Itkin	Phillips	Wilson

Coy	Jackson	Piccola	Wogan
DeLuca	Jadlowiec	Pievsky	Wozniak
DeVerter	Johnson	Pistella	Wright, D. R.
DeWeese	Josephs	Pitts	Wright, J. L.
Daley	Kasunic	Pressmann	Wright, R. C.
Davies	Kennedy	Preston	Yandrisevits
Dawida	Kenney	Punt	
Deal	Kosinski	Raymond	Irvis,
Dietterick	Kukovich	Reber	Speaker

NAYS—0

NOT VOTING—3

Jarolin	Langtry	Taylor, J.
		EXCUSED—4

Dininni Petrarca Rudy Stuban

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

On the question,

Will the House adopt the resolution as amended?

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

Mr. BATTISTO. Thank you, Mr. Speaker.

I will be very, very brief for two quick questions.

I would like to interrogate the maker of the resolution, please.

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

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

Mr. Speaker, is there any difference in content between this resolution and the one we passed about 6 weeks ago? I do not recognize any but—None whatsoever?

Mr. GEORGE. I do not believe there is any difference in content. The only difference is what your own eyes can show you. Because of the budgeting, because we are concerned about the budget that will be coming up in June, we were concerned that we would not be able to give the people in Pennsylvania the time they are asking for. There is no difference whatsoever.

Mr. BATTISTO. Just one other quick question. Then is it, Mr. Speaker, your intent to conduct a series of public hearings and then after those public hearings issue some kind of recommendations report and maybe possible legislation?

Mr. GEORGE. As any other report, we are required and obligated to give the members of this House the benefit of what we have experienced, and then you and I as members will apply ourselves, hopefully, to doing what we feel is necessary in Pennsylvania. That is exactly what it is all about.

Mr. BATTISTO. Thank you very much.

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—194

Acosta	Distler	Kukovich	Reinard
Angstadt	Dombrowski	LaGrotta	Richardson
Argall	Donatucci	Lashinger	Rieger
Asty	Dorr	Laughlin	Ritter
Baldwin	Duffy	Leh	Robbins

Barley	Durham	Lescovitz	Roebuck
Battisto	Evans	Letterman	Ryan
Belardi	Fargo	Levdansky	Rybak
Belfanti	Farmer	Linton	Saloom
Birmelin	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Blaum	Flick	Lucyk	Schuler
Book	Foster	McCall	Semmel
Bortner	Fox	McClatchy	Serafini
Bowley	Freeman	McHale	Seventy
Bowser	Freind	McVerry	Showers
Boyes	Gallen	Maiiale	Smith, B.
Brandt	Gamble	Maine	Smith, S. H.
Broujos	Gannon	Manderino	Snyder, D. W.
Bunt	Geist	Manmiller	Snyder, G.
Burd	George	Markosek	Staback
Burns	Gladeck	Mayernik	Stairs
Bush	Godshall	Melio	Steighner
Caltagirone	Gruitza	Merry	Stevens
Cappabianca	Gruppo	Michlovic	Sweet
Carlson	Hagarty	Micozzie	Taylor, E. Z.
Carn	Haluska	Miller	Taylor, F.
Cawley	Harper	Moehlmann	Taylor, J.
Cessar	Hasay	Morris	Telek
Chadwick	Hayden	Mowery	Tigue
Cimini	Hayes	Mrkonic	Trello
Civera	Heckler	Murphy	Truman
Clark	Herman	Noye	Van Horne
Clymer	Hershey	O'Brien	Veon
Cohen	Hess	O'Donnell	Vroon
Colafella	Honaman	Olasz	Wambach
Cole	Howlett	Oliver	Wass
Cornell	Hughes	Perzel	Weston
Corrigan	Hutchinson	Petrone	Wiggins
Cowell	Itkin	Phillips	Wilson
Coy	Jackson	Piccola	Wogan
DeLuca	Jadlowiec	Pievsky	Wozniak
DeVerter	Jarolin	Pistella	Wright, D. R.
DeWeese	Johnson	Pitts	Wright, J. L.
Daley	Josephs	Pressmann	Wright, R. C.
Davies	Kasunic	Preston	Yandrisevits
Dawida	Kennedy	Punt	
Deal	Kenney	Raymond	Irvis,
Dietterick	Kosinski	Reber	Speaker

NAYS—2

Nahill Sirianni

NOT VOTING—2

Fattah Langtry

EXCUSED—4

Dininni Petrarca Rudy Stuban

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

CONCURRENT RESOLUTIONS

Mr. DeWEESE called up HR 64, PN 1143, entitled:

Commemorating the bicentennial of the Pennsylvania Prison Society; and declaring the week of May 3 through 9, 1987, as "Pennsylvania Prison Society Week."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta	Distler	Kukovich	Reber
Angstadt	Dombrowski	LaGrotta	Reinard
Argall	Donatucci	Langtry	Richardson
Anty	Dorr	Lashinger	Rieger
Baldwin	Duffy	Laughlin	Ritter
Barley	Durham	Leh	Robbins
Battisto	Evans	Lescovitz	Roebuck
Belardi	Fargo	Letterman	Ryan
Belfanti	Farmer	Levdansky	Rybak
Birmelin	Fattah	Linton	Saloom
Black	Fee	Livengood	Saurman
Blaum	Fischer	Lloyd	Scheetz
Book	Flick	Lucyk	Schuler
Bortner	Foster	McCall	Semmel
Bowley	Fox	McClatchy	Serafini
Bowser	Freeman	McHale	Seventy
Boyes	Freind	McVerry	Showers
Brandt	Gallen	Maiale	Sirianni
Broujos	Gamble	Maine	Smith, B.
Bunt	Gannon	Manderino	Smith, S. H.
Burd	Geist	Manmiller	Snyder, D. W.
Burns	George	Markosek	Snyder, G.
Bush	Gladeck	Mayernik	Staback
Caltagirone	Godshall	Melio	Stairs
Cappabianca	Gruitza	Merry	Steighner
Carlson	Gruppo	Micozzie	Stevens
Carn	Haluska	Miller	Sweet
Cawley	Harper	Moehlmann	Taylor, E. Z.
Cessar	Hasay	Morris	Taylor, F.
Chadwick	Hayden	Mowery	Taylor, J.
Cimini	Hayes	Mrkonic	Telek
Civera	Herman	Murphy	Tigue
Clark	Hershey	Nahill	Trello
Clymer	Hess	Noye	Truman
Cohen	Honaman	O'Brien	Veon
Colafella	Howlett	Olasz	Vroon
Cole	Hughes	Oliver	Wambach
Cornell	Hutchinson	Perzel	Wass
Corrigan	Itkin	Petrone	Weston
Cowell	Jackson	Phillips	Wiggins
Coy	Jadlowiec	Piccola	Wilson
DeLuca	Jarolin	Pievsky	Wozniak
DeVerter	Johnson	Pistella	Wright, J. L.
DeWeese	Josephs	Pitts	Wright, R. C.
Daley	Kasunic	Pressmann	Yandrisevits
Davies	Kennedy	Preston	
Dawida	Kenney	Punt	Irvis,
Deal	Kosinski	Raymond	Speaker

NAYS—0

NOT VOTING—7

Hagarty	Michlovic	Van Horne	Wright, D. R.
Heckler	O'Donnell	Wogan	

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

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

* * *

Mr. GANNON called up HR 78, PN 1226, entitled:

Proclaiming the month of May as "Older Americans Month" in Pennsylvania; and recognizing the invaluable contributions made to the Commonwealth by these citizens.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Acosta	Dombrowski	Kukovich	Rieger
Angstadt	Donatucci	LaGrotta	Ritter
Argall	Dorr	Langtry	Robbins
Baldwin	Duffy	Lashinger	Roebuck
Barley	Durham	Laughlin	Ryan
Battisto	Evans	Leh	Rybak
Belardi	Fargo	Lescovitz	Saloom
Belfanti	Farmer	Levdansky	Saurman
Birmelin	Fattah	Linton	Scheetz
Black	Fee	Livengood	Schuler
Blaum	Fischer	Lloyd	Semmel
Book	Flick	Lucyk	Serafini
Bortner	Foster	McCall	Seventy
Bowley	Fox	McClatchy	Showers
Bowser	Freeman	McHale	Sirianni
Boyes	Freind	McVerry	Smith, B.
Brandt	Gallen	Maiale	Smith, S. H.
Broujos	Gamble	Maine	Snyder, D. W.
Bunt	Gannon	Manderino	Staback
Burd	Geist	Manmiller	Stairs
Burns	George	Markosek	Steighner
Bush	Gladeck	Mayernik	Stevens
Caltagirone	Godshall	Melio	Taylor, E. Z.
Cappabianca	Gruitza	Merry	Taylor, F.
Carlson	Gruppo	Micozzie	Taylor, J.
Carn	Haluska	Miller	Telek
Cawley	Harper	Moehlmann	Tigue
Cessar	Hasay	Morris	Trello
Chadwick	Hayden	Mowery	Truman
Cimini	Hayes	Mrkonic	Veon
Civera	Herman	Murphy	Wambach
Clark	Hershey	Nahill	Wass
Clymer	Hess	Noye	Wiggins
Cohen	Honaman	O'Brien	Wright, D. R.
Colafella	Howlett	Olasz	Wright, J. L.
Cole	Hughes	Oliver	Wright, R. C.
Cornell	Hutchinson	Perzel	
Corrigan	Itkin	Petrone	
Cowell	Jackson	Phillips	
Coy	Jadlowiec	Piccola	
DeLuca	Jarolin	Pievsky	
DeVerter	Johnson	Pistella	
DeWeese	Josephs	Pitts	
Daley	Kasunic	Pressmann	
Davies	Kennedy	Preston	
Dawida	Kenney	Punt	
Deal	Kosinski	Raymond	
Dietterick			

NAYS—0

NOT VOTING—8

Arty	Haluska	Linton	Mrkonic
Broujos	Letterman	Manderino	O'Donnell

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

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

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Mr. MANDERINO called up SR 43, PN 683, entitled:

A Concurrent Resolution proclaiming the month of May 1987 as "S.A.D.D. (Students Against Driving Drunk) Month."

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

The following roll call was recorded:

YEAS—193

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Langtry	Richardson
Argall	Dorr	Lashinger	Rieger
Asty	Duffy	Laughlin	Ritter
Baldwin	Durham	Leh	Robbins
Barley	Evans	Lescovitz	Roebuck
Battista	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fattah	Linton	Saloom
Birmelin	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Blaum	Flick	Lucyk	Schuler
Book	Foster	McCall	Semmel
Bortner	Fox	McClatchy	Serafini
Bowley	Freeman	McHale	Showers
Bowser	Freind	McVerry	Sirianni
Boyes	Gallen	Maiiale	Smith, B.
Brandt	Gamble	Maine	Smith, S. H.
Bunt	Gannon	Manderino	Snyder, D. W.
Burd	Geist	Manmiller	Snyder, G.
Burns	George	Markosek	Staback
Bush	Gladeck	Mayernik	Stairs
Caltagirone	Godshall	Melio	Steighner
Cappabianca	Gruitza	Merry	Stevens
Carlson	Gruppo	Michlovic	Sweet
Carn	Hagarty	Micozzie	Taylor, E. Z.
Cawley	Harper	Miller	Taylor, F.
Cessar	Hasay	Moehlmann	Taylor, J.
Chadwick	Hayden	Morris	Telek
Cimini	Hayes	Mowery	Tigue
Civera	Heckler	Murphy	Trello
Clark	Herman	Nahill	Truman
Clymer	Hershey	Noye	Van Horne
Cohen	Hess	O'Brien	Veon
Colafella	Honaman	O'Donnell	Vroon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrone	Wilson
Coy	Jackson	Phillips	Wogan
DeLuca	Jadlowiec	Piccola	Wozniak
DeVerter	Jarolin	Pievsky	Wright, D. R.
DeWeese	Johnson	Pistella	Wright, J. L.
Daley	Josephs	Pitts	Wright, R. C.
Davies	Kasunic	Pressmann	Yandrisevits
Dawida	Kennedy	Preston	
Deal	Kenney	Punt	
Dietterick	Kosinski	Raymond	
Distler	Kukovich	Reber	

NAYS—0

NOT VOTING—5

Broujos	Mrkonic	Seventy	Wiggins
Haluska			

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move, and concurred in by the minority leader, that the rules of the House be temporarily suspended so that we may immediately concern ourselves with HR 97, HR 100, and HR 101.

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

The following roll call was recorded:

YEAS—192

Acosta	Dombrowski	LaGrotta	Richardson
Angstadt	Donatucci	Langtry	Rieger
Argall	Dorr	Lashinger	Ritter
Asty	Duffy	Laughlin	Robbins
Baldwin	Durham	Leh	Roebuck
Barley	Evans	Lescovitz	Ryan
Battista	Fargo	Letterman	Rybak
Belardi	Farmer	Levdansky	Schuler
Belfanti	Fattah	Linton	Saloom
Birmelin	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Blaum	Flick	Lucyk	Semmel
Book	Foster	McCall	Serafini
Bortner	Fox	McClatchy	Seventy
Bowley	Freeman	McHale	Showers
Bowser	Freind	McVerry	Sirianni
Boyes	Gallen	Maiiale	Smith, B.
Brandt	Gamble	Maine	Smith, S. H.
Bunt	Gannon	Manderino	Snyder, D. W.
Burd	Geist	Manmiller	Snyder, G.
Burns	George	Markosek	Staback
Bush	Gladeck	Mayernik	Stairs
Caltagirone	Godshall	Melio	Steighner
Cappabianca	Gruitza	Merry	Stevens
Carlson	Gruppo	Michlovic	Sweet
Carn	Hagarty	Micozzie	Taylor, E. Z.
Cawley	Harper	Miller	Taylor, F.
Cessar	Hasay	Moehlmann	Taylor, J.
Chadwick	Hayden	Morris	Telek
Cimini	Hayes	Mowery	Tigue
Civera	Heckler	Murphy	Trello
Clark	Herman	Nahill	Truman
Clymer	Hershey	Noye	Van Horne
Cohen	Hess	O'Brien	Veon
Colafella	Honaman	O'Donnell	Wambach
Cole	Howlett	Olasz	Wass
Cornell	Hughes	Oliver	Weston
Corrigan	Hutchinson	Perzel	Wilson
Cowell	Itkin	Petrone	Wongan
Coy	Jackson	Phillips	Wozniak
DeLuca	Jadlowiec	Piccola	Wright, D. R.
DeVerter	Jarolin	Pievsky	Wright, J. L.
DeWeese	Johnson	Pistella	Wright, R. C.
Daley	Josephs	Pitts	Yandrisevits
Davies	Kasunic	Pressmann	
Dawida	Kennedy	Preston	
Deal	Kenney	Punt	
Dietterick	Kosinski	Raymond	
Distler	Kukovich	Reber	

NAYS—0

NOT VOTING—6

Broujos		Manderino	
Haluska		Pistella	

EXCUSED—4

Dininni Petrarca Rudy Stuban

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

RESOLUTION ADOPTED

The SPEAKER. The clerk will read HR 97.

The following resolution was read:

House Resolution No. 97**A RESOLUTION**

Commemorating the 50th Anniversary of the Teacher Tenure Act of 1937.

WHEREAS, The Constitution of Pennsylvania requires that the General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, and the teaching profession is a vital part of this constitutional mandate; and

WHEREAS, For many years, various associations of teachers and school personnel throughout the United States gave thought and deliberation to some form of security for teachers in order that the quality of education in this Commonwealth could be maintained; and

WHEREAS, This Commonwealth sought to protect its educational interests by prohibiting the dismissal of teachers for political or other considerations without regard to the efficiency of their performance, thus enabling the children of Pennsylvania to receive the best possible education; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania commemorate the 50th anniversary of the signing of the Teacher Tenure Act (Act 52 of the 1937 General Assembly Session), providing the teachers of Pennsylvania with the freedom and security they need to perform their valuable occupation.

George C. Hasay
Thomas M. Tigue
Stanley J. Jarolin
Correale F. Stevens
Kevin Blaum
Scott Dietterick

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Langtry	Richardson
Argall	Dorr	Lashinger	Rieger
Arty	Duffy	Loughlin	Ritter
Baldwin	Durham	Leh	Robbins
Barley	Evans	Lescovitz	Roebuck
Battisto	Fargo	Levdansky	Ryan
Belardi	Farmer	Linton	Rybak
Belfanti	Fattah	Livengood	Saloom
Birmelin	Fee	Lloyd	Saurman
Blaum	Fischer	Lucyk	Scheetz
Book	Foster	McCall	Schuler
Bortner	Fox	McClatchy	Semmel
Bowley	Freeman	McHale	Serafini
Bowser	Freind	McVerry	Seventy
Boyes	Gallen	Maiale	Showers
Brandt	Gamble	Maine	Sirianni
Broujos	Gannon	Manderino	Smith, B.

Bunt	Geist	Manniller	Smith, S. H.
Burd	George	Markosek	Snyder, D. W.
Burns	Gladeck	Mayernik	Snyder, G.
Bush	Godshall	Melio	Staback
Caltagirone	Gruitzka	Merry	Stairs
Cappabianca	Gruppo	Michilovic	Steighner
Carlson	Hagarty	Micozzie	Stevens
Carn	Haluska	Miller	Sweet
Cawley	Harper	Moehlmann	Taylor, E. Z.
Cessar	Hasay	Morris	Taylor, F.
Chadwick	Hayden	Mowery	Taylor, J.
Cimini	Hayes	Mrkonic	Tigue
Civera	Heckler	Murphy	Trello
Clark	Herman	Nahill	Truman
Clymer	Hershey	Noye	Van Horne
Cohen	Hess	O'Brien	Veon
Colafella	Honaman	O'Donnell	Vroon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrone	Wiggins
Coy	Jackson	Phillips	Wilson
DeLuca	Jadlowiec	Piccola	Wogan
DeVerter	Jarolin	Pievsky	Wozniak
DeWeese	Johnson	Pistella	Wright, D. R.
Daley	Josephs	Pitts	Wright, J. L.
Davies	Kasunic	Pressmann	Wright, R. C.
Dawida	Kennedy	Preston	Yandrisevits
Deal	Kenney	Punt	
Dietterick	Kosinski	Raymond	Irvis,
Distler	Kukovich	Reber	Speaker

NAYS—0**NOT VOTING—4**

Black Flick Letterman Telek

EXCUSED—4

Dininni Petrarca Rudy Stuban

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

RESOLUTION ADOPTED

The SPEAKER. The clerk will read HR 100.

The following resolution was read:

House Resolution No. 100**A RESOLUTION**

Declaring May 7, 1987, as "Barrier Awareness Day."

WHEREAS, Four out of five Americans will experience some form of disability during their lifetime, and there are currently 36,000,000 Americans who are disabled; and

WHEREAS, The financial and physical barriers can be overcome, but individuals with disabilities are blocked emotionally and culturally as surely and permanently as indifference will permit; and

WHEREAS, There are no cures for many disabilities; and

WHEREAS, No one can really understand the full implications of living with a disability unless he or she has experienced that disability personally; and

WHEREAS, There has not been developed a pill to dull the hurts and injustices inflicted upon individuals with disabilities due to a lack of understanding; and

WHEREAS, There has not been a vaccine discovered that can eradicate the widespread problems of underemployment and lack of employment for individuals with disabilities; therefore be it

RESOLVED, That the House of Representatives declare May 7, 1987, as "Barrier Awareness Day" in Pennsylvania; and be it further

RESOLVED, That the House of Representatives hereby urges all of the residents of this Commonwealth to participate in this day; and be it further

RESOLVED, That the House of Representatives hereby urges everyone to use the information and sensitivity that is gained to remove these barriers and to improve the quality of life for persons with disabilities in our community.

Fred Belardi
Gaynor Cawley
Edward G. Staback
Frank A. Serafini
Thomas M. Tigue
Italo S. Cappabianca
Kevin Blaum
Correale F. Stevens
George C. Hasay
Scott Dietterick
Stanley J. Jarolin

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Langtry	Richardson
Argall	Dorr	Lashinger	Rieger
Arty	Duffy	Laughlin	Ritter
Baldwin	Durham	Leh	Robbins
Barley	Evans	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fattah	Linton	Saloom
Birmelin	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Blaum	Flick	Lucyk	Schuler
Book	Foster	McCall	Semmel
Bortner	Fox	McClatchy	Serafini
Bowley	Freeman	McHale	Seventy
Bowser	Gallen	McVerry	Showers
Boyes	Gamble	Maiiale	Sirianni
Brandt	Gannon	Maine	Smith, B.
Broujos	Geist	Manniller	Smith, S. H.
Bunt	George	Markosek	Snyder, D. W.
Burd	Gladeck	Mayernik	Snyder, G.
Burns	Godshall	Melio	Staback
Bush	Gruitza	Merry	Stairs
Caltagirone	Gruppo	Michlovic	Steighner
Cappabianca	Hagarty	Micozzie	Stevens
Carlson	Haluska	Miller	Taylor, E. Z.
Carn	Harper	Moehlmann	Taylor, F.
Cawley	Hasay	Morris	Taylor, J.
Cessar	Hayden	Mowery	Telek
Chadwick	Hayes	Mrkonic	Tigue
Cimini	Heckler	Murphy	Trello
Clark	Herman	Nahill	Truman
Clymer	Hershey	Noye	Van Horne
Cohen	Hess	O'Brien	Veon
Colafella	Honaman	O'Donnell	Vroon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrone	Wiggins
Coy	Jackson	Phillips	Wilson
DeLuca	Jadlowiec	Piccola	Wogan
DeVerter	Jarolin	Pievsky	Wozniak
DeWeese	Johnson	Pistella	Wright, D. R.
Daley	Josephs	Pitts	Wright, J. L.
Davies	Kasunic	Pressmann	Wright, R. C.
Dawida	Kennedy	Preston	Yandrisevits

Deal	Kenney	Punt	Irvis,
Dieterick	Kosinski	Raymond	Speaker
Distler	Kukovich	Reber	

NAYS—0

NOT VOTING—4

Civera	Freind	Manderino	Sweet
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EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

RESOLUTION ADOPTED

The SPEAKER. The clerk will read HR 101.

The following resolution was read:

House Resolution No. 101

A RESOLUTION

Extending the congratulations of the House of Representatives to The Pennsylvania State University men's volleyball team.

WHEREAS, The Pennsylvania State University men's volleyball team, coached by Tom Tait, achieved a 25-3 win-loss record in regular season play; and

WHEREAS, The team is ranked number two by the National Volleyball Coaches Poll; and

WHEREAS, The team has qualified for the NCAA Final Four Volleyball Tournament to be held at the Pauley Pavilion on the campus of the University of California at Los Angles on Friday and Saturday, May 1 and 2, 1987; therefore be it

RESOLVED, That the House of Representatives hereby congratulates The Pennsylvania State University men's volleyball team on its fine record and extends best wishes for the upcoming tournament; and be it further

RESOLVED, That a copy of this resolution be immediately transmitted to Coach Tom Tait.

Lynn B. Herman
Ruth C. Rudy
Russell P. Letterman

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Langtry	Richardson
Argall	Dorr	Lashinger	Rieger
Arty	Duffy	Laughlin	Ritter
Baldwin	Durham	Leh	Robbins
Barley	Evans	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fattah	Linton	Saloom
Birmelin	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Blaum	Flick	Lucyk	Schuler
Book	Foster	McCall	Semmel
Bortner	Fox	McClatchy	Serafini
Bowley	Freeman	McHale	Seventy
Bowser	Freind	McVerry	Showers
Boyes	Gallen	Maiale	Sirianni
Brandt	Gamble	Maine	Smith, B.
Broujos	Gannon	Manderino	Smith, S. H.
Bunt	Geist	Manmiller	Snyder, D. W.
Burd	George	Markosek	Snyder, G.

Burns	Gladeck	Mayernik	Staback
Bush	Godshall	Melio	Stairs
Caltagirone	Gruitzka	Merry	Steighner
Cappabianca	Gruppo	Michlovic	Stevens
Carlson	Hagarty	Micozzie	Sweet
Carn	Haluska	Miller	Taylor, E. Z.
Cawley	Harper	Moehlmann	Taylor, F.
Cessar	Hasay	Morris	Taylor, J.
Chadwick	Hayden	Mowery	Telek
Cimini	Hayes	Mrkonic	Tigue
Civera	Heckler	Murphy	Trello
Clark	Herman	Nahill	Truman
Clymer	Hershey	Noye	Van Horne
Cohen	Hess	O'Brien	Veon
Colafella	Honaman	O'Donnell	Vroon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrone	Wiggins
Coy	Jackson	Phillips	Wilson
DeLuca	Jadlowiec	Piccola	Wogan
DeVerter	Jarolin	Pievsky	Wozniak
DeWeese	Johnson	Pistella	Wright, D. R.
Daley	Josephs	Pitts	Wright, J. L.
Davies	Kasunic	Pressmann	Wright, R. C.
Dawida	Kennedy	Preston	Yandrisevits
Deal	Kenney	Punt	
Ditterick	Kosinski	Raymond	Irvins,
Distler	Kukovich	Reber	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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The question was determined in the affirmative, and the resolution was adopted.

The SPEAKER. You may now leave the floor of the House. Those who wish to have— Just a moment. Wait a moment.

The Chair has just been told about a supplemental calendar it knew nothing about. Is this to be done today? Back to your seats, please. Please return to your seats.

Supplemental calendar A has been distributed.

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned HB 62, PN 1365, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SUPPLEMENTAL CALENDAR A
BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following HB 62, PN 1365, 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 September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," changing the name of advisory boards to commodity marketing boards; further providing for powers and duties of said boards; and further providing for powers and duties of the Secretary of Agriculture.

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

The SPEAKER. The reason for the confusion is that we were not going to wait for this calendar if it had not been in print before we adjourned. The calendar came on the floor just as we were about to adjourn; therefore, we will consider the calendar.

Now, on supplemental calendar A, HB 62, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I am glad we are taking this up because this is the apple marketing bill, and I think it has been threatened that it will never rain again in Pennsylvania and the farmers will suffer if we do not get to this bill today, so we are going to get to the bill today. Thank you.

The SPEAKER. The Chair recognizes the minority whip on the bill.

Mr. HAYES. Thank you, Mr. Speaker.

I have personally read the amendments to this piece of legislation which were added by the Senate. They are basically technical in nature, and I would urge that the House adopt the amendments at this time.

The SPEAKER. Those who believe we should concur in the amendments inserted by the Senate to HB 62 will vote "aye"—Mr. Broujos asks that we vote "aye"; Mr. Hayes asks that we vote "aye"—those opposed, "no." Vote "no" at your own risk.

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

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

YEAS—198

Acosta	Dombrowski	LaGrotta	Reinard
Angstadt	Donatucci	Langtry	Richardson
Argall	Dorr	Lashinger	Rieger
Aryt	Duffy	Laughlin	Ritter
Baldwin	Durham	Leh	Robbins
Barley	Evans	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fattah	Linton	Saloom
Birmelin	Fee	Livengood	Saurman
Black	Fischer	Lloyd	Scheetz
Blaum	Flick	Lucyk	Schuler
Book	Foster	McCall	Semmel
Bortner	Fox	McClatchy	Serafini
Bowley	Freeman	McHale	Seventy
Bowser	Freind	McVerry	Showers
Boyes	Gallen	Maiale	Sirianni
Brandt	Gamble	Maine	Smith, B.
Broujos	Gannon	Manderino	Smith, S. H.
Bunt	Geist	Manniller	Snyder, D. W.
Burd	George	Markosek	Snyder, G.
Burns	Gladeck	Mayernik	Staback
Bush	Godshall	Melio	Stairs
Caltagirone	Gruitzka	Merry	Steighner
Cappabianca	Gruppo	Michlovic	Stevens
Carlson	Hagarty	Micozzie	Sweet

Carn	Haluska	Miller	Taylor, E. Z.
Cawley	Harper	Mochlmann	Taylor, F.
Cessar	Hasay	Morris	Taylor, J.
Chadwick	Hayden	Mowery	Telek
Cimini	Hayes	Mrkonic	Tigue
Civera	Heckler	Murphy	Trello
Clark	Herman	Nahill	Truman
Clymer	Hershey	Noye	Van Horne
Cohen	Hess	O'Brien	Veon
Colafella	Honaman	O'Donnell	Vroon
Cole	Howlett	Olasz	Wambach
Cornell	Hughes	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrone	Wiggins
Coy	Jackson	Phillips	Wilson
DeLuca	Jadlowiec	Piccola	Wogan
DeVerter	Jarolin	Pievsky	Wozniak
DeWeese	Johnson	Pistella	Wright, D. R.
Daley	Josephs	Pitts	Wright, J. L.
Davies	Kasunic	Pressmann	Wright, R. C.
Dawida	Kennedy	Preston	Yandrisevits
Deal	Kenney	Punt	
Dietterick	Kosinski	Raymond	
Distler	Kukovich	Reber	Irvis,
			Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Dininni	Petrarca	Rudy	Stuban
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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.

CONSUMER AFFAIRS COMMITTEE MEETING

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I have been asked by Chairman Laughlin to announce that the Consumer Affairs Committee meeting in room 22 of the Annex, the hearing that was to begin at 2 o'clock is now in progress and all the committee members are asked to go to room 22 of the Annex.

The SPEAKER. Thank you.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Carmel Sirianni asked us to remind you that on public TV tonight at 10:30 the film "The Courage To Care" will be aired.

ADDITIONS OF SPONSORS

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

Mr. BELARDI. Thank you, Mr. Speaker.

Mr. Speaker, on HR 100 just recently adopted by the House declaring May 7 as "Barrier Awareness Day" in Pennsylvania, the resolution was sponsored by the Lackawanna-Luzerne County legislators. If it is agreeable, Mr. Speaker, I would ask that all the members of the House be added as sponsors of this resolution.

The SPEAKER. The Chair does not conceive of any member objecting to that. It is so ordered.

Mr. BELARDI. Thank you, Mr. Speaker.

REMARKS ON VOTES

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

Mr. FOX. Mr. Speaker, just to correct the record.

On HB 1000, amendment 678, the motion to reconsider, I should be recorded in the positive, and also on HB 1000, amendment 535, Van Horne, I should be recorded as a "yes" vote.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

On House amendment A0615 to HB 1000, the Kosinski amendment, I was not recorded. I would like to be recorded in the affirmative. Thank you.

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

Mr. BORTNER. Thank you, Mr. Speaker.

On HR 81 I was not recorded. I would like to be recorded as voting "yes."

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Carlson.

Mr. CARLSON. Mr. Speaker, yesterday on amendment 715 to HB 1000 my switch malfunctioned, and I would like to be recorded in the negative.

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

Mr. BLACK. Thank you, Mr. Speaker.

On HR 92 I was not recorded. I would like to be recorded in the affirmative. Thank you.

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

Mr. CORRIGAN. Thank you, Mr. Speaker.

On HB 1000, amendment 748, I would like to be recorded in the affirmative.

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I stand for a correction of the record on HB 1000, amendments 720 and 721. I was recorded in the affirmative and I would like to be recorded in the negative.

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

Mr. SEVENTY. Thank you, Mr. Speaker.

Also on HB 1000, amendment No. 783, please record me in the positive - a "yes" vote on the Murphy amendment A0783.

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

Mr. McHALE. Thank you, Mr. Speaker. I wish to correct the record.

On HB 1000, the Letterman amendment A595, I was incorrectly recorded in the affirmative. I in fact oppose the amendment and would like to be recorded in the negative.

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

Mr. SERAFINI. Mr. Speaker, on amendment A624 to HB 1000 I was incorrectly recorded in the negative. I would like to be recorded in the affirmative, please. Thank you.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

On HB 1000, the Tigue amendment A0625, I wish to be recorded in the affirmative.

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

Mr. SEMMEL. On HB 1000, A646, I was inadvertently recorded in the affirmative. I want to be recorded in the negative.

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

Mr. DORR. Mr. Speaker, on amendment A0559, the Howlett amendment to HB 1000, I was incorrectly recorded in the negative. I would like to be recorded in the affirmative.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 362, PN 395

By Rep. DeWEESE

An Act amending the act of July 20, 1917 (P. L. 1158, No. 401), referred to as the "Constable Fee Law," further providing for mileage of constables.

JUDICIARY.

HB 627, PN 678

By Rep. DeWEESE

A Joint Resolution ratifying the proposed amendment to the Constitution of the United States relating to compensation for services of Senators and Representatives.

JUDICIARY.

HB 1012, PN 1114

By Rep. DeWEESE

An Act establishing a program of financial assistance to counties for the incarceration of certain offenders; providing for administration by the Pennsylvania Commission on Crime and Delinquency; providing for an audit of funds disbursed pursuant to such program; and making an appropriation.

JUDICIARY.

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.

ADJOURNMENT

The SPEAKER. Mr. Smith from the county of Jefferson, we are sorry to cheat you out of your maiden day and we will call on you again after this. We will give you this opportunity to get into the record.

The Chair recognizes the gentleman from Jefferson, Mr. Smith. For what purpose do you rise?

Mr. S. H. SMITH. Mr. Speaker, I have the adjournment motion.

Mr. Speaker, I move that this House do now adjourn until Monday, May 4, 1987, at 1 p.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 2:35 p.m., e.d.t., the House adjourned.