

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 6, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 61

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:

Most Loving Father, the God of all creation, we believe that Thou hast breathed into each one of us the breath of life and made us living children of Thine. We are the highest of Thy creation and need to show forth Thy will and Thy way in the world about us. We should be living examples of Thy truth and set before our fellow men the pathway they should travel. Therefore, O God, we look to Thee with the assurance and love that Thou wilt ever bestow upon us the strength we need, that Thou wilt enrich us from the source that never runs dry, and that Thou wilt direct us in the steps of life we need to take. In Thy blest name and for the honor and glory of Thy great love, we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair notes that the Journal for Monday, October 5, 1987, is not yet in print. The approval of that Journal will be postponed, without objection, until the Journal is in print, and the Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1788 By Representatives FEE, McHALE, VROON, STUBAN, NOYE, MORRIS, LaGROTTA, BUNT, ITKIN, BARLEY, B. SMITH, FARGO, STABACK, MELIO, JACKSON, TIGUE, CARLSON, BATTISTO, CIVERA, DALEY, KUKOVICH, FARMER, BELFANTI, CORRIGAN, GEIST, GRUPPO, FOX,

CLYMER, COLAFELLA, SIRIANNI, HERSHEY, BELARDI, TRELLO, E. Z. TAYLOR, MICHLOVIC and OLASZ

An Act amending the act of April 9, 1929 (P. L. 177, NO. 175), known as "The Administrative Code of 1929," further providing for the disposition of unserviceable property and automobiles.

Referred to Committee on STATE GOVERNMENT, October 6, 1987.

No. 1789 By Representatives FEE, BUNT, LaGROTTA, JOHNSON, FARGO, STUBAN, RITTER, MORRIS, MELIO, JACKSON, BATTISTO, CIVERA, DALEY, KUKOVICH, CHADWICK, FARMER, CORRIGAN, GRUPPO, FLICK, FOX, SCHEETZ, CLYMER, COLAFELLA, SIRIANNI, ITKIN, HERSHEY, BELARDI, TRELLO, E. Z. TAYLOR, SALOOM and OLASZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restrictions on alcoholic beverages.

Referred to Committee on TRANSPORTATION, October 6, 1987.

No. 1790 By Representatives REINARD, ITKIN, KUKOVICH, BOYES, McHALE, SAURMAN, SCHULER, LLOYD, CARLSON, HALUSKA, TRELLO, COY, SCHEETZ, HECKLER, G. SNYDER, NAHILL, RAYMOND, FARGO, VROON, BUNT, D. W. SNYDER, HERMAN, BALDWIN, ANGSTADT, DISTLER, ARTY, SEMMEL, STEVENS, FOX, DORR, E. Z. TAYLOR, MELIO and McVERRY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring the Department of Environmental Resources to give notice to municipalities of orders for abatement of nuisances.

Referred to Committee on CONSERVATION, October 6, 1987.

No. 1791 By Representatives TRELLO, MAYERNIK, PETRONE, CESSAR and FARMER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the penalty for homicide by vehicle while driving under the influence.

Referred to Committee on TRANSPORTATION, October 6, 1987.

No. 1792 By Representatives TRELLO, MAYERNIK, PETRONE, CESSAR and FARMER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the revocation of operating privilege for violations relating to homicide by vehicle while under the influence.

Referred to Committee on TRANSPORTATION, October 6, 1987.

No. 1793 By Representatives TRELLO, MRKONIC, JOHNSON, BLAUM, BIRMELIN, RAYMOND, BARLEY, MAIALE, HOWLETT, TIGUE, STABACK, JACKSON, PETRONE, FOX, MORRIS, NOYE, BUNT, DeLUCA, BELARDI, SEMMEL and WOGAN

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," further providing for restrictions and tests for acquired immune deficiency syndrome (AIDS).

Referred to Committee on HEALTH AND WELFARE, October 6, 1987.

No. 1794 By Representatives TRELLO, MRKONIC, JOHNSON, BIRMELIN, RAYMOND, BARLEY, MAIALE, HOWLETT, TIGUE, STABACK, PETRONE, FOX, MORRIS, BUNT, DeLUCA, BELARDI and SEMMEL

An Act requiring certain persons to undergo testing for acquired immune deficiency syndrome (AIDS); prohibiting the employment of certain persons; and imposing a penalty.

Referred to Committee on LABOR RELATIONS, October 6, 1987.

No. 1795 By Representatives TRELLO, MRKONIC, JOHNSON, BLAUM, BIRMELIN, RAYMOND, BARLEY, MAIALE, HOWLETT, TIGUE, STABACK, JACKSON, PETRONE, B. SMITH, MORRIS, MICHLOVIC, NOYE, BUNT, DeLUCA, BELARDI, BATTISTO, SEMMEL, WOGAN, LANGTRY and PETRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it unlawful for certain persons to sell or donate blood, blood products, semen or bodily organs.

Referred to Committee on JUDICIARY, October 6, 1987.

No. 1796 By Representatives TRELLO, MRKONIC, BIRMELIN, RAYMOND, BARLEY, MAIALE, HOWLETT, TIGUE, STABACK, PETRONE, FOX, MORRIS, BUNT, DeLUCA and SEMMEL

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for health services for children.

Referred to Committee on EDUCATION, October 6, 1987.

No. 1797 By Representatives TRELLO, MRKONIC, JOHNSON, BIRMELIN, RAYMOND, BARLEY, MAIALE, HOWLETT, TIGUE, STABACK, PETRONE, MORRIS, BUNT, DeLUCA, WOGAN, BELARDI and SEMMEL

An Act amending the act of April 23, 1956 (1955 P. L. 1510, No. 500), known as the "Disease Prevention and Control Law of 1955," requiring reports of cases of acquired immune deficiency syndrome; providing for examination and diagnosis of persons suspected of having acquired immune deficiency syndrome; further providing for examinations; and further providing for rules and regulations of the board.

Referred to Committee on HEALTH AND WELFARE, October 6, 1987.

No. 1798 By Representatives REINARD, BURNS and CLYMER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lighting equipment on vehicles.

Referred to Committee on TRANSPORTATION, October 6, 1987.

No. 1799 By Representatives BUSH, FARGO, MORRIS, NOYE, ANGSTADT, BOWSER, MAIALE, HOWLETT, CIVERA, CARLSON, RAYMOND, GEIST, BARLEY, FISCHER, COLAFELLA, BOOK, SIRIANNI, GODSHALL, RITTER, TRELLO, JOHNSON, BIRMELIN, FLICK and BALDWIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the utilization of juvenile records for the sentencing of adult offenders.

Referred to Committee on JUDICIARY, October 6, 1987.

No. 1800 By Representatives BORTNER, BALDWIN, BATTISTO, BLAUM, BUNT, CIVERA, COHEN, COLAFELLA, FOSTER, FOX, GODSHALL, HAGARTY, HECKLER, HERSHEY, JADLOWIEC, JOHNSON, KOSINSKI, KUKOVICH, LANGTRY, LINTON, McHALE, McVERRY, MELIO, MERRY, MORRIS, NAHILL, NOYE, PICCOLA, PISTELLA, RITTER, ROBBINS, RYBAK, SAURMAN, SEMMEL, SWEET, TRELLO, WOGAN, YANDRISEVITS, ANGSTADT and BELARDI

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading of retail theft.

Referred to Committee on JUDICIARY, October 6, 1987.

No. 1801 By Representatives DUFFY, MRKONIC, VAN HORNE and CESSAR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating calibration of scales.

Referred to Committee on TRANSPORTATION, October 6, 1987.

No. 1802 By Representatives REINARD, CLYMER, BURNS, HECKLER, J. L. WRIGHT, MELIO, CORNELL, WILSON and CORRIGAN

An Act amending the act of May 15, 1939 (P. L. 134, No. 65), referred to as the "Fireworks Law," further providing for unlawful sale of fireworks.

Referred to Committee on STATE GOVERNMENT, October 6, 1987.

No. 1803 By Representative REINARD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the prothonotary regarding entry of judgments.

Referred to Committee on JUDICIARY, October 6, 1987.

No. 1804 By Representatives LEVDANSKY, HUTCHINSON and MARKOSEK

An Act amending the act of September 18, 1961 (P. L. 1389, No. 615), referred to as the "County and Municipal State Highway Law," adopting certain streets as State highways.

Referred to Committee on TRANSPORTATION, October 6, 1987.

No. 1805 By Representative WILSON

An Act requiring that certain electric signs be approved by Underwriter's Laboratory; and providing penalties.

Referred to Committee on TRANSPORTATION, October 6, 1987.

No. 1806 By Representatives LESCOVITZ, TRELLO, COY, PRESTON, SEVENTY and COLAFELLA

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for transactions in this Commonwealth involving group or blanket insurance or group annuities; prohibiting certain advertisements; and providing penalties.

Referred to Committee on INSURANCE, October 6, 1987.

No. 1807 By Representatives LESCOVITZ, TRELLO, PRESTON, SEVENTY and COLAFELLA

An Act relating to group insurance; describing permitted policies and restrictions thereon; and prescribing standard policy provisions.

Referred to Committee on INSURANCE, October 6, 1987.

No. 1808 By Representatives GEORGE, MANDERINO, IRVIS, BOWLEY, ITKIN, WOZNIAK, LUCYK, BROUJOS, LEVDANSKY, MICHLOVIC, HAYDEN, MURPHY, STABACK, BORTNER, BATTISTO, COY, J. L. WRIGHT, FEE, DOMBROWSKI, SAURMAN, SCHEETZ and MARKOSEK

An Act providing for low-level radioactive waste disposal; further providing for powers and duties of the Department of Environmental Quality Board; providing for the siting of low-level radioactive waste disposal facilities and for the licensing of operators thereof; establishing certain funds and accounts for the benefit of host municipalities and the general public; establishing the Low-Level Waste Advisory Committee and providing for its powers and duties; providing for membership on the Appalachian States Low-Level Radioactive Waste Commission; requiring certain financial assurances; providing enforcement procedures; providing penalties; making repeals; and making appropriations.

Referred to Committee on CONSERVATION, October 6, 1987.

No. 1809 By Representatives GEORGE, MANDERINO, IRVIS, BOWLEY, ITKIN, WOZNIAK, LUCYK, BROUJOS, LEVDANSKY, MICHLOVIC, HAYDEN, MURPHY, STABACK, BORTNER, BATTISTO, COY, J. L. WRIGHT, FEE, DOMBROWSKI, SAURMAN, SCHEETZ and MARKOSEK

An Act amending the act of July 10, 1984 (P. L. 688, No. 147), known as the "Radiation Protection Act," further defining "Radiation source" and adding a definition.

Referred to Committee on CONSERVATION, October 6, 1987.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 161 By Representatives CORRIGAN, SIRIANNI, JOSEPHS, NOYE, KENNEY, HERMAN, VEON, J. L. WRIGHT, RAYMOND, JOHNSON, HECKLER, ANGSTADT, BATTISTO, SERAFINI, E. Z. TAYLOR, ITKIN, MARKOSEK, PETRARCA, ARTY, JACKSON, BELARDI, BUNT, MELIO, KUKOVICH, PISTELLA, DALEY, KOSINSKI, GEIST, FOX and MAINE

Designating the week of November 23, 1987, as "Pennsylvania Family Caregivers' Week."

Referred to Committee on RULES, October 6, 1987.

No. 162

(Concurrent) By Representatives CORRIGAN, KENNEY, BELFANTI, HESS, BELARDI, SERAFINI, E. Z. TAYLOR, BOOK, HARPER, FISCHER, RAYMOND, RYBAK, JOSEPHS, PISTELLA, CIVERA, LETTERMAN, GODSHALL, DIETTERICK, ARGALL, ITKIN, GRUPPO, NOYE, J. L. WRIGHT, TIGUE, HASAY, KOSINSKI, DALEY, MELIO, PRESSMANN, MICHLOVIC, CARLSON, SIRIANNI, CAWLEY, J. TAYLOR, VEON, PETRARCA, FOX and BUNT

Memorializing Congress and the Federal Environmental Protection Agency to immediately prohibit the dumping of any refuse or other wastes into the Atlantic Ocean.

Referred to Committee on RULES, October 6, 1987.

No. 164 By Representatives COY, COLE and PUNT

Directing the House Committee on Federal-State Relations to investigate the possibility of placing a veterans' home at the South Mountain Restoration Center.

Referred to Committee on RULES, October 6, 1987.

No. 165 By Representatives BUNT, REBER, FOX, CORNELL and GODSHALL

Recognizing the Borough of Pennsburg, Montgomery County, in this year of its centennial, 1987.

Referred to Committee on RULES, October 6, 1987.

No. 166 By Representatives WILSON and HUTCHINSON

Directing the Transportation Committee to investigate the feasibility of the Bureau of Aviation establishing a travel agency to arrange for travel by Commonwealth employees.

Referred to Committee on RULES, October 6, 1987.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee. Do you have any requests for leaves?

Mr. FEE. Yes, Mr. Speaker. The gentleman from Philadelphia, Mr. LINTON, for today.

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

The Chair recognizes the minority whip. Do you have any requests for leaves? No requests from Mr. Hayes. The Chair thanks the gentleman.

WELCOMES

The SPEAKER. Fred Noye has as his guests a group of Duncannon senior citizens from Perry County. I assume they are in the balcony. Is that right? Welcome to the hall of the House. We are delighted to have you here.

Steve Roberts, who comes from the district once represented by Mr. Murphy but now represented by the Speaker, is

the director of Neighborhood Housing Services and is to the left of the Speaker. Please stand, Mr. Roberts. Welcome to the hall of the House. We are delighted to have you here.

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 1275;
- HB 1276;
- SB 131;
- SB 132;
- SB 133;
- SB 134; and
- SB 209.

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

MASTER ROLL CALL

The SPEAKER. The Speaker is about to take the master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT—199

Acosta	Dorr	Lashingier	Rieger
Angstadt	Duffy	Laughlin	Ritter
Argall	Durham	Leh	Robbins
Arty	Evans	Lescovitz	Roebuck
Baldwin	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fattah	Livengood	Rybak
Belardi	Fee	Lloyd	Saloom
Belfanti	Fischer	Lucyk	Saurman
Birmelin	Flick	McCall	Scheetz
Black	Foster	McClatchy	Schuler
Blaum	Fox	McHale	Semmel
Book	Freeman	McVerry	Serafini
Bortner	Freind	Maiale	Seventy
Bowley	Gallen	Maine	Showers
Bowser	Gamble	Manderino	Sirianni
Boyes	Gannon	Manmiller	Smith, B.
Brandt	Geist	Markosek	Smith, S. H.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gladeck	Melio	Snyder, G.
Burd	Godshall	Merry	Staback
Burns	Gruitza	Michlovic	Stairs
Bush	Gruppo	Micozzie	Steighner
Caltagirone	Hagarty	Miller	Stevens
Cappabianca	Haluska	Moehlmann	Suban
Carlson	Harper	Morris	Sweet
Carn	Hasay	Mowery	Taylor, E. Z.
Cawley	Hayden	Mrkonic	Taylor, F.
Cessar	Hayes	Murphy	Taylor, J.
Chadwick	Heckler	Nahill	Telek
Civera	Herman	Noye	Tigue
Clark	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Truman
Cohen	Honaman	Olasz	Van Horne
Colafella	Howlett	Oliver	Veon
Cole	Hughes	Perzel	Vroon
Cornell	Hutchinson	Petrarca	Wambach
Corrigan	Itkin	Petrone	Wass

Cowell	Jackson	Phillips	Weston
Coy	Jadlowiec	Piccola	Wiggins
DeLuca	Jarolin	Pievsky	Wilson
DeVerter	Johnson	Pistella	Wogan
DeWeese	Josephs	Pitts	Wozniak
Daley	Kasunic	Pressmann	Wright, D. R.
Davies	Kennedy	Preston	Wright, J. L.
Dawida	Kenney	Punt	Wright, R. C.
Dietterick	Kosinski	Raymond	Yandrisevits
Dininni	Kukovich	Reber	
Distler	LaGrotta	Reinard	Irvis,
Dombrowski	Langtry	Richardson	Speaker
Donatucci			

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Linton

WELCOMES

The SPEAKER. Representative Saurman has as his guest Richard Duris. Mr. Duris is to the left of the Speaker. Will you please rise? Welcome to the hall of the House, Mr. Duris. We are delighted to have you.

Reverend Jack and Mrs. Arlette Wright are here as the guests of Representative Baldwin. Are they to the left of the Speaker? Please rise. We are delighted to have you two here. It is a pleasure.

Representative Baldwin has brought his three children here today. They are here serving as guest pages. They are a handsome group - Brian, Kelly, and Kasey Baldwin. Will you please rise, children. Welcome to the hall of the House. Where is Brian? I guess they have sent Brian on an errand already.

**CALENDAR
RESOLUTION**

Mr. McVERRY called up **HR 156, PN 2173**, entitled:
Designating October 6, 1987, as "German-American Day in Pennsylvania."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Ritter
Angstadt	Dorr	Lashingier	Robbins
Argall	Duffy	Laughlin	Roebuck
Arty	Durham	Leh	Rudy
Baldwin	Evans	Lescovitz	Ryan
Barley	Fargo	Letterman	Rybak
Battisto	Farmer	Levdansky	Saloom
Belardi	Fattah	Livngood	Saurman
Belfanti	Fee	Lloyd	Scheetz
Birmelin	Fischer	Lucyk	Schuler
Black	Flick	McCall	Semmel
Blaum	Foster	McClatchy	Serafini
Book	Fox	McHale	Seventy
Bortner	Freeman	McVerry	Showers
Bowley	Freind	Maiale	Sirianni
Bowser	Gallen	Maine	Smith, B.

Boyes	Gamble	Manderino	Smith, S. H.
Brandt	Gannon	Manmiller	Snyder, D. W.
Broujos	Geist	Markosek	Snyder, G.
Bunt	George	Mayernik	Staback
Burd	Gladeck	Melio	Stairs
Burns	Godshall	Merry	Steighner
Bush	Gruitza	Michlovic	Stevens
Caltagirone	Gruppo	Micozzie	Stuban
Cappabianca	Hagarty	Miller	Sweet
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.
Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	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	Hutchinson	Petrarca	Weston
Cowell	Itkin	Petrone	Wiggins
Coy	Jackson	Phillips	Wilson
DeLuca	Jadlowiec	Piccola	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
Dietterick	Kenney	Raymond	
Dininni	Kosinski	Reber	Irvis,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Rieger	

NAYS—0

NOT VOTING—2

Pievsky

Richardson

EXCUSED—1

Linton

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 558, PN 608**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring the Department of Transportation to do certain work on manhole covers, drains and other devices at the time a road is repaired or resurfaced.

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

HB 702, PN 2168.

* * *

The House proceeded to second consideration of **HB 1452, PN 2170**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for school buses and for width of vehicles.

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 1452 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 1718, PN 2143**, entitled:

An Act designating the Fourth Street Bridge in the Borough of Huntingdon, Huntingdon County, as the Sgt. William D. Port Bridge.

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 1718 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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1453, PN 1719**, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

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

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

NAYS—0

NOT VOTING—3

Battisto	Pievsky	Showers
		EXCUSED—1

Linton

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.

* * *

The House proceeded to third consideration of **HB 1384, PN 1604**, entitled:

An Act requiring certain signs on vehicles carrying waste to landfills within this Commonwealth.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

NAYS—1

Langtry

NOT VOTING—3

Harper

Pievsky

Steighner

EXCUSED—1

Linton

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.

HB 1130 PASSED OVER TEMPORARILY

The **SPEAKER**. On HB 1130, PN 1278, mark it over temporarily. The Chair has been informed that there are two amendments to be offered - one by Mr. Fox and the other one by Mr. Pistella.

WELCOME

The **SPEAKER**. The Chair welcomes Effie and French Trogdon. They are sister and brother-in-law of Representative Saloom. They are here to the left of the Speaker. Will you please stand. Welcome to the hall of the House. We are delighted to have you here.

CITATION PRESENTED

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

Mr. WAMBACH. Thank you, Mr. Speaker, and members of the House.

To my colleagues here in the House of Representatives, I am proud to stand before you today with the president and general manager of the Harrisburg Senators baseball team.

Realizing that we have colleagues on the other side of this Capitol called the Senators, they are not the only game in town, Mr. Speaker, because what was brought to City Island stadium - RiverSide Stadium - this year was a AA Pittsburgh Pirates team that won the Eastern League AA championship.

We are proud of the Harrisburg Senators, Mr. Speaker, here in Harrisburg, and to that end I would like to read a citation by the House of Representatives and do a presentation.

COMMONWEALTH OF PENNSYLVANIA

CITATION BY

THE HOUSE OF REPRESENTATIVES

WHEREAS, The Harrisburg Senators, under the ownership of Jerome Mileur and the astute leadership and guidance of Manager Dave Trembley, Coach Spin Williams and Trainer Dave Douglas, the Harrisburg Senators, captured the 1987 AA Eastern League Championship crown; and,

WHEREAS, After an absence of thirty-five years, professional baseball returned to the South Central Pennsylvania region in the form of the Harrisburg Senators, The Pittsburgh Pirates AA Team, bringing

with it an infusion of excitement and enthusiasm that had not been heard for many years. From April to September, the cheers of over 212,000 devoted fans of all ages could be heard echoing from the newly constructed RiverSide Stadium on City Island; and,

WHEREAS, The Harrisburg Senators, comprised of pitchers Rich Sauveur, Jim Neidlinger, Rob Russell, Larry Melton, Chris Ritter, Randy Kramer, Kevin Gordon, Bill Copp, Scott Neal, Clay Daniel and Ben Morrow; catchers Tom Prince and Kerry Baker; infielders Lance Belen, Jim Reboulet, Dimas Gutierrez, Felix Fermin, Jeff King, and Kyle Todd; and outfielders Tommy Gregg, Tony Walker, Craig Brown and Geno Gentile posted a final regular season record of seventy-seven wins and sixty-three losses; and,

WHEREAS, The Harrisburg Senators, to the delight of their loyal and devoted followers, progressed to the Eastern League playoffs, where they emerged victorious after a thrilling five game series with the Reading Phillies. The AA Eastern League Championship was clinched in a 3 - 1 series with the Vermont Reds.

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania does hereby extend its heartiest congratulations to the 1987 Harrisburg Senators organization for their outstanding achievement and the return of professional baseball to the City of Harrisburg and further directs that copies of this citation be delivered to Scott Carter, President; Rick Redd, General Manager; members of the 1987 Harrisburg Senators and its Business Operations personnel.

It is submitted by myself as sponsor and signed by the Speaker and attested to by the Chief Clerk.

Mr. Speaker, in the presence of all of my colleagues and yourself, I am indeed very honored to present these citations to both the president, Scott Carter, and Rick Redd, the general manager of the Harrisburg Senators.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 146, PN 164**, entitled:

An Act regulating motor vehicle rustproofing; and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A3340:

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

remedies

Amend Bill, page 2, lines 24 through 30; page 3, lines 1 through 30; page 4, lines 1 through 13, by striking out all of said lines on said pages and inserting

Section 5. Violations.

A violation of section 3 shall be deemed a violation of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law. The Attorney General is authorized to enforce this act.

Amend Sec. 9, page 4, line 14, by striking out "9" and inserting

6

Amend Sec. 9, page 4, lines 16 through 19, by striking out "Any" in line 16, and all of lines 17 through 19

Amend Sec. 9, page 4, line 20, by striking out "actions" and inserting

action

Amend Sec. 9, page 4, line 21, by striking out "or a district attorney"

Amend Sec. 9, page 4, line 22, by striking out "actions" and inserting

action

Amend Sec. 9, page 4, lines 22 and 23, by striking out "or a district attorney"

Amend Sec. 10, page 4, line 24, by striking out "10" and inserting

7

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is to try to simplify the process for enforcing this legislation. Under the bill basically what we did was to take from the Unfair Trade Practices Act the exact procedure which was in that law and put it into this bill. What the amendment would do is to take that language out of the bill and simply make a violation of this act a violation of the Unfair Trade Practices Act. The purpose is to avoid having to generate a whole set of new case law when all of these provisions have been previously interpreted and administered by the Attorney General under the Unfair Trade Practices Act. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman consent to a period of interrogation? I not only do not understand his amendment, I do not understand the bill.

The SPEAKER. Mr. Lloyd indicates he will stand for interrogation. You may proceed, Mr. Ryan.

Mr. RYAN. Mr. Speaker, would the gentleman just briefly tell me what the bill will do so I can try and incorporate into that the gentleman's amendment.

Mr. LLOYD. What the bill does is to make it a violation, if the amendment passes, a violation of the Unfair Trade Practices Act for a new-car dealer to force a consumer to take rustproofing from the dealer if the consumer does not want to take it. That would be accomplished by a warning or a notice from the new-car dealer to the consumer that he has the right to buy the car with or without dealer-applied rustproofing, an indication if there has been rustproofing previously applied by the manufacturer and if there are any warranties which have been extended by the manufacturer, and then consent from the consumer to have the dealer apply either rustproofing in the first instance or additional rustproofing.

Basically, what the bill is intended to do is to allow the free marketplace to determine who applies rustproofing and at what price.

Mr. RYAN. Thank you, Mr. Speaker.

I think, Mr. Speaker, you and I have philosophical differences about a lot of things, and I will go into that in a moment on this bill, but what does this amendment do to this? I would like to know what the penalties are to this terrible dealer who rustproofs a car and then forces this car, rustproofed, down the throat of this poor consumer who really did not want to buy a car from that dealer in the first place, I guess. What is the penalty if the dealer rustproofs every car in his place himself?

Mr. LLOYD. Under the amendment the penalties are exactly what the penalties would be under the bill. All the amendment is designed to do is to put this under the Unfair Trade Practices Act. The penalties which are in the bill originally are directly from the Unfair Trade Practices Act.

Mr. RYAN. And what are those penalties?

Mr. LLOYD. Okay. First, the Attorney General has the right to seek injunctive relief. Secondly, there is a process of voluntary compliance—an assurance is what it is called under the Unfair Trade Practices Act—that basically amounts to a consent order or consent agreement under which the dealer agrees that he will not violate the Unfair Trade Practices Act. There is a maximum civil penalty of \$5,000. There is, in addition to that in the Unfair Trade Practices Act, an additional penalty of \$1,000 per violation, and of course, there are individual remedies which would be preserved. If the individual consumer wants to sue on some contract theory or some other legal theory, the Unfair Trade Practices Act allows that.

Mr. RYAN. Now, are you saying, in essence, that this amendment really does not do a whole lot to the bill except simplify the penalty section?

Mr. LLOYD. That is exactly right. I think your problem is with the bill and not with the amendment.

Mr. RYAN. Yes.

Well, then I will go along with the amendment because I do not understand it, but I would like to be recognized in connection with the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—3

Arty	Pievsky	Richardson
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EXCUSED—1

Linton

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

On the question,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. The bill, together with the Lloyd amendment attached thereto, will go over temporarily.

Mr. Itkin has requested an amendment, which has not yet been delivered. If the amendment is delivered in time, we will take the bill up this afternoon. Mark it over temporarily.

* * *

The House proceeded to third consideration of **HB 258, PN 279**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the occupancy of trailing vehicles.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

NAYS—1

Langtry

NOT VOTING—2

Pievsky

Wiggins

EXCUSED—1

Linton

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.

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House, as guests of Representative Carlson, the Cowanesque Over 60 Club from Tioga County. Are they in the balcony? Welcome to the hall of the House. We are delighted to have them.

Representative Jackson from Lebanon has the Verbena Club. They are in the balcony also. Welcome to the hall of the House. We are delighted to have you here.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 847, PN 2224 (Amended)

By Rep. SWEET

An Act authorizing the establishment of a commission for counties of the second class and adjacent counties to undertake industrial, land use improvement and civic projects; providing for the powers, members, organization and employees of the commission; granting to the commission the power of eminent domain; authorizing the commission to issue bonds; granting remedies to bondholders; and providing for contracts and purchases, for the sale or lease of projects, for funding of the commission and for an exemption from taxation.

LOCAL GOVERNMENT.

HB 1099, PN 2225 (Amended)

By Rep. SWEET

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for a decrease in the number of councilmen; and making an editorial change.

LOCAL GOVERNMENT.

SB 562, PN 1419 (Amended)

By Rep. SWEET

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for expenses of delegates and officers who attend certain meetings.

LOCAL GOVERNMENT.

SB 563, PN 1420 (Amended)

By Rep. SWEET

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for expenses of delegates who attend certain meetings.

LOCAL GOVERNMENT.

SB 564, PN 1421 (Amended)

By Rep. SWEET

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for expenses of delegates and mayors incurred in attending meetings and conventions.

LOCAL GOVERNMENT.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. HUTCHINSON presented the Report of the Committee of Conference on **SB 516, PN 1418**.

ANNOUNCEMENT BY MR. BELFANTI

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti. Do you wish to rise to make an announcement?

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, later today I plan to introduce legislation which would exempt already existing shooting ranges from civil or criminal actions relating to noise pollution. Any member who would like to cosponsor, the bill will be up at the bill desk. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 937, PN 1849**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the production of a driver's license or evidence to avoid certain penalties.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

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

Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	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	Hutchinson	Petrarca	Weston
Cowell	Itkin	Petrone	Wiggins
Coy	Jackson	Phillips	Wilson
DeLuca	Jadlowiec	Piccola	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
Dietterick	Kenney	Raymond	
Dininni	Kosinski	Reber	Irvis,
Distler	Kukovich	Reinard	Speaker
Dombrowski	LaGrotta	Rieger	

NAYS—0

NOT VOTING—2

Pievsky

Richardson

EXCUSED—1

Linton

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.

* * *

The House proceeded to third consideration of **HB 1022, PN 1124**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for tires and bumpers.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Acosta	Donatucci	LaGrotta	Reinard
Angstadt	Dorr	Langtry	Richardson
Argall	Duffy	Lashingner	Rieger
Arty	Durham	Laughlin	Ritter
Baldwin	Evans	Leh	Robbins
Barley	Fargo	Lescovitz	Roebuck
Battisto	Farmer	Letterman	Ryan
Belardi	Fattah	Levdansky	Rybak
Belfanti	Fee	Livengood	Saloom
Birmelin	Fischer	Lloyd	Saurman
Black	Flick	Lucyk	Scheetz
Blaum	Foster	McCall	Schuler
Book	Fox	McClatchy	Semmel
Bortner	Freeman	McHale	Serafini
Bowley	Freind	McVerry	Seventy
Bowser	Gallen	Maiale	Showers

Boyes	Gamble	Maine	Sirianni
Brandt	Gannon	Manderino	Smith, B.
Broujos	Geist	Manmiller	Smith, S. H.
Bunt	George	Markosek	Snyder, D. W.
Burd	Gladeck	Mayernik	Staback
Burns	Godshall	Melio	Stairs
Bush	Gruitza	Merry	Steighner
Caltagirone	Gruppo	Michlovic	Stevens
Cappabianca	Hagarty	Micozzie	Stuban
Carlson	Haluska	Miller	Sweet
Carn	Harper	Moehlmann	Taylor, E. Z.
Cawley	Hasay	Morris	Taylor, F.
Cessar	Hayden	Mowery	Taylor, J.
Chadwick	Hayes	Mrkonic	Telek
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	Petrarca	Wiggins
Coy	Jackson	Petrone	Wilson
DeLuca	Jadlowiec	Phillips	Wogan
DeVerter	Jarolin	Piccola	Wozniak
DeWeese	Johnson	Pistella	Wright, D. R.
Daley	Josephs	Pitts	Wright, J. L.
Davies	Kasunic	Pressmann	Wright, R. C.
Dawida	Kennedy	Preston	Yandrisevits
Dietterick	Kenney	Punt	
Dininni	Kosinski	Raymond	Irvis,
Distler	Kukovich	Reber	Speaker

NAYS—2

Snyder, G. Tigie

NOT VOTING—2

Pievsky Rudy

EXCUSED—1

Linton

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.

* * *

The House proceeded to third consideration of **HB 1128, PN 1276**, entitled:

An Act designating a section of Traffic Route 63 in Philadelphia County, Pennsylvania, as the Veterans Memorial Road.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

Acosta	Dombrowski	LaGrotta	Richardson
Angstadt	Donatucci	Langtry	Rieger
Argall	Dorr	Lashingner	Ritter
Arty	Duffy	Laughlin	Robbins

Baldwin	Durham	Leh	Roebuck
Barley	Evans	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdanskoy	Rybak
Belfanti	Fattah	Livengood	Saloom
Birmelin	Fee	Lloyd	Saurman
Black	Fischer	Lucyk	Scheetz
Blaum	Flick	McCall	Schuler
Book	Foster	McClatchy	Semmel
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
Caltagirone	Gruitza	Michlovic	Stevens
Cappabianca	Gruppo	Micozzie	Stuban
Carlson	Hagarty	Miller	Sweet
Carn	Harper	Moehlmann	Taylor, E. Z.
Cawley	Hasay	Morris	Taylor, F.
Cessar	Hayden	Mowery	Taylor, J.
Chadwick	Hayes	Mrkonic	Telek
Civera	Heckler	Murphy	Tigue
Clark	Herman	Nahill	Trello
Clymer	Hershey	Noye	Truman
Cohen	Hess	O'Brien	Van Horne
Colafella	Honaman	O'Donnell	Veon
Cole	Howlett	Olasz	Vroon
Cornell	Hughes	Oliver	Wambach
Corrigan	Hutchinson	Perzel	Wass
Cowell	Itkin	Petrarca	Weston
Coy	Jackson	Petrone	Wiggins
DeLuca	Jadlowiec	Phillips	Wilson
DeVerter	Jarolin	Piccola	Wogan
DeWeese	Johnson	Pistella	Wozniak
Daley	Josephs	Pitts	Wright, D. R.
Davies	Kasunic	Pressmann	Wright, J. L.
Dawida	Kennedy	Preston	Yandrisevits
Dietterick	Kenney	Punt	
Dininni	Kosinski	Reber	Irvis,
Distler	Kukovich	Reinard	Speaker

NAYS—0

NOT VOTING—5

Haluska Raymond Serafini Wright, R. C.
Pievsky

EXCUSED—1

Linton

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.

* * *

The House proceeded to third consideration of **HB 1131, PN 1279**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for inspection of garages and dealer premises by police; and requiring certain persons to keep accurate records of motor vehicle sales and dispositions.

On the question,

Will the House agree to the bill on third consideration?

Mr. MARKOSEK offered the following amendments No. A3302:

Amend Title, page 1, line 2, by inserting after "Statutes," defining "automotive dismantler and recycler" and "salvage motor vehicle auction or pool operator";

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

Sections 102 and

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

Amend Sec. 1, page 1, by inserting between lines 9 and 10 § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Automotive dismantler and recycler." A person engaged in the business of purchasing and dismantling or disassembling wrecked or abandoned or salvage motor vehicles for the purpose of selling the usable vehicle.

"Salvage motor vehicle auction or pool operator." A person who on his own behalf or as an agent for a third party engages in business for the purpose of offering for sale wrecked or salvage motor vehicles through an auction or private bid process to automotive dismantlers and recyclers.

Amend Sec. 1 (Sec. 6308), page 2, line 13, by inserting after "salvor,"

automotive dismantler and recycler, salvage motor vehicle auction or pool operator,

Amend Sec. 1 (Sec. 6308), page 2, line 20, by striking out "junkyard operator" and inserting

automotive dismantler and recycler, salvage motor vehicle auction or pool operator

Amend Sec. 1 (Sec. 6308), page 2, line 21, by striking out "designated agent"

Amend Sec. 1 (Sec. 6308), page 2, line 26, by striking out "junkyard operator" and inserting

automotive dismantler and recycler, salvage motor vehicle auction or pool operator

Amend Sec. 1 (Sec. 6308), page 2, line 27, by striking out "designated agent and new or used car" and inserting
and

On the question,

Will the House agree to the amendments?

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, all of these bills in this package - HB's 1130 through 1133 - are bills that have been the product of a special committee to investigate auto theft and chop shops that was part of last session's proceedings. As chairman of the committee, we held numerous hearings throughout the State on this particular issue and derived a great deal of testimony from many different people. HB 1131 is one of those bills, and this particular amendment to HB 1131 simply cleans up some language, better defines some language as to what exactly are automotive recyclers and auto parts people.

I think it is pretty much self-explanatory, Mr. Speaker, and I would ask the members for their support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Lashing	Ritter
Angstadt	Dorr	Laughlin	Robbins
Argall	Duffy	Leh	Roebuck
Arty	Durham	Lescovitz	Rudy
Baldwin	Evans	Letterman	Ryan
Barley	Fargo	Levdansky	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.
Broujos	Geist	Mayernik	Snyder, G.
Bunt	George	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stevens
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Moehlmann	Sweet
Carlson	Haluska	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Tigue
Civera	Herman	Noye	Trello
Clark	Hershey	O'Brien	Truman
Clymer	Hess	O'Donnell	Van Horne
Cohen	Honaman	Olasz	Veon
Colafella	Howlett	Oliver	Vroon
Cole	Hughes	Perzel	Wambach
Cornell	Hutchinson	Petrarca	Wass
Corrigan	Itkin	Petrone	Weston
Cowell	Jackson	Phillips	Wiggins
Coy	Jadlowiec	Piccola	Wilson
DeLuca	Jarolin	Pistella	Wogan
DeVerter	Johnson	Pitts	Wozniak
DeWeese	Josephs	Pressmann	Wright, D. R.
Daley	Kasunic	Preston	Wright, J. L.
Davies	Kennedy	Punt	Wright, R. C.
Dawida	Kenney	Raymond	Yandrisevits
Dietterick	Kosinski	Reber	
Dininni	Kukovich	Reinard	Irvis,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—0

NOT VOTING—2

Harper Pievsky

EXCUSED—1

Linton

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

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

NAYS—0

NOT VOTING—1

Pievsky

EXCUSED—1

Linton

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.

* * *

The House proceeded to third consideration of **HB 1132, PN 1280**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle identification numbers.

On the question,

Will the House agree to the bill on third consideration?

Mr. MARKOSEK offered the following amendments No. A3296:

Amend Sec. 1 (Sec. 7102), page 1, line 18, by striking out the bracket before "(c)"

Amend Sec. 1 (Sec. 7102), page 2, line 1, by inserting a bracket before "for"

Amend Sec. 1 (Sec. 7102), page 2, line 3, by inserting after "junked).]"

or part thereof that is damaged and such removal is necessary for proper repair or matching identification of a replacement vehicle part. Such removal is only allowed if the proper matching identification number is immediately and properly secured to the repaired or replacement part.

Amend Sec. 1 (Sec. 7103), page 2, line 17, by striking out the bracket before "(c)"

Amend Sec. 1 (Sec. 7103), page 2, line 18, by inserting a bracket before "for"

Amend Sec. 1 (Sec. 7103), page 2, line 20, by inserting after "junked).]"

or part thereof that is damaged and such removal is necessary for proper repair or matching identification of a replacement vehicle part. Such removal is only allowed if the proper matching identification number is immediately and properly secured to the repaired or replacement part.

On the question,

Will the House agree to the amendments?

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

Mr. MARKOSEK. Mr. Speaker, this amendment also introduces some additional language. The Pennsylvania Auto and Truck Salvage Association worked with us on this particular amendment to better define the removal of vehicle identification numbers from vehicles. We have a situation where such numbers are removed on a daily basis for legitimate purposes in order to make all of the VIN numbers on a particular vehicle match. As a result, this amendment, this language, was come up with. The bill as it stood previously would have made that illegal and we do not want to do that; we do not want to interrupt any legitimate business or make certain legitimate aspects of the business illegal, so this amendment clears that up. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Pievsky

EXCUSED—1

Linton

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

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

Mr. MARKOSEK offered the following amendments No. A3342:

Amend Sec. 1 (Sec. 7102), page 1, line 9, by inserting after "removes"

, sells

Amend Sec. 1 (Sec. 7102), page 1, line 16, by inserting after "removes"

, sells

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

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

This amendment simply adds the word "sells" to the bill, which then has the bill read that a person who willfully removes or sells falsified vehicle identification numbers from vehicle parts would come under this act. So this actually expands the bill's scope in a way that we will take in many of the folks who are now violating the law through their various scams, and certainly this amendment, by adding this one word, will strengthen the bill. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—194

Acosta	Dombrowski	Langtry	Richardson
Angstadt	Donatucci	Lashingier	Rieger
Argall	Dorr	Laughlin	Ritter
Arty	Duffy	Leh	Robbins
Baldwin	Durham	Lescovitz	Roebuck
Barley	Evans	Letterman	Rudy
Battisto	Farmer	Levdansky	Ryan
Belardi	Fattah	Livengood	Rybak
Belfanti	Fee	Lloyd	Saloom
Birmelin	Fischer	Lucyk	Saurman
Black	Flick	McCall	Scheetz
Blaum	Foster	McClatchy	Schuler
Book	Fox	McHale	Semmel
Bortner	Freeman	McVerry	Serafini
Bowley	Freind	Maiale	Seventy
Bowser	Gallen	Maine	Showers
Boyes	Gamble	Manderino	Smith, B.
Brandt	Gannon	Manmiller	Snyder, D. W.
Broujos	Geist	Markosek	Snyder, G.
Bunt	George	Mayernik	Staback
Burd	Gladeck	Melio	Stairs
Burns	Godshall	Merry	Steighner
Bush	Gruitza	Michlovic	Stevens
Caltagirone	Gruppo	Micozzie	Stuban
Cappabianca	Hagarty	Miller	Sweet
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.
Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	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	Hughes	Oliver	Wambach
Cornell	Hutchinson	Perzel	Wass
Corrigan	Itkin	Petrarca	Weston
Cowell	Jackson	Petrone	Wiggins
Coy	Jadlowiec	Phillips	Wilson
DeLuca	Jarolin	Piccola	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
Dietterick	Kosinski	Raymond	
Dininni	Kukovich	Reber	Irvis,

Distler	LaGrotta	Reinard	Speaker
		NAYS—0	
		NOT VOTING—5	
Fargo	Pievsky	Sirianni	Smith, S. H.
Howlett			
		EXCUSED—1	
Linton			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Donatucci	Lashinger	Ritter
Angstadt	Dorr	Laughlin	Robbins
Argall	Duffy	Leh	Roebuck
Arty	Durham	Lescovitz	Rudy
Baldwin	Evans	Letterman	Ryan
Barley	Fargo	Levdansky	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	Maiiale	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	Gruitza	Micozzie	Stevens
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Moehlmann	Sweet
Carlson	Haluska	Morris	Taylor, E. Z.
Carn	Harper	Mowery	Taylor, F.
Cawley	Hasay	Mrkonic	Taylor, J.
Cessar	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Tigue
Civera	Heckler	Noye	Trello
Clark	Herman	O'Brien	Truman
Clymer	Hershey	O'Donnell	Van Horne
Cohen	Hess	Olasz	Veon
Colafella	Honaman	Oliver	Vroon
Cole	Howlett	Perzel	Wambach
Cornell	Hughes	Petrarca	Wass
Corrigan	Itkin	Petrone	Weston
Cowell	Jackson	Phillips	Wiggins
Coy	Jadlowiec	Piccola	Wilson
DeLuca	Jarolin	Pistella	Wogan
DeVertter	Johnson	Pitts	Wozniak
DeWeese	Josephs	Pressmann	Wright, D. R.
Daley	Kasunic	Preston	Wright, J. L.
Davies	Kennedy	Punt	Wright, R. C.
Dawida	Kenney	Raymond	Yandrisevits
Dietterick	Kosinski	Reber	
Dininni	Kukovich	Reinard	Irvis,

Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	
		NAYS—0	
		NOT VOTING—2	
Hutchinson	Pievsky		
		EXCUSED—1	
Linton			

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.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. Does the lady from Philadelphia, Mrs. Harper, wish to announce a committee meeting? Please rise to make the announcement.

Mrs. HARPER. Thank you, Mr. Speaker.

At the call of the recess I would like to call a committee meeting of Urban Affairs at the rear of the House.

REMARKS ON VOTES

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

Mr. SERAFINI. Mr. Speaker, on HB 1128 I failed to be recorded. I would like to be recorded in the positive, please. Thank you.

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

Why does the gentleman from Butler, Mr. Steighner, rise?

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, my switch was inoperative when the vote was taken on HB 1384. Had it been working, I would have liked to have been recorded in the affirmative.

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

Why does the gentleman from Clarion, Mr. Wright, rise?

Mr. D. R. WRIGHT. Mr. Speaker, on HB 258 I was not recorded. I wish to be recorded in the affirmative.

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

Why does the gentleman from Cambria, Mr. Haluska, rise?

Mr. HALUSKA. Mr. Speaker, on HB 1128 I failed to push my switch. I would like to be voted in the affirmative.

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

For the information of the members who have been making requests of the schedule, the Chair has been informed by the leaders that there will be a voting session tomorrow.

RECESS

The SPEAKER. We shall now declare a recess until 1 p.m., and we will be back here this afternoon.

The House will stand in recess until 1 p.m.

AFTER RECESS

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

SENATE MESSAGE**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate, October 5, 1987

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, October 13, 1987, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, October 13, 1987, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Union, Mr. Showers, rise?

Mr. SHOWERS. To correct a vote, Mr. Speaker.

The SPEAKER. The gentleman will state the correction.

Mr. SHOWERS. Mr. Speaker, I would like the record to indicate that I was in my seat for the vote on HB 1453 but my switch failed to record my affirmative vote. Thank you.

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

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1133, PN 1919**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application for certificate of title affecting out-of-State vehicles.

On the question,

Will the House agree to the bill on third consideration?

Mr. G. M. SNYDER offered the following amendment No. A3394:

Amend Sec. 1 (Sec. 1103), page 2, line 8, by inserting after "MECHANIC"

or authorized messenger service

On the question,

Will the House agree to the amendment?

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

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

My amendment would simply add to those that are entitled to certify the VIN numbers, vehicle identification numbers, of out-of-State vehicles, to include messenger services or those who run messenger services.

My rationale for doing so is that if you live along any one of Pennsylvania's borders, particularly in the rural parts of the Commonwealth, many of your constituents are purchasing cars from States other than Pennsylvania. They then must get that title made into a Pennsylvania title. Under HB 1133 as drafted, they would only be able to do that if they got a certification from a police officer or an inspection mechanic as to the VIN number.

In many areas of my district it is very difficult to obtain the prompt services of either a police officer or an inspection mechanic, particularly for this kind of bureaucratic sort of undertaking. That is why I have chosen to offer this amendment, which would allow authorized messenger services—they are bonded, they must be approved by PennDOT, and they are regulated by PennDOT—to also certify to the VIN number of out-of-State motor titles. I ask for your support. Thank you.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, this is not an agreed-to amendment, and I would oppose the amendment for a couple of reasons.

I spoke with the gentleman, Mr. Snyder, earlier, and we tried to come up with some language that perhaps would solve his problem and yet not water the bill down to the point where it would be worthless.

If this amendment would pass, the bill, I think, would lose a lot of what it is intended to do. First of all, we originally in the State of Pennsylvania, at one time, for these out-of-State vehicles, had State Police officers inspect the vehicle identification numbers. That was changed back in 1978 for great reason, in part, because of convenience. Unfortunately, because of that convenience, what we have done is we have given auto thieves a very good, big loophole in which they have been able to perpetrate their scams, such as titling stolen vehicles, putting vehicle identification numbers on those vehicles that are illegal and then simply walking into a notary, having that notary notarize the paperwork and not inspect the car. I do not know of any notaries that go out and look under the car or look for vehicle identification numbers that have been tampered with. As a result of this and from our testi-

mony that we had in the hearings, we came up with HB 1133, which would give the State Police back their old duty of inspecting these out-of-State vehicles that were coming in for inspection and for new titles.

One of the things that happened in committee was Representative Snyder approached the committee and myself and said that he had a problem with State Police doing this because, particularly in the rural areas, you do not always have a State policeman available. So what we did in committee, at the request of Representative Snyder, was we amended the bill to expand the number of people who could inspect the car from not only the State Police— As a matter of fact, we eliminated “State Police” and the bill now reads police officer and/or inspection station operator. What Mr. Snyder is trying to do now is further expand the bill to include bonded notaries. The problem that I have with that particular—

The SPEAKER. Just a moment, Mr. Markosek. They are being inconsiderate again.

You are being very impolite to Mr. Markosek.

Try it now, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

The main problem that I have with the bill, if Mr. Snyder’s amendment is passed, an illegal chop shop operation could simply have their employee apply for a bonded notary license, pay the fee, and then they would have that bonded notary working for them. So they would have that bonded notary right in their own chop shop, in the illegal chop shop, doing the illegal work for them right there on the premises.

I understand what Representative Snyder is trying to do. He has some people in his district that have complained because of perhaps a loss of business, but I would suggest to the members that first of all, this bill only deals with out-of-State vehicle purchases, which I believe to be minimal. It would only affect areas close to the borders, and I do not think it would affect that many people because most people do not buy a car that often and it is not a great hardship to go once every 2 or 3 or 4 or 5 years to an inspection station to have this particular vehicle identification number approved. Therefore, Mr. Speaker, I would suggest that the members vote “no” on this amendment. Thank you.

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

Mr. MERRY. Mr. Speaker, may I interrogate the maker of amendment A3394?

The SPEAKER. The gentleman, Mr. Snyder, indicates he will stand for interrogation. You may proceed. You are in order, Mr. Merry.

Mr. MERRY. Mr. Speaker, it is my understanding, as the previous speaker has indicated, that the original bill as now before us says that a certified Pennsylvania vehicle inspection mechanic may inspect these serial numbers. Now, since Pennsylvania does have seven States that border it and since I represent that great area next to Ohio and we have hundreds of these coming in all the time, I find no problem with the original language of the bill where an inspection station mechanic may certify that.

Now, in our area, being 300 miles from the State capital, it would be our procedure then to give it to our favorite State Representative or mail it in the mail. I realize that some people do use messenger services. Now, how would a messenger service - you know, the PAA (Pennsylvania Automotive Association), the AAA (American Automobile Association), some of these services here in Harrisburg - having received those papers from a customer or client, how would they possibly get back to the automobile in Crawford or Erie County and verify that serial number by actually looking at it? How does your amendment take care of that?

Mr. G. M. SNYDER. I could not hear very well, but I will explain to you what I think is an answer to your question.

The SPEAKER. Just a moment, Mr. Snyder. You are absolutely right.

Will some of you who persist in talking, if your conversation is that important, would you leave so at least Mr. Snyder can hear the questions which are being asked of him. Mr. Snyder could not hear from the rear of this hall to the front what the questions were.

Ask your question again, Mr. Merry. Mr. Snyder has a right to at least hear the question.

Mr. MERRY. Briefly, Mr. Speaker, my question is, how does an authorized messenger service in Harrisburg verify a serial number that might exist in Crawford or Erie County?

Mr. G. M. SNYDER. In answer to your question, what I envision and what I think is now in place under this bill is that if there cannot be a legible tracing of the VIN number, then you must contact the police or an inspection mechanic who then physically inspects the automobile and certifies as to the VIN number. So, in answer to your question, I do not think it makes sense for a messenger service in Harrisburg to be certifying under those conditions a vehicle that is in Erie County. However, if you have an authorized messenger service in Erie County, with my amendment they would then be able to make the physical inspection to identify the VIN number. That is all that my amendment does to change the bill as it now stands. It simply adds to the types of people that can do that.

Mr. MERRY. Thank you, Mr. Speaker.

That ends my interrogation. I would like to remark on the amendment.

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

Mr. MERRY. Mr. Speaker, I think this amendment should be defeated in that it just is not practical. Most messenger services are just businesses that handle these things en masse; take them in over the counter and for a small fee or for a membership process these things. They are not running out to the curbside or out to the parking lot to inspect these vehicles, and I do not think they would or should do that. For that reason I really think the bill as originally drafted is okay and this amendment should be defeated.

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

Mr. G. M. SNYDER. Just briefly to perhaps respond to some of the comments that have been made. Number one, I

think the gentleman, Mr. Merry, misunderstands the intent, and perhaps his messengers work differently than those in my little part of Pennsylvania do. This applies only where the VIN number does not have a legible tracing, and if the messenger service does not want to do it, there is nothing that says they have to. But I know that when it takes my people over an hour to drive to the closest State Police barracks, when the majority of my people have no municipal police protection, and when the inspection mechanics are open only certain hours of the day and frankly have better things to do, it makes sense to me to allow a messenger in a rural part of Pennsylvania to physically inspect a vehicle for a VIN number, because remember, that messenger not only is bonded but he has to be approved by the Department of Transportation.

Now, as far as Mr. Markosek's comments go, I think he is incorrect. This amendment does not mean that all you have to be is a notary who is bonded; it means you have to be an approved messenger pursuant to current law under Title 75, the Vehicle Code. You have to make a yearly application with PennDOT; you are governed by PennDOT; you have to post a bond, and your messenger service license can be revoked if you are doing something improper pursuant to that license.

For those reasons I again ask for your support of the amendment.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Snyder, I think, is doing his job as a Representative of his area, because basically this bill deals with out-of-State vehicles, out-of-State vehicles only that are bought out of State. Someone who lives in Pennsylvania then brings it into the State and tries to get a Pennsylvania title for it. Those of you who represent areas in some of the border communities of the Commonwealth I believe will probably be hearing from some of your notaries for the same reasons that Mr. Snyder heard from his, and as a result, he is putting in this amendment. However, keep in mind that first of all, these are only out-of-State vehicles, and I think there is a limited number of those. We are not talking about every vehicle that is bought, every new vehicle that is bought; we are only talking about vehicles bought out of State, titled out of State, and now that person brings it into the Commonwealth and tries to get a Pennsylvania title for it.

The other thing is, if this amendment would pass, it would greatly reduce the effectiveness, in fact almost gut the bill, because as I mentioned, any chop shop proprietor, anybody who illegally operates a so-called chop shop, could then simply have their employee become bonded with the Department of Transportation. It is not that hard to do. They can fill out the forms and pay the fees and become bonded, and now this illegal chop shop operator would have this person working for them, doing all their dirty work, so to speak. It provides a tremendous loophole for the sophisticated auto thief. And believe me, from what we have heard from our testimony in the committee hearings, those people operating these chop shops are in fact very sophisticated, to the point of having computers and many other modern conveniences.

I would also like to point out that the bonding that these messengers have, as stated by Mr. Snyder, is mostly intended to cover any kind of financial problems with your handing them your money when you pay your fees for PennDOT. That is basically what that bonding is for. It does not protect you, or it does not protect us, I should say, from auto theft and illegal chop shops.

The bill as it stands has already been watered down at the request of Representative Snyder. What he is asking for now is to completely water it down to make it almost useless. I think we as legislators have to ask ourselves a question: Are we going to provide the convenience of a few as opposed to trying to wipe out this very serious crime of auto theft? As a result, I would ask the support of all of you in voting negatively on this particular amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—75

Arty	Dininni	Hess	Punt
Barley	Distler	Honaman	Reber
Battisto	Dorr	Hutchinson	Reinard
Birmelin	Durham	Jackson	Robbins
Black	Fargo	Jadlowiec	Ryan
Bortner	Farmer	Johnson	Saurman
Bowser	Fischer	Kenney	Scheetz
Boyes	Flick	Leh	Schuler
Brandt	Foster	McClatchy	Semmel
Bunt	Fox	Manmiller	Sirianni
Bush	Gallen	Micozzie	Smith, B.
Carlson	Gannon	Miller	Smith, S. H.
Cessar	Geist	Moehlmann	Snyder, D. W.
Chadwick	Godshall	Mowery	Snyder, G.
Civera	Gruppo	Nahill	Stairs
Clymer	Hagarty	Noye	Taylor, E. Z.
Cornell	Hayes	Phillips	Vroon
DeVertter	Herman	Piccola	Wright, J. L.
Dietterick	Hershey	Pitts	

NAYS—118

Acosta	Duffy	Lucy	Saloom
Angstadt	Evans	McCall	Serafini
Argall	Fattah	McHale	Seventy
Baldwin	Fee	McVerry	Showers
Belardi	Freeman	Maiale	Staback
Belfanti	Gamble	Maine	Steighner
Blaum	George	Manderino	Stevens
Book	Gladeck	Markosek	Suban
Bowley	Gruitza	Mayernik	Sweet
Broujos	Haluska	Melio	Taylor, F.
Burd	Harper	Merry	Taylor, J.
Burns	Hasay	Michlovic	Telek
Caltagirone	Hayden	Morris	Tigue
Cappabianca	Heckler	Mrkonic	Trello
Carn	Howlett	Murphy	Truman
Cawley	Itkin	O'Brien	Van Horne
Clark	Jarolin	O'Donnell	Veon
Cohen	Josephs	Olasz	Wambach
Colafella	Kasunic	Oliver	Wass
Cole	Kennedy	Perzel	Weston
Corrigan	Kosinski	Petrarca	Wiggins
Cowell	Kukovich	Petrone	Wilson
Coy	LaGrotta	Pistella	Wogan
DeLuca	Langtry	Pressmann	Wozniak
DeWeese	Laughlin	Preston	Wright, D. R.
Daley	Lescovitz	Richardson	Wright, R. C.
Davies	Letterman	Ritter	Yandrisevits

Dawida Levdansky Roebuck
 Dombrowski Livengood Rudy Irvis,
 Donatucci Lloyd Rybak Speaker

NOT VOTING—6

Freind Lashinger Raymond Rieger
 Hughes Pievsky

EXCUSED—1

Linton

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

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

NAYS—0

NOT VOTING—5

Blaum Freind Hughes Pievsky
 Cappabianca

EXCUSED—1

Linton

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.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House, as guests of Representative Coy and Representative Noye, the "Cumbelaires." That is a female vocal group from Shippensburg University. They are here with Donna Hardy, their director. They are in the balcony. Welcome to the hall of the House. We are delighted to have you here.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 94, PN 1486**, entitled:

An Act requiring public notice of certain conditions relating to a public water supply; and providing a civil penalty.

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

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

The question is, shall the bill pass finally?

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

YEAS—190

Acosta	Dombrowski	Laughlin	Robbins
Angstadt	Donatucci	Leh	Roebuck
Argall	Dorr	Lescovitz	Rudy
Arty	Duffy	Letterman	Ryan
Baldwin	Durham	Levdansky	Rybak
Barley	Evans	Livengood	Saloom
Battisto	Fargo	Lucyk	Saurman
Belardi	Farmer	McCall	Scheetz
Belfanti	Fattah	McClatchy	Schuler
Birmelin	Fee	McHale	Semmel
Black	Fischer	Maiale	Serafini
Blaum	Flick	Maine	Seventy
Bortner	Foster	Manderino	Showers
Bowley	Fox	Manmiller	Sirianni
Bowser	Freeman	Markosek	Smith, B.
Boyes	Gallen	Mayernik	Smith, S. H.
Brandt	Gamble	Melio	Snyder, D. W.
Broujos	Gannon	Merry	Snyder, G.
Bunt	Geist	Michlovic	Staback
Burd	George	Micozzie	Stairs
Burns	Gladeck	Miller	Steighner
Bush	Godshall	Moehlmann	Stevens
Caltagirone	Gruitza	Morris	Stuban
Cappabianca	Gruppo	Mowery	Sweet

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

NAYS—5

Book	Langtry	Lloyd	McVerry
Heckler			

NOT VOTING—4

Freind	Jadlowiec	Lashingner	Pievsky
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EXCUSED—1

Linton

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.

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

Mr. LETTERMAN. Did you pass over HB 1130 for the day or—

The SPEAKER. No, just temporarily.

Mr. LETTERMAN. Thank you.

The SPEAKER. My information is that there are amendments to be offered and they are not yet available. They are not yet available. We are not passing it over for the day, only temporarily.

* * *

The House proceeded to third consideration of **HB 750, PN 2136**, entitled:

An Act providing for abandoned mine subsidence emergency assistance.

On the question,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC offered the following amendment No. A3260:

Amend Sec. 4, page 4, line 2, by removing the period after "act" and inserting : Provided, however, That the department shall publish notice in a newspaper of general circulation serving the vicinity within a one-half mile radius of any area where mine subsidence has been

detected. The notice shall set forth the areas and the boundaries thereof which are within a one-half mile radius of the detected mine subsidence and shall include information regarding the availability of mine subsidence insurance and the prohibitions against mine subsidence assistance provided by this act.

On the question,

Will the House agree to the amendment?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

HB 750 provides for abandoned mine subsidence emergency assistance. There are a couple exceptions in the bill for that assistance, and one of those exceptions is a provision where there is known mine subsidence and where individuals are already asked to buy mine subsidence insurance. My amendment deals with that exception to the bill in that that exception requires everybody within a half mile of the occurrence of a known mine subsidence to get the mine insurance, and my amendment simply requires the department to set up boundaries so that people know which streets are within a half mile of that mine subsidence occurrence. I think it just clarifies the bill and it requires DER (Department of Environmental Resources) to set up those boundaries so that people will know whether or not they live within that half-mile area.

I ask the members to approve the amendment. Thank you, Mr. Speaker.

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

Mr. OLASZ. I agree to the amendment.

The SPEAKER. The amendment is agreed to by Mr. Olasz.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Lashingner	Ritter
Angstadt	Dorr	Laughlin	Robbins
Argall	Duffy	Leh	Roebuck
Arty	Durham	Lescovitz	Rudy
Baldwin	Evans	Letterman	Ryan
Barley	Fargo	Levdansky	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.
Broujos	Geist	Mayernik	Snyder, G.
Bunt	George	Melio	Staback
Burd	Gladeck	Merry	Stairs
Burns	Godshall	Michlovic	Steighner
Bush	Gruitza	Micozzie	Stevens
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Moehlmann	Sweet
Carlson	Haluska	Morris	Taylor, E. Z.
Carn	Harper	Mowery	Taylor, F.
Cawley	Hasay	Mrkonic	Taylor, J.
Cessar	Hayden	Murphy	Telek

Chadwick	Hayes	Nahill	Tigue
Civera	Heckler	Noye	Trello
Clark	Herman	O'Brien	Truman
Clymer	Hershey	O'Donnell	Van Horne
Cohen	Hess	Olasz	Veon
Colafella	Honaman	Oliver	Vroon
Cole	Howlett	Perzel	Wambach
Cornell	Hughes	Petrarca	Wass
Corrigan	Hutchinson	Petrone	Weston
Cowell	Itkin	Phillips	Wiggins
Coy	Jackson	Piccola	Wilson
DeLuca	Jadlowiec	Pistella	Wogan
DeVerter	Jarolin	Pitts	Wozniak
DeWeese	Johnson	Pressmann	Wright, D. R.
Daley	Josephs	Preston	Wright, J. L.
Davies	Kasunic	Punt	Wright, R. C.
Dawida	Kenney	Raymond	Yandrisevits
Dietterick	Kosinski	Reber	
Dininni	Kukovich	Reinard	Irvis,
Distler	LaGrotta	Richardson	Speaker
Dombrowski	Langtry	Rieger	

NAYS—0

NOT VOTING—2

Kennedy Pievsky

EXCUSED—1

Linton

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

On the question,

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

Mr. OLASZ offered the following amendments No. A3341:

Amend Sec. 4, page 2, line 26, by inserting after "shall" , to the extent funds are made available,

Amend Sec. 4, page 3, lines 7 through 9, by striking out "The loans shall be awarded without regard" in line 7, all of line 8 and "as a result of a mine subsidence emergency as defined." in line 9 and inserting

Loans shall be awarded on a priority basis according to severity of damages sustained, provided that a dwelling need not be rendered unsafe for human occupancy as a result of a mine subsidence emergency as defined herein to qualify for a loan under this subsection.

On the question,

Will the House agree to the amendments?

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

Mr. OLASZ. Mr. Speaker, this amendment has been worked out with the Department of Environmental Resources, which requested additional administrative guidance in the bill. First, the amendment provides that the department shall provide assistance under the act to the extent funds are available. In this case, \$500,000 has been appropriated.

Secondly, the amendment provides that low-interest loans shall be awarded on a priority basis according to severity of damages sustained, provided, however, that a dwelling need not be unsafe for occupancy to qualify for a loan. This assures that those who suffer the most damage will be serviced first, and due to the limited amount of funds provided, this seems to be reasonable. I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Pievsky

EXCUSED—1

Linton

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

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

NAYS—0

NOT VOTING—1

Pievsky

EXCUSED—1

Linton

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.

CONSIDERATION OF HB 146 CONTINUED

The SPEAKER. We had passed over temporarily HB 146, as amended by Mr. Lloyd. Mr. Itkin requested that we pass it over temporarily. We did so so he could provide us with an amendment. Mr. Itkin now has the amendment.

On the question recurring,

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

Mr. ITKIN offered the following amendment No. A3397:

Amend Sec. 3, page 2, line 14, by inserting after "dealer."

If the person does refuse to have the vehicle rustproofed by the dealer, the dealer may not charge for rustproofing.

On the question,

Will the House agree to the amendment?

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

Mr. ITKIN. Mr. Speaker, this amendment simply provides that the dealer may not charge for rustproofing if a person does not wish to have their vehicle rustproofed.

I had a situation in my district where a constituent complained about having a vehicle with rustproofing by the dealer, and the dealer informed him, if you insist, I will not rustproof it but you will have to pay for the rustproofing. This particular language will permit persons not to be charged for rustproofing if they do not wish to have it.

The SPEAKER. You ask the question for me, will you, Matthew?

The Chair recognizes the minority leader.

Mr. RYAN. What happened, Mr. Speaker, to the laws of contract? This is crazy, absolutely crazy. This whole bill is crazy.

Now, Mr. Itkin, under the laws of the Commonwealth of Pennsylvania—and I suspect almost any civilized nation, including the western part of this State—if you do not want it, you do not buy it. If they try and give this to you and charge you and you did not order it, you do not pay for it. I do not think you have to say here, if you do something to this car that I am buying that I did not order, I do not have to pay for it. You do not have to pay for it now, unless I am missing something in this amendment. How about we get another amendment that says the same thing about radios, stereos, spare tires—well, maybe not even spare tires. What about all four tires or all five tires? If I do not get tires with my car—it is a matter of legislation—I do not have to pay for them.

I mean, how crazy can we be when most of us have said time and time again, as we stand before the public, we over-regulate, we pass too many laws, we are interfering in private enterprise. This bill is as bad as any bill I have seen in the 25 years I have been up here. It is outrageous and this amendment is right at the top. Here is a separate amendment that restates the law of contracts - if I did not order it, I do not have to pay for it, and that is a matter of law because Ivan Itkin put it in his amendment. This is— I am against it.

The SPEAKER. Thank you very much, Matthew. The Speaker cannot always address the questions on the floor of the House.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on the question. The question, of course, is the Itkin amendment.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, while the minority leader is very entertaining, I think that he has missed the point of what Mr. Itkin is trying to do. Mr. Itkin's constituent was told that he was going to have to buy a car on which he was going to have to pay for something that was not provided. Mr. Ryan says, well, that is fine because then you can simply refuse to buy the car. However, what Mr. Ryan is overlooking is the fact that in the first place maybe there were not a whole lot of other dealers in the general vicinity who would provide that same kind of car.

Secondly, what Mr. Ryan is ignoring is the fact that maybe notwithstanding the price for rustproofing, this fellow's price or his other service was reasonable and was competitive with the other car dealers. All Mr. Itkin is trying to do is to say that if somebody refuses to take that service, that tie-in, that that should be permissible and that the dealer should not be able to blackmail him into taking that tie-in as a result of coercion and force him to pay for something he does not want.

Mr. Ryan—and I am sure we are going to have some fun with this on final passage—Mr. Ryan has suggested this is the worst idea he has seen in 25 years. I would say that concern about this issue has led to a lawsuit filed by that noted socialist LeRoy Zimmerman, who felt that this was a problem and a sufficiently serious problem that he ought to take action to get refunds for customers across the Commonwealth of Pennsylvania of \$150 apiece.

I think we ought to pass the Itkin amendment.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I am also in agreement and ask for support of the Itkin amendment. Perhaps the minority leader was not informed well enough on an awful lot of the issues as far as consumerism that we have been talking about. We have had an awful lot of dealers that have gone by and told people that this is a safety package or overall package, and the people have been fooled because it is a way for a dealer to build up a profit margin as far as rustproofing is concerned. An awful lot of people have been thinking that unless they get this, they really cannot get the car. This has also affected an awful lot of senior citizens' groups that have raised this deep kind of concern.

I am sure that the minority leader will try to cover up his remarks somehow, but they are already on the record. It was a mistake. Let us deal with the consumers and protect those people who need the protection and support the Itkin amendment. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the only way we can protect the consumer from every possible evil is probably to have each of

us appointed by the courts as their respective guardians. I mean, there is no sin attached to a seller of merchandise saying I have the \$400 refrigerator with icemaker attachments. There is nothing wrong with that. What Mr. Zimmerman is—and I am not familiar with the case that the gentleman recites, but I suspect it has something to do with misleading advertising, where they have cars for sale for one price but, when you go in, there are none available unless they are rustproofed; and I see the gentleman shaking his head in the negative. If that is the case, that, of course, is wrong.

But to say that a man who is in business cannot sell what he wants to sell for the price he wants to sell it and then take his chance that he is able to sell it, I think is wrong. It is interference with the usual business relationships that we have built this country upon. I am not going to try and wave the American flag, but, boy, I cannot think of a better place to wave it than to say that that is what this place is all about, this whole country. That is how we get elected, right? We go out and we try and sell ourselves. Now, if you overstate it and you are lying a little bit, sooner or later the people catch up to you and they throw you out of office. That is true of that car dealer. If he is saying I have nothing for sale but cars that have been rustproofed and if you want one of my cars you have got to buy it rustproofed, that guy probably is not going to be in business too long. I will bet Mr. George does not do that with his agency. I would guess—and I do not know—I would guess that he has them rustproofed or nonrustproofed, but we should not be meddling with that. That should be the job of the man who has the automobile dealership. George Hasay, I know, has been involved in the automobile business. That is the decision of the owner of the business. He could also have all red cars for sale. What are we going to do - say, oh, no, you cannot do that; you have got to paint them yellow or purple or black? I mean, we have got to stay away from people and let them run their own businesses.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Bunt, on the question.

Mr. BUNT. Mr. Speaker, may I question Mr. Lloyd, please?

The SPEAKER. Mr. Lloyd will stand for interrogation. You may proceed. You are in order.

Mr. BUNT. Mr. Speaker, it is germane to your legislation, but I am somewhat confused, as Mr. Ryan is as well. What would—so that we can establish what the legislative intent is here—what would happen if I went in to a car dealer and I picked out an automobile and I inquired as to the price and the car had already been rustproofed, as opposed to one that was not, and the dealer indicated to me that that car had already been rustproofed and this was the price of the car? How would this amendment deal with that particular buy/sell agreement or contract?

Mr. LLOYD. That depends who did the rustproofing. If the manufacturer did the rustproofing, this legislation would not prevent it at all. If the dealer is in the business of selling rustproofing as part of a package, Mr. Itkin's amendment would have the effect of saying that the consumer has the

right to say I do not want that, and if he says I do not want that, the dealer cannot then force him to pay for it.

Mr. BUNT. I can recognize the difference between a manufacturer's option and a dealer's option. This would, no doubt, be a dealer-offered option. Usually most of the rustproofing agreements that the manufacturers provide are, say, an extensive contract that the car will not have perforated rust in 3 or 5 years.

What I cannot understand is that there is an enormous amount of options that the manufacturer and the dealer provide which are similar in nature; i.e., radios, air conditioners, which can be also added after manufacture. Now, with a radio you could bargain with the dealer and say I want that particular car without that radio. The dealer then could remove that radio rather than lose the sale. How does he remove the rustproofing?

Mr. LLOYD. Mr. Speaker, under Mr. Itkin's amendment—and I guess he can speak for himself—you have, Mr. Speaker, I think correctly described the scenario. I suppose there would be a long argument, a loophole perhaps, if the dealer simply goes out and rustproofs all his cars in advance. I think that that could be attacked under the Unfair Trade Practices Act anyway, but Mr. Itkin's amendment is assuming that it is presented, as you suggested it would be, as an option. I think that normally that is what is done.

You also put your finger on one of the most serious problems which is going on right now, and that is that many cars come with manufacturer-applied rustproofing with a warranty. It seems to me if I am going to pay for manufacturer-supplied rustproofing with a warranty, the dealer ought to have to tell me that before he rustproofs the car again and makes me pay a second time for something that the manufacturer has already put on, I am already paying for, and I have a guarantee from the manufacturer on. Why should I pay twice? That is what Mr. Itkin is saying with his amendment.

Mr. BUNT. Mr. Speaker, on a lot of the manufacturers' warranties, they are for a period of time. With some of the aftermarket, if you will, options and rustproofing methods, there are lifetime warranties - one particular company, Rusty Jones or Ziebart. These are lifetime warranties, which are much more extensive than a manufacturer-applied rustproofing. In addition, a lot of the manufacturers do not apply a rustproofing additive. What they will have is that the bottom layer of the door be constructed of fiberglass or some other type of material which is impervious to rust.

In addition, Mr. Speaker, I know what your intent is here and Mr. Itkin's, and I feel it is admirable. I do not want to be condemning your legislation, but I think Mr. Ryan zeroed in on it and I think you zeroed in on it, and I think what we want to do is to outlaw what we all consider to be false advertising or some omission in the advertising as it occurs. I think that is already covered by existing legislation, and that is something the Attorney General's Office has already taken numerous imported-car dealers to court on by having no cars available on their lot and had rustproofed every car that came in off the truck. That is not the case here. I think every dealer wants to

install as many options as he can possibly make a dollar on. There are only so many dollars you can get off a basic vehicle. You make extra dollars by installing a radio or an air conditioner aftermarket or any other product that appeals to the motoring public to add to their automobile. I just wish that we could zero in on what you intend to do, which I would love to support you with, without interfering in an area that I think is free trade. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos, on the question.

Mr. BROUJOS. Mr. Speaker, I would like to address the observations by the speaker, Mr. Ryan, with respect to the necessity to leave the dealers alone and let them decide what product they sell and it is a matter of contract. I would refer him to the present Attorney General, who has brought actions with respect to a similar situation.

I looked at a car several years ago and I was told that I had to have a rustproofing-undercoating package, I had to have a coating for the vinyl, and I had to have a coating for the roof or something else - three coatings that came to over \$500. I said, I do not want them. He said, I am sorry; you have got to take it. I said, why? He said, our distributor requires it. An action was brought subsequently by our Attorney General against current local dealers who conspired with the distributors, and the action was brought under a price-fixing theory. In addition, they were concerned with bringing actions on a tie-in under antitrust theories.

Now, my point is that I am not going to say that this fits precisely into the same antitrust or price-fixing situation, where the dealer compels all people to buy and all dealers are compelled to buy a special service; but I would suggest that the regulation by the State of the right of persons to refuse to have rustproofing is a legitimate interest to be protected, that these concerns are something that are legislative in nature, and that we can take action to protect consumers, because consumers are not going to be protected by dealers, and they are not going to be protected by people who say let the dealer do anything he wants, let the buyer beware - caveat emptor applies in every situation. I would ask you to consider that when you consider Mr. Itkin's amendment.

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

Mr. DORR. Mr. Speaker, would the gentleman, Mr. Itkin, consent to interrogation?

The SPEAKER. He will stand for interrogation. You are in order, Mr. Dorr. You may proceed.

Mr. DORR. Thank you, Mr. Speaker.

I have a scenario I would like to lay out and get your response to it as to what would happen.

Suppose a large dealer decided that he wanted to rustproof all the cars that he was going to put on his showroom floor for sale off that floor. As a matter of efficiency, he did it all at once and all of them were rustproofed, and I walked in and I wanted a particular car there. Now, at that point the dealer lists all of the amenities that are on the car, shows me the price, and that price includes a charge for rustproofing. And I

say, I do not want that rustproofing. He says, well, you have got to take the rustproofing; it is on the car already, and you have got to pay me for it.

Now, with your amendment in place in the law that we may pass here, would I be able to force the dealer to sell me that car and not pay for the rustproofing?

Mr. ITKIN. I am not so sure whether or not he would be forced to sell you the car at the price minus the cost of rustproofing, but I would think that he would have to be able to provide you sometime in the future cars available without rustproofing. In other words, if he has a clientele that generally would prefer not to have rustproofed cars, then I think he would not be supporting his clientele by rustproofing all his cars and then giving them a *fait accompli* in saying, now it has been rustproofed; you must buy it.

Basically, this amendment deals with the issue where the car has not been rustproofed, where the dealer tells the prospective buyer that the car will be rustproofed and that the buyer will pay the additional cost. This will provide the protection to the buyer to say, no, I do not want the rustproofing to occur and I do not want you to charge me for it; but I cannot speak to other protections that may be part of the existing law.

Mr. DORR. Thank you.

Mr. Speaker, may I comment?

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

Mr. DORR. Mr. Speaker, for two reasons, I think enunciated by Mr. Itkin, I would recommend a negative vote on the amendment. First of all, he talks about the fact that if a dealer has a clientele that does not want rustproofing, he is not going to rustproof his cars, and I think that is the essence of Mr. Ryan's argument that we ought to be letting the marketplace dictate what happens with regard to new-car sales and purchases.

Secondly, I am concerned that if the amendment passed and the bill passed, that in fact a buyer would be in a position to force a dealer to sell a car at a discounted price, in effect, and provide amenities that would cost the dealer but he could not recover because of the law that we passed. Therefore, again we are interfering with the marketplace, and I would ask that the members oppose the amendment for that reason.

The SPEAKER. For the second time on the Itkin amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, a number of comments which have been made during the course of debate which I think need response: First, Mr. Ryan suggested that somehow if a dealer chooses to rustproof all of his cars and he says take it or leave it, that that is the good old American way, standard operating procedure. In fact, as Mr. Ryan should know, depending upon the market power of that particular dealer, that may very well be a violation of the Sherman Antitrust Act. In fact, the lawsuit in which the Attorney General of Pennsylvania joined with Virginia, Maryland, West Virginia, the District of Columbia, and Delaware, involved an allegation that there was a viola-

tion of the Sherman Antitrust Act. I think also the Clayton Act deals with unlawful tying.

Secondly, the argument that somehow this is impeding free markets. In fact, the exact opposite is the effect. If what you want is to put small rustproofers out of business - because the only place that you can get rustproofing is from the dealer and that is forced on you whether the dealer needs to put it on or not, because maybe there is a lifetime guarantee from the manufacturer - if what you want to do is to not give your constituent the option to shop around and get it done at the lowest possible price in a free market economy so that everybody can compete, if what you want to do is to force the price of vehicles to go higher, then you will vote with Mr. Ryan. If what you want to do is to remove impediments to competition, if you want to have the free market system, if you want to let people shop around and let the best supplier with the best price and the best product prevail, then you will vote with Mr. Itkin.

I ask for a "yes" vote.

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

Mr. RYAN. Mr. Speaker, the last time I heard an argument like—

POINT OF ORDER

Mr. LLOYD. Mr. Speaker, point of order.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd. What is the gentleman's point of order?

Mr. LLOYD. I am aware of the fact that the leadership can speak multiple times, but does that apply on every piece of legislation? Can he talk ad infinitum on this amendment? Mr. Itkin and I are limited to two times. Is that the rule of the House?

The SPEAKER. Yes.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. RYAN. That is free enterprise.

Mr. Speaker, the last time I heard an argument like Mr. Lloyd's was on the boardwalk at Atlantic City many years ago in an auction house.

The argument the gentleman, Mr. Lloyd, just presented has its own answer right within the framework of the argument; that is, if there is a problem today, the Attorney General is able to address the problem in the case of some unlawful conspiracy and apparently has done so from what the gentleman says. Sherman Antitrust, Clayton Act, and all these other wonderful things that the Federal legislators have enacted into law are available if there is unlawful activity, unlawful conspiracies, if there are antitrust activities.

I visualize an entrepreneur such as the gentleman, Mr. George, getting a carload of brand-new automobiles coming in, making a business decision that he is going to rustproof every other one so that three are ready for sale rustproofed and three are not rustproofed, and then with this in the law I can see where the red nonrustproofed one was sold. So the buyer comes in and he says, I will take that one because it is

red and I like red cars; despite the fact that it is rustproofed, Mr. George, I am not going to pay you for it. He may have 50 other cars that are not rustproofed, but sure enough, that smart buyer wants the one that is rustproofed and he gets it free. I just think it is wrong. We are meddling; we are fooling around with the private enterprise system.

I would like to make an apology, Mr. Speaker. Earlier I said that this was the worst bill I have seen in 25 years. Several members have since come down to me and pointed out that indeed there have been worse bills around. Several of Mr. Freind's were pointed out to me by way of example, so I do take that back.

The SPEAKER. The Chair recognizes the majority leader.

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

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

Mr. MANDERINO. Mr. Speaker, if you were able to speak a third time, what response would you make to Mr. Ryan's last argument?

Mr. LLOYD. Mr. Speaker, if I were able to speak a third time, I would point out that the gentleman, Mr. Ryan, is correct with regard to the litigation that was filed that there was in fact evidence of a conspiracy. This legislation is necessary to take care of the situation in which maybe it is hard or impossible to prove that all of the dealers who sell the same kind of car have gotten together. In my town if I want to buy a Ford, there is one guy from whom I can buy that car.

Mr. MANDERINO. Thank you, Mr. Speaker. I needed to know that.

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

Mr. FOSTER. Will the gentleman, Mr. Lloyd, consent to interrogation?

The SPEAKER. Mr. Lloyd, will you consent to further interrogation?

The gentleman indicates he is glad to do so. You may proceed, Mr. Foster.

Mr. FOSTER. Thank you.

Mr. Speaker, would there possibly be other items installed on an automobile that you could apply this same rationale to, if you were of a mind to?

Mr. LLOYD. The answer to that is, theoretically, yes. I had corresponded with the Attorney General's Office when this lawsuit was going on, and the advice that I got from the Deputy Attorney General for the antitrust section in 1984 was to the effect that the problem which was most severe and the one which they felt we should consider legislation on was rustproofing.

Mr. FOSTER. Well, for example, if I went into a dealership and told them that I did not want an automobile with any type of buzzer or alarm system, could we introduce legislation along those lines?

Mr. LLOYD. Well, perhaps you could, but this legislation does not address that because buzzers and alarms are applied by the manufacturer. This legislation says if the manufacturer

does it, this legislation does not take effect. All you have to do if you are the dealer is to tell people that the manufacturer has already done it.

Mr. FOSTER. Or if the dealer installs certain other objects on the car?

Mr. LLOYD. If the gentleman wants to join me in working on legislation to prohibit dealers from forcing consumers to pay higher prices by buying things on cars they do not want, I would be happy to work with the gentleman. As much difficulty as there is, however, in dealing with an issue which has been the matter of court litigation and has resulted in refunds all across the State to over 10,000 consumers, I think we ought to crawl before we try to walk.

Mr. FOSTER. Mr. Speaker, that concludes the interrogation. May I make a brief remark?

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

Mr. FOSTER. Mr. Lloyd's own words are no better argument than to the effect that we should leave such decisions to the marketplace. There are various things that I would like left off of automobiles and I would prefer not to pay for. Unfortunately, I do not have that recourse unless we would pass law similar to this. Unless he is prepared to go the full route, I am certainly not prepared to vote for this bill, and I would urge a negative vote.

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

Mr. TRELLO. Mr. Speaker, maybe I am missing something here. When I go in to buy an automobile, I do not let the dealer sell me a car. If he does not have a car in stock that does not have undercoating, I have the option to order one, and that applies for a radio, for the type of tires that he has, for the color of the interior, and everything else. I am certainly not going to lose a \$15,000 deal on an automobile because the guy does not want a car with rustproofing. If I am any kind of a dealer and the car he wants to buy right then and there and drive out of the showroom has undercoating on it, if I want to sell that \$15,000, I am going to make a deal. And I agree that— And I am a former car salesman. I never lost a deal because a guy did not want undercoating on it, and I am speaking from personal experience. I never lost a deal because the guy did not like the radio. I took the radio out. If he did not want undercoating and I did not have a car without undercoating, I ordered one for him. So what is the big deal? I agree that we are involving something here that should take place between the customer and the dealer. I am going there to buy the car, not to have him sell me one. I want to buy it, and when I buy something, I want to get what I want.

So you do what you want on this bill, but I know what I am going to do.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin. I think it is now your turn for the second time.

Mr. ITKIN. I do not know whether I am going to have the last word, but I am going to try to. I think we are kind of tired of this debate. Had I known offering this amendment would

engender this amount of discourse on the floor of the House, I think I would have thought against offering the amendment, but having already gone so far, we might as well go see the completion of this issue.

You know, I really think that people ought to have a right to try to purchase things that are necessary and extremely important to them. You know, buying a car is the second most important commodity that we generally purchase, the average consumer purchases. He buys a home, then he buys a car. He usually buys a home with an attorney and other professionals to represent his interests, to protect them. On the other hand, when he goes in to buy a car, he usually walks in with his family or a friend and he is really defenseless in what he can do to protect himself against an unscrupulous dealer.

We are not saying in this particular legislation that all automobile dealers are like this and we have to impose this legislation on all of them, but there has been enough experience that we have realized that there are some out there who are trying to take advantage of the situation. All we are saying is people ought to be able to purchase what they want and not have to be stuck with something they do not want. If somebody prefers to get their car rustproofed at, say, Ziebart because they just happen to like the treatment that they get and the way it is done, they should not be forced to have to take something that came out of the manufacturer or dealer's shop because that is part of the package. They should be allowed this option to save them a substantial amount of money.

And I would like to point out to the minority leader, the great free trader among us, I do not see any great trading when you allow dealers and the manufacturers to potentially conspire to basically take that car and then force out every small rustproofing dealer in the community, because that is what you do. When cars come to the point that they are all rustproofed, then the small dealer, independent dealer, obviously cannot exist, even if they provide a superior service or a service that the consumer would like to have in lieu of the manufacturer's or the dealer's preparation. I just think it makes good sense and it is in the best interest of our constituents and it is certainly good consumer protection to support this amendment and ultimately support the Lloyd bill. Thank you.

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

The following roll call was recorded:

YEAS—82

Acosta	Donatucci	Levdansky	Rieger
Baldwin	Evans	Lloyd	Ritter
Battisto	Fattah	Lucyk	Roebuck
Belardi	Fischer	McCall	Rudy
Belfanti	Freeman	McHale	Rybak
Blaum	Gruitza	Maiale	Seventy
Broujos	Harper	Maine	Showers
Caltagirone	Hasay	Manderino	Steighner
Cappabianca	Hayden	Markosek	Stevens
Carn	Herman	Melio	Stuban
Cawley	Howlett	Michlovic	Taylor, F.
Clark	Hutchinson	Miller	Tigue
Cohen	Itkin	Morris	Truman
Colafella	Jarolin	Murphy	Van Horne
Cole	Josephs	O'Donnell	Veon

Corrigan	Kasunic	Oliver	Wambach
Cowell	Kosinski	Petrarca	Wiggins
DeLuca	Kukovich	Pistella	Wozniak
DeWeese	LaGrotta	Pressmann	
Daley	Laughlin	Preston	Irvis,
Dawida	Lescovitz	Richardson	Speaker

NAYS—112

Angstadt	Dombrowski	Johnson	Reinard
Argall	Dorr	Kennedy	Robbins
Arty	Duffy	Kenney	Ryan
Barley	Durham	Langtry	Saloom
Birmelin	Fargo	Lashingier	Saurman
Black	Farmer	Leh	Scheetz
Book	Fee	Letterman	Schuler
Bortner	Flick	Livengood	Semmel
Bowley	Foster	McClatchy	Serafini
Bowser	Fox	McVerry	Sirianni
Boyes	Freind	Manmiller	Smith, B.
Brandt	Gallen	Mayernik	Smith, S. H.
Bunt	Gamble	Merry	Snyder, D. W.
Burd	Gannon	Micozzie	Snyder, G.
Burns	Geist	Moehlmann	Staback
Bush	George	Mowery	Stairs
Carlson	Gladeck	Mrkonic	Taylor, E. Z.
Cessar	Godshall	Nahill	Taylor, J.
Chadwick	Gruppo	Noye	Telek
Civera	Hagarty	O'Brien	Trello
Clymer	Haluska	Olasz	Vroon
Cornell	Hayes	Petrone	Wass
Coy	Heckler	Phillips	Weston
DeVerter	Hershey	Piccola	Wilson
Davies	Hess	Pitts	Wogan
Dietterick	Honaman	Punt	Wright, D. R.
Dininni	Jackson	Raymond	Wright, R. C.
Distler	Jadlowiec	Reber	Yandrisevits

NOT VOTING—5

Hughes	Pievsky	Sweet	Wright, J. L.
Perzel			

EXCUSED—1

Linton

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, there are a couple of things that ought to be put on the record before we vote on this bill, and hopefully, some of the folks who objected to Mr. Itkin's amendment will not object to the legislation itself. First is what the legislation does do. The legislation says that the dealer has to tell the customer if the manufacturer has already rustproofed the car and if the manufacturer has a warranty. That in and of itself does not seem like anything that should be so difficult for a dealer to live with.

Secondly, the dealer has to give the consumer an opportunity to say I do not want rustproofing. Mr. Trello said he never lost a sale because of some item somebody did not want; he took it out. That is all we are saying. Tell the consumer that if he does not want the car rustproofed, he has a choice. He can say "no." If he wants to have it rustproofed by some other small businessman in your district, fine, he can do that. He can shop around and get the best price he wants. He can go to the guy he thinks does the best job, or he can say, I think rustproofing is a total waste of money - either we do not use salt around here or else it never works - and so consequently, I do not want to bother. And I do not understand why that is such a radical notion either.

Finally, the bill says that if the consumer says I do not want it, that the dealer does not put it on, and that also seems to be consistent with some of the objections I heard before, and I do not see why that is so radical either. It seems to me, Mr. Speaker, that all we are asking is that the consumer be informed, the consumer be allowed to have an opportunity to shop. If the consumer does not want to take something, he should not have to.

Mr. Speaker, there has been a suggestion that, well, you have a choice. You can go here and there and go to different dealers. But in fact in my town if I want to buy a Ford, there is one dealer from whom I can buy it and that happens to be my dealer. If I want to buy a Chrysler, I have to buy the Chrysler from the same guy who sells Fords, because that is the only guy in town who sells. Now, you can say, well, you can go 10 miles down the road someplace else, and, yes, I could, except that then when I want to get the car serviced, it is a pain in the neck to try to get it there, and so I will not.

And so there actually is market power. Mr. Ryan says this problem can be resolved easily by going through the antitrust law. The problem is that to prove that that individual dealer in fact has market power is a very time-consuming, very difficult, and very expensive proposition. The consumer certainly is not going to do it, and I doubt seriously that the Attorney General is going to be able to make that kind of a case because of the time and expense involved.

Mr. Speaker, the fact of the matter is that the Attorney General of Pennsylvania felt that this was a serious enough problem that he joined in a lawsuit against Toyota because there was a conspiracy. That lawsuit resulted in over 10,000 Pennsylvania consumers getting refunds of \$150. That is based on the proposition that people should not be forced to take something that they do not want. If what you want to do is to deny the consumer the knowledge of whether or not this car has already been rustproofed, if what you want to do is to deny the consumer the right to go to some other small businessman in your district and get it done at a cheaper price or better quality, if what you want to do is to protect a monopolistic or oligopolistic situation for certain dealers and to impede the free market system, or if what you want to do is to raise the price of automobiles, then you vote "no." If what you want to do, however, is to give the consumers a choice and allow the free market system to work, then vote for the bill.

The SPEAKER. The Chair recognizes the minority leader on final passage.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Lloyd, of course, is a very articulate, very convincing speaker, but unless I misunderstood either the gentleman or the bill, his proposition as presented does not tie together. For instance, my recollection of the gentleman's words as to what the bill does is he says that first the dealer has to tell the potential customer this is what is on the car from the manufacturer and this is the type warranty that is connected with it. I forget what the second thing was. The third thing the gentleman said though, as I recall, was that the potential customer or the customer should not be forced to take this car if the rustproofing has not been installed. Now, I believe that—I see you shaking your head, Mr. Lloyd—I believe if you look at the print of your remarks, that that is in fact what you said and—just a moment; I see you shaking your head—it made my ears perk up because what the bill says is the consumer need not pay for it despite the fact that it has been installed if he does not want it. Is that inaccurate?

Mr. LLOYD. Mr. Speaker, he is asking a question.

Mr. RYAN. I am asking for interrogation, yes.

Mr. LLOYD. I will answer the question under interrogation but not if it is my second time.

The SPEAKER. No, we will not count this as your second time. You are answering under interrogation.

Mr. LLOYD. Mr. Speaker, the answer to the question is that without the Itkin amendment there is nothing said here about the price of the vehicle at all. What the bill says is that it is unlawful, a violation as a result of this morning's amendment of the Unfair Trade Practices Act, if a dealer does not do three things. First, he has to tell the consumer that the consumer has the right to refuse to accept the rustproofing. Second, he has to tell the consumer if the vehicle has been previously rustproofed by the manufacturer and if that previous rustproofing carries a guarantee. And, thirdly, he has to have obtained the consent of the consumer before he rustproofs the car.

Mr. RYAN. Thank you.

Now, while you are under interrogation, the analysis I have of the bill says that you have to inform the buyer that he could purchase the vehicle regardless of rustproofing by the dealer.

Mr. LLOYD. That is not what the bill says. That would possibly have been an interpretation if the Itkin amendment had passed. What the bill says is that you have to inform the consumer. What remedy would or would not ever be imposed by the Attorney General would depend upon whether the Attorney General chose to pursue some kind of prospective injunctive relief or whether he did, as in the lawsuit, attempt to get reimbursed. It is possible that the situation that you are talking about could arise, but that is not what the bill requires.

Mr. RYAN. Thank you.

I am under the impression, judging from your debate and forgetting about this analysis, that a consumer has the right to

take a car that has been rustproofed, if this becomes law, without paying for it. Is that accurate? And try and hold it down. If you want to use up your second turn at the mike, good, but is that right or wrong, just what I said?

Mr. LLOYD. I think the answer is no. I think it is wrong.

Mr. RYAN. Are you saying that this bill does not provide that the consumer gets something for nothing if it has been rustproofed?

Mr. LLOYD. I do not believe that the bill says that without the Itkin amendment.

Mr. RYAN. Mr. Speaker, would the gentleman turn to page 2 of the bill, lines 11 through 14, and tell me what it means.

Mr. LLOYD. What it says is that the consumer is to be informed that he has the right to buy the vehicle even if he refuses to have the vehicle rustproofed. I would assume that if—

Mr. RYAN. Pardon me, Mr. Speaker. Does that mean that that person has the right to buy it and not pay for it?

Mr. LLOYD. You have got two sets of circumstances: one in which the vehicle has not been rustproofed in advance by the dealer and the other in which it has. In the first set of circumstances, the dealer tells the consumer you have the right not to have this car rustproofed, and you have the right to say no, and it is unlawful for me, the dealer, to rustproof it if you do not want it.

Mr. RYAN. That is simple contract law, is it not?

Mr. LLOYD. That is right.

Mr. RYAN. All right.

Mr. LLOYD. The difference is that you have the right to be informed of that, and if that contractual obligation is not met, that constitutes a violation of the Unfair Trade Practices Act. The Attorney General can then—

Mr. RYAN. Go to the next situation, if you will, where the car has been rustproofed.

Mr. LLOYD. The next situation, I would concede, is possibly in the situation that you are talking about, except that my guess is that it would never arise, because in the first place the dealer is unlikely to charge for something that it was unlawful for him to do in the first place. Why, if there is a statute which says that the dealer cannot rustproof a car without consent, would he then attempt to charge someone for it if he has already done it, if he did that?

Mr. RYAN. Are you telling me, Mr. Speaker, that this statute then— I will try and come around this in a different direction. Are you telling me that if this becomes law, that Bud George, when he receives two loads of Ford automobiles at his place, cannot rustproof them and then put them out on the floor for resale with the expectation that he will get paid for his services?

Mr. LLOYD. That is correct.

Mr. RYAN. I am against the bill. Thank you.

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to support the bill.

I think when you are investing this amount of money into an automobile, unlike the minority leader, I think the consumer does have a little bit of rights and it is not a laissez-faire economy and they get whatever is on the lot. Most of the cars that I have ever purchased or leased or looked at in the showroom are not rustproofed before they are sold. While people are leaning over them, looking in the engines and toying with them, there is no sticky gunk all over them while they are in the showroom. As a matter of fact, in most instances the dealer does not rustproof it until the contract is consummated. However, I think what is happening is he makes it almost a situation under the innocuous term of "dealer's prep," whatever that means, and I think what we are getting is an opportunity for the dealer to make a fast couple hundred dollars and not giving the consumer the opportunity to shop around for something that would be more to his liking.

We have the opportunity at this moment to take the options of different radios. Many people opt not to have a radio at all and purchase something out of a Radio Shack or other stereo shop where for their money they get much better equipment. I think this is along the same lines, and I think that an affirmative vote would be an appropriate one, not only for the dealers but for the average citizen who would be interested in having his own way in spending his money. Thank you, Mr. Speaker.

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

Mr. SALOOM. Mr. Speaker, I was about to make a motion to recommit this piece of legislation to the Judiciary Committee, but I think, being as far as we have gone with it, perhaps let us bring it up for a vote.

On the question recurring,
Shall the bill pass finally?

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

YEAS—78

Acosta	Fee	Lescovitz	Richardson
Baldwin	Fischer	Levdansky	Rieger
Belardi	Freeman	Lloyd	Roebuck
Blaum	Gruitza	Lucyk	Seventy
Caltagirone	Haluska	McCall	Steighner
Cappabianca	Harper	McHale	Stevens
Carn	Hasay	Maiale	Taylor, F.
Cawley	Hayden	Maine	Tigue
Cessar	Heckler	Manderino	Truman
Clark	Howlett	Melio	Veon
Cohen	Hughes	Michlovic	Wambach
Corrigan	Hutchinson	Miller	Wass
Cowell	Itkin	Morris	Wiggins
DeLuca	Jarolin	Murphy	Wilson
DeWeese	Josephs	O'Donnell	Wozniak
Dawida	Kasunic	Oliver	Wright, R. C.
Dombrowski	Kosinski	Petrarca	Yandrisevits
Donatucci	Kukovich	Petrone	
Evans	LaGrotta	Pistella	Irvis,
Fattah	Laughlin	Preston	Speaker

NAYS—120

Angstadt	Dietterick	Kenney	Robbins
Argall	Dininni	Langtry	Rudy
Arty	Distler	Lashinger	Ryan
Barley	Dorr	Leh	Rybak

Battisto	Duffy	Letterman	Saloom
Belfanti	Durham	Livengood	Saurman
Birmelin	Fargo	McClatchy	Scheetz
Black	Farmer	McVerry	Schuler
Book	Flick	Manmiller	Semmel
Bortner	Foster	Markosek	Serafini
Bowley	Fox	Mayernik	Showers
Bowser	Freind	Merry	Sirianni
Boyes	Gallen	Micozzie	Smith, B.
Brandt	Gamble	Moehlmann	Smith, S. H.
Broujos	Gannon	Mowery	Snyder, D. W.
Bunt	Geist	Mrkonic	Snyder, G.
Burd	George	Nahill	Staback
Burns	Gladeck	Noye	Stairs
Bush	Godshall	O'Brien	Stuban
Carlson	Gruppo	Olasz	Sweet
Chadwick	Hagarty	Perzel	Taylor, E. Z.
Civiera	Hayes	Phillips	Taylor, J.
Clymer	Herman	Piccola	Telek
Colafella	Hershey	Pitts	Trello
Cole	Hess	Pressmann	Van Horne
Cornell	Honaman	Punt	Vroon
Coy	Jackson	Raymond	Weston
DeVerter	Jadlowiec	Reber	Wogan
Daley	Johnson	Reinard	Wright, D. R.
Davies	Kennedy	Ritter	Wright, J. L.

NOT VOTING—1

Pievsky

EXCUSED—1

Linton

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

WELCOMES

The SPEAKER. Representative Mary Ann Arty has as her guests in the gallery a group of senior citizens from St. Mark's Methodist Church in Broomall, Pennsylvania. Welcome to the hall of the House. We are delighted to have you here.

Representative Battisto has Jerry Hanna, an attorney from Monroe County. Is Jerry to the left of the Speaker? Stand, please. Welcome to the hall of the House. We are delighted to have you here.

COMMITTEE MEETING

The SPEAKER. Why does the gentleman from Erie, Mr. Cappabianca, rise?

Mr. CAPPABIANCA. For the purpose of announcing a committee meeting, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I would like to advise the members of the select committee studying nonprofits that there will be a meeting of the select committee tomorrow at 10 a.m. in room 401. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1291, PN 2256 (Amended)

By Rep. COWELL

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for eligibility, notification and payment for medical insurance.

EDUCATION.

HB 1735, PN 2160

By Rep. COWELL

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," reestablishing the State Board of Education; further providing for its membership, powers and duties; further providing for the State School Fund; and making repeals.

EDUCATION.

HB 1755, PN 2257 (Amended)

By Rep. COWELL

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for allocations of State appropriations and the use and disposition of property; increasing the size of the Board of Governors; further providing for student membership on the Board of Governors and the Council of Trustees; expanding the powers of institution presidents; and authorizing the State System of Higher Education to enter into contracts for maintenance projects to repair buildings and other facilities.

EDUCATION.

HB 1785, PN 2220

By Rep. COWELL

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for further additional supplemental annuities.

EDUCATION.

SB 426, PN 1423 (Amended)

By Rep. DeWEESE

An Act providing that attorney trust funds may be placed in interest-bearing accounts and that the interest generated on such accounts be used to provide legal services for the indigent; and establishing a mechanism for the funding.

JUDICIARY.

SB 468, PN 513

By Rep. DeWEESE

An Act amending the act of December 27, 1965 (P. L. 1237, No. 502), entitled "An act establishing regional correctional facilities administered by the Bureau of Correction as part of the State correctional system;....," further providing for a repeal.

JUDICIARY.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind, who has the honor of possibly introducing the absolutely worst bill in 25 years which the minority leader has seen. Why do you stand?

Mr. FREIND. To say something very important, Mr. Speaker. I failed to hit my switch on final passage of HB 94. I would like to be recorded in the affirmative.

And long ago I have given up caring about what the older gentleman with the potbelly and the gray hair has to say about me. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1130, PN 1278**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, increasing the penalties for false reports to law enforcement authorities.

On the question,

Will the House agree to the bill on third consideration?

Mr. PISTELLA offered the following amendments No. A3225:

Amend Title, page 1, line 3, by removing the period after "authorities" and inserting

; and further providing for cruelty to animals.

Amend Bill, page 2, by inserting between lines 2 and 3

Section 2. Section 5511 of Title 18 is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

(b.1) Use of live birds as targets.—

(1) A person commits a misdemeanor of the second degree if he:

(i) Uses, shoots or attempts to shoot any live bird as a target, with a firearm or other deadly weapon or contrivance, either for amusement, gain, as a test of skill in marksmanship or any other purpose.

(ii) Leases a building, room, field or other indoor or outdoor premises or knowingly permits the use of such facilities for purposes set forth in subparagraph (i).

(iii) Transports, or hires anyone to transport, live birds in to or out of this Commonwealth or within this Commonwealth for the purpose set forth in subparagraph (i).

(iv) Breeds, keeps, gives, trades, sells or otherwise provides live birds for the purpose set forth in subparagraph (i).

(2) All animals, equipment, devices and money involved in a violation of this section shall be subject to forfeiture to the Commonwealth.

(3) This subsection shall not apply to, interfere with or hinder any activity which is authorized or permitted pursuant to the act of June 3, 1937 (P.L.1225, No.316), known as The Game Law, or Title 34 (relating to game).

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

On the question,

Will the House agree to the amendments?

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

Mr. PISTELLA. Thank you, Mr. Speaker.

I just hope this little baby will fly.

Mr. Speaker, the amendment A3225 that I am offering to HB 1130 is a redraft of HB 455 which I had introduced. The content of the legislation that I am offering today will in fact

do the following: It will classify as a second-degree misdemeanor any shooting of or attempt to shoot live birds as targets; in addition, the leasing of a building or room or field or other indoor or outdoor premises specifically for that purpose; the transportation or hiring of anyone who transports live birds in or out of the Commonwealth or within this Commonwealth for the purpose of using them for a live bird shoot; in addition, the breeding, keeping, giving, trading, selling, or otherwise providing of live birds for this purpose. In addition, it provides that any animals, equipment, devices, and moneys involved in the sponsorship of the holding of a live bird shoot will in addition be forfeited to the Commonwealth.

What I feel is also important, since there have been concerns raised by the National Rifle Association, various sportsmen's groups, and others, is that this would be construed as an infringement upon those practices covered by the game code. In fact, paragraph (3) provides that any bona fide, recognized practice of hunting of live game is in fact preserved under the Game Law and shall not be infringed upon by the offering of this amendment.

I would like to take a moment to give a little bit of a background on this particular amendment. There was much controversy and publicity surrounding the practice that takes place annually at Labor Day in Hegins, Pennsylvania, whereby individuals sponsor and participate in a live pigeon shoot. Needless to say, this was brought to my attention by some of my constituents that are members of other organizations, such as Trans-Species Unlimited and the Humane Society, that feel as I do that the practice of this sort is in fact cruel, barbaric, and inhumane. It is my intention with this amendment to outlaw such bird shoots as take place annually in Hegins, Pennsylvania, and other such activities that would take place throughout the Commonwealth.

I know that many of the members have been solicited for their support for HB 455, and again, I would like to reiterate that the language contained in that bill is now being offered in this amendment. If you chose to support it then, I would request your support today. In addition, to those members that in fact are not committed to HB 455, I would encourage your support for the adoption of this amendment today. Thank you.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, it would be somewhat of an understatement, I think, to say that this is not an agreed-to amendment, particularly when we are dealing with auto theft and chop shops and when we try to mix that with pigeon shoots. I understand the way things work here, of course, that my bill, HB 1130, that deals with increasing the penalties for insurance fraud in terms of auto theft, is an amendment to title 18, the criminal code. As a result, this is a vehicle for such an amendment as Representative Pistella's.

There is also a great deal of controversy over his particular issue. As a member of the Game and Fisheries Committee and

also as a legislator that has a great number of sportsmen as well as animal lovers and Humane Society-type people in my district, I know quite well of the controversy surrounding the pigeon shoot issue. What I am asking the legislators here to do today is to disassociate this bill from my bill.

Irregardless of how I happen to feel about the pigeon shoot issue, I would ask that the members defeat the Pistella amendment, particularly on the fact that the bill that I have introduced today, HB 1130, is one that we have derived from a great deal of effort and time and work. Our committee that met last session that studied auto theft and chop shops issued a bipartisan report. All seven members of the committee from both sides of the aisle were in agreement with those articles after a great deal of debate and discussion on that particular issue, and we did come to what I think was a very good, solid package of legislation which includes HB 1130. To tack an amendment such as Representative Pistella's to this bill I think would do great harm to the bill as it moved through the legislative process. I think it would create controversy surrounding the important issue of auto theft, and while pigeon shoots is an important issue certainly in this State, I would think and hope that for most of your constituents the problem of auto theft and chop shops is of far greater importance than the issue of pigeon shoots, even though the issue of pigeon shooting might get more publicity than the issue of auto theft and chop shops. For those of you who have ever had your car stolen or for those of you who someday will have your car stolen, I think that you certainly would oppose this amendment and see the seriousness of these auto theft bills, including HB 1130.

What HB 1130 does without the amendment, by the way, is it stiffens the penalties for insurance fraud. One of the things we found out in debating this issue was the fact that a lot of—

The SPEAKER. Mr. Markosek, sorry. You will have to stick to the Pistella amendment. We will give you your chance at the major bill when it comes up.

Mr. MARKOSEK. My apologies, Mr. Speaker.

I will just end by saying and summarize that I am opposed to the Pistella amendment for the reasons that I mentioned. I would hope that as you vote on this particular amendment, you will take into consideration the very seriousness of auto theft and know that if this amendment would pass, it would greatly jeopardize this bill, as well as the whole package for that matter.

For that reason I would ask for a negative vote on the Pistella amendment. Thank you, Mr. Speaker.

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

Mr. GAMBLE. Mr. Speaker, while I agree with Representative Pistella's position on pigeon shoots, I do oppose his amendment to this bill. This amendment will overshadow a couple years of hard work that Representative Markosek has put into the chop shop legislation, and pigeon shoots really have absolutely nothing to do with insurance fraud or auto theft. I believe that the pigeon shoot issue should fly on its own, not today with the chop shop bills. That is why I urge your opposition to the Pistella amendment.

GERMANENESS QUESTIONED

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Baldwin.

Mr. BALDWIN. Thank you, Mr. Speaker.

As Mr. Markosek has already pointed out, HB 1130 is a piece of legislation that involves false reports to law enforcement officials and insurance fraud. The Pistella amendment is one that gets into a completely different area, a very controversial area, one that should be considered in a House committee, and I do not believe it is germane to the bill that it seeks to amend. I ask to put the issue of germaneness before the House.

The SPEAKER. The gentleman, Mr. Baldwin, has raised the question of germaneness. The question is, is the Pistella amendment germane to HB 1130? Germaneness is a matter of decision for the floor.

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER. On the question, is the Pistella amendment germane, the Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, I say this, and I do not say it lightly: The automobile that I previously leased by the State was stolen three times during the course of my leasing that car. I think it is real germane that I put my amendment up for a piece of legislation that I am very concerned about because I feel that they are both equally important and would appreciate the support of the members on that issue.

The SPEAKER. On the question of germaneness, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DEWEESE. I would agree with my colleague, Mr. Pistella, that the matter is germane. In 12 years of being in this room we have affixed a variety of legislative initiatives to counterparts that were alien and distant, and yet we did it.

Now, I disagree with the gentleman on the final outcome of today's proceeding, but I think that you, as I, should experience the opportunity to assert yourself on the issue. It is a Crimes Code bill, and as literally hundreds and hundreds of correspondences have flocked into the Judiciary Committee environs, I said that it would be possible for my colleague, the gentleman, Mr. Pistella, to bring the bill up on the floor of the House. It does not besmear or besmirch my agenda to have him vote this bill today.

I will have a few remarks, a momentary observation about his amendment, but I am convinced that we should allow a Crimes Code bill to be amended by the gentleman from Bloomfield and then we should all take a stand - we should flock together.

The SPEAKER. On the question of germaneness, the Chair recognizes the gentleman from Philadelphia, Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

Really I have two comments to make on germaneness. Number one, it is a title 18 bill, but I would ask for a "yes" vote on germaneness just because I want to hear Representative DeWeese speak.

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

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—94

Angstadt	Fee	Letterman	Richardson
Battisto	Fox	Levdansky	Rieger
Belardi	Freeman	McHale	Ritter
Blaum	Freind	McVerry	Roebuck
Bortner	George	Maiale	Ryan
Bowley	Godshall	Maine	Rybak
Boyes	Hagarty	Manderino	Saurman
Brandt	Harper	Michlovic	Serafini
Broujos	Hayden	Micozzie	Seventy
Caltagirone	Howlett	Miller	Sweet
Cappabianca	Hughes	Mrkonic	Tigue
Carn	Hutchinson	Murphy	Trello
Cawley	Itkin	Nahill	Truman
Civera	Jackson	O'Donnell	Van Horne
Clark	Jarolin	Olasz	Veon
Cohen	Johnson	Oliver	Wambach
Colafella	Josephs	Petrarca	Wiggins
Cowell	Kenney	Petrone	Wilson
DeWeese	Kosinski	Pistella	Wozniak
Dawida	Kukovich	Pitts	Wright, J. L.
Dombrowski	LaGrotta	Pressmann	Wright, R. C.
Donatucci	Langtry	Preston	
Evans	Laughlin	Raymond	Irvis,
Fattah	Lescovitz	Reinard	Speaker

NAYS—104

Acosta	Dietterick	Jadlowiec	Rudy
Argall	Dininni	Kasunic	Saloom
Arty	Distler	Kennedy	Scheetz
Baldwin	Dorr	Lashingier	Schuler
Barley	Duffy	Leh	Semmel
Belfanti	Durham	Livengood	Showers
Birmelin	Fargo	Lloyd	Sirianni
Black	Farmer	Lucyk	Smith, B.
Book	Fischer	McCall	Smith, S. H.
Bowser	Flick	McClatchy	Snyder, D. W.
Bunt	Foster	Manmiller	Snyder, G.
Burd	Gallen	Markosek	Staback
Burns	Gamble	Mayernik	Stairs
Bush	Gannon	Melio	Steighner
Carlson	Geist	Merry	Stevens
Cessar	Gladeck	Moehlmann	Stuban
Chadwick	Gruitza	Morris	Taylor, E. Z.
Clymer	Gruppo	Mowery	Taylor, F.
Cole	Haluska	Noye	Taylor, J.
Cornell	Hasay	O'Brien	Telek
Corrigan	Hayes	Perzel	Vroon
Coy	Heckler	Phillips	Wass
DeLuca	Herman	Piccola	Weston
DeVerter	Hershey	Punt	Wogan
Daley	Hess	Reber	Wright, D. R.
Davies	Honaman	Robbins	Yandrisevits

NOT VOTING—1

Pievsky

EXCUSED—1

Linton

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. SAURMAN offered the following amendments No. A3404:

Amend Title, page 1, line 3, by removing the period after "authorities" and inserting
; and prohibiting live pigeon shoots.

Amend Bill, page 2, by inserting between lines 2 and 3

Section 2. Section 5511(q) of Title 18 is amended and the section is amended by adding a subsection to read:
§ 5511. Cruelty to animals.

(k.1) Live pigeon shoots prohibited.—A person commits a misdemeanor of the third degree if that person knowingly:

(1) Owens, operates, organizes, conducts, aids or abets the actual operation, organization or conduct of any live pigeon shoot.

(2) Participates by shooting at live pigeons released at a live pigeon shoot.

(3) Supplies live pigeons to be used as targets at a live pigeon shoot.

(q) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Animal fighting." Fighting or baiting any bull, bear, dog, cock or other creature.

"Domestic animal." Any dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.

"Domestic fowl." Any avis raised for food, hobby or sport.

"Live pigeon shoot." An event involving the release of live pigeons as targets to determine, by the number of pigeons hit, proficiency in wing shooting.

"Normal agricultural operation." Normal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities.

"Zoo animal." Any member of the class of mammalia, aves, amphibia or reptilia which is kept in a confined area by a public body or private individual for purposes of observation by the general public.

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

3

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I recognized before standing that the issue will once again become whether or not this issue is germane. I think that it very clearly may point out that the issue of germaneness, as you have pointed out, is a vote for the floor of the House to decide. Therefore, I want to submit this amendment which in fact deals with the same subject matter but deals with it in a more narrow way, limiting it specifically to live pigeon shoots, and reduces the penalty, and I have been advised by some of my colleagues that they would be able to support this where they could not before. So I would introduce and ask for your support for this amendment. Thank you.

GERMANENESS QUESTIONED

The SPEAKER. The Chair recognizes the gentleman from Schuykill, Mr. Baldwin.

Mr. BALDWIN. Thank you, Mr. Speaker.

I again question germaneness. As Mr. Saurman indicated, this is another amendment, although worded slightly differently than Mr. Pistella's, that still addresses pigeon shoots, and I believe it is not germane to the bill that it seeks to amend.

The SPEAKER. Again, the question of germaneness is for the floor of the House. Those who believe the Saurman amendment to be germane to HB 1130 will vote "aye"; those who believe it to be nongermane will vote "no."

On the question,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—98

Angstadt	Fee	Lescovitz	Richardson
Battisto	Fox	Levdansky	Rieger
Belardi	Freeman	McClatchy	Ritter
Blaum	Freind	McHale	Roebuck
Bortner	George	McVerry	Ryan
Bowley	Gladeck	Maiale	Saurman
Boyes	Godshall	Maine	Serafini
Brandt	Hagarty	Manderino	Seventy
Broujos	Harper	Michlovic	Sweet
Caltagirone	Hayden	Micozzie	Taylor, E. Z.
Cappabianca	Heckler	Miller	Tigue
Carn	Howlett	Mrkonic	Trello
Cawley	Hughes	Murphy	Truman
Chadwick	Hutchinson	Nahill	Van Horne
Civera	Itkin	O'Donnell	Veon
Cohen	Jackson	Oliver	Wambach
Colafella	Jarolin	Perzel	Weston
Cowell	Johnson	Petrarca	Wiggins
DeWeese	Josephs	Petrone	Wilson
Dawida	Kenney	Pistella	Wozniak
Dombrowski	Kosinski	Pitts	Wright, J. L.
Donatucci	Kukovich	Pressmann	Wright, R. C.
Evans	LaGrotta	Punt	
Farmer	Langtry	Raymond	Irvis,
Fattah	Laughlin	Reinard	Speaker

NAYS—98

Acosta	Dieterick	Kennedy	Rudy
Argall	Dininni	Lashingier	Rybak
Arty	Distler	Leh	Saloom
Baldwin	Dorr	Letterman	Scheetz
Barley	Duffy	Livengood	Schuler
Belfanti	Durham	Lloyd	Semmel
Birmelin	Fargo	Lucyk	Showers
Black	Fischer	McCall	Smith, B.
Book	Flick	Manmiller	Smith, S. H.
Bowser	Foster	Markosek	Snyder, D. W.
Bunt	Gallen	Mayermik	Snyder, G.
Burd	Gamble	Melio	Staback
Burns	Gannon	Merry	Stairs
Bush	Geist	Moehlmann	Steighner
Carlson	Gruitza	Morris	Stevens
Cessar	Gruppo	Mowery	Stuban
Clark	Haluska	Noye	Taylor, F.
Clymer	Hasay	O'Brien	Taylor, J.
Cornell	Hayes	Olasz	Telek
Corrigan	Herman	Phillips	Vroon
Coy	Hershey	Piccola	Wass
DeLuca	Hess	Preston	Wogan

DeVerter	Honaman	Reber	Wright, D. R.
Daley	Jadlowiec	Robbins	Yandrisevits
Davies	Kasunic		

NOT VOTING—3

Cole	Pievsky	Sirianni
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EXCUSED—1

Linton

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

The SPEAKER. The House has declared by the tie vote that the answer to the question, is it germane, is in the negative. It must be a majority in order to support the question, and a majority did not arise.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Donatucci	Langtry	Ritter
Angstadt	Dorr	Laughlin	Robbins
Argall	Duffy	Leh	Roebuck
Arty	Durham	Lescovitz	Rudy
Baldwin	Evans	Letterman	Ryan
Barley	Fargo	Levdansky	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	Maiale	Seventy
Bortner	Freeman	Maine	Showers
Bowley	Freind	Manderino	Sirianni
Bowser	Gallen	Manmiller	Smith, B.
Boyes	Gamble	Markosek	Smith, S. H.
Brandt	Gannon	Mayermik	Snyder, D. W.
Broujos	Geist	Melio	Snyder, G.
Bunt	George	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Miller	Stevens
Caltagirone	Gruppo	Moehlmann	Stuban
Cappabianca	Hagarty	Morris	Sweet
Carlson	Haluska	Mowery	Taylor, E. Z.
Carn	Harper	Mrkonic	Taylor, F.
Cawley	Hasay	Murphy	Taylor, J.
Cessar	Hayden	Nahill	Telek
Chadwick	Hayes	Noye	Tigue
Civera	Heckler	O'Brien	Trello
Clark	Herman	O'Donnell	Truman
Clymer	Hershey	Olasz	Van Horne
Cohen	Hess	Oliver	Veon
Colafella	Honaman	Perzel	Vroon
Cole	Howlett	Petrarca	Wambach
Cornell	Hughes	Petrone	Wass
Corrigan	Hutchinson	Phillips	Weston
Cowell	Itkin	Piccola	Wiggins
Coy	Jackson	Pistella	Wilson
DeLuca	Jadlowiec	Pitts	Wogan
DeVerter	Jarolin	Pressmann	Wozniak
DeWeese	Johnson	Preston	Wright, D. R.

Daley	Josephs	Punt	Wright, J. L.
Davies	Kasunic	Raymond	Wright, R. C.
Dawida	Kennedy	Reber	Yandrisevits
Dietterick	Kenney	Reinard	
Dininni	Kosinski	Richardson	Irvis,
Distler	Kukovich	Rieger	Speaker
Dombrowski	LaGrotta		

NAYS—0

NOT VOTING—3

Lashingner	McVerry	Pievsky
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EXCUSED—1

Linton

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.

STATEMENT BY MR. MARKOSEK

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

Mr. MARKOSEK. Mr. Speaker, a point of personal preference.

The SPEAKER. Under unanimous consent, you may speak.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Just very briefly, I would like to mention the members of the auto theft and chop shop committee - Representatives Truman, Blaum, Bowley, Representative Book, Representative Gladeck, and Representative John Taylor - as well as the Democratic staff, Rose Ann Shelbert, and the Republican staff, Joyce Ericson, for their fine help in putting together our report and having our hearings and coming up with this package of bills which I hope will end what I have called the modern-day version of cattle rustling and horse stealing. So hopefully these bills will end a serious problem or help to end a serious problem in our Commonwealth, and I would like to thank the committee for their efforts and certainly the members of the House this afternoon for their support. Thank you very much, Mr. Speaker.

HB 1022 RECONSIDERED

The SPEAKER. The Chair has before it a motion of reconsideration filed by the gentleman from Mercer, Mr. Robbins, whereby he moves that the vote by which HB 1022, PN 1124, was passed on this the 6th day of October 1987 be reconsidered.

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

The following roll call was recorded:

YEAS—195

Acosta	Dorr	Lashingner	Ritter
Angstadt	Duffy	Laughlin	Robbins
Argall	Durham	Leh	Roebuck
Arty	Evans	Lescovitz	Rudy

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

NAYS—2

Bowser	Letterman
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NOT VOTING—2

Fattah	Pievsky
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EXCUSED—1

Linton

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

On the question recurring,
Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1022 be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?
Motion was agreed to.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Allegheny, Mr. McVerry, rise?

Mr. McVERRY. Mr. Speaker, I was out of my seat when the final vote was taken on HB 1130, and I would like to be recorded in the affirmative.

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

RULES SUSPENDED

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

Mr. RICHARDSON. Mr. Speaker, I move that the rules of the House be temporarily suspended so that the House may immediately consider HR 169.

The SPEAKER. This has been approved by both the majority and minority leaders.

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

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Langtry	Ritter
Angstadt	Dorr	Lashinger	Robbins
Argall	Duffy	Laughlin	Roebuck
Arty	Durham	Leh	Rudy
Baldwin	Evans	Lescovitz	Ryan
Barley	Fargo	Letterman	Rybak
Battisto	Farmer	Levdansky	Saloom
Belardi	Fattah	Livengood	Saurman
Belfanti	Fee	Lloyd	Scheetz
Birmelin	Fischer	Lucyk	Schuler
Black	Flick	McCall	Semmel
Blaum	Foster	McClatchy	Serafini
Book	Fox	McHale	Seventy
Bortner	Freeman	McVerry	Showers
Bowley	Freind	Maiale	Sirianni
Bowser	Gallen	Maine	Smith, B.
Boyes	Gamble	Manderino	Smith, S. H.
Brandt	Gannon	Manmiller	Snyder, D. W.
Broujos	Geist	Markosek	Snyder, G.
Bunt	George	Mayernik	Staback
Burd	Gladeck	Melio	Stairs
Burns	Godshall	Merry	Steighner
Bush	Gruitza	Michlovic	Stevens
Caltagirone	Gruppo	Micozzie	Stuban
Cappabianca	Hagarty	Miller	Sweet
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.
Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	Hayes	Murphy	Tigue
Civera	Heckler	Nahill	Trelo
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	Hutchinson	Petrarca	Weston
Cowell	Itkin	Petrone	Wiggins
Coy	Jackson	Piccola	Wilson

DeLuca	Jadlowiec	Pistella	Wogan
DeVerter	Jarolin	Pitts	Wozniak
DeWeese	Johnson	Pressmann	Wright, D. R.
Daley	Josephs	Preston	Wright, J. L.
Davies	Kasunic	Punt	Wright, R. C.
Dawida	Kennedy	Raymond	Yandrisevits
Dietterick	Kenney	Reber	
Dininni	Kosinski	Reinard	Irvis,
Distler	Kukovich	Richardson	Speaker
Dombrowski	LaGrotta	Rieger	

NAYS—0

NOT VOTING—2

Phillips Pievsky

EXCUSED—1

Linton

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 gentleman from Philadelphia, Mr. Richardson, calls up for immediate consideration HR 169. The clerk will read the resolution.

The following resolution was read:

House Resolution No. 169

A RESOLUTION

Condemning the Ku Klux Klan and the rally it held October 3, 1987, in Ephrata Township, Lancaster County.

WHEREAS, The "so-called" Imperial Wizard of the Ku Klux Klan, James Farrands, held this past weekend, a recruitment rally for the Ku Klux Klan on Ridge Avenue, Ephrata Township, Lancaster County, Pennsylvania, on October 3, 1987; and

WHEREAS, Section 1 of Article I of the Constitution of Pennsylvania declares that: "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness"; and

WHEREAS, The Ku Klux Klan refuses to recognize the basic human rights of people of color and of non-Christians as guaranteed by the Constitution of the United States and the Constitution of Pennsylvania; and

WHEREAS, The Ku Klux Klan espouses the use of violence to deny basic rights to people of color and non-Christians; and

WHEREAS, There were episodes of violence displayed at the rally and several people were arrested; and

WHEREAS, Members of the Ku Klux Klan have committed grievous crimes, including murder, in the past; and

WHEREAS, The methods and goals of the Ku Klux Klan are incompatible with a free society; and

WHEREAS, The visit of the Klan to this Commonwealth has intensified racial and religious tensions and encouraged criminal behavior aimed at racial and religious minorities; therefore be it

RESOLVED, That the House of Representatives condemn the activities and beliefs of the Ku Klux Klan; and be it further

RESOLVED, That the House of Representatives condemn the October 3, 1987, rally of the Ku Klux Klan in Ephrata Township, Lancaster County.

David P. Richardson, Jr.
Edward A. Wiggins
Joseph A. Petrarca

Peter C. Wambach
 Richard A. Kasunic
 Frank J. Pistella
 Joseph F. Markosek
 Anthony M. DeLuca
 Ivan Itkin
 Thomas C. Petrone
 Andrew J. Carn
 James R. Roebuck
 Allen Kukovich
 Peter Daniel Truman
 Frank L. Oliver
 Babette Josephs
 Gerard A. Kosinski
 John F. Pressmann
 Ruth B. Harper
 H. William DeWeese
 Dwight Evans

Chadwick	Heckler	Nahill	Telek
Civera	Herman	Noye	Tigue
Clark	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Truman
Colafella	Honaman	Olasz	Van Horne
Cole	Howlett	Oliver	Veon
Cornell	Hughes	Perzel	Vroon
Corrigan	Hutchinson	Petrarca	Wambach
Cowell	Itkin	Petrone	Wass
Coy	Jackson	Phillips	Weston
DeLuca	Jadlowiec	Piccola	Wiggins
DeVerter	Jarolin	Pistella	Wilson
DeWeese	Johnson	Pitts	Wogan
Daley	Josephs	Pressmann	Wozniak
Davis	Kasunic	Preston	Wright, D. R.
Dawida	Kennedy	Punt	Wright, J. L.
Dietterick	Kenney	Raymond	Wright, R. C.
Dininni	Kosinski	Reber	Yandrisevits
Distler	Kukovich	Reinard	
Dombrowski	LaGrotta	Richardson	Irvis, Speaker
Donatucci	Langtry	Rieger	
Dorr	Lashingier		

On the question,
 Will the House adopt the resolution?

REMARKS SUBMITTED FOR THE RECORD

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

Since 1865 the Ku Klux Klan has tried to intimidate the black and minority communities of this country. And once again we have to rise to voice our opposition to the philosophy and tactics of this terrorist organization.

As has been reported by the news media the Pennsylvania chapter of this group held a recruitment rally in Ephrata Township.

Mr. Speaker, I rise to ask that this House of Representatives demonstrate its opposition to this group by supporting this resolution.

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

The following roll call was recorded:

YEAS—196

Acosta	Duffy	Laughlin	Ritter
Angstadt	Durham	Leh	Robbins
Argall	Evans	Lescovitz	Roebuck
Arty	Fargo	Letterman	Rudy
Baldwin	Farmer	Levdansky	Ryan
Barley	Fattah	Livengood	Rybak
Battisto	Fee	Lloyd	Saloom
Belardi	Fischer	Lucyk	Saurman
Belfanti	Flick	McCall	Scheetz
Birmelin	Foster	McClatchy	Schuler
Black	Fox	McHale	Semmel
Blaum	Freeman	McVerry	Serafini
Bortner	Freind	Majale	Seventy
Bowley	Gallen	Maine	Showers
Bowser	Gamble	Manderino	Sirianni
Boyes	Gannon	Manmiller	Smith, B.
Brandt	Geist	Markosek	Smith, S. H.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gladeck	Melio	Snyder, G.
Burd	Godshall	Merry	Staback
Burns	Gruitza	Michlovic	Stairs
Bush	Gruppo	Micozzie	Steighner
Caltagirone	Hagarty	Miller	Stevens
Cappabianca	Haluska	Moehlmann	Stuban
Carlson	Harper	Morris	Sweet
Carn	Hasay	Mowery	Taylor, E. Z.
Cawley	Hayden	Mrkonic	Taylor, F.
Cessar	Hayes	Murphy	Taylor, J.

NAYS—0

NOT VOTING—3

Book Cohen Pievsky
EXCUSED—1

Linton

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 326, PN 359

By Rep. HARPER

An Act to promote the health, safety and welfare of the people of this Commonwealth by supporting and expanding the network of Neighborhood Housing Services Programs which work to halt the deterioration of homes and the decline of neighborhoods, and to broaden the availability of the programs and services offered by Neighborhood Housing Services Programs, especially to persons of low and moderate income, by establishing within the Department of Community Affairs a State Neighborhood Housing Services Program; and making an appropriation.

URBAN AFFAIRS.

REMARKS ON VOTES

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen's vote will be filed in the affirmative on HR 169.

Was there anyone else— Listen, please. It may be important for some of you. Was anyone else missing a vote on it? Please stand and let us know.

The gentleman from Allegheny, Mr. Book's name will be added as an affirmative vote on HR 169.

Mr. BOOK. All right. Thank you.

The SPEAKER. Did we miss anyone else?

The Chair recognizes the gentleman from Luzerne, Mr. Blaum. Why do you rise?

Mr. BLAUM. Mr. Speaker, my switch failed to operate on final passage of HB 1133. I would like to be recorded in the affirmative.

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

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it is my understanding, having talked to the gentleman, Mr. Manderino, that among other things tomorrow we will be taking SB 516—I believe I am right on the number—which, among other things, has the new formula out of conference committee on mass transit in Pennsylvania.

We will go to caucus at 10:30 for any of our members who want to be brought up to date on it. By way of explanation, the conferees, I am told, unanimously agreed to the conference committee report. But nevertheless, it is important to many of the districts, and we will caucus at 10:30 just to review it.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, likewise, the Democrats will have a caucus at 10:30 tomorrow morning, also to discuss the same legislation because of its interest in many districts. So those of you who wish to learn what is important in the legislation, come to the caucus at 10:30.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For those who have pledged to donate blood, the Blood Bank will be open again tomorrow morning at 9 a.m.

Republican caucus at 10:30 in the morning. Democratic caucus at 10:30 in the morning.

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. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from Luzerne, Mr. Dietterick.

Mr. DIETTERICK. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 7, 1987, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:55 p.m., e.d.t., the House adjourned.