

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 18, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 74

HOUSE OF REPRESENTATIVES

The House convened at 11:10 a.m., e.s.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O Lord, our Lord, Thy excellence is acknowledged over all the world. Thou art from everlasting to everlasting, and Thy praise is extended throughout the Earth. It is with honor and glory that we look to Thee in this day as we recount the many blessings which Thou hast seen fit to shower upon us. We ask Thy guiding hand upon us as a nation so that we may ever assume our place in the world. We beseech Thee to bless us as a people in this Keystone State as we work concertedly for the best interests of those we seek to serve. We pray that Thy watchful eye and protective power may always reach out to the members of this House so that they may never stray far from Thy will and Thy way. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Tuesday, November 17, 1987, will be postponed until that Journal is in print, and the Chair hears no objection thereto.

LEAVES OF ABSENCE

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

Mr. FEE. Yes, Mr. Speaker. The gentleman from Fayette, Mr. KASUNIC, for today, and the gentleman from Philadelphia, Mr. EVANS, for today.

The SPEAKER. The leaves are granted, absenting an objection. The Chair hears no objection.

The Chair recognizes the minority whip. Do you have any requests?

Mr. HAYES. Yes, Mr. Speaker. I request a leave for the gentleman from Lehigh County, Mr. Donald SNYDER, for the day, and also the gentleman from Dauphin County, Mr. DININNI, for the day.

The SPEAKER. The leaves are granted, there being no objection.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

DeVerter	Johnson	Pistella	Wright, D. R.
DeWeese	Josephs	Pitts	Wright, J. L.
Daley	Kennedy	Pressmann	Wright, R. C.
Davies	Kenny	Preston	Yandrisevits
Dawida	Kitchen	Punt	
Dempsey	Kosinski	Raymond	Irvis,
Dietterick	Kukovich	Reber	Speaker
Distler	LaGrotta	Reinard	

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

LEAVES ADDED—2

Ritter	Sweet
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**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1982 By Representatives FREEMAN, GRUPPO, BATTISTO, YANDRISEVITS, McHALE, RITTER and PRESSMANN

An Act declaring portions of State Route 32 (Legislative Route 326), State Route 611 (Legislative Route 168), State Route 209 (Legislative route 1103), and Legislative Routes 48025 and 48073 that follow adjacent to the Delaware River as the Delaware River Scenic Drive.

Referred to Committee on TRANSPORTATION, November 18, 1987.

No. 1983 By Representatives SAURMAN, HESS, BATTISTO, MELIO, HERMAN, TIGUE, JADLOWIEC, CARLSON, HAGARTY, JACKSON, BOYES, BOOK, WOGAN, E. Z. TAYLOR, STABACK, MERRY, CIVERA, TRELLO, VEON, SIRIANNI, J. L. WRIGHT, J. TAYLOR and PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring lessors of vehicles to reveal the names of lessees in certain cases.

Referred to Committee on JUDICIARY, November 18, 1987.

No. 1984 By Representatives SAURMAN, REBER, FARGO, SWEET, BATTISTO, LLOYD, MELIO, HERMAN, JADLOWIEC, CARLSON, BUNT, BOOK, WOGAN, HECKLER, E. Z. TAYLOR, GEIST, MERRY, MORRIS, BARLEY, ARTY, FISCHER, J. L. WRIGHT, J. TAYLOR, NOYE, MRKONIC, B. SMITH and DeLUCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the installation of alcohol safety interlock systems.

Referred to Committee on JUDICIARY, November 18, 1987.

No. 1985 By Representatives SAURMAN, PISTELLA, MURPHY, IRVIS, McHALE, COWELL, ITKIN, MAINE, KUKOVICH, RITTER, KOSINSKI, TIGUE, FREEMAN, PRESTON, BATTISTO, HALUSKA, HUTCHINSON, MICHLOVIC, McVERRY, FREIND, PIEVSKY, SEVENTY, PRESSMANN, DONATUCCI, BOOK, LANGTRY and NAHILL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting live pigeon shoots.

Referred to Committee on JUDICIARY, November 18, 1987.

No. 1986 By Representatives SIRIANNI, TIGUE, MORRIS, NOYE, BELFANTI, JOHNSON, SAURMAN, S. H. SMITH, FARGO, GLADECK, MRKONIC, MOEHLMANN, B. SMITH, BUNT, DIETTERICK, DISTLER, BOOK, WOGAN, E. Z. TAYLOR, STABACK, ROBBINS, ACOSTA, GODSHALL, PETRARCA and BELARDI

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the "Pennsylvania Higher Education Assistance Agency Act," imposing certain limitations on the agency relating to loans or grants.

Referred to Committee on EDUCATION, November 18, 1987.

No. 1987 By Representatives SALOOM, HUTCHINSON, PETRARCA, KUKOVICH, VEON, MRKONIC, CLARK, OLASZ, VAN HORNE, DAWIDA, DUFFY, MURPHY, GAMBLE, PETRONE, LEVDANSKY, MARKOSEK, MAYERNIK, LAUGHLIN, DALEY and CORRIGAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, removing provisions relating to certain vehicle emission inspection requirements.

Referred to Committee on TRANSPORTATION, November 18, 1987.

SENATE BILLS FOR CONCURRENCE

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

SB 1000, PN 1321

Referred to Committee on STATE GOVERNMENT, November 18, 1987.

SB 1051, PN 1389

Referred to Committee on TRANSPORTATION, November 18, 1987.

SB 1072, PN 1426

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 18, 1987.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1907, PN 2518 (Amended)

By Rep. GEORGE

An Act amending the act of January 24, 1966 (1965 P. L. 1535, No. 537), known as the "Pennsylvania Sewage Facilities Act," reestablishing the State Board for Certification of Sewage Enforcement Officers pursuant to the Sunset Act.

CONSERVATION.

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 637, PN 1580**.

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 80, PN 85**, with information that the Senate has passed the same without amendment.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House several students from Lincoln University - Deborah Broady, Sharlene Thomas, Kimberly McLeod, James Nichols, and Jennifer Pahaham. They are to the left of the Speaker. Please rise. We are delighted to have you here. They are the guests of Representative Ruth Harper.

In the gallery, Representative Bob Freeman has Lisa Vittoria from Lafayette College. She is an intern in his district office. Where is Lisa? Is she in the balcony? Welcome to the hall of the House, Lisa. We are delighted to have you. She is in the balcony.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

The following list was submitted:

ADDITIONS:

HB 363, Petrarca; HB 1757, Langtry; HB 1882, Lashinger, Langtry; HB 1898, Carlson; HB 1922, Staback, Belardi, Petrarca; HB 1934, J. J. Taylor; HB 1936, J. J. Taylor; HB 1937, Burns; HB 1939, Preston, Petrarca, Maine; HB 1941, J. J. Taylor; HB 1942, Acosta, O'Brien, J. J. Taylor, Arty; HB 1943, J. J. Taylor; HB 1944, J. J. Taylor; HB 1952, Markosek, Olasz, Levdansky, Kasunic; HB 1962, Herman; HR 191, Michlovic, Preston, Laughlin, Steighner, Sweet.

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1361, PN 1572**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating matters relating to the performance and funding of abortions, the protection of women who undergo abortion and their spouses, and the protection of children subject to abortion.

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 1361 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 668, PN 2296**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for offenses relating to alcohol; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. BLAUM offered the following amendments No. A4302:

Amend Sec. 1 (Sec. 6307), page 3, line 7, by striking out "of" and inserting

not exceeding

Amend Sec. 1 (Sec. 6307), page 3, line 8, by inserting after "of" where it appears the second time

\$300 for a second adjudication of delinquency and a fine of not less than

Amend Sec. 1 (Sec. 6307), page 3, lines 14 through 16, by striking out "a consent decree as defined in 42 Pa.C.S. §" in line 14, all of line 15 and "to be a delinquent child" in line 16

Amend Sec. 2 (Sec. 6310.3), page 8, line 6, by striking out "of" and inserting

not exceeding

Amend Sec. 2 (Sec. 6310.3), page 8, line 7, by inserting after "of" where it appears the second time

\$300 for a second adjudication of delinquency and for a fine of not less than

Amend Sec. 2 (Sec. 6310.3), page 8, lines 14 through 16, by striking out “, a consent decree as defined in 42 Pa.C.S. §” in line 14, all of line 15 and “be a delinquent child” in line 16

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, today we take up HB 668, which is now the product of 5 years of work and will hopefully, for the first time, meaningfully address the problem of underage drinking in the Commonwealth of Pennsylvania. The amendment that we are offering today, Representative Civera and myself, is a technical amendment which removes language which is no longer necessary in the bill and brings two parts of the bill into compliance that were not. So I would ask the members for an affirmative vote.

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

The following roll call was recorded:

YEAS—184

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

Davies	Kitchen	Preston	Irvis,
Dawida	Kosinski	Punt	Speaker
Dempsey	Kukovich		

NAYS—0

NOT VOTING—13

Cole	Kenney	Richardson	Truman
Fattah	O'Brien	Rieger	Weston
Hughes	Perzel	Taylor, J.	Wogan
Kennedy			

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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?

The SPEAKER. Mr. Blaum, do you have more than one amendment?

Mr. BLAUM. I have an amendment which was drawn up by Mr. Saurman. He said that he would be a little late, and we are hoping that he will get here to offer it. If he is not here, we will be offering it on his behalf.

The SPEAKER. I will call on you at that point.

Mr. Ryan, do you have a question? Will you stand for interrogation, Mr. Blaum?

Mr. BLAUM. Yes, Mr. Speaker.

The SPEAKER. You may proceed, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I asked permission of the Chair to interrogate the gentleman, Mr. Blaum, not in connection with an amendment but rather in connection with the bill to see whether or not I need an amendment. It deals with the penalty provisions of the bill. My staff indicates to me that there is a mandatory minimum fine for a first violation under this act of \$1,000 and then \$2,500 for subsequent violations of the act, second and third.

Mr. BLAUM. For whom?

Mr. RYAN. For the offender.

Mr. BLAUM. Okay. That is only for the person who knowingly and intentionally sells or furnishes alcohol to a minor. For the underage drinkers themselves, the fine on the first offense would remain as it is right now for a summary offense, \$25 to \$300. On the second offense it would be a \$300 fine.

Mr. RYAN. All right.

Now, I agree with what you have said. We are talking now about the person who sells or furnishes liquor to a minor. My problem is this, according to my staff: The bill as drawn does not repeal the Liquor Code provisions on this point, so it is not clear which set of penalties would be imposed for selling or furnishing liquor to a minor. It may very well be that both penalties of the Liquor Code and the Crimes Code would be imposed, because on page 6 of the bill under “Minimum penalty” it states, “In addition to any other penalty imposed

pursuant to this title or other statute,...” which seems to lead one to believe that both the penalties of the Liquor Code and the penalties of the Crimes Code would be imposed on a person. It would be a dual penalty. Do you agree with that?

Mr. BLAUM. We were told that they could be charged under either. Whether or not they could be charged under both, you know, we were told that we did not have to eliminate that problem with the Liquor Code. You know, if you wanted the amendment to do that, that would be—

Mr. RYAN. Would the gentleman take a look at page 6 of the act, and I am looking up on line 9, and if the gentleman would just read those first two lines and then give me the benefit of his thoughts.

Mr. BLAUM. “In addition to any other penalty imposed pursuant to this title or other statute, a person who is convicted of violating subsection (a) shall be sentenced to pay a fine of not less than \$1,000 for the first violation and a fine of \$2,500 for each subsequent violation.”

Mr. RYAN. Now, my question—and I am disagreeing with whoever gave you your advice—my question really is, the way this is worded it says that in addition to these other penalties there shall be imposed a fine of \$1,000 or \$2,500, as the case may be. So the plain reading of this act, as I read it, is that this is a fine superimposed upon an existing penalty, and I am wondering if you now would agree with that.

Mr. BLAUM. Mr. Speaker, I do not know if I agree with it, but I do not disagree with it. As I understand it, when we passed the liquor bill last year, this language, which was drafted before that, there could be a conflict. My opinion is that I do not particularly care if this penalty is tacked on to the fine imposed under the Liquor Code. And we make it a misdemeanor of the third degree in the Crimes Code here for a person who knowingly or intentionally sells or furnishes, a misdemeanor of the third degree, and if you get a particular judge, that could mean imprisonment. And frankly, for anyone, any adult, who would knowingly and intentionally sell or furnish, that does not particularly bother me. But if you want an amendment to repeal this, I would probably oppose the amendment, but you are certainly free to offer it.

The SPEAKER. Let us get back to the amendatory process.

On the question recurring,

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

Mr. FLICK offered the following amendment No. A3685:

Amend Sec. 2 (Sec. 6310.4), page 9, line 12, by removing the period after “suspension” and inserting , provided, however, that if the violation did not involve the operation of a motor vehicle or the use of a driver’s license by the offender, then the duration of the suspension shall be for a period of 30 days.

On the question,

Will the House agree to the amendment?

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

Mr. FLICK. Thank you, Mr. Speaker.

Before offering this amendment, I spoke with the prime sponsors of this legislation and asked them to consider the approach that I feel is most reasonable. Well, they understood the direction in which I was headed. I must candidly say they have not agreed to support the amendment and probably will oppose this amendment which I offer.

I believe the legislation which we are about to adopt or at least consider is very strong medicine for a very serious problem which faces our society today. A similar bill passed the House and the Senate last session, only to be vetoed by the Governor. One of the reasons the Governor vetoed the bill, aside from what other portion unrelated to this provision was contained in that bill, the reason he cited for vetoing this bill was because there was no plausible connection between the suspension of a driver’s license and underage drinking.

The amendment which I have prepared and which I offer before you for your consideration provides where there is no connection between underage drinking and a driver’s license - use of a driver’s license, alteration of a driver’s license - or where there is no connection with a motor vehicle, Mr. Speaker, I suggest we should have a 30-day suspension for that individual or for those individuals. On any subsequent occurrence, citation, then, Mr. Speaker, I am in favor of the full 1 year. But I believe there should be a difference between those whose underage drinking has no connection with the use of either a motor vehicle or a driver’s license, and for that reason I offer this amendment and I urge your support.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Would Representative Flick stand for brief interrogation?

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

Mr. CIVERA. Mr. Speaker, in your amendment what you are saying, if I understand you correctly, is that if a person is drinking a bottle of beer in a field or on a baseball field, in your amendment would he, on the first offense, lose his driver’s license?

Mr. FLICK. Yes, Mr. Speaker, he would lose his driver’s license, but for a period of only 30 days, not the 90 days as is contained in your bill.

Mr. CIVERA. Mr. Speaker, why, if the intent of you is to remove the driver’s license, why would you reduce it to 30 days and not leave it at the 90 days? If you believe that he is committing an offense, why would you reduce it to 30 days? What is your reasoning for that?

Mr. FLICK. Well, Mr. Speaker, I think there needs to be a connection. If you are going to suspend a person’s driver’s license because that individual falsified his driver’s license or because that individual was in a car where there occurred underage drinking, that is one level of this violation. But if, Mr. Speaker, as was cited in the Governor’s veto message, if an individual is sitting on his front porch drinking a beer, that seems to me to be less of a violation, not connected with a vehicle, and therefore, the penalty— Excuse me. I do not mean less of a violation; it is a violation, but I believe that the

penalty of losing a license for 90 days where there is no connection with the operation of a motor vehicle or the falsification or use of a phony driver's license, I just believe there ought to be two levels, Mr. Speaker.

Mr. CIVERA. Mr. Speaker, let me go over this one more time and let me see if I am understanding you correctly. The question that I asked you was that under your provision of this amendment, if you were drinking a bottle of beer on a baseball field, would you lose your driver's license under your amendment? That is the question I asked, and I think I got the answer but I do not understand; it is not what your amendment is saying. Would you answer that for me one more time?

Mr. FLICK. My amendment does say that they would lose their license on a first offense, but it would be for 30 days if it were not connected to a motor vehicle or an operator's license. I merely add language onto your first-offense language, and the language that I add, in the event you do not have my amendment, inserts, “, provided, however, that if the violation did not involve the operation of a motor vehicle or the use of a driver's license by the offender, then the duration of the suspension shall be for a period of 30 days.” Your 90-day suspension provision is still in the bill. I have not changed your 90-day suspension. I am merely clarifying that in the event there was no connection between the motor vehicle or the operator's license and the underage drinking, it would be for a lesser period but still nonetheless a suspension, and the period is 30 days.

Mr. CIVERA. Mr. Speaker, may I speak on the amendment now?

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

Mr. CIVERA. Mr. Speaker, the gentleman from Chester states that in his amendment he would not remove the Pennsylvania driver's license. He would remove it on a 30-day suspension if it was nontraffic related, and that is what I thought the answer was and that is what the amendment reads.

We have taken this bill for the past 4 1/2 years and we have had public hearings on underage drinking throughout the State. What is in this legislation at the moment to attack underage drinking is to remove the Pennsylvania driver's license, because that is the only deterrent that we can get to control what is going on on our street corners, on our highways, and what we can say to save lives. If we attempt in any way—and I am sure there is going to be plenty of this today—to try to weaken this piece of legislation, we are only kidding ourselves who reside in this House chamber. Therefore, and with repeated comments that I am sure I will be going over with the other amendments, I ask you to defeat the Flick amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Gruitza, on the amendment.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, yesterday, late afternoon, I ordered an amendment that would go further than Representative Flick's in that it would completely delete the section relative to suspension of the license. I intend to support Mr. Flick's amend-

ment and, if it passes, to later offer mine. If it does not pass, I will probably withdraw mine, because it will reflect the sentiment of this House to hold this provision into the legislation. But I think that what we are doing here when we are talking about suspending somebody's license, I think this is very critical and very important, and it deserves the attention of the House.

I think that what we are doing here when we are attempting to suspend a person's driver's license for an offense that is not related, not in any way related to the use or the operation of an automobile, goes far beyond what we do in any other area of the law with regard to driver's license suspensions. Now, we can sit down here and suspend licenses for any number of violations of the Crimes Code as a tack-on penalty for people who have acted in an antisocial, criminal behavior. I think all of us here recognize the serious problem we have with underage drinking. The question is, do we want to compound that problem? Do we want to place measures in this bill that will provide suited punishment and good enforcement or do we want to provide measures that are just harsh and punitive without any real rationale for their existence?

You know, I think all of us from time to time get calls from people who have lost their license and, as a result of that loss of their license, have lost a job. If we are talking about a young person who maybe has been arrested on a college campus for underage drinking or wherever he has been arrested, that is a serious offense and should be treated seriously. But for us to take his license away, in many cases that young person may be forced to drop out of school because he no longer has the way or means to get to and from classes. A number of my students, I know, commute to college in our area because they can no longer afford to go away to live on campus. Or we may—

The SPEAKER. Mr. Gruitza, you are getting a bit confused. We are not yet to your amendment; we are on the Flick amendment which does not take the license away. Stick to the argument about the Flick amendment.

Mr. GRUITZA. Yes, Mr. Speaker. The Flick amendment provides a provision that takes that onerous license suspension and reduces the amount of time.

The SPEAKER. All right. Then let us talk about the reduction and not the removal.

Mr. GRUITZA. Well, what I am saying here today, Mr. Speaker, is that I think that anything that lessens the punitive nature of the license suspension should have the support here, especially in this situation and in the situation that Mr. Flick offers that this violation has had nothing to do with the use or operation of a motor vehicle. And the point that I am making is that when we suspend a license for a long period of time or a short period of time, we have an impact on the life that is involved. I think, Mr. Speaker, that that has relevance to Mr. Flick's amendment, because if we are going to not adopt the Flick amendment, if we are going to suspend an operator's vehicle license for 1 year, we are going to have an impact on that individual whose license we are going to suspend, and we are doing it in a totally arbitrary and discriminatory fashion

here. We are not suspending licenses for everybody who commits a crime under the Pennsylvania Crimes Code that is not affiliated with the use of an automobile, but under this bill we are suspending it for someone who is guilty of underage drinking.

I urge the House to carefully consider the Flick amendment, and I urge your support of the Flick amendment. Thank you.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the Flick amendment, as I would oppose any attempt to water down what I consider to be an outstanding piece of legislation.

There is nothing in logic or in law that requires a penalty to be directly related to using a motor vehicle. The attempt of this legislation, Mr. Speaker, is to save lives. I know that I, as the father of two teenagers, as a member of the board of trustees of a male high school, am aware of the problems that are dealt with every day. With the tough penalties in the bill as it is drafted, we permit a young person to stand up to the peer pressure and say, it is not that I am a goody-two-shoes but I do not want to do it because I do not want to lose my license.

When they get that license, that is their badge of independence. They waited for years to get that; it gives them freedom. It is a status symbol that they have arrived. The way the law is right now, what if they get a \$50 or a \$100 fine; that is not a big deal. It is not taken very seriously and it is not enforced very seriously. This hammer of taking away that badge of independence, that status symbol they waited for for years, this is definitely a deterring factor. If we water it down, what we are going to do is work to the detriment of trying to save lives, and not just through automobile accidents. Just take a look at the alcoholism rate of our young people, 12, 13, 14, whether or not they are driving a car. Any attempt to water this down, in my opinion, would severely work to the detriment of the most precious asset we have, and that is our young people.

It is a great bill as it is right now. I sincerely hope that we defeat this amendment and any other amendment trying to water it down. Thank you.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

You know, we are right here on the House floor taking a course of action against individuals that violate the law. Previously, the only individuals that had to suffer this were the parents of these children.

It is extremely important that after 4 years of intense investigation, committee hearings, speaking with parents, speaking with teenagers, the most valuable thing that a teenager has is his driver's license. On numerous occasions where I had spoken to several teenagers who had been arrested for DUI (driving under the influence), they had indicated to me, what is the difference; my parents are going to pay the bill anyhow. However, in a particular situation like this, the Flick amendment takes the teeth out of this particular bill.

If we are to be able to save lives here in the State of Pennsylvania amongst our teenagers, please, for heaven's sake, vote against this Flick amendment. It is extremely important. Thank you.

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

Mr. TRELLO. Mr. Speaker, I think every member of this chamber agrees about the seriousness of alcohol where our youth is concerned. I think every member in this House will agree that we definitely do not want to water down any bill dealing with that subject. The gentleman from Montgomery County indicated about the freedom of our children when they have that license and we should not do anything to deter that.

Let us take a hypothetical situation here. Let us say, for an example, I am fishing with my son and he is underage, and I tell him, Freddie, go to the car and get me a beer. And while he is bringing that beer back, a law enforcement officer catches him with that beer in his hand, and he is in possession of that can of beer. Should he lose his license for 30 days because I told him to go to the car and get me a beer? If you say "yes," I say "no." It is not fair to my son.

First of all, it is not fair to my son because I told him to go up and get me a can of beer. It is not fair. If they caught my son drinking that beer, the law will not have to punish him; I will punish him bad enough, believe me.

I think we should vote for the Flick amendment. As a matter of fact, I think we should eliminate it altogether. Why should he be punished at all if he is getting a beer for me? But at least let us go along with the Flick amendment and ease it up a little bit, so support the amendment.

CONSTITUTIONAL POINT OF ORDER

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

Mr. LETTERMAN. Mr. Speaker, Mr. Flick's amendment is a lot better than what the bill is, but I still would question the constitutionality and I would like to have that brought before this House. I do not see how it is constitutional for you to take a person's driver's license when it is not involved in a crime that he is committing, and I just do not see how you can continue to put a mark on a young person the way you are. You are not saying anything about drugs; all you are saying is beer or alcohol. No, not any peace pipes in this.

The SPEAKER. The gentleman, Mr. Letterman, has questioned the constitutionality of the bill itself, not the amendment.

Mr. LETTERMAN. Yes, both.

The SPEAKER. Does the gentleman question the constitutionality of both the bill and the amendment?

Mr. LETTERMAN. I am questioning that section of the bill. Would it be better if I would ask for Mr. Flick's amendment to be passed and then question the constitutionality of it?

The SPEAKER. No. You have the floor. You have the right to question the constitutionality.

Mr. LETTERMAN. I would like to question it clear into the bill, that section of it only.

The SPEAKER. Very well.

The question of constitutionality is to be decided on the floor by a vote of the House.

On the question,

Will the House sustain the constitutionality of the bill and amendment?

The SPEAKER. On the question of constitutionality, remember, when you debate, you are to debate the question of constitutionality for both the bill and the Flick amendment. You get one chance to debate it, not two.

Steve has reminded the Speaker, which the Speaker had forgotten, we got into this business a few days ago as to which Constitution we were talking about, and I think it very wise that from now on we specify at least which Constitution we are referring to. The Chair will assume— No; it will not go as far as the section, unless someone questions that. The Chair will state—and if this is in error, Mr. Letterman will correct the Chair—that Mr. Letterman challenged this under both the Constitution of the United States and the Constitution of the Commonwealth. Is that correct?

Mr. LETTERMAN. Yes.

The SPEAKER. Fine.

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

Mr. BLAUM. Well, Mr. Speaker, I would be interested to hear why it is unconstitutional, and then I will give my arguments as to why there is no problem with it.

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

Mr. CIVERA. Mr. Speaker, on the constitutionality, when we reviewed this legislation that is before us right now, it was stated and a proven fact—and I know it does not relate to the Commonwealth of Pennsylvania—the State of New Jersey has a similar law that is in place, and it was upheld that it was constitutional in their higher courts.

The issue here before us is that I think when you obtain a driver's license, Mr. Speaker, if I am correct, it is a privilege. Under constitutionality we would argue the question of whether it would be right or not. So I lay before you that I think it is very constitutional and I think that we should vote in that way, sir. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Reber, on the question of constitutionality.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I have some grave concerns about the constitutionality of this particular statute as it is drawn for the very specific reasons under the United States Federal Constitution, the 14th Amendment, the equal protection clause.

I think if you take a look at this legislation as proposed, you will see that it impacts upon a certain class of individuals, and it impacts upon that class of individuals like no other class of individuals in the Commonwealth. You will note that individ-

uals under the age of 21 can lose their license, as this legislation is proposed, for in some way, shape, or form having an alcohol-related criminal offense found against them. However, Mr. Speaker, for no other adult so-found criminal in the Commonwealth for any other particular type of crime, as I understand it, under the Crimes Code, unless it is absolutely related to the use of alcohol and, for example, I would say a drunk-driving offense, is there in fact the invidious, discriminatory, onerous type of massive sanction that this particular act imposes upon the juvenile under the age of 21.

Mr. Speaker, I would submit that the equal protection clause of the United States Constitution does in fact provide protection to these individuals to not be discriminated against for an overburdening type of sanction as this act attempts to impose while not imposing a similar or a like type of sanction against adult individuals who for that matter may sell particulates to a young, minor individual. For that reason, I would support the motion of unconstitutionality.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom, on the issue of constitutionality.

Mr. SALOOM. Mr. Speaker, this bill was introduced some time ago. It had passed in the previous session to the legislature. It was introduced and came to the Liquor Control Committee. I had my staff review it, question the Legislative Reference Bureau of any problems that we might have with the bill. We found no area where it would be unconstitutional and therefore brought it before the committee for their consideration and gave it to the House for consideration. It was given to the Appropriations Committee and, of course, they amended it, but their amendment that they put in provides no constitutional question either. I therefore ask for a positive vote for constitutionality. Thank you.

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

Mr. GAMBLE. Mr. Speaker, will the sponsor of the bill stand for a brief interrogation?

The SPEAKER. You recognize, Mr. Gamble, that this interrogation is your only chance at debate.

Mr. GAMBLE. Yes.

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

Mr. GAMBLE. Not having had a chance to read your entire bill, Mr. Speaker, am I correct in assuming that if the law was broken equally by someone who had a license, teenager, and someone who did not have a license, only that person with the license would be penalized?

Mr. BLAUM. No, Mr. Speaker, that is not correct. The person or the teenager who does not have a license, be they under 16 or over 16 and just choose not to have one, would also be penalized under the bill at the time that they wish to go and apply for a license. If you are under 16 years of age and you get caught, under this legislation you would be prohibited from applying for your driver's license for a period of 90 days for the first offense from the day you turn 16.

Mr. GAMBLE. So therefore, the penalty would be equaled. In one place it would be immediate, and in another place it

would be when you applied. However, if you never apply for a license, then there is no penalty.

Mr. BLAUM. If you do not want to drive in the Commonwealth of Pennsylvania, then this will not bother you at all. We feel as though there are very few teenagers who come under that category.

Mr. GAMBLE. We do not have any figures, Mr. Speaker, as to what percent of the teenagers do drive? Do we have those statistics - what percent of teenagers do have a driver's license?

Mr. BLAUM. No, Mr. Speaker.

Mr. GAMBLE. Thank you.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I believe that the Flick amendment and the bill itself are constitutional. It is as simple as this: Unless you are part of a military or an attache or a diplomat with an international license, which would fall under the jurisdiction of certain governmental officials, the Federal Government really does not have any effect as far as your driver's license.

In every State in the United States, you are granted the privilege to receive a driver's license after you have passed a qualified examination. You have the inherent right under the Constitution to apply, but you are only granted the privilege of operating and it is granted by the State as long as they want you to have it, for a specific period of time. Also, there are certain people, whether you are a minor or an adult, you must realize the fact that if you are a minor, you are still responsible to someone else and they are still held accountable for your actions.

So I think this is constitutional. It is granted as a privilege under the Constitution as far as the Commonwealth of Pennsylvania is concerned. It is not an inherent right.

PARLIAMENTARY INQUIRY

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

Mr. FLICK. Mr. Speaker, I just wanted to ask for a ruling from the Chair. I am not sure if I understand the ground rules here.

If this motion of constitutionality is supported, then does my amendment go into the bill?

The SPEAKER. No. The only thing that would have been decided on the floor of the House is that the bill was constitutional and the amendment was constitutional. Even though it be constitutional, the House can still reject it.

Mr. FLICK. Okay. Now, if both the amendment and the bill are found to be unconstitutional, is it just that section of the bill?

The SPEAKER. No; you are through, period - bill and amendment, both gone.

Mr. FLICK. The entire bill?

The SPEAKER. That is what is before the House, the bill and the amendment, yes.

Mr. FLICK. Okay. That is what I wanted to check on. Thank you.

May I speak?

The SPEAKER. You may speak.

Mr. FLICK. Colleagues of mine have risen and indicated to you that I am attempting to water this bill down, and I am not attempting to water this bill down. You might say I am trying to take a middle-of-the-road approach, and I believe it is reasonable when considering the constitutionality question to consider that if you vote both the amendment and the bill to be unconstitutional, then in fact we have erased the board and we have nothing. I do not think that is right, and I do not think that is the message we should be sending to those under-age individuals who are drinking.

The SPEAKER. Mr. Flick, the rules are that you will debate constitutionality, not messages sent - constitutionality.

Why does the gentleman from Berks, Mr. Davies, rise?

Mr. DAVIES. For the same reason, Mr. Speaker; he is not speaking to the constitutionality.

The SPEAKER. All right. He has been admonished.

Mr. FLICK. Thank you, Mr. Speaker.

I urge a vote of constitutionality.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Gruppo, on the question of constitutionality.

Mr. GRUPPO. Thank you, Mr. Speaker.

Here we go again, Mr. Speaker. We have an opportunity to be tough, to pass tough laws in this State to deal with serious problems, and we back down and water it down. I say that there is only one true test of constitutionality here: What the State giveth, the State can taketh away.

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I think the gentleman's remarks exactly come to the point of the issue - what the State giveth, the State taketh away. That is an obvious use or an obvious misquotation. The State is not the Lord. It is the Lord that giveth and the Lord that taketh away, not the State of Pennsylvania. Let us get that straight. And in terms of what is giveth and what is taketh away, Article IX of the United States Constitution says, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." The United States Constitution says that the Lord has giveth and that the United States Constitution giveth and nobody shall taketh away.

Now, what are those rights that you cannot take away? And what is the difference between a right and a privilege? It is absolutely clear that we start with the idea that people are free to behave as they see fit in this country subject only to the limitation that their behavior shall not impinge on the rights of others or harm other people. In the words of Justice Holmes: Your freedom to swing your fist ends at the other guy's nose. So the concept of privilege and licensing is a concept that is introduced to limit people's freedom if and only if there is a legitimate connection between the behavior to be prohibited and the license to be issued.

Now, we are concerned here with socially undesirable behavior - underage drinking. We want to stop that behavior, we want to prohibit that behavior, and we have made it unlawful to engage in that kind of behavior. Now, what kind of sanction shall we impose? A criminal sanction is an appropriate sanction if we find underage drinking to be violative of the criminal law.

Representative Flick's amendment says the 30 days shall apply and I think there is language in that amendment that talks about if the underage drinking is in connection with the operation of a motor vehicle. What is the rationale behind that amendment? It attempts to join together the license that is going to be revoked and the behavior that is going to be tried to be prohibited.

Operating a motor vehicle in the State of Pennsylvania is, as has been pointed out on the floor, a privilege, and that privilege should be able to be revoked by the State of Pennsylvania. The question before the House is, should that privilege be revocable on any basis that we decide? Suppose we do not like underage drinking. Shall we revoke their license, even though it has nothing to do with the drinking? Why not? It punishes them. Suppose somebody under 21 does not wear his seatbelt. We want him to wear a seatbelt, do we not? Suppose he does not wear his seatbelt. Take his license away from him, just the way an angry parent would at the misbehavior of a child.

Citizens of this Commonwealth between the ages of 16 and 21 are not our children to be punished, to have their privileges revoked for behavior that has nothing whatsoever to do with licensing. And any court in this country that took seriously the 9th and 10th Amendments and took seriously the concept of freedom, and assuming we could find such a court—admittedly a doubtful premise—but if we could find any court that took those two amendments to this Constitution seriously, they would say that the State of Pennsylvania is not the parent of these children to take away their driver's license when they behave in a way that we do not approve and certainly the State of Pennsylvania should not be in a position to be he who giveth and he who taketh away.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the previous speaker was eloquent but wrong. We take liberty away from people when they violate the law. We are talking about not socially unacceptable conduct; we are talking about unlawful conduct. Underage drinking is unlawful. That is what we are talking about.

Now, what punishments does the State have the right to impose? Is there any relationship between taking money from people and unlawful conduct? We do it all over the place. We fine them for unlawful conduct. We take money. What relationship does taking money from them have to do with the specific crime that was committed? It has none. The reason that we take money from them is we expect that if we take enough money from them it will be a deterrent. We are not taking money but we are taking something of value to the individual in this case, his driving privileges, because we

expect it to be a deterrent to the conduct, and I think the State has every right to do that. It has nothing to do with the Constitution; it has nothing to do with relationship to the offense. It has to do with what will be an effective deterrent and do we have the right to withdraw that privilege or do we have the right to impose that penalty. That is my view.

Mr. O'DONNELL. Mr. Speaker?

The SPEAKER. In rebuttal. All the lawyers are delighted with this. This is a lot of fun, is it not?

The Chair recognizes the majority whip, Attorney O'Donnell.

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

I hope it is more than that, although I come to the microphone at this point with some reluctance because I certainly do not want to find out who giveth and who taketh away. I do think that the—

Mr. GRUPPO. Mr. Speaker?

The SPEAKER. Why does the gentleman from Northampton, Mr. Gruppo, rise?

Mr. GRUPPO. I just would like to know, Mr. Speaker, is the gentleman in order to have two times at the mike on the same subject? Well, I believe we are dealing with a serious issue here, and he is arguing against me, Mr. Speaker, and if he is going to speak twice, then I want to speak twice.

The SPEAKER. Mr. O'Donnell will retire from the field.

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

The SPEAKER. Now, Mr. Gruppo, you are satisfied that we have kept within the rules? Fine. It is no fun keeping within the rules, but we will keep within them anyway.

Mr. LETTERMAN. Mr. Speaker?

The SPEAKER. No, no; Mr. Gruppo says he does not want to hear from you twice either.

Mr. LETTERMAN. Well, I have a question, Mr. Speaker.

The SPEAKER. You cannot even ask it.

Mr. LETTERMAN. Just because I made a motion, you did not let me speak on it.

The SPEAKER. No, no; we do not want to hear from you.

Mr. McHale—I want to hear from the lawyers on this. I have threatened up here to read one of Carl Sandburg's poems on lawyers, and as I recall it, one of the lines repeated in the poem is: Tell me why the hearse horse—meaning the horse that pulls the hearse—snickers when it draws the bones of lawyers to the grave.

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

Mr. McHALE. Mr. Speaker, with that as a prelude, I am not sure I want to address the question.

Mr. Speaker, I think there have been two issues raised at this point concerning the constitutionality. The first issue concerned the 14th Amendment to the Constitution, the equal protection clause. That was addressed by the gentleman, Mr. Reber. Essentially, the argument he made, as I understand it, was that it is unconstitutional for us to treat different groups of citizens in different ways under the same principle of law. In short, all of our citizens, according to his argument, should be treated equally under every individual provision of the law.

That simply is not the history of the 14th Amendment. What the equal protection clause of the 14th Amendment says is this—and we do this every day in this legislature—we may treat different classes of citizens differently under the law and not be in violation of the equal protection clause. We do that all the time. Only certain of our citizens may apply for the PACE (Pharmaceutical Assistance Contract for the Elderly) program. Only certain of our citizens are eligible for veterans' benefits. Only certain of our citizens must wear a child restraint when traveling in a passenger automobile. We draw lines all the time, and because we draw a line and treat one group differently from another does not make that provision unconstitutional. It becomes unconstitutional, under the 14th Amendment, when we draw those lines arbitrarily. The courts take a particularly careful view when we draw those lines in a way that adversely affects a protected class of citizens.

But the courts have said over and over again, so long as you are not acting arbitrarily, so long as you are serving a legitimate State interest, and even in the case of constitutionally protected classes, so long as you are serving a compelling State interest, you may, consistent with the Constitution, draw a line that results in distinctions between two classes of citizens; and therefore, the surface argument that we are treating people differently depending on their age does not in and of itself establish unconstitutionality. The question before us is, as we draw that line, are we serving a legitimate State interest? My answer to that question is "yes." What we are attempting to do in this legislation is discourage underage drinking. That is, in my view, not only a legitimate State interest but a compelling State interest, and so I think the argument under the 14th Amendment fails.

The second issue is the one raised by Representative O'Donnell, and Bob makes reference to Article IX and Article X of the United States Constitution, both of which had absolutely nothing to do with the issue at hand. Article VIII of the Constitution, which was not cited, deals with cruel and unusual punishment, and conceivably an argument could be made that this is an unusual punishment, though I personally would reject that argument.

The bottom line is this, Mr. Speaker: What we are attempting to do may or may not be wise, depending upon your individual viewpoint, but it is constitutional. We are treating classes of citizens differently in order to achieve a very worthwhile social purpose, and that is to discourage underage drinking. I would suggest that we not avoid this issue disingenuously by declaring the effort of Mr. Blaum to be unconstitutional. I would suggest that we declare this effort on his part to be in accordance with both the State and Federal Constitutions, that we vote "yes" on the question of constitutionality, and that we face the issue squarely as to whether or not we believe it to be wise to impose this particular punishment. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, you know, another thing that no one took into consideration: I am sure all the insur-

ance companies in Pennsylvania are frothing at the mouth waiting for this baby to pass. Can you imagine how they are going to hit our young people? They will not be able to buy an insurance policy to drive a car for the next 300 years.

The SPEAKER. Mr. Letterman, back on the question - only constitutionality.

Mr. LETTERMAN. Thank you, Mr. Speaker. I think that should be enough for anybody.

The SPEAKER. If he will stay away from Indians and peace pipes, the Chair recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. Thank you, Mr. Speaker.

Just a comment. In the last few minutes we have heard from approximately 10 different attorneys and we have received 10 different opinions. Let the case rest, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum. Would you like to conclude the argument?

Mr. BLAUM. Thank you, Mr. Speaker.

I am not an attorney, but I think this bill is certainly constitutional. In October of 1985 we faced the same parliamentary maneuvers and the bill passed this House 190 to 7, I believe, with each and every lawyer in the House of Representatives reviewing it. It then went to the Pennsylvania Senate where it received 34 affirmative votes—

The SPEAKER. Mr. Blaum, you are cited. Constitutionality today, not 2 years ago; today.

Mr. BLAUM. My point is that this has been reviewed by attorneys not only for the House and the Senate but the previous Governor's Office who found no constitutional problem with it.

This bill is constitutional for the various reasons that you have said that this is a privilege. Not only is it a privilege but it is the only thing we can do. The State of New Jersey, as was raised, I think, by Representative Civera, has a bill that deals with the driver's license in somewhat the way that we would like to, but we go further. But their Superior Court judge upheld it. Where teenagers purchased two six-packs of beer with no car involved in the commission of that crime and their drivers' licenses were suspended, it was upheld by a Superior Court in New Jersey.

This was a new idea 5 years ago; it is not new anymore. Other States have it, and it is constitutional.

I ask for an affirmative vote.

The SPEAKER. All right. Let us settle the question of constitutionality.

Those who believe the bill and the amendment to be constitutional will vote "aye"; those who believe the bill and the amendment to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the bill and amendment?

The following roll call was recorded:

YEAS—162

Acosta	Distler	Kukovich	Richardson
Angstadt	Dombrowski	LaGrotta	Ritter
Argall	Dorr	Langtry	Robbins
Arty	Duffy	Lashinger	Rudy
Baldwin	Durham	Laughlin	Saloom
Barley	Fargo	Lescovitz	Saurman
Battisto	Farmer	Levdansky	Scheetz
Belardi	Fattah	Linton	Schuler
Belfanti	Fee	Livengood	Semmel
Billow	Fischer	Lloyd	Serafini
Birmelin	Flick	Lucyk	Showers
Black	Foster	McCall	Sirianni
Blaum	Fox	McClatchy	Smith, B.
Book	Freeman	McHaie	Smith, S. H.
Bowley	Freind	Maiale	Snyder, G.
Brandt	Gallen	Maine	Staback
Broujos	Gannon	Manderino	Stairs
Bunt	Geist	Manmiller	Steighner
Burd	George	Markosek	Stevens
Burns	Gladeck	Mayernik	Stuban
Bush	Gruppo	Melio	Sweet
Caltagirone	Hagarty	Michlovic	Taylor, E. Z.
Cappabianca	Harper	Miller	Taylor, F.
Carlson	Hasay	Morris	Taylor, J.
Cawley	Hayes	Mowery	Tigue
Cesar	Heckler	Mrkonic	Trello
Chadwick	Herman	Murphy	Van Horne
Civera	Hershey	Nahill	Veon
Clymer	Hess	Noye	Wambach
Cohen	Honaman	O'Brien	Wass
Colafella	Howlett	Petrone	Weston
Cole	Hughes	Phillips	Wilson
Cornell	Itkin	Piccola	Wogan
Corrigan	Jackson	Pievsky	Wozniak
Cowell	Jadlowiec	Pistella	Wright, D. R.
Coy	Jarolin	Pitts	Wright, J. L.
DeLuca	Johnson	Pressmann	Wright, R. C.
Daley	Kennedy	Preston	Yandrisevits
Dawida	Kenney	Punt	
Dempsey	Kitchen	Raymond	Irvis,
Dietterick	Kosinski	Reinard	Speaker

NAYS—31

Bortner	Gamble	McVerry	Reber
Bowser	Godshall	Merry	Roebuck
Boyes	Gruitza	Moehlmann	Ryan
Carn	Haluska	O'Donnell	Seventy
Clark	Hayden	Olasz	Telek
DeVertter	Josephs	Oliver	Vroon
DeWeese	Leh	Perzel	Wiggins
Davies	Letterman	Petrarca	

NOT VOTING—4

Donatucci	Hutchinson	Rieger	Truman
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EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill and amendment was sustained.

The SPEAKER. The House has declared the bill to be constitutional and it has declared the Flick amendment to be constitutional. The only question now before the House is, will the House adopt the Flick amendment?

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I had not spoken on the Flick amendment, which dramatically, in my opinion, weakens this bill. It reduces the penalty from a 90-day suspension to a 30-day suspension when an automobile is not involved.

The whole thrust behind this bill is to attack underage drinking, a very tiny, infinitesimal fraction of which occurs in the operation of a motor vehicle. However, however, the incidents of underage drinking and the use of an automobile prior to, during, or after the drinking has taken place are invariably linked. It happens, and we have to keep, in my view, the penalties the same. There is no doubt that there is a link between the use of a driver's license and underage drinking.

This bill originated independently by Mr. Civera and myself but simultaneously 5 years ago. From my point of view, I began working with this bill because of the deaths of three teenagers - two in my district and one in Representative Jarolin's district. All three deaths did not involve an automobile. Two of them got loaded and fell asleep in the snow. A third one was drinking with friends in a wooden tree house. They all got out but one when it caught fire. An automobile was not used, and I began to ask myself, what are they doing? Originally we started to raise fines, but only mom and dad would pay them, so we went after the driver's license. And we are saying that if you violate the underage drinking laws in Pennsylvania, you should be treated the same whether there is a car involved or not, because teenagers can get hurt and teenagers can die whether or not they use an automobile.

I believe that this weakens the bill. It will address on the 90-day fine only a very tiny fraction of those kids who are actually caught still alive operating a motor vehicle while they are drinking. I ask that this amendment be defeated. Thank you, Mr. Speaker.

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

Mr. OLASZ. Mr. Speaker, I was not going to have a word to say on Mr. Flick's amendment, but since there have been other comments, I feel compelled to address the 30-day-suspension amendment.

There are 203 members in this House, and ask yourself honestly, when you were a minor, when you were under 21 years of age, did any of you ever have a drink one time? You had a strange life then if you said "no." We have some strangers here. There are some prevaricators also. But the question to ask yourself in all honesty, you were under 21, you may have had a drink at one time and it turned you off. You have never had another drink again. But let us consider the consequences. You are going to tag a guy for the rest of his life or a young lady because they may have had in their possession—and this is what I am addressing because I also have an amendment being drafted currently that addresses certain sections in here—you are going to tag this young person for the rest of their life if they were in a car without any knowledge of any alcoholic beverage being in that car.

They are going to be charged with possession. Think about it. It could be your child. Do you want that stigma on them for the rest of their lives? Think about it.

I have no compassion for the drunken driver. If he has a can of opened alcoholic beverages or a bottle next to him, sock it to him. But in reality, where are you going to put them? Are you going to put them in Allegheny County Jail? Are you going to put them in Western Penitentiary? Think about it. It is your son and your daughter that you are passing judgment on. Think about it.

What is the current sentence or crime if a man is high on cocaine or marijuana and he is driving down that highway? He is snorting it; he is puffing it. What are you doing with him? Not a thing. But if that can of unopened beer is in the trunk of that car, you are going to hang a tag around that individual for the rest of their life. Think about it. It could be your child and he has not done anything wrong. Think about it.

I would ask you to support Mr. Flick's amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Reber, for the second time on the Flick amendment.

Mr. REBER. Mr. Speaker, just for the record, I am speaking for the first time on the Flick amendment. I spoke before on constitutionality.

The SPEAKER. The gentleman is correct.

Mr. REBER. Thank you. Although I will incorporate the remarks into, hopefully, one appearance.

Mr. Speaker, I think there is something fundamentally unfair where we have a bill in front of us, and I am going to quote sections of the bill, because I think this is the real jugular in the debate we have been having earlier as well as in relationship to the Flick amendment. On page 5 of the bill, line 5, section 6310, "Inducement of minors to buy liquor or malt or brewed beverages." Is there a violation? Yes, if you commit the act. What is the penalty? The penalty does not include the taking of the license for any suspension period of an individual convicted of that liquor act in relationship to a minor.

Move further down the page, section 6310.1, "Selling or furnishing liquor or malt or brewed beverages to minors." In that penalty section, does that take the license for 90 days of the individual convicted of that particular crime who was furnishing that to a minor? No.

Move to page 6, line 21, section 6310.2, "Manufacture or sale of false identification card," commonly done for the pecuniary benefit of the vendor selling to a minor to use to purchase and/or be furnished liquor. Does that person convicted of that crime lose his license? No, he does not. Has he in fact contributed to the underage drinking problem? Yes, he has. Is this fair? No. Is this discriminatory? Yes. Does the Flick amendment put some sane rational relationship into a bill that is otherwise inconsistent? Yes.

Vote for the Flick amendment. We will try and take care of the other problems in a few minutes.

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

Mr. BLAUM. Mr. Speaker, just in response. The whole purpose behind HB 668 is to make our teenagers, for the first time in Pennsylvania law, directly responsible for what they do with alcohol. Right now the penalty is it is a summary offense. We keep it; we keep it a summary offense. It is not going to appear on their record. We keep it a summary offense. Even on the third offense we maintain that it is a summary offense. The offenses that Mr. Reber refers to are misdemeanors, more serious offenses. We do not take the driver's license from the person who knowingly and intentionally sells or furnishes alcohol to a minor, but we whack them with a misdemeanor of the third degree with a mandatory \$1,000 fine and the possibility that they could go to jail.

The most serious offense in the bill is the person who knowingly and intentionally falsifies or alters a Pennsylvania driver's license, which is a little cottage industry that surrounds the underage drinking problem in Pennsylvania. That is a misdemeanor of the second degree. They are treated more seriously in this bill. They do not take the driver's license because they are, again, misdemeanors, not summary offenses, which the underage drinking offenses on the first, second, or third commission of that offense are.

I ask for a negative vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Fattah, for the first time.

Mr. FATTAH. Mr. Speaker, I was hoping that Mr. Blaum would consent to brief interrogation.

The SPEAKER. Mr. Blaum says he will stand for interrogation. You may proceed, Mr. Fattah.

Mr. FATTAH. You suggest that the summary offense and the 30-day suspension is somewhat less of a penalty than the misdemeanor that would be charged for the items listed by Representative Reber. Is it or is it not the case that if you have a suspension of your driver's license in the State of Pennsylvania for over a 15-day period, that the Insurance Department is notified?

Mr. BLAUM. Mr. Speaker, I do not know that. But in this—Go ahead.

Mr. FATTAH. You do not know what the status of that notification would be in terms of the suspension and what ramifications that may have in terms of the securing of auto insurance in the State?

Mr. BLAUM. As it affects HB 668, I do. Yes. And if you look at the top of page 10, even though the Department of Transportation informed us that it would not in any way affect their driver's license or their ability to get insurance or their insurance rates, we still wanted to go further. If you look at the top of page 10, I think you will find language there that takes care of that problem.

Mr. FATTAH. Okay. So it is your intention that it has no damaging effect in that regard.

Mr. BLAUM. Zero.

Mr. FATTAH. Okay.

Let me ask you another question. In terms of alcohol abuse, underage drinking, we also have a serious problem, Mr. Speaker, with drug abuse by younger people in this State. Does your bill in any way associate these similar penalties for young people who may be abusing drugs unlawfully in the State?

Mr. BLAUM. It does not for the simple reason that use of other drugs within this Commonwealth of Pennsylvania, other illegal drugs, are our misdemeanors and very serious offenses. We are talking about a summary offense that we were trying to deal with because fines do not work anymore. What else could we do, so we attacked the driver's license for underage drinking.

In the hearings that were conducted some years ago now, it was made clear at that point that alcohol is the drug of choice, overwhelmingly, among the young people of Pennsylvania and across this Nation and that, thankfully, the use of other drugs among young people is on the decline. However, the use of alcohol by teenagers is dramatically increasing.

Mr. FATTAH. Mr. Speaker, you said that fines do not work, but yet, when responding to Representative Reber's question, you illustrated that there was a \$1,000 fine attached to those who would induce young people to purchase alcohol as if that would be some effort to deter them from conducting that type of offense.

Mr. BLAUM. Mr. Speaker, for the person who knowingly and intentionally sells or furnishes alcohol to a minor. That provision is in the bill because what we want to do is get at those underage bars who knowingly and intentionally, as a regular course of business, sell and furnish alcohol to minors. We want them to pay very stiff penalties and be subjected to very stiff fines.

What we are saying is that with the teenager, fines have not worked, because the fines are now \$25 to \$300 for a summary offense. Originally we looked at raising the fines as a way to solve this problem and discovered that mom and dad are just going to end up paying those fines, that the teenager is not going to pay those fines. Some of them have the \$25 in their pocket right now, which is why Mr. Flick, I believe it was, put in the phrase about notification to the parents, because some of these kids were going in and paying the \$25 and mom and dad did not even know that they were apprehended. We discovered that the \$25 to \$300 fine does not work anymore, and we chose not to raise that because, again, the teenager is not the one who is going to know directly that they have done something wrong. What could we do to make them directly responsible for the first time in Pennsylvania law to make them, hopefully, just think twice before they decide to violate the underage drinking laws of Pennsylvania?

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

Mr. BLAUM. You are welcome.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Preston, for the first time on the amendment.

Mr. PRESTON. Thank you, Mr. Speaker.

I would hope that we would all vote against the Flick amendment. In my personal opinion, I do not think 90 days is

enough when you can sit down and you can have the young kids going out there and all you want to talk about is a 30-day slap on the wrist. When the parents are not there to supervise them and they are out there on the street or they are out there at the corner or they are behind the Dairy Queen or they are driving down on the road or whatever, I think it should be severe enough where they realize the penalties that they have to pay, and for us to try to lessen it is only being less responsible as adults to put the weight on the young children. I think that we ought to send them a message; we ought to make it perfectly clear: 30 days is nothing being grounded, but when you talk about at least 90 days, which I even feel is too little, I think it is serious enough to warrant attention from the teenagers and the younger adults.

I think that we should vote against the Flick amendment. We should adhere to the statutory limitations that we want to deal with and make the kids aware, as far as reality, of their responsibility.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

If the prime sponsors of this legislation had brought before you today a bill that provided that any underage drinker would lose their license for 30 days, I think you would believe that that is a very stiff penalty when taking into consideration the financial penalties that go with it. If, on the other hand, the prime sponsors of this legislation said, if those individuals had altered their licenses, misrepresented their age in order to be served, or had anything to do with a motor vehicle in the commission of that crime, then we are going to suspend their license for 90 days; and if those prime sponsors said, if there is a second offense, we are going to lift their license for a year; Mr. Speaker, if the prime sponsors of this legislation had agreed to incorporate my amendment into their legislation, that is exactly what would be before you right now.

I would urge an affirmative vote and adopt my amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—90

Angstadt	Fargo	Leh	Punt
Argall	Farmer	Letterman	Reber
Baldwin	Fattah	Lloyd	Reinard
Black	Flick	Lueyk	Ritter
Book	Freeman	McVerry	Robbins
Bowser	Gamble	Merry	Roebuck
Boyes	Gannon	Michlovic	Ryan
Brandt	Gladeck	Miller	Seventy
Burd	Godshall	Moehmann	Smith, S. H.
Bush	Gruitza	Morris	Staback
Caltagirone	Haluska	Mowery	Sweet
Carlson	Hayden	Mrkonic	Taylor, J.
Carn	Heckler	Murphy	Telek
Cawley	Herman	Nahill	Tigue
Cessar	Hughes	Noye	Trello
Clark	Hutchinson	O'Brien	Van Horne
Clymer	Itkin	O'Donnell	Veon
Cohen	Jackson	Olasz	Vroon
DeVertter	Jadlowiec	Oliver	Weston
DeWeese	Josephs	Perzel	Wogan

Dempsey	Kenney	Petrarca	Wozniak
Distler	Kukovich	Petrone	Wright, J. L.
Durham	Langtry		

NAYS—102

Acosta	Dietterick	LaGrotta	Saloom
Arty	Dombrowski	Lashing	Saurman
Barley	Dorr	Laughlin	Scheetz
Battisto	Duffy	Lescovitz	Schuler
Belardi	Fee	Levdansky	Semmel
Belfanti	Fischer	Linton	Serafini
Billow	Foster	Livengood	Showers
Birmelin	Fox	McCall	Sirianni
Blaum	Freind	McClatchy	Smith, B.
Bortner	Gallen	McHale	Snyder, G.
Bowley	Geist	Maiale	Stairs
Broujos	George	Maine	Steighner
Burns	Gruppo	Manderino	Stevens
Cappabianca	Hagarty	Manmiller	Stuban
Chadwick	Harper	Markosek	Taylor, E. Z.
Civera	Hasay	Mayernik	Taylor, F.
Colafella	Hayes	Melio	Wambach
Cole	Hershey	Phillips	Wass
Cornell	Hess	Piccola	Wiggins
Corrigan	Honaman	Pievsky	Wilson
Cowell	Howlett	Pistella	Wright, D. R.
Coy	Jarolin	Pitts	Wright, R. C.
DeLuca	Johnson	Pressmann	Yandrisevits
Daley	Kennedy	Preston	
Davies	Kitchen	Raymond	Irvis,
Dawida	Kosinski	Rudy	Speaker

NOT VOTING—5

Bunt	Richardson	Rieger	Truman
Donatucci			

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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

RULES COMMITTEE MEETING

The SPEAKER. At the break there will be a Rules Committee meeting in the majority leader's office; Rules Committee meeting in the majority leader's office.

RECESS

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

AFTER RECESS

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

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 721;
- HB 802;
- HB 1057;

- HB 1209;
- HB 1571;
- HB 1707;
- HB 1899;
- SB 321; and
- SB 1082.

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

SENATE MESSAGE

**HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 252, PN 1465**.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to **SB 252, PN 1465**, and that a committee of conference on the part of the House be appointed.

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

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **SB 252, PN 1465**: Messrs. COHEN, COWELL and PITTS.
Ordered, That the clerk inform the Senate accordingly.

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

HB 1728, PN 2520 (Amended)

By Rep. OLIVER

An Act permitting and regulating boxing contests and exhibitions; requiring licenses and permits; providing for the granting, suspension and revocation of licenses and permits issued by the Department of Health; preserving the rights of existing licensees and permittees; prescribing penalties fines, forfeitures and misdemeanors; requiring bonds and insurance; and providing for rules and regulations.

STATE GOVERNMENT.

HB 1729, PN 2521 (Amended)

By Rep. OLIVER

An Act providing for the regulation of professional wrestlers and promoters; imposing a tax on certain receipts; requiring the posting of performance bonds; and providing penalties.

STATE GOVERNMENT.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 185, PN 2405 By Rep. MANDERINO

Recognizing the valuable service performed by home health care agencies.

RULES.

HR 196, PN 2488 By Rep. MANDERINO

Memorializing Congress to establish a cabinet-level Department of Veterans' Affairs.

RULES.

BILL SIGNED BY SPEAKER

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

HB 80, PN 85

An Act amending the act of August 21, 1953 (P. L. 1273, No. 361), known as "The Private Detective Act of 1953," exempting certain telephone, telegraph or other telecommunications companies and their employees.

CALENDAR CONTINUED

CONSIDERATION OF HB 668 CONTINUED

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will mark HB 668 over temporarily until the members get on the floor of the House.

The House proceeded to third consideration of HB 811, PN 881, entitled:

An Act designating a certain bridge in the Borough of Clarks Summit, Lackawanna County, as the Parker-Wescott Vietnam Veterans Memorial Bridge.

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—182

Table listing names of members who voted 'Yeas' for HB 811, including Acosta, Dempsey, Kitchen, Punt, Angstadt, Dieterick, Kosinski, Raymond, Argall, Distler, Kukovich, Reber, Arty, Dombrowski, LaGrotta, Reinard, Baldwin, Dorr, Langtry, Ritter, Barley, Duffy, Lashinger, Robbins, Battisto, Durham, Laughlin, Roebuck, Belardi, Fargo, Leh, Rudy, Belfanti, Farmer, Lescovitz, Ryan, Billow, Fattah, Letterman, Saloom, Birmelin, Fee, Levdansky, Saurman.

Table listing names of members who voted 'Nays' for HB 811, including Black, Fischer, Livengood, Scheetz, Blaum, Flick, Lloyd, Schuler, Book, Foster, Lucyk, Semmel, Bortner, Fox, McCall, Serafini, Bowley, Freeman, McClatchy, Showers, Bowser, Freind, McHale, Sirianni, Boyes, Gallen, McVerry, Smith, B., Brandt, Gamble, Maiale, Smith, S. H., Broujos, Gannon, Maine, Snyder, G., Bunt, Geist, Manderino, Staback, Burd, George, Maanmiller, Stairs, Burns, Gladeck, Markosek, Stevens, Bush, Godshall, Mayernik, Stuban, Caltagirone, Gruitza, Melio, Sweet, Cappabianca, Gruppo, Merry, Taylor, E. Z., Carlson, Hagarty, Miller, Taylor, F., Cawley, Haluska, Moehlmann, Taylor, J., Cessar, Harper, Morris, Telek, Chadwick, Hasay, Mowery, Tigre, Civera, Hayden, Mrkonick, Trello, Clark, Hayes, Murphy, Van Horne, Clymer, Heckler, Nahill, Veon, Cohen, Herman, Noye, Vroom, Colafella, Hershey, O'Donnell, Wambach, Cole, Hess, Oliver, Wass, Cornell, Honaman, Perzel, Weston, Corrigan, Howlett, Petrarca, Wilson, Cowell, Hutchinson, Petrone, Wozniak, Coy, Itkin, Phillips, Wright, D. R., DeLuca, Jackson, Piccola, Wright, J. L., DeVerter, Jadlowiec, Pievsky, Wright, R. C., DeWeese, Johnson, Pistella, Yandrisevits, Daley, Josephs, Pitts, Irvis, Davies, Kennedy, Pressmann, Speaker, Dawida, Kenney, Preston.

NAYS—0

NOT VOTING—15

Table listing names of members who did not vote for HB 811, including Carn, Linton, Richardson, Truman, Donatucci, Michlovic, Rieger, Wiggins, Hughes, O'Brien, Seventy, Wogan, Jarolin, Olasz, Steighner.

EXCUSED—6

Table listing names of members who were excused for HB 811, including Dininni, Kasunic, Rybak, Snyder, D. W., Evans, Micozzie.

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 1905, PN 2415, entitled:

An Act designating the newly constructed bridge in Pine Grove Township, Warren County, as the Akeley Bridge; and requiring the Department of Transportation to erect a designation sign.

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—193

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

NAYS—0

NOT VOTING—4

Hughes	Linton	Richardson	Wiggins
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EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of HB 1022, PN 2432, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for standards for motor vehicles with modified chassis.

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—179

Acosta	Dietterick	LaGrotta	Reber
Angstadt	Dombrowski	Langtry	Reinard
Argall	Donatucci	Lashingier	Rieger
Arty	Dorr	Laughlin	Ritter
Baldwin	Duffy	Leh	Roebuck
Barley	Durham	Lescovitz	Rudy
Battisto	Farmer	Letterman	Ryan
Belardi	Fattah	Levdansky	Saloom
Belfanti	Fee	Livengood	Saurman
Billow	Fischer	Lucyk	Scheetz
Birmelin	Flick	McCall	Schuler
Blaum	Fox	McClatchy	Semmel
Book	Freeman	McHale	Serafini
Bortner	Freind	McVerry	Seventy
Bowser	Gallen	Maiale	Showers
Boyes	Gamble	Maine	Sirianni
Brandt	Gannon	Manderino	Smith, B.
Broujos	Geist	Manmiller	Snyder, G.
Bunt	George	Markosek	Staback
Burd	Gladeck	Mayernik	Stairs
Burns	Godshall	Melio	Steighner
Bush	Gruitza	Michlovic	Stevens
Caltagirone	Gruppo	Miller	Suban
Cappabianca	Hagarty	Moehimann	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'Donnell	Truman
Clymer	Hershey	Olasz	Van Horne
Cohen	Hess	Oliver	Veon
Colaafella	Honaman	Perzel	Vroon
Cole	Howlett	Petrarca	Wambach
Cornell	Hutchinson	Petrone	Weston
Corrigan	Itkin	Phillips	Wilson
Cowell	Jackson	Piccola	Wozniak
Coy	Jarolin	Pievsky	Wright, D. R.
DeLuca	Johnson	Pistella	Wright, J. L.
DeVerter	Josephs	Pitts	Wright, R. C.
DeWeese	Kennedy	Pressmann	Yandrisevits
Daley	Kitchen	Preston	
Davies	Kosinski	Punt	Irvis,
Dawida	Kukovich	Raymond	Speaker
Dempsey			

NAYS—10

Black	Fargo	Merry	Smith, S. H.
Bowley	Jadlowiec	Robbins	Wass
Distler	Lloyd		

NOT VOTING—8

Foster	Kenney	O'Brien	Wiggins
Hughes	Linton	Richardson	Wogan

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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.

SUPPLEMENTAL CALENDAR A
RESOLUTIONS

Mr. SAURMAN called up HR 185, PN 2405, entitled:

Recognizing the valuable service performed by home health care agencies.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—5

Hughes	O'Brien	Richardson	Wiggins
Linton			

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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

* * *

Mr. PETRARCA called up HR 196, PN 2488, entitled:

Memorializing Congress to establish a cabinet-level Department of Veterans' Affairs.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—7

Gamble	Josephs	O'Brien	Wiggins
Hughes	Linton	Richardson	
EXCUSED—6			
Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be temporarily suspended so that we may immediately take up HR 197.

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

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—10

DeWeese	Linton	O'Donnell	Richardson
Harper	Manderino	Pievsky	Wiggins
Hughes	O'Brien		

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION ADOPTED

The SPEAKER. The clerk will read HR 197.

The following resolution was read:

House Resolution No. 197

A RESOLUTION

Recognizing November 18 as "Latvian Independence Day."

WHEREAS, On the 18th day of November 1918, on the north central shores of the Baltic Sea at the City of Riga, a proud Latvian people created the Independent Republic of Latvia; and

WHEREAS, Until 1940 the Independent Republic of Latvia was governed by the Latvian People's Council, an assembly first selected representing farm, artisan, manufacturing and business people; and

WHEREAS, In 1940 the Latvian People's Council was dissolved and the nation became subordinate to the Russian yoke, the Latvian Soviet Socialistic Republic; and

WHEREAS, The proud peoples of Latvia should and of right ought to be free and independent, together with their brothers and sisters in Lithuania and Estonia; therefore be it

RESOLVED, That on this the 18th day of November, the 69th Anniversary of the founding of the Independent Republic of Latvia, the House of Representatives of the Commonwealth of Pennsylvania recognize persons of Latvian descent in the Commonwealth of Pennsylvania and throughout the world and the proud and independent Latvians under Soviet rule and join them in recognizing "Latvian Independence Day."

John H. Broujos
Michael M. Dawida
Samuel E. Hayes, Jr.
Anthony J. Melio
Jon D. Fox
John N. Wozniak
Scott Dietterick
Edward J. Lucyk
Fred C. Noye
Elaine F. Farmer
Raymond T. Book
Alice S. Langtry
Terrence F. McVerry
John E. Barley
Frank L. Oliver
Andrew J. Carn
Thomas A. Michlovic
Terry E. Van Horne
Thomas J. Murphy, Jr.
Michael R. Veon
Camille George
Michael E. Bortner

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, first I would like to ask that at the next to the last line, marked "3," that the words, within the liberality of the suspension of the rules, "and independent" not be considered in the reading of this resolution. They are not independent.

Mr. Speaker, also, I would like to ask for the opportunity—

The SPEAKER. Just a moment, Mr. Broujos. You cannot do that.

Mr. BROUJOS. I understand that. I am asking that when it is read to be considered, that those two words are not there—"and independent."

The SPEAKER. Very well. Your notations will be added, but that, of course, will not affect the wording of the resolution.

Mr. BROUJOS. I understand, Mr. Speaker.

The SPEAKER. You may proceed.

Mr. BROUJOS. Also, I would appreciate the opportunity for all members of the House, by your procedure with your consent, to be added as sponsors, if they so desire.

The SPEAKER. That will be done.

Mr. BROUJOS. Mr. Speaker, also, I would like to comment that I believe it is absolutely essential that free nations, such as the United States, at all times recognize those who are in bondage, particularly the Latvians, Lithuanians, and Estonians, who have lived under Soviet rule for many years. They are in effect slaves. They are a proud and independent peoples. The Latvians did exist as a free nation under the Latvian People's Council. It is essential that we recognize the slavery in which the Western World has held these peoples and other peoples so that someday, whether it is in a far distant or near future when these nations are free or ready for freedom, we will be ready to assist them in any way we can. Thank you.

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

The following roll call was recorded:

YEAS—193

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

Broujos	George	Markosek	Staback
Bunt	Gladeck	Mayernik	Stairs
Burd	Godshall	Melio	Steighner
Burns	Gruitza	Merry	Stevens
Bush	Gruppo	Michlovic	Stuban
Caltagirone	Hagarty	Miller	Sweet
Cappabianca	Haluska	Moehlmann	Taylor, E. Z.
Carlson	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	Wilson
Coy	Jackson	Phillips	Wogan
DeLuca	Jadlowiec	Piccola	Wozniak
DeVerter	Jarolin	Pievsky	Wright, D. R.
DeWeese	Johnson	Pistella	Wright, J. L.
Daley	Kennedy	Pitts	Wright, R. C.
Davies	Kenney	Pressmann	Yandrisevits
Dawida	Kitchen	Preston	
Dempsey	Kosinski	Punt	Irvis,
Dietterick	Kukovich	Raymond	Speaker
Distler	LaGrotta	Reber	

NAYS—0

NOT VOTING—4

Carn	Josephs	Richardson	Wiggins
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EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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

The SPEAKER. The clerk is instructed to hold the resolution at the desk so that any member wishing to sign the resolution may add his or her name. The clerk is instructed to add the name of the Speaker to the resolution. Those of you who wish to have your names added to the resolution will do so by informing the clerk, who will hold the resolution at his desk.

STATEMENT BY MR. LETTERMAN

The SPEAKER. The gentleman from Centre, Mr. Letterman, wishes to make an announcement.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, today I will offer for introduction legislation that will designate a portion of Route 150, U.S. Route 220, from exit 26 of Interstate 80 to the Clinton-Lycoming County line as the Frank D. O'Reilly, Jr., Highway.

No one from central Pennsylvania has done more for the development of our statewide transportation systems than Frank D. O'Reilly, Jr. For more than three decades Mr. O'Reilly has given tireless efforts on behalf of the citizens of the Commonwealth of Pennsylvania in that he was among the initial directors of the Appalachian Thru-way Association, serving at least two terms as its president and is still currently maintaining his directorship.

Additionally, he is a member of the State Transportation Commission, having been appointed to his first term in January of 1980 and most recently reappointed for an additional 6 years.

During his tenure as a member of the State Transportation Commission, he has assisted in the development and implementation of the billion-dollar bridge program I and the billion-dollar bridge program II, one of the largest construction programs initiated in the history of Pennsylvania.

Consequently, Frank D. O'Reilly's years of service have not just benefited the people of my legislative district but all of Pennsylvania. Therefore, Mr. Speaker, I am asking for all members of the Pennsylvania House of Representatives to join me in cosponsorship of this legislation to honor this dedicated citizen. I would like to ask that everybody be put on this piece of legislation. If anyone does not want to be, I would like to know who that is, please.

The SPEAKER. Not me.

All members currently seated on the floor of the House will have their names added, unless they have personal objection to that, and the Chair hears no such personal objection. Nobody is that foolish. The Chair hears no personal objection.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. LETTERMAN. Mr. Speaker, I would like to submit some remarks for the record.

The SPEAKER. The remarks will be entered into the record.

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

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

FRANK D. O'REILLY, JR.

Frank D. O'Reilly, Jr., was born in Lock Haven September 3, 1914, and the son of Frank D. O'Reilly, Sr., and Daisy Francis Elliot O'Reilly. He was graduated in 1932 from Phelps Academy in Massachusetts and from Yale University in 1936.

He started work with The Express in the summers when he was 15 and began full-time work as a reporter in 1936 shortly after graduation from college. He subsequently was named Managing Editor and took over as Publisher and President of The Express when his father died in 1954. He continued an active Editor career writing many of the editorials and was covering many of the civic meetings which he attended.

He is a life member of the Lock Haven Lodge of Elks, the Lock Haven Moose, the Tiadaghton Chapter of the Sons of the American Revolution, and the Clinton Country Club, where he served many years as a Director and several terms as President. He has served as a member of the Salvation Army Advisory Board, and the Lock Haven YMCA. He was active for many years in the United Way campaigns serving as both Advanced Gifts and Campaign Chairman, as well as President. He has served as Director of the Himes Printing Company in State College, the Express Printing Company, and as a Regional Director of the Commonwealth Bank and Trust Company. He long served on the Board of

the Clinton County Chamber of Commerce and after two terms as President, was Treasurer of the Chamber for many years. He was President of the Industrial Development Fund of Clinton County, being one of those who signed the group's original Charter. He has served for many years as a Board Member of the Lock Haven Motor Club and later of the Nittany Motor Company after the merger with Centre County. He also served as Treasurer.

He represented the Immaculate Conception Church on the Board of the old Sperring Home. He continued his interests in Yale Alumni affairs and was Vice President of the Yale Alumni of Central Pennsylvania for a number of years. For nearly 30 years, he served as Chairman of the Lock Haven Flood Warning Committee. Long before such an organization existed, his newspaper funded the expenses associated with gathering data from up river during times of high water.

He has one son, Frank D. O'Reilly III, two grandchildren, and a sister, Mrs. Sarah O'Reilly Loria, of Vero Beach, Florida.

ADDITIONS OF SPONSORS

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

Mr. PISTELLA. Mr. Speaker, the resolution that was introduced by Representative Broujos for the Latvians—

The SPEAKER. Yes?

Mr. PISTELLA. —I was going to ask if the same could be done for that resolution as has been done for Representative Letterman's, that all members of the Assembly be added to it as cosponsors.

The SPEAKER. All right. The Chair will rescind its order and make it this. Mr. Clerk, are you paying attention to this? Unless you are advised otherwise by an individual member, you will add each seated member's name to the Latvian independence resolution introduced and passed by Mr. Broujos. Is that clear? All right. Fine.

Thank you for reminding me, Mr. Pistella. I should have thought of that myself.

RESOLUTION SUBMITTED FOR THE RECORD

Mr. HALUSKA submitted the following resolution for the Legislative Journal:

HOUSE OF REPRESENTATIVES
HARRISBURG, PA.
OFFICE OF THE CHIEF CLERK
RESOLUTION

WHEREAS, The late Hugh "Duffy" Daugherty, who led the Michigan State University football program to two Big Ten Conference Championships in 1965 and 1966, graduated from Barnesboro High School in 1930; and

WHEREAS, He worked as a coal miner for five years to help support his family and earn money for college. A 1939 graduate of Syracuse University, he was captain of the football team his senior year. Following a tour of duty with the United States Army, where he received the Bronze Star while serving during World War II, he began his football coaching career as an assistant at Syracuse University in 1946. He became an assistant football coach at Michigan State University in 1947 and during his eighteen-year career as head coach between the years of 1954 and 1972, compiled a one hundred and nine wins, sixty-nine losses

and five ties record, leading eight teams to top twenty finishes; and

WHEREAS, Mr. Daugherty served as Special Assistant to the Vice President for Development until his retirement from Michigan State University in 1974. He was inducted into the Cambria County War Memorial Sports Hall of Fame in 1967; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pay tribute to the late Hugh "Duffy" Daugherty, a beloved and respected man who was renown for his coaching greatness, his personal warmth, and his wonderful humor; and be it further

RESOLVED, That a copy of this resolution be delivered to the Northern Cambria School District, c/o Milton F. Morozowich, Superintendent, 600 Joseph Street, Barnesboro, Pennsylvania 15714-1299.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Edward J. Haluska, and unanimously adopted by the House of Representatives on the 26th day of October 1987.

K. Leroy Irvis
Speaker of the House

ATTEST:
John J. Zubeck
Chief Clerk

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 183, PN 201**, entitled:

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," further providing for the compensation of tax collectors in first class townships.

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—189

- Acosta, Angstadt, Argall, Arty, Baldwin, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Fargo, Farmer, Fee, Fischer, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshail, Gruitza, LaGrotta, Langtry, Lashingier, Laughlin, Leh, Lescovitz, Letterman, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Maine, Manderino, Manmiller, Markosek, Mayernik, Melio, Reinard, Rieger, Ritter, Robbins, Roebuck, Rudy, Ryan, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, S. H., Snyder, G., Staback, Stairs, Steighner

- Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeVerter, DeWeese, Daley, Davies, Dawida, Dempsey, Dietterick, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Honaman, Howlett, Hughes, Hutchinson, Itkin, Jackson, Jadlowiec, Jarolin, Johnson, Josephs, Kennedy, Kenney, Kitchen, Kosinski, Kukovich, Merry, Michlovic, Miller, Mochlmann, Morris, Mowery, Mrkonie, Murphy, Nahill, Noye, O'Brien, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Preston, Punt, Raymond, Reber, Stevens, Stuban, Sweet, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Tigie, Trello, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Irvis, Speaker

NAYS—1

Flick

NOT VOTING—7

- Black, Fattah, Maiale, O'Donnell, Richardson, Truman, Wiggins

EXCUSED—6

- Dininni, Evans, Kasunic, Micozzie, Rybak, Snyder, D. W.

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. Georganna Cherinchak and Sheila Williams are guests of Representative Staback, and they are in the gallery. Welcome to the hall of the House. We are delighted to have you here.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1952, PN 2523 (Amended)

By Rep. PETRARCA

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the price a public utility shall pay for electricity generated by a qualifying facility that burns coal mined in a foreign country.

MINES AND ENERGY MANAGEMENT.

REPORT OF JOINT STATE GOVERNMENT COMMISSION

The SPEAKER. Representative Caltagirone files the following report with the House of Representatives. Send the report forward, please. The clerk will read the title of the report.

The following communication was read:

General Assembly of the
Commonwealth of Pennsylvania
Joint State Government Commission
Room 108 - Finance Building
Harrisburg 17120
November 9, 1987

To The Honorable, the
House of Representatives
of the General Assembly of the
Commonwealth of Pennsylvania

On behalf of the Joint State Government Commission, I have the honor to transmit herewith the publication Report on the Mental Health System and Laws of Pennsylvania.

Copies of this publication for members of the House of Representatives have been placed in their post office boxes.

Respectfully submitted,
Roger A. Madigan
Chairman

(Copy of report is on file with the Journal clerk.)

CONSIDERATION OF HB 668 CONTINUED

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A4325:

Amend Sec. 2 (Sec. 6310.5), page 10, lines 8 through 30; page 11, lines 1 through 6, by striking out all of said lines on said pages and inserting

(a) General rule.—If an individual is convicted, adjudicated delinquent or offered preadjudication disposition for a violation of section 6307 (relating to misrepresentation of age to secure liquor or malt or brewed beverages), 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) or 6310.3 (relating to carrying a false identification card), the following shall apply:

(1) For a first violation of any of the preceding offenses, the court may, in addition to other requirements, require the individual to be evaluated prior to sentencing or receiving preadjudication disposition.

(2) For a subsequent violation of any of the preceding offenses, the court shall, in addition to other requirements, require the individual to be evaluated prior to sentencing or receiving preadjudication disposition.

(3) Evaluation under this subsection shall consist of court reporting network instruments issued by the Department of Transportation and other evaluation techniques if deemed appropriate by the court to determine the extent of the individual's involvement with alcohol.

(b) Program of alcohol counseling.—Based on the results of the evaluation authorized under subsection (a) and any additional information, the court may require that the person successfully

complete a prescribed program of alcohol counseling. Any program of individual or group intervention or supervised outpatient treatment shall be of a type approved by the Department of Health.

Amend Sec. 2, page 12, by inserting between lines 9 and 10 § 6313. Special information.

(a) General rule.—At the time of conviction or admission to a preadjudication disposition for a violation of section 6307 (relating to misrepresentation of age to secure liquor or malt or brewed beverages), 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) or 6310.3 (relating to carrying a false identification card), the court shall provide to the chief juvenile probation officer of the judicial district, in such form as prescribed by general rule, the name of the offender, the offender's date of birth and the disposition of the case.

(b) Updating.—The information under subsection (a) shall be updated, if necessary, when the offender completes the preadjudication disposition or fails to complete it and is subsequently convicted of the offense.

(c) Availability.—Information under this section shall be available to law enforcement agencies and the judicial system for the purpose of determining whether the offender has a prior record of violation of the offenses listed in subsection (a).

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

This is an extremely important piece of legislation. I spent a great deal of time with police officers, district justices, probation officers, and youth. They feel that this is a most necessary piece of legislation.

My amendment does two things. First of all, it clarifies the section with regard to treatment, which I feel is one of the most important parts of this legislation. It makes it available on a first offense as an option and mandatory on a second offense, the evaluation and the treatment. The second aspect which is also most necessary in terms of dealing with this is some way to track so that there is a ready record of who is a first or a second offender, and that tracking system is installed by this amendment.

I would appreciate your support of this amendment.

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

Mr. BLAUM. Thank you, Mr. Speaker.

As Mr. Saurman said, I think this piece of legislation is very important, and I think his amendment makes it better. I ask for an affirmative vote from the members of the House.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Representative Saurman is exactly correct. The amendment does fit into our piece of legislation, and it would help to enhance the bill in its final passage. So therefore, I ask that we support the Saurman amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Acosta	Distler	LaGrotta	Reber
Angstadt	Dombrowski	Langtry	Reinard
Argall	Donatucci	Lashingier	Rieger
Arty	Dorr	Laughlin	Ritter
Baldwin	Duffy	Leh	Robbins
Barley	Durham	Lescovitz	Roebuck
Battisto	Fargo	Letterman	Rudy
Belardi	Farmer	Levdansky	Ryan
Belfanti	Fattah	Linton	Saloom
Billow	Fee	Livengood	Saurman
Birmelin	Fischer	Lloyd	Scheetz
Black	Flick	Lucyk	Schuler
Blaum	Foster	McCall	Semmel
Book	Fox	McClatchy	Serafini
Bortner	Freeman	McHale	Seventy
Bowley	Freind	McVerry	Showers
Bowser	Gallen	Maiale	Sirianni
Boyes	Gamble	Maine	Smith, B.
Brandt	Gannon	Manderino	Smith, S. H.
Broujos	Geist	Manmiller	Snyder, G.
Bunt	George	Markosek	Staback
Burd	Gladeck	Mayernik	Stairs
Burns	Godshall	Melio	Steighner
Bush	Gruitza	Merry	Stevens
Caltagirone	Gruppo	Michlovic	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	Van Horne
Clymer	Hershey	O'Brien	Veon
Cohen	Hess	O'Donnell	Vroon
Colafella	Honaman	Olasz	Wambach
Cole	Howlett	Oliver	Wass
Cornell	Hughes	Perzel	Weston
Corrigan	Itkin	Petrarca	Wilson
Cowell	Jackson	Petrone	Wogan
Coy	Jadlowiec	Phillips	Wozniak
DeLuca	Jarolin	Piccola	Wright, D. R.
DeVerter	Johnson	Pievsky	Wright, J. L.
DeWeese	Josephs	Pistella	Wright, R. C.
Daley	Kennedy	Pitts	Yandrisevits
Davies	Kenney	Pressmann	
Dawida	Kitchen	Preston	Irvis,
Dempsey	Kosinski	Punt	Speaker
Dietterick	Kukovich	Raymond	

NAYS—0

NOT VOTING—4

Hutchinson	Richardson	Truman	Wiggins
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EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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

On the question recurring,

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

Mr. GRUITZA offered the following amendments No. A4368:

Amend Sec. 1 (Sec. 6307), page 2, lines 25 and 26, by striking out "section 6310.4 (relating to restriction of operating privileges) or"

Amend Sec. 1 (Sec. 6307), page 3, line 21, by striking out "and the provisions of section 6310.4"

Amend Sec. 1 (Sec. 6308), page 3, line 30; page 4, lines 1 and 2, by striking out "In addition to the penalty imposed pursuant to" in line 30, page 3, and all of line 1 and "privileges," in line 2, page 4

Amend Sec. 2 (Sec. 6310.3), page 7, lines 24 and 25, by striking out "section 6310.4 (relating to restriction of operating privileges) or"

Amend Sec. 2 (Sec. 6310.3), page 8, lines 20 and 21, by striking out "and the provisions of section 6310.4"

Amend Sec. 2 (Sec. 6310.4), page 8, lines 25 through 30; page 9, lines 1 through 30; page 10, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 2 (Sec. 6310.5), page 10, line 7, by striking out "§ 6310.5" and inserting

§ 6310.4

Amend Sec. 2 (Sec. 6310.6), page 11, line 11, by striking out "§ 6310.6" and inserting

§ 6310.5

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I will be very brief. I think the House has spoken to this issue. However, what this amendment does is similar to what Mr. Flick had offered previously; however, this amendment completely strips the language regarding suspension of the driver's license from the bill.

I feel that the bill carries enough punishment as it stands without the suspension. I feel that we are opening a door by providing this type of punishment for a violation of the Crimes Code. I think that to do this we might as well say that any number of violations of the Crimes Code should be tagged on with suspensions of drivers' privileges as an added punitive measure.

I think that the measure is counterproductive. I think we are going to place a lot of young people in jeopardy of losing jobs, of dropping out of school for a semester or forever. I think that it is counterproductive to what the intent of this legislature is in trying to maybe rehab and send a strong message to the youth of Pennsylvania. So I am submitting the amendment and encouraging the members of the House to vote to take this provision out of the bill. Thank you.

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

Mr. BLAUM. Thank you, Mr. Speaker.

I rise to oppose the amendment. I think by adopting the Gruitza amendment we will in effect gut the bill.

The purpose of this legislation, as was said earlier, is to establish for the first time some kind of deterrent in Pennsylvania law just to make our kids think twice. Right now the fine is \$25 to \$300 for the first offense. We keep those fines exactly the same; we do not touch the fines. But what we are saying is that we need something in Pennsylvania law to make our kids consider that they are going to stand to lose something, that which is most valuable to them, not forever but for a period of 90 days. And if we get maybe 5 and 10 kids per

high school to lose their drivers' licenses for 90 days during the football season, during the prom season, during the summer months, we will begin to chip away at the cool which permeates underage drinking in our high schools.

I taught for 5 years in high school, Bishop Hoban High School in the city of Wilkes-Barre, before coming to the legislature. The kids know it is wrong, but there is nothing in Pennsylvania law to stop them. If we are going to say it is wrong, if the parents of Pennsylvania like it that way, that we say it is wrong for kids under 21 to consume alcohol, then we have to put in a penalty, again just to make them think twice.

I ask for a negative vote on the Gruitza amendment.

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

Mr. CIVERA. Thank you, Mr. Speaker.

The remarks that I am going to make have been spoken about over and over, and pertaining to this amendment, there is no question in my mind that if this amendment was to pass, it would take away everything that we have tried in the past 5 years so hard to work for.

The reason why the Pennsylvania driver's license is the issue is because it is a deterrent. It is something that young people work so hard to get and strive for, that brings them maybe into their adulthood. But on the issue of underage drinking, that driver's license is being used to falsify, that driver's license is being used to transport, and what we want to do here is to take the message back home that we mean business. We are not just here to say that we passed an underage drinking bill and we might be able to take your driver's license away or you might be fined 300-and-some dollars, anywhere from \$25 to \$300, and this is what we are trying to say to you. That is not the message that we want to take back. The message that we want to take back is that the General Assembly of the Commonwealth of Pennsylvania passed an underage drinking bill and the fines are strong and the offenses are strong and what you are doing out there and what you are attempting to do is wrong, and therefore, if you do it, you are going to lose your Pennsylvania driver's license for, on the first offense, 90 days. That is what we are saying, clearly. It is a deterrent to stop it, and if we do not stop it, we are going to be back here 3 years later wishing that we passed this legislation.

Now, a lot of us here today have all different arguments on constitutionality, have all different arguments that if my son is driving in a car and he has a case of beer, he is going to lose his driver's license. That is only an excuse to a point. The real point that we are trying to make is to save lives. Representative Blaum pointed out that without a vehicle two youths in his district died, died because they were drinking and they slept outside and they froze to death, without driving an automobile. But you try to say to your son, now, you should not do this and you are going to work for 6 months to pay that fine, and 3 months later behind your back or whatever they are going to try to get alcohol and drink, and that is what we are trying to say "no" to.

So therefore, Mr. Speaker, I ask that this amendment be defeated. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lawrence, Mr. LaGrotta.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, I stand in opposition to this amendment for the reasons spoken by both of the gentlemen who preceded me, but also because I serve on the special select committee to investigate alcohol abuse on State college and university campuses. We took this question at several hearings that we had to the source or to the core of the problem. We asked a couple of students, neither of whom was 21 years of age, whether or not they thought that increasing fines would serve as a deterrent to underage drinking. On both occasions that I can remember, the answer was "no." When we asked the same two gentlemen, both of whom were student government leaders at State college and universities, whether or not suspension of the driving privileges would act as a deterrent, both of them put their heads down, kind of shook their heads in a way to say, we do not want to answer this question because the kids back on the college campuses are going to get mad at us, but they both said "yes." They asked us to use this means as a deterrent to underage drinking.

The young people of Pennsylvania, responsible young people, recognize the problem and recognize all too well that those of us in any instance of authority have made light of the problem for too long. It is time that we send a message to the young people of Pennsylvania that we will no longer tolerate the kind of alcohol abuse that has led to several deaths of underage men and women in Lawrence County, where I come from, in the last 2 years.

I oppose this amendment, and I ask the members to do likewise for those reasons.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I would ask for the defeat of the Gruitza amendment. Within my legislative district we have had a continuous problem, and it also relates back to the local police who have an issue. About 2 weeks ago when I was driving down the street, I watched two kids turn over a post office box. I watched them go down the street and bend over the antennas on different cars. Fortunately enough, there was a policeman who was driving by, and I stopped the policeman and he picked the kids up. He said that fortunately I will probably be able to get them for the damage, also I will probably be able to get them, if we can prove it, as far as intoxication, but then he checked them and they had a bottle in their pocket. But they are going to pay a fine. Chances are, the parents are going to wind up paying the fine. There is not going to be any responsibility on those 15- or 16- or 17-year-old kids. It is going to be on the parents, the responsibility.

We just went through a brief situation about whether it is going to be 30 days or 90 days. I think it behooves us to have the responsibility to make these children and make the youth within our communities be aware that they are no longer going to be able to get away with things and even pass the

buck sometimes on the parents as far as responsibility for the 18-year-olds and under.

Also, I think it is our responsibility, when we have a chance, to make the young people realize that when they are applying for a driver's license it is a privilege, as we have argued about before. It is a privilege to be granted to them if they are going to be responsible adults within the community as they grow up and for us, whenever we have a chance, to be able to help them.

Then there is also the issue as far as the drinking itself. Many of you, I am sure, have always had problems in all of your legislative districts with underage drinking, and how do you try to have different things to be able to make them stop? We can be within the school districts and apply certain courses. We can have television commercials, radio commercials, pass out all the pamphlets. But when we sit down here and tell someone that if you are going to do this, this is what is going to happen, it gives us a viable tool as far as making them, again, responsible adults.

It is for those reasons that I would ask us to please defeat the Gruitza amendment.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

Let us just take a look at one particular scenario. Two weeks ago, a group of youngsters out having a beer party, police come along and arrest them. They go to the magistrate; the magistrate slaps them on the hand and their parents happen to pay their fines for them. Two weeks after that those same individuals are driving their vehicles and either get killed themselves or kill some passenger in their car.

I think that this amendment absolutely guts the bill. It is extremely important that we quit this bickering about this particular bill and let us let the legislators show us exactly where they stand on this particular issue. I ask for the defeat of the Gruitza amendment. Thank you very much, Mr. Speaker.

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

Mr. CLARK. Thank you, Mr. Speaker.

I rise to support the Gruitza amendment. In each case when we make a law, the punishment should really fit the crime. We should not impose a suspension of a license for an offense not related to operating a motor vehicle. There are several inconsistencies in the act that lead me to believe that this bill is not aimed at curbing underage drinking but making it more difficult for a liquor licensee to get cited for serving a minor.

When I look at the provisions, it is mandatory that an individual's license be suspended for consumption, transportation, or possession of alcohol, but there is no provision making it mandatory that they attend alcohol counseling sessions. That is a "may" provision in the bill, and I think that is much more important in deterring them from continuing improper consumption of alcohol.

In addition, nothing in this legislation calls for mandatory suspensions of licenses of people who sell alcohol, and I believe that must be part of a package that deals with this. If

someone who is in the business of selling liquor and alcohol, including the Commonwealth, sells liquor to someone underage— And after this bill, I might point out, it is going to be much more difficult for someone to say that they were just mistaken or they were given a false ID. The false ID is probably the most important provision of this bill, because now a licensee knows when he serves a minor. He has either failed to card that person or he just blew it, not that he was given a false ID, because there are penalties under this law.

What this law says to minors and people under 21 years of age is this: If you are going to have a drink in a field, you are going to get your license suspended. If you are going to have a drink in a car, you are going to have your license suspended. There is no deterrent to getting them out of the car. So the choice is, between a field or a car, the same penalty, I might as well have a drink and go to the drive-in or something.

And one other thing I would like to point out. The Liquor Code permits people 18 to 21 years of age to work for licensees of the board and deliver malt and brewed beverages. It is pretty darned inconsistent to suspend their driver's license for doing a job they are allowed to do by the Liquor Board.

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

Mr. DISTLER. Thank you, Mr. Speaker.

A question for the maker of the amendment, Mr. Gruitza.

The SPEAKER. The gentleman, Mr. Gruitza, will stand for interrogation. You may proceed.

Mr. DISTLER. It is my understanding that this amendment will take out of the bill that it is a violation of the law if it is not pertaining to driving. Is that correct?

Mr. GRUITZA. My understanding of the amendment, Mr. Speaker, is that what it will do is simply strip from the bill any punishment by taking away the license. So out of this bill there would be no ability for the district magistrate or judge to order a license suspension for a violation of this act.

Mr. DISTLER. Even if they are driving a vehicle?

Mr. GRUITZA. Well, no. If they are driving a vehicle and they could be cited under the regular criminal code for DUI, they would certainly be subject to the regular provisions that adults are subject to relative to the DUI provisions of the code.

Mr. DISTLER. Thank you, Mr. Speaker.

I have a comment, Mr. Speaker.

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

Mr. DISTLER. Mr. Speaker, I had two sons that served in the Armed Forces of these United States, and the boys would come home, they were between 18 and 21 years of age, and we would sit and talk. Naturally, the boys and I would have a beer or so. I understand that that is currently a violation of the law right now, but I find it very difficult that we would suspend the driver's license of these types of individuals that are not even involved with an automobile.

I think this amendment is a good amendment and I would support the amendment, and I think the bill, if passed, if it has this provision in it, I think it stinks and it should be defeated. Thank you.

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

Mr. BLAUM. Mr. Speaker, I just want to correct some things that were said earlier.

The bill does provide for counseling for teenagers. In the bill it is optional for the magistrate to refer them for counseling on the first offense, mandatory for the second offense, but I think you will see with the Saurman amendment that they must be sent for counseling under this bill.

Also, I think the tavern owners or anybody who sells to them is liable under the provisions of the Liquor Code, and this bill is geared towards those who knowingly, not who are fooled by a false ID, but someone who knowingly and intentionally sells or furnishes, and they would also then be liable under the criminal code.

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

Mr. GRUITZA. Mr. Speaker, just as the final word and to add to what Representative Blaum has said.

I spoke with counsel from the Reference Bureau on whether or not it would be necessary to add language that would allow the district magistrates in these cases to assign some type of community service for an individual, a young violator of this act, and they indicated to me that under the bill as it stands and the law as it stands, that if this amendment went in, the magistrates would still, in addition to everything else that is in here, be able to assign an individual to some community service, which would, I believe, make greater sense and teach those young individuals a lesson without causing all of the problems that would be associated, not to mention the unfairness involved in stripping that individual of the license. I just wanted to add that as a codicil.

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

The following roll call was recorded:

YEAS—69

Black	Fischer	Leh	Ritter
Book	Flick	Letterman	Robbins
Bortner	Gamble	McVerry	Roebuck
Bowser	Gannon	Merry	Ryan
Boyes	Godshall	Michlovic	Seventy
Brandt	Gruitza	Miller	Steighner
Burd	Haluska	Moehlmann	Sweet
Caltagirone	Harper	Mrkonic	Taylor, J.
Carn	Hayden	Noye	Telck
Cawley	Hughes	O'Donnell	Tigue
Clark	Jackson	Olasz	Trello
Corrigan	Jadowiec	Oliver	Van Horne
DeVertter	Josephs	Perzel	Veon
DeWeese	Kennedy	Petrarca	Vroon
Distler	Kitchen	Petrone	Weston
Dombrowski	Kukovich	Reber	Wilson
Donatucci	Langtry	Rieger	Wright, R. C.
Fargo			

NAYS—120

Acosta	Davies	Laughlin	Reinard
Angstadt	Dawida	Lescovitz	Rudy
Argall	Dempsey	Levdansky	Saloom
Arty	Dietterick	Livengood	Saurman
Baldwin	Dorr	Lloyd	Schectz
Barley	Duffy	Lucyk	Schuler

Battisto	Durham	McCall	Semmel
Belardi	Farmer	McClatchy	Serafini
Belfanti	Fee	McHale	Showers
Billow	Foster	Maijale	Sirianni
Birmelin	Fox	Maine	Smith, B.
Blaum	Freeman	Manderino	Smith, S. H.
Bowley	Freind	Manmiller	Snyder, G.
Broujos	Gallen	Markosek	Staback
Bunt	Geist	Mayernik	Stairs
Burns	George	Melio	Stevens
Bush	Gruppo	Morris	Stuban
Cappabianca	Hagarty	Mowery	Taylor, E. Z.
Carlson	Hasay	Murphy	Taylor, F.
Cessar	Hayes	Nahill	Wambach
Chadwick	Heckler	O'Brien	Wass
Civera	Herman	Phillips	Wiggins
Clymer	Hershey	Piccola	Wogan
Cohen	Honaman	Pievsky	Wozniak
Colafella	Howlett	Pistella	Wright, D. R.
Cole	Itkin	Pitts	Wright, J. L.
Cornell	Jarolin	Pressmann	Yandrisevits
Cowell	Johnson	Preston	
Coy	Kenney	Punt	Irvis,
DeLuca	Kosinski	Raymond	Speaker
Daley	LaGrotta		

NOT VOTING—8

Fattah	Hess	Lashinger	Richardson
Gladeck	Hutchinson	Linton	Truman

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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

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

Mr. REBER offered the following amendment No. A4256:

Amend Sec. 2 (Sec. 6310.4), page 9, line 5, by striking out "shall" and inserting
may

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

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, amendment 4256 is the amendment that is before the House. Let me just simply preface my remarks to that particular amendment by saying what this amendment does not do to the bill. This amendment does absolutely nothing to the bill in regard to removing the 90 days. The 90-day suspension provision stays in the bill. It does absolutely nothing to the monetary fines in the bill. It does absolutely nothing to change the elements of the offenses that are enumerated in the bill that are different from current law except as otherwise changed in the bill. In short, Mr. Speaker, we do not gut the bill in any way, shape, or form.

Additionally, Mr. Speaker, I would submit that earlier this afternoon Mr. Saurman introduced and had adopted by this House an amendment which in fact gives certain discretionary aspects to the sentencing judge in regard to violations under this particular section of the law. I think the concept behind

that is well intended. I think the concept behind that is well rooted in our judicial prudence system. I think it is something that must be put into this bill in a little bit different area as well to make this bill as meaningful as the prime sponsors desire it to be but yet to show at least a rational, sensible, reasonable, and necessary compassion that I think should be brought into this for those unfortunate people that fall within the total net, the total overview, as this bill in its wide-sweeping form presently now allows them to fall into.

What this amendment does, Mr. Speaker, is simply leaves the language as is, simply leaves the 90-day suspension language in the bill, but provides to the sentencing jurisdiction, the sentencing authority, the option, the discretion to impose the 90-day sentence if the facts of each and every particular case warrant the necessity of such a severe punishment being imposed.

Now, let me explain a few situations which I think can dramatically, but I daresay I have been involved in cases where these are exact, factual situations, and I think they drive home the need for discretion when we are dealing with something like this. Let us take, for instance, first of all, four under-21-year-olds riding in the father's vehicle of the driver. None of the four have any idea that there is a case of beer in the back seat, none of the four possibly have any idea that there is a case of beer in the trunk, or for that matter, the two riders in the back seat have no idea that there is unopened beer on the floor in the front seat. The individuals are stopped for a stop-light violation, and the particular alcoholic beverages are in plain view, are seen by the arresting officer. He has no idea who the owner of those particular beverages is, but more importantly, he is not sure whose possession they are in, so he cites all four individuals in that vehicle.

Now, let us go one step further. Let us take the situation where they are at a fraternity party, for instance, and there are 50 people in a room. Five of those people are drinking alcoholic beverages, 45 people are not. Of the five that are drinking or consuming, only one person was responsible for bringing them on the premises. I think you understand what I am getting at, that there are individuals that are more responsible; that there are even, in fact, many instances when there are individuals that are totally innocent of any kind of criminal intent that would warrant such a severe intervention.

Now, you may say, if you are the prime sponsor of the bill, we have to deter; we have to stop this; we have to provide an appropriate sanction. I would submit that if this particular amendment is adopted, every individual who falls within the penumbra of this bill is going to recognize that they potentially, potentially, if they associate themselves with this situation, stand the possibility of a 90-day suspension. However, in the event there are mitigating circumstances that would permit or should permit the nonimposition of the 90-day suspension, that compassion to the sentencing judge is made available by this particular type of concept. I would submit that if there is any rational thinking on the floor of this House, it should be put to work right now and consider adoption of this particular amendment. Thank you very much, Mr. Speaker.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Would Mr. Reber stand for a brief interrogation on the amendment, please?

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

Mr. CIVERA. Mr. Speaker, my question is, in your amendment, on page 9, line 5, you remove the word "shall" and replace it with the word "may." By doing this, Mr. Speaker, are you allowing that the district justice of that said area or that said district in his elected duties would be able to say whether the driver's license should be suspended or should not be suspended?

Mr. REBER. Mr. Speaker, I am doing exactly what Representative Saurman did in his amendment and doing exactly what was already enacted by this House - permitting the court, including a court not of record, if it is exercising jurisdiction pursuant to this statute, to do just that.

Mr. CIVERA. Well, Mr. Speaker, if I may answer, Mr. Saurman did not do that in his amendment—okay?—and what I am getting at is the question again that you are allowing the magistrate to have the discretion whether that individual should lose the driver's license or whether he should keep it if he is in violation of underage drinking. Am I correct?

Mr. REBER. Mr. Speaker, I am allowing the particular court, whether it be a court of record or otherwise, to do exactly what it does under innumerable types of sentencing conditions already heretofore in effect in the Commonwealth; yes.

Mr. CIVERA. Mr. Speaker, may I speak on the amendment now, sir?

The SPEAKER. The gentleman has the floor and is in order. He may proceed.

Mr. CIVERA. The answer that Representative Reber has given me is the reason why we should not vote for this amendment, because what they are going to be able to do in the magistrates' courts is to have the jurisdiction to play with this, and the message that we want to bring back here is we do not want anybody playing with this law. We mean business. We mean that if you violated this law and you were drinking under the age, your driver's license should be suspended on the first offense for 90 days. We do not want to have what we just heard in our areas, because it is not going to take away the idea of drinking under the age of 21 years of age in this Commonwealth. And over and over—and we will repeat this until this bill is passed today—are we serious in what we are doing here today? I think we are, and that is the reason why I ask for the defeat of the Reber amendment. Thank you, Mr. Speaker.

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

Mr. SALOOM. Mr. Speaker, I am one of the sponsors of this bill because I think that we cannot get tough enough on underage drinking. What we might do here today is save somebody's life. But, of course, there are some circumstances where the courts may need some latitude, and of all the

amendments that have been introduced here today, this is probably the one that makes the most sense, giving the courts the latitude that they perhaps need and giving us the compromise that we are looking for, and I so support this amendment. Thank you, Mr. Speaker.

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

Mr. CLARK. Thank you, Mr. Speaker.

I think it is important that this amendment go in the bill. It is imperative that the judges and district justices have some latitude in sentencing. Each case will not be the same. When you talk about the different sections - you talk about transportation, possession, or consumption - they should not be treated equally. If someone merely possesses a can of beer or a bottle of wine or whatever, they should not be treated equally with the person who consumes one. That is the point to this whole amendment - to give that justice a chance to use some common sense.

If we continue with this barrage of amendments, with jail terms and everything else for underage drinkers, we might as well skip all the b.s. and go right to capital punishment for these poor kids.

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

Mr. OLASZ. Mr. Speaker, would Mr. Civera stand for interrogation, please?

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

Mr. OLASZ. In comments that were made, Mr. Speaker, to the Reber amendment, am I to understand that all district justices are ballplayers?

Mr. CIVERA. I am not answering that, Mr. Speaker. The context of your question is very vague. Do you want to remind me and be more explicit?

Mr. OLASZ. Well, you said that games could be played if it went before a district justice for a decision.

Mr. CIVERA. My meaning of that is that, yes, just what I am saying, that if the magistrate believed that— Bobby Jones comes in and I do not like Bobby Jones and I am going to take his driver's license away, and then in the next county or the next magistrate's district, another youth comes in and all of a sudden they do like Bobby Jones and they are not going to take his driver's license. We are not going to be consistent if we give it up to the local magistrates' districts, and you know what I am talking about. It is done every day in this Commonwealth of Pennsylvania as far as the motor vehicle fines are concerned.

Mr. OLASZ. I would like to make a comment to that, Mr. Speaker.

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

Mr. OLASZ. Thank you.

What we have in our local district justices are men and women who are elected by the common people, and if I understand the remarks correctly, it is to say that we should not even have these district justices, that perhaps we ought to just

start appointing members to the local courts, maybe the State Police. But what this country was founded on is that there are certain circumstances that just cannot be cut and dried with a citation, and I think the district justice is there to make that determination and to listen to all the facts, not just that a can of beer was in a car and just because that young man or young lady happened to be in the car they are guilty. If this is the case, then I think we are all in trouble with the judicial system in this country.

I would support the Reber amendment.

Think about it.

The SPEAKER. Well, you have got to admit, thinking about it is better than smoking a peace pipe. I mean, we have come a long way.

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

Mr. FATTAH. Mr. Speaker, I would like to know if the prime sponsor would stand for a brief interrogation on the Reber amendment.

The SPEAKER. Mr. Blaum will stand for interrogation. You may proceed, Mr. Fattah.

Mr. FATTAH. Representative Reber, in asserting that we should consider his amendment, outlined several analogies and they have not been responded to at this point, and let me see if it is possible that we can crystallize them a little bit more and see how they impact on your bill. I would like to vote for your bill and I would like to do something about underage drinking, so it is not my mission here to try to lose you votes, but I do think and I have heard from various members on the floor who are talking to themselves that they want to do something about underage drinking but there may be some holes in this bill, and I want to try to examine those.

I have a son and a daughter. What happens if my son is out in Greene County helping a senior citizen like Bill DeWeese take some groceries home and some bags home to his home and in part of those bags is a six-pack of beer? He is earning a few dollars; you know, I am a poor guy from west Philadelphia, and he is out there earning a few extra dollars. Is he guilty of possessing and transporting under this section of your bill? Therefore, could he lose his driver's license privileges for 90 days?

Mr. BLAUM. In my opinion, no, Mr. Speaker; and I think that is where the discretion of the magistrate comes into play, and in this particular case, I believe it is the only place that the discretion of the magistrate should come into play.

Mr. FATTAH. Where does your bill allow the magistrate to have some discretion?

Mr. BLAUM. To determine whether or not it is true that that teenager did in fact violate the underage drinking laws of Pennsylvania.

Mr. FATTAH. And as part of the underage drinking law as it would be under your bill, to transport or to possess alcohol is an offense, as defined in section (a).

Mr. BLAUM. That is what the law is right now. Right now, present law, you violate the underage drinking laws of Pennsylvania if you attempt to purchase. Just attempting to purchase is a violation.

Mr. FATTAH. I am not talking about purchasing, Mr. Speaker.

Mr. BLAUM. Wait a minute. Attempting to purchase is a violation of present law. Purchasing is a violation of present law. Possessing is a violation of present law. Under your scenario I do not believe that that young man is guilty of possessing alcohol. That is the elderly woman's. Transporting alcohol would be a violation of the law.

Mr. FATTAH. Is he guilty of transporting alcohol under my analogy?

Mr. BLAUM. He might be. That would be up to the magistrate.

Mr. FATTAH. And if he was therefore determined to be guilty under your bill, he would lose his privileges to drive. He would be adjudicated delinquent.

Mr. BLAUM. Mr. Speaker, if he is guilty of transporting alcoholic beverages, then he is guilty of it. If our bill was enacted into law, he would lose his license for 90 days. If he is not guilty of transporting it, then he is not guilty of violating the law and would not be penalized in any way.

Mr. FATTAH. Okay. So let us proceed, Mr. Speaker.

If, under your bill and if we do not adopt the Reber amendment, my daughter is driving and she picks up a friend who has got a package and is going to drop that friend off after school or is leaving an evening class at college somewhere and in that package is a bottle of wine and her friend happens to be under 21 and they are both driving down the street and the bag is in the car that is under her ownership, is she guilty under your law of possessing and transporting?

Mr. BLAUM. I do not mean to evade your question, but I think that is where the discretion of a magistrate is very important in determining whether or not that person had criminal intent and whether or not they are guilty of violating the law.

You see, you are raising great examples. You know, one was raised by a gentleman before, the 20-year-old marine. We can raise all these examples and throw everything out with the bath water and keep the laws exactly the same as they are, and if that is the will of the House, then that is fine, too.

Mr. FATTAH. Representative Blaum, what I am trying to suggest to you is that it is wrong even that they would have the possibility of being charged with the violations of this law. Under those two analogies and I think under the Reber analogy, the possibility of having young people charged and brought in before a magistrate under those kinds of circumstances should, I think, bring reason for all of us to be concerned. No matter how serious we may be about doing something about underage drinking, we need to be careful, I think, that we set the right parameters and the right constraints as we proceed. Thank you, Mr. Speaker.

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Reber amendment. I think it is important to note that even Pennsylvania's tough drunk driving law allows the court the discretion on first

offenses to award ARD, or alcohol rehabilitation. I think the Reber amendment stays consistent with that thinking, and I would encourage the House to vote in support of the Reber amendment.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, one of the problems in enforcing is uniformity, and one of the problems that we are facing here if we allow this little bit of discretion is what back during the drunk driving bills we heard from judges at almost every hearing: Just give me that little crack so that I can take care of the exceptions. And what that little crack was was the nose of the camel in the tent, that it could be spread and spread. What is necessary if in fact the loss of the license is going to be a deterrent is the certainty that it happens. Take away this certainty and you create a lack of uniformity and therefore a lack of justice.

We have already heard Mr. Blaum's answer to the interrogation which I think stands to be repeated. The magistrate's discretion is in determining guilt or innocence. If we in fact impose a sentence when that guilt has been determined, which is there to be a deterrent, then it should be enforced so that the message that we send out is, if you are going to do these things, you are going to have your license suspended, which is the thing that is the greatest deterrent, from what the kids tell me.

The other thing is that when we talk about the isolated situation, when we talk about the good kid, the A student, the person who is really a great kid, if you look at the statistics, right among them that kid is one that kills himself or someone else; that kid is the one that goes on to college and does not complete his studies because he has an alcohol problem. This legislation is designed to deal with that problem and to help our young people. If we weaken it, we weaken our attack on that very vital process and very vital problem that our society has.

I would ask the defeat of this amendment.

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

Mr. LINTON. Thank you, Mr. Speaker.

I was wondering if the gentleman, Mr. Blaum, would stand for a brief period of interrogation.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I, too, had some questions originally about some of the scenarios that were raised by Representative Fattah. I think I want to try to clarify that again and see if my understanding is accurate. It is my understanding that under current law, as the law is currently operating in the Commonwealth of Pennsylvania, that if in fact the scenarios that Representative Fattah described did exist, a district justice could currently charge his son or daughter with transporting alcoholic beverages. Is that correct?

Mr. BLAUM. Mr. Speaker, if I remember the scenarios that Representative Fattah outlined, that is where I believe the discretion of the magistrate comes into play as to whether or not that person violated the law. I would love, if possible, to give the floor to Mrs. Hagarty so that she could elaborate on that, because I know that is the point that she wants to hit on. We can come up with all of these interesting, little, elaborate situations - people who are not being stopped. You know, the point I am going to make—and I might make it sooner than I had intended—we only catch, we only catch an infinitesimal fraction of kids that do this. This is to put a deterrent out there, because it is not going to be imposed on that many kids statewide.

If I could, Mr. Speaker, I would like to give the floor to Mrs. Hagarty, who is prepared to make that point a lot clearer than I am.

Mr. LINTON. Mr. Speaker, I would like to pursue before the good lady, Mrs. Hagarty, gets a chance to respond.

My point of clarity is—and I just want to make sure that I am clear—that currently, currently under the law, that discretion to district justices already exists, and what you are putting forth in that particular area is not different at all. Is that correct?

Mr. BLAUM. That is correct, Mr. Speaker. All we are doing is once they are found guilty, we are changing the penalties. That is all. We are not changing the criteria over how they are going to be found guilty or innocent. I believe that in the scenarios that were outlined so far by everybody, those kids would be found innocent, not guilty, of violating the underage drinking laws of Pennsylvania.

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

Am I now in line to make a comment on the bill?

The SPEAKER. The gentleman has the floor and he may proceed.

Mr. LINTON. Thank you, Mr. Speaker.

I just wanted to clarify the point, because I think that sometimes during the debate and the arguments, that position might have been misinterpreted, but it appears to me that what the gentlemen are proposing in the legislation that is before us deals with the issue of increasing the penalties. It does not change the area of discretion that district justices currently have in their operation of deciding when someone comes before them in violation of the law. So in the scenarios that have been described by Representative Reber and also probably by Representative Fattah, in those scenarios, the judge hearing those cases would use the same discretion under the new proposed changes of penalties as they would under current law today. Thank you very much, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, the dialogue here today on every amendment is that this Assembly is trying to water the bill down. I think that is a bunch of garbage. I think every member of this General Assembly is very anxious to pass legislation to make it tough on teenage drinking.

You know, what we are asking for is a mandatory sentence. Well, even if somebody commits murder, there are three choices - you know, first degree, second degree, and so forth. Nobody gets a mandatory life sentence, and everybody does not get a mandatory sentence of the electric chair. There is even some concern there for people who commit murder. Why can there not be some concern for this piece of legislation? The example I said this morning - if I am fishing with my son and I ask him to go to the car and get me a can of beer and if he gets caught, he loses his license - that is the only discretion we are trying to leave with the district justice.

I, for one, have all the respect in the world for my district justices back home and also the judges in our judicial system at every level, and I think that they are willing to do the right thing and I think they want to be tough, too. But I think this amendment gives them some latitude where it warrants some latitude, and I would ask everybody to support the amendment.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to interrogate Representative Blaum, please.

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

Mr. GODSHALL. I would like to give you a case which was really— I know it is another case, but it actually happened. My daughter, coming home from Penn State, a teenage daughter, is driving in a car, and say there are two people in the back seat who pull out a bottle of wine or a bottle of beer and drink it. Would she be guilty under this, even though she did not participate, did not know it was there, and had no way of getting out of the car on Route 322 to protect— You know, would she be guilty of being in possession of others and therefore lose her license under this bill?

Mr. BLAUM. No; I believe, Mr. Speaker, that that would be a decision that would be made by the magistrate. If she was indeed found guilty of violating the laws—and if this really happened, and maybe she was found guilty—

Mr. GODSHALL. No.

Mr. BLAUM. Well, then if she did not have the criminal intent, she was set free by the magistrate.

Mr. GODSHALL. They were not stopped, but I am just saying it was an actual case when she did come home and there was a group of students and two students in the back seat of the car had a bottle of wine. In fact, she was in the front seat and did not participate. But under this bill could she lose her license and could she be arrested for that, even though she did not participate?

Mr. BLAUM. She could only lose her license if she was found guilty of violating the laws. Through due process, whether or not in front of the magistrate she would be found guilty, she probably, in all likelihood, and with her friends in the car as being witnesses, may not be found guilty. If she is found innocent, she is not going to be liable for any penalties.

Mr. GODSHALL. What about underage transportation?

Mr. BLAUM. I do not know. I mean, if she is found guilty of underage— If she is driving the car, if she is driving the car and they pull out a couple bottles of wine, she should lose her license for 90 days.

Mr. GODSHALL. Even though she did not participate?

Mr. BLAUM. In my opinion, if I am the magistrate, yes. But you do not know what your magistrate would do. That is what I am saying. His discretion comes into play on criminal intent and whether or not she violated the law or the kids in the car; who had it? The police figure that stuff out. The magistrate is going to figure that out at the hearing. And if she is found guilty, it might be a good thing for her to lose it for 90 days. If she is found innocent, she is not going to lose it.

Mr. GODSHALL. Well, what about if I pick up two cases of beer tonight on my way home, if we get out of here, and give my daughter my car when I get home with the two cases of beer in it. She has no idea that they are there. She could be arrested under this for underage transportation of alcoholic beverages, even if she did not know. Again, she could be arrested by the officer. She has got to go to the district justice and try to prove her innocence that she did not know they were there. But even if she did know they were there, even if the case was on the back seat—I bought the beer and it is there, and I loan her my car—it is just inconceivable to me that she could be arrested for anything. She is not drinking the beer. It is my beer; my car; she is driving it. She went over town to pick up a newspaper for me; the beer is on the seat.

Mr. BLAUM. I understand that, Mr. Speaker.

In that case, in my opinion, if I am the magistrate, your daughter is innocent. She is not guilty of anything. But under current law today, if she was stopped and pulled over and there were a couple of cases in the trunk and for whatever reason they searched her trunk and found the two cases of beer, today they would probably take her in and she would probably say, but they are my father's. Well, you tell that to the magistrate, and then that is what she would have to do. Today she would still have to do that. She would go before the magistrate, she would tell the story, and it would be up to the magistrate as to whether or not she was guilty or innocent. You would probably be called as a witness to testify that it was yours and she had no way of knowing that it was there. And if I were the magistrate, I would find your daughter innocent. Today I would. Under my bill I would. I would find her innocent.

This bill, HB 668, is not going after her. It is not going after the scenarios that were painted by some of the other gentlemen where criminal intent is definitely not there; I mean, where there is no intention to do anything wrong.

I hope you know what we are going after with this bill, and I believe those people who are not guilty are not going to be prosecuted under this bill, which does nothing to the fines. It only, hopefully, takes their driver's license away for 90 days and only does that to an infinitesimal fraction of kids who are actually consuming alcohol in Pennsylvania, because they are the only ones we catch.

Mr. GODSHALL. Okay. As I look at the present law, really there is no loss of license. This is a loss of license here, and besides, as I look at the bill, everything in here is mandatory. You know, it is mandatory this or mandatory that.

Can I make a statement on the Reber amendment, please? At this point I have ended my interrogation.

The SPEAKER. If the gentleman has finished with the interrogation, he has the floor. He may proceed.

Mr. GODSHALL. You know, as I read the bill—and I am a nonlawyer reading the bill for a change—it does look like mandatory language that is in there. It is mandatory this and it is mandatory that. As I read it, there is very little discretion on the part of the magistrates, and I think the Reber amendment gives a little bit of sense and stability to the legislation.

I would ask for your support for the Reber amendment.

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty, on the amendment.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to clear up, I think, and I guess agree with Representative Blaum's interpretation of the criminal law with regard to knowledge of the crime. As a former prosecutor, and that has been awhile, but my recollection of the law, which I continue to believe, is that you always must have criminal intent. You cannot be convicted of a crime of which you had no knowledge. Therefore, you cannot be found guilty of any of these enumerated crimes which could result in the loss of a license if you were in a car and you did not have knowledge that there were alcoholic beverages in the car.

The way this typically comes up—and my experience was with it in the drug law—is, for example, if a police officer goes into a home and two or three people are sitting around a table and there are drugs on the table, the law does not even allow those two or three people to be charged with possession of that drug unless you can prove that they had knowledge and constructive possession of that drug. I have to assume that the same law would apply here. And for those of you who are fearful that we are going to be taking away teenagers' licenses who did not even know that there were alcoholic beverages there, that is not going to happen, because they are just not guilty of a crime unless they know that they have committed the crime. Thank you.

The SPEAKER. The Chair thanks the lady.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

You know, we are consistently trying to weaken this bill. There are numerous organizations that have indicated to us in our investigative committee reports that this was an imperative and important part of administering some sort of a punishment to a teenager. If we had not held the hearings on this particular issue and had lawyers, the LCB (Liquor Control Board), State Police, and everybody else indicating to us that the teenager's license should be revoked, it would be a different story.

What Mr. Reber is trying to do here is weaken the bill to the point where it is actually not worth even putting the bill through. What I am requesting is that everybody vote against the Reber amendment. Thank you, Mr. Speaker.

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

Mr. OLASZ. Mr. Speaker, I want to tell a brief story that would support the Reber amendment and to answer some of Representative Godshall's questions and also to ask my colleague, Mr. Blaum, if he feels that this action is justified.

Approximately 3 weeks ago a young man who happened to play football for one of the small-time colleges who does not drink chose not to go back with the team but rather to spend a few hours with his girlfriend, and they were then going back to school, which was approximately 500 miles from Pennsylvania. The driver was drinking at a party, but the other three occupants were not. In fact, they were asleep when the driver missed a turnoff on the highway. The local police saw the young man back up and make the turn, at which time they were pulled over. All occupants were cited in the car. The young man who played football who never drank was cited for possession of alcohol. What is his recourse? Is he going to drop out of school and travel approximately 1,000 miles to come back? Or what is his defense? He did not buy the beer. He was asleep in the car. Should a local justice not have the right to make a determination whether he was guilty and that he automatically would lose, say, his license for 30 days? Would you care to respond to that, Mr. Speaker?

Mr. BLAUM. Yes. The district justice does have the discretion to find him innocent or guilty. Now, the police may pull them over. The police may cite them or haul them in. That happens today. That is why everybody has their day in court - to find out if they are guilty or innocent.

Hopefully, under the case that you have mentioned, the football player is going to be found innocent and he is not going to be faced with any problems, because, as Mrs. Hagarty pointed out, he had no criminal intent. He did not formulate it to go out and make sure he was in possession of alcohol. He did not break the law. In my opinion, if I was the magistrate, he would be found innocent. But today, Mr. Speaker, today he has to go before the magistrate. Under this bill he has to go before the magistrate.

Mr. OLASZ. But if I read this bill correctly, under this section he would not even have that right. He would automatically be suspended for 30 days because he was cited for possession.

Mr. BLAUM. No. For the sixth time, being cited is not being found guilty. Being cited for being in possession— If the cop pulls him over, cites everybody in the car for possession, everybody in the car is cited for possession, that does not mean that that is going to be carried out. That just means the cop thinks they are all guilty. Now we have a trial. Now we have a little hearing before the magistrate. In my opinion, the fellow whom you are talking about will not be found guilty of possessing alcohol.

Mr. OLASZ. Page 3, line 25, "A person commits a summary offense if he, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or transports...."

Mr. BLAUM. Right. But the point is that your football player would not be found guilty, in my opinion, of possessing. Therefore, he did not possess.

Mr. OLASZ. That is in your opinion.

Mr. BLAUM. And I will bet you it is probably in that magistrate's opinion. But the cop was only doing his duty in pulling them over and citing them all. He does not know who is guilty and innocent. So what he is doing is saying all four of them should go before the magistrate.

Mr. OLASZ. Once again, another scenario, and we have heard scenario after scenario, which I think some of us should start concerning ourselves with, because the old cliché: It is better that 99 guilty go free than 1 just being convicted. Think about it.

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

Mr. FREIND. Thank you, Mr. Speaker.

It seems in this amendment—and it is kind of surprising—we are getting in a debate on whether or not we should have mandatory sentencing, a body which time and again has passed laws calling for mandatory sentencing. We have laws, for example, mandatory sentencing that you go to jail for, not lose your license, for crimes against certain age groups, young and old. For example, talk about not intent, you can see someone whom you think looks young and mug them without checking their card, and if they are over a certain age, you are going to jail.

So what we are saying here and time and again we have said, with certain special things we want to take away the discretion of judges. We want to have a uniform situation. Here what this bill is saying is, because we are so concerned about our young people, because we want to help save them, we want to have mandatory sentencing to take away your license. Someone made the argument that for drunk driving, first offense, the judge can have discretion and place them on ARD (accelerated rehabilitative disposition). That is correct, but read the law. If you go into ARD, you must automatically give up your driver's license. They lose their license anyway.

Some of these scenarios, these horror stories— Take the station wagon with seven kids in it. There is a case of beer and the cops stop them. Now, normally what your cops are always going to do in that situation is cite every one of them. The law is you either have to consume, possess, or transport. You go before the judge, and with virtual certainty, unless there is testimony that any one of the seven was holding or drinking the beer, the one who is going to get convicted is the one who was driving the car, because he is the one who was in possession of that car and in custody of it and he is the one who is transporting.

Take the situation of a party with 50 kids there and the cops raid it and they cite everybody. Unless they see you actually drinking, the ones who are going to get convicted are the ones

who lease or own the house and not everybody there. So you can have all the horror stories in the world, but in reality it does not work out that way.

The teeth of this bill, the incentive to help save our young people, is the mandatory taking away of that privilege of their driver's license. To take that out with this amendment would actually gut the bill and detract and totally eliminate what we are trying to do.

I sincerely hope that we defeat the Reber amendment. Thank you.

The SPEAKER. On the Reber amendment, does the gentleman from Luzerne, Mr. Blaum, wish to speak?

Mr. BLAUM. I have not spoken on the amendment, Mr. Speaker.

The SPEAKER. No, you have not.

Mr. BLAUM. Thank you, Mr. Speaker.

I believe this is the most important amendment that has been offered today. I would, I would rather accept Bob Flick's amendment making it mandatory for 30 days than to allow and send the message out that some of you are going to lose your license and some of you are not.

We have two magistrates in the city of Wilkes-Barre and three high schools and two colleges. The absolute worst thing we can do—we are talking about teenagers—the absolute worst thing we can do is send a message that the law is not going to treat you all the same.

You heard me say that we catch a very tiny, you know we catch only a very tiny fraction of the kids who actually consume alcohol within your individual districts. This bill and these penalties are not going to apply to that many kids. What we want, though—what we want, though—is a mandatory, sure deterrent hanging out there to try and get them to think twice.

When we introduced this bill some time ago, I had a businessman in downtown Wilkes-Barre come up to my office and ask me for a copy of the bill. He said, I am going to take it home and tack it up on my son's bedroom door. Thank you for the help.

I put the question of 90 days' mandatory suspension, no ifs, ands, or buts, in a questionnaire. Ninety-nine percent responded back favorably. I believe the parents appreciate the common sense that is in this bill. And mind you, while there are a lot of good things in this bill, this is the best and it is the most important thing in this bill - that the driver's license has to go and it has to be mandatory and it is only going to be for 90 days. That has to be the deterrent hanging out there.

I have resisted and have not gone through the gory statistics that surround this issue, because I think that insults you because I think you know what those statistics are. The most amazing one, though—and I will only give you this one—is our life expectancy is on the increase. From the moment we are born to the moment, you know, we are 100 years of age, we are expected to live longer. The life expectancy of every conceivable age group is on the rise, except one. The life expectancy of those between the ages of 18 and 24 is actually—and this is frightening—it is actually declining. They are

not expected to live as long as we are. We have to change the way they think. Will this do it? I do not know. I do not know if this will do it. I think it might put a dent in the problem. It is going to have to have some of our kids thinking twice, and we have to begin to rework how they perceive things.

I want to talk for a little while longer only because, to me, this is the bill. Last session we compromised and we reworked a lot of things and the mandatory 90 days passed this House; it went over to the Senate, and you can imagine what things were like over there, but we got it through the Senate with a 90-day mandatory sentence and then sent it to the Governor. Hopefully, the present Governor is going to sign this bill, even if it contains the mandatory 90-day sentence, because you are not going to be getting that many calls from kids saying, you know, help us out. It is going to be mandatory, and a deterrent has to be out there hopefully to get our kids to think twice.

I ask very sincerely and very seriously that this amendment be defeated. Again I repeat, I would rather a mandatory 20-day suspension than a suspension that magistrates can play games with and allow this political person favors, you do not get it but you do, and this and that, and 10 kids get caught underage drinking over the weekend and 5 of them show up at the high school without their license and the other 5 show up with their license. It defeats the purpose of what we are here for.

I ask for a negative vote.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Fattah.

Mr. FATTAH. I have not made any remarks on the amendment, but I want to again interrogate the sponsor.

The SPEAKER. Mr. Fattah, when you rise to your feet to interrogate, you are on the floor. You have made remarks and this is your second and last time.

Mr. FATTAH. It is my last time then.

Mr. Speaker, if a person is absolutely guilty under the provisions of your bill and is 19 years old and is convicted and loses his license and all of that, is that a matter of a criminal record for that person also?

Mr. BLAUM. No. It is a summary offense. It does not go on their record. And it is a summary offense whether you do it once, twice, or three times, if they are caught attempting to purchase, purchasing, consuming, or transporting alcoholic beverages.

In our bill, if you misrepresent your age, which puts the livelihood of the tavern that you misrepresent your age to, or if you manufacture or use a false ID, on the second offense that becomes a misdemeanor. But if you do not misrepresent your age and you do not falsify or use a false Pennsylvania driver's license, which is a legal document, if all you are doing is consuming or attempting to purchase or transporting or possessing, if you do it 50 times, it is still a summary offense and does not go on your record.

Mr. FATTAH. Okay. And if you are under 19 and under 18 and a juvenile and you are absolutely guilty and convicted

under the provisions of your bill for underage drinking in some sort, you are adjudicated delinquent, is that a matter that would stay with that young person until they reach the age of maturity, as related to some other offense they may create?

Mr. BLAUM. No. If you are adjudicated delinquent, you did not even commit a crime; you are not guilty of anything. You are going to be fined; you are going to lose your license, but you are thought of as not even having committed a crime.

Mr. FATAH. Okay. Thank you very much.

Thank you, Mr. Speaker.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, we are probably at the final point as to whether this legislation goes any further or it goes back in and goes on a table calendar. If we allow this amendment to pass today, what we are doing is we are regressing instead of progressing.

Within the past 5 years we have studied the issue of underage drinking both for the minor and for the licensee who distributes the alcoholic beverage, and the way the law presently is set up is that if you go into a tavern or a beer distributor and you want to obtain alcoholic beverages and you produce an ID or you misrepresent your age and say you are 21 years of age, right now the law comes in and fines you and says to you, you are going to get a summary offense, but that licensee is subject to losing his license plus faces a very serious fine. We are in a lopsided situation. Not only do we want to protect the lives of our youth, but we also want to protect the people who are sincerely operating a business in the Commonwealth of Pennsylvania.

The reason why this was put together was to deter the minor from going into these establishments and buying alcoholic beverages, and it was also to alert the licensee that we mean business and to give this discretionary point back to the local magistrates.

In my district a week ago, three youths were picked up for underage drinking. The fine was set at \$300. When they arrived in court, it was set at \$25, and the issue continues to go on and on and on, and if we really mean business—and I think most of us do here today—I think we will defeat this amendment and get on with the business. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Jarolin, for the second and last time.

Mr. JAROLIN. Thank you, Mr. Speaker.

If we pass this amendment, in reality what is going to be happening is we are going to be giving that discretion to the magistrates. I am absolutely positive that no magistrate out there wants that responsibility.

Another thing is, each and every legislator, if there is anybody in their district picked up and a magistrate has got the opportunity to bypass something, every legislator will probably be called for a little bit of favoritism on that. I know I do not walk on water, and I do not expect people to think I do. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Reber, for the second and last time.

Mr. REBER. Thank you, Mr. Speaker.

Very, very briefly. I would submit, Mr. Speaker, that earlier we heard from a former prosecutor, the gentle lady from Montgomery, Representative Hagarty. I would submit further, Mr. Speaker, that we have also heard from a former prosecutor on this exact subject on one other occasion. On one other occasion this particular bill went through the Houses and was vetoed. It was vetoed by the Governor of the Commonwealth, a former prosecutor, Richard Thornburgh. In that veto message, I do not have a copy in front of me, but I know many of the individuals who have been very much involved with this issue have looked at it.

This particular topic was not raised by me in the earlier remarks during the debate, but I think what we have here is a set of double standards. We have here an issue where we are not making the crime and the punishment fit each other. There are those considerations, those concerns that were expressed by the Governor the last time, and these concerns still exist. I think the get-tough-on-the-issue attitude can be appropriately fostered through the rational way in which this can be administered in the amendment.

For those reasons I would simply ask for support of the amendment. Thank you.

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

The following roll call was recorded:

YEAS—90

Angstadt	Distler	Kenney	Rieger
Black	Dombrowski	Kukovich	Ritter
Book	Donatucci	Langtry	Robbins
Bortner	Duffy	Leh	Roebuck
Bowser	Fargo	Letterman	Ryan
Boyes	Farmer	Lloyd	Saloom
Brandt	Fattah	McVerry	Seventy
Broujos	Fischer	Merry	Stairs
Bunt	Flick	Michlovic	Steighner
Burd	Freeman	Miller	Sweet
Bush	Gamble	Moehlmann	Taylor, J.
Caltagirone	Gannon	Mrkonic	Telek
Carlson	Gladeck	O'Brien	Tigue
Carn	Godshall	O'Donnell	Trello
Cawley	Gruitza	Olasz	Truman
Cessar	Haluska	Oliver	Van Horne
Clark	Hayden	Perzel	Veon
Clymer	Heckler	Petrarca	Weston
Cohen	Hughes	Petrone	Wogan
Cornell	Itkin	Punt	Wozniak
DeVertter	Jackson	Reber	Wright, J. L.
DeWeese	Jadlowiec	Reinard	Wright, R. C.
Dempsey	Josephs		

NAYS—103

Acosta	Durham	Levdansky	Rudy
Argall	Fee	Linton	Saurman
Arty	Foster	Livengood	Scheetz
Baldwin	Fox	Lucyk	Schuler
Barley	Freind	McCall	Semmel
Battisto	Gallen	McClatchy	Serafini
Belardi	Geist	McHale	Showers
Belfanti	George	Maine	Sirianni
Billow	Gruppo	Manderino	Smith, B.
Birmelin	Hagarty	Manmiller	Smith, S. H.
Blaum	Harper	Markosek	Snyder, G.

Bowley	Hasay	Mayermik	Staback
Burns	Hayes	Melio	Stevens
Cappabianca	Herman	Morris	Stuban
Chadwick	Hershey	Mowery	Taylor, E. Z.
Civera	Hess	Murphy	Taylor, F.
Colafiglia	Honaman	Nahill	Vroon
Cole	Jarolin	Noye	Wambach
Corrigan	Johnson	Phillips	Wass
Cowell	Kennedy	Piccola	Wiggins
Coy	Kitchen	Pistella	Wilson
DeLuca	Kosinski	Pitts	Wright, D. R.
Daley	LaGrotta	Pressmann	Yandrisevits
Davies	Lashingner	Preston	
Dawida	Laughlin	Raymond	Irvis,
Dietterick	Lescovitz	Richardson	Speaker
Dorr			

NOT VOTING—4

Howlett	Hutchinson	Maiale	Pievsky
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EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozize		

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

On the question recurring,

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

Mr. REBER offered the following amendments No. A4260:

Amend Sec. 2 (Sec. 6310.4), page 8, lines 28 through 30, by striking out "6307 (relating to" in line 28, all of line 29 and "beverages)," in line 30

Amend Sec. 2 (Sec. 6310.4), page 9, lines 1 and 2, by striking out "or 6310.3 (relating to carrying a false identification card),"

Amend Sec. 2 (Sec. 6310.4), page 9, line 5, by striking out "shall" and inserting

may, and, if the offender was operating a motor vehicle during the offense, shall,

On the question,

Will the House agree to the amendments?

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

Mr. REBER. Mr. Speaker, as a result of the vote and the numbers on that vote, I do offer this amendment. I will keep my remarks very short and hope that all the other members do the same. I think the issues are well defined.

Basically, what this particular amendment does is very simply continue not to change the bill in any way. It simply makes mandatory the 90-day suspension if you are in fact operating a motor vehicle with the possession, consumption, or transportation. Otherwise, it leaves it discretionary to the magistrate to again impose the mandatory 90 days if the facts of the case warrant such a severe penalty. That is the issue. Thank you, Mr. Speaker.

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

Mr. BLAUM. Thank you, Mr. Speaker.

This is worse, and it is similar to Bob Flick's except that this does not even have 30 days. The point is, the point is, very few kids are ever arrested for underage drinking, percentagewise, and a fraction of that small percentage are arrested while they

are in operation of their motor vehicle. My God, if a kid is drinking and driving, in the act, we have other serious laws which are going to address him. He is going to be guilty of underage drinking, but he is going to be guilty of doing a heck of a lot more - provisions that I believe are in the DUI bill.

Again, what we have to establish, which does not exist in Pennsylvania law, what we have to establish for the first time is a deterrent which makes our teenagers think twice. This is not going to wipe out underage drinking, but maybe it can make some of them think twice.

A guidance counselor said to me last year when we were going through and this bill was passing the House and the Senate—and I believe it was referred to on the floor of the House—she said, Kevin, the best thing about your bill is not the penalties; what your bill does, because of the mandatory nature of it and the 90 days, is it allows a kid who wants to say no, it gives him the ability to say no without looking like a nerd.

It has to be mandatory, it has to be across the board, and it is only for 90 days.

I ask for a negative vote.

The SPEAKER. Believe the Chair, Mr. Olasz, that is not a sign from heaven. Did you see Mr. Freind turn around? It reminds the Chair of the time when we were in debate over abortion and Marty Mullen stood up and suddenly there was a terrible crack of thunder. Many of us changed our vote right away.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—78

Black	Distler	Josephs	Reber
Book	Donatucci	Kenney	Richardson
Bortner	Duffy	Kukovich	Rieger
Bowser	Fargo	Langtry	Ritter
Boyes	Farmer	Leh	Robbins
Brandt	Fattah	McVerry	Roebuck
Bunt	Flick	Merry	Ryan
Burd	Freeman	Michlovic	Saloom
Bush	Gamble	Miller	Seventy
Caltagirone	Gannon	Moehlmann	Steighner
Carlson	Gladeck	Mrkonic	Sweet
Carn	Godshall	O'Brien	Taylor, J.
Cawley	Gruitza	O'Donnell	Telek
Cessar	Haluska	Olasz	Trello
Clark	Hayden	Oliver	Van Horne
Cohen	Heckler	Perzel	Veon
Cornell	Hughes	Petrarca	Weston
DeVerter	Itkin	Petrone	Wogan
DeWeese	Jackson	Punt	Wright, R. C.
Dempsey	Jadlowiec		

NAYS—114

Acosta	Dombrowski	Letterman	Saurman
Angstadt	Dorr	Levdansky	Scheetz
Argall	Durham	Linton	Schuler
Arty	Fee	Livengood	Semmel
Baldwin	Fischer	Lloyd	Serafini
Barley	Foster	Lucyk	Showers
Battisto	Fox	McCall	Sirianni
Belardi	Freind	McClatchy	Smith, B.
Belfanti	Gallen	McHale	Smith, S. H.
Billow	Geist	Maine	Snyder, G.
Birmelin	George	Manderino	Staback

Blaum	Gruppo	Manmiller	Stairs
Bowley	Hagarty	Markosek	Stevens
Broujos	Harper	Mayernik	Stuban
Burns	Hasay	Melio	Taylor, E. Z.
Cappabianca	Hayes	Morris	Taylor, F.
Chadwick	Herman	Mowery	Tigue
Civera	Hershey	Murphy	Vroon
Clymer	Hess	Nahill	Wambach
Colafella	Honaman	Noye	Wass
Cole	Jarolin	Phillips	Wiggins
Corrigan	Johnson	Piccola	Wilson
Cowell	Kennedy	Pistella	Wozniak
Coy	Kitchen	Pitts	Wright, D. R.
DeLuca	Kosinski	Pressmann	Wright, J. L.
Daley	LaGrotta	Preston	Yandrisevits
Davies	Lashinger	Raymond	
Dawida	Laughlin	Reinard	Irvis,
Dietterick	Lescovitz	Rudy	Speaker

NOT VOTING—5

Howlett	Maiaie	Pievsky	Truman
Hutchinson			

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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

On the question recurring,

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

Mr. RYAN offered the following amendment No. A4380:

Amend Sec. 4, page 12, line 15, by inserting after "4."

(a) The first sentence of section 494(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is repealed to the extent that the penalty provisions contained therein apply to conduct concurrently prohibited by section 493(1) of the Liquor Code and 18 Pa.C.S § 6310.1 (relating to selling or furnishing liquor or malt or brewed beverages to minors).

(b)

On the question,

Will the House agree to the amendment?

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, if the members recall, at the beginning of this debate I interrogated the gentleman, Mr. Blaum, with respect to the double penalties imposed under the act. After discussing with him off the record this problem, I had an amendment drafted which I have submitted to that side. I believe it is agreed to. The effect of it is simply, where there would appear to be double penalties, the provisions of the Crimes Code, that is, the more severe penalties, will apply; the Liquor Code penalties would not apply.

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

Mr. BLAUM. I would support the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—185

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

NAYS—7

Carn	Donatucci	Oliver	Rieger
Cawley	Josephs	Richardson	

NOT VOTING—5

Hutchinson	Pievsky	Truman	Wiggins
Letterman			

EXCUSED—6

Dininni	Kasunic	Rybak	Snyder, D. W.
Evans	Micozzie		

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

On the question recurring,

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

Mr. OLASZ offered the following amendments No. A4383:

Amend Sec. 1 (Sec. 6308), page 3, line 22, by inserting brackets before and after the comma after "Purchase" and inserting immediately thereafter

^{or}
Amend Sec. 1 (Sec. 6308), page 3, line 22, by inserting brackets before and after ", possession or transportation"

Amend Sec. 1 (Sec. 6308), page 3, line 27, by inserting brackets before and after the comma after "purchases" and inserting immediately thereafter

^{or}
Amend Sec. 1 (Sec. 6308), page 3, line 27, by inserting brackets before and after ", possesses or transports"

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, thank you.

My amendment simply eliminates the words "possession or transportation." And once again, by submitting this amendment I am in no way condoning or have any compassion for the drunken driver. I do not care if he is 16 or 66. If he is bombed, he should be fined, his license should be suspended.

But let us address this "possession and transportation." Once again, I am going to paint a couple of scenarios for you, and once again, I am going to use my son, who, thank God, is past the age of 21. Well, I go to Ivan Itkin's district. I pick up 3 pounds of corned beef, a couple kosher pickles, two loaves of rye bread, and a six-pack, and my son says, I will take it out to the car, dad, while you are paying for it. He walks out of the delicatessen and there is one of the city of Pittsburgh's finest writing a parking ticket. The bag rips. Out drops the six-pack. Here you are. You are going to lose your license. Why? You are in possession of alcohol.

We have heard other cases, and this happened to me: I had gone to a distributor; I purchased beer. I had gone home and I forgot to take it out of the trunk of the car, and at that time my children were of minor age but they did have their drivers' licenses. They took the cars. Thank God they were never involved in an accident. I never thought about it. And do not give me the business about having a search warrant, because when you are 16, 17, or 18 and the policeman says, open up your trunk, you are not thinking about a search warrant, you comply; at least the way I trained my children, they complied. But what happens if that is a situation with your children? They are going to be cited again for possession and transportation. We have heard of other cases where we are fishing, cutting the grass, whatever the case may be.

We are not going to hurt this bill one bit if we eliminate those words "possession or transportation," because think of what broad area "possession or transportation" could cover in this area, and once again, the fact that you may be tagging a young child for the rest of his life. And believe me, for a young child to be cited is traumatic. Go ask a kid that has been pulled over for speeding or something; he is shaking for a week after that. Just imagine the effect of being cited for possessing and transporting liquor and he did not even know it was in the car.

And the last thing: If your child happens to be down the avenue and someone says, come on, I will give you a ride home, and the driver of that car happens to be a minor but he does have alcohol on the front seat of that car; your child is in the back seat; once again, cited for possession and transportation. Think about it. I would ask your support of the amendment, please.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Would Representative Olasz stand for brief interrogation?

Mr. OLASZ. Certainly.

The SPEAKER. Mr. Olasz says he will stand for interrogation. You are in order, and you may proceed.

Mr. CIVERA. Mr. Speaker, what you are saying, if I understand you correctly, is that your son is riding in an automobile and the automobile is stopped, and there is a case of beer in the trunk of that automobile or in the back of that automobile but nobody is drinking that. You are saying that by deleting the words "possession or transportation," you feel that because those words are involved in the present bill right now that they would be cited. You would not want them to be cited for possession and transportation, if I understand you correctly. Is that what you are saying?

Mr. OLASZ. Exactly, because he did not make the purchase; he did not even know it was in the car. I am saying if he is caught with a can open, yes, but if that is in the trunk of that car, I do not feel that he should be cited for possession. He did not make the purchase. I can prove in fact that I made the purchase.

Mr. CIVERA. Well, then, Mr. Speaker, under what we just discussed as far as the local magistrate, they would have at that point the discretion to say, the father has made the purchase, here is the receipt, and it would still be taken care of at that point.

Mr. OLASZ. The point is, Mr. Speaker, if that law officer, because of my political affiliation, wants to embarrass me, he says, I am not going to believe your father; I think you bought it, and it could happen to 203 people in here. If that officer happens to want to embarrass you politically, it can be done, and you know it and I know it and 201 other people know it.

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

The SPEAKER. The gentleman has the floor.

Mr. CIVERA. Mr. Speaker, the intent here was when we put in the language "possessing, transporting, and consuming alcoholic beverages," it meant just that. The problem is and what we are faced with is, yes, there are many, many, many minors that possess alcohol, that transport alcohol, and in relation to that, a death occurs or somebody is seriously injured. If we delete that from this legislation, it will hurt the legislation. Whether you want to believe it or not, it will. And there are circumstances, and I am sure there are, Mr. Speaker, that what Mr. Olasz pointed out can be true, and I am not saying that there are not. We are all here; we are all human.

But the crux of the problem and the major part of the problem is that it is going on, that they are possessing alcoholic beverages and they are transporting alcoholic beverages. All you have to do is go down to see the Phillies or the Eagles play and just sit on the highway and see how many cars go by where you see teenagers drinking, not driving, in the car. You see it every day, day in and day out. And yes, the innocent sometimes pay, but we have to start somewhere. If we were to delete this language, where would we be? I did not know it was there; I had no idea, and he is off the hook and they would get around the law one more time.

I understand exactly what you are saying, Mr. Speaker, but to take it away is going to hurt this piece of legislation, and I do not want to see that happen. I think we have a good thing going here. I think we are going to be able to communicate and send the message that we mean business. Thank you, Mr. Speaker.

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

Mr. CLARK. Thank you, Mr. Speaker.

I wonder if the prime sponsor of the bill would stand for brief interrogation.

The SPEAKER. Mr. Blaum indicates he will stand for further interrogation. Mr. Blaum, you are being interrogated again.

Mr. BLAUM. Yes.

Mr. CLARK. Under the provisions of your bill the way it is drafted, if I am 20 years old and I am convicted of possessing or transporting any alcohol, what is the penalty?

Mr. BLAUM. You lose your license for 90 days and you pay anywhere from \$25 to \$300, whatever the magistrate imposes.

Mr. CLARK. Okay. The Pennsylvania Liquor Code, section 493, subsection (27), permits minors 18 and over to be employed to sell and deliver malt and brewed beverages. What is the effect of your bill in the Crimes Code on that section of the Liquor Code?

In other words, if I am presently employed today to drive a truck for a beer distributor to deliver malt and brewed beverages, am I violating the Crimes Code by doing my job?

Mr. BLAUM. That is a very good question. Wait a minute. Hold on one second.

Mr. CLARK. You do not know the answer then?

Mr. BLAUM. No; they are looking at it.

Mr. CLARK. Mr. Speaker?

The SPEAKER. Mr. Clark?

Mr. CLARK. Would it be appropriate for the Chair to rule on that question as to whether the Crimes Code would take precedence over the Liquor Code in this case?

The SPEAKER. No; that would not be a parliamentary inquiry. That would depend upon an appeal to an appellate court level. That is a matter of law, and although the Chair has an opinion, the Chair cannot have an official opinion on anything like that.

Mr. CLARK. Mr. Speaker, would the gentleman, Mr. Ryan, consent to interrogation on this? Could he possibly answer my question?

The SPEAKER. Mr. Ryan indicates he will stand for interrogation. Did you hear the question?

Mr. RYAN. I believe I did, Mr. Speaker.

I think the question was addressed to the amendment that was just put in the bill, which in effect said that where both codes are involved, both the Liquor Code and the Crimes Code, the Crimes Code takes priority.

Mr. BLAUM. On the last page of the bill it says that. Also, the chairman of the Liquor Committee has just told me that those people are registered with the LCB to be able to do that.

Mr. CLARK. That does not have anything to do with it. They still do it.

Mr. Speaker, could I be recognized to debate the amendment?

The SPEAKER. On the amendment, you are recognized.

Mr. CLARK. Mr. Speaker, the Pennsylvania Liquor Code, passed by this General Assembly, permits people 18 years to 21 years of age to work in retail licensed establishments serving alcohol to patrons. It also permits 18- to 21-year-olds to work for malt and brewed beverage distributors delivering their products to licensees of the board, a D distributor or ID distributor delivering to a restaurant or hotel licensee.

If the Olasz amendment does not pass, these people will be forced to give up their employment. We will be forced to take them out of the labor pool for working with malt and brewed beverages, because as the gentleman, Mr. Ryan, points out, the Crimes Code would take precedence over the Liquor Code and the permission we granted these people will now be removed. It is important that "possession or transportation" be removed from the language.

Further, I have heard each and every proponent of this legislation say it is our goal to stop underage consumption of alcohol. They are not too concerned; they have not mentioned transportation and possession of it, and frankly, that is what we ought to be trying to stop - consuming the alcohol. I think it is outrageous to remove someone's driver's license or suspend it for 90 days for consuming it, but I think it is more outrageous for transporting it or possessing it, particularly if that is your job.

I would urge the support of the Olasz amendment so that someone who works for a distributor does not have to go to the Supreme Court to find out if he can keep his job.

The SPEAKER. The Chair recognizes Mr. Jarolin on the amendment.

Mr. RYAN. Mr. Speaker?

The SPEAKER. I beg your pardon.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I would like to correct my earlier remarks when I said, where there is a conflict you rely on the Crimes Code. That is as to those sections dealing with the furnishing of alcohol to minors.

LEAVE OF ABSENCE

The SPEAKER. The gentleman from Washington, Mr. SWEET, has requested to be placed on leave for the remainder of the day. The leave is granted.

CONSIDERATION OF HB 668 CONTINUED

Mr. BLAUM. Mr. Speaker?

The SPEAKER. No, you are not next. Mr. Jarolin is—

Mr. JAROLIN. Thank you, Mr. Speaker.

The SPEAKER. No; wait a moment. Just a moment.

You say you were under interrogation and you now have the answer?

Mr. BLAUM. I think I was under interrogation.

The SPEAKER. All right. Then yield for a moment, Mr. Jarolin. We will come to you.

Mr. BLAUM. Once again, I think what is important here is that HB 668 does not change the definition of the offense. Right now in Pennsylvania it is illegal under the underage drinking laws to attempt to purchase, purchase, consume—

Mr. CLARK. Mr. Speaker, I am sorry, but he is neither answering my question nor speaking to the amendment.

Mr. BLAUM. Yes; I am trying to.

Right now under current law it is against the underage drinking laws of Pennsylvania to attempt to purchase, purchase, consume, transport, or possess alcoholic beverages. Right now that is against the law. The LCB—and it is fine—those people who are registered with it are able to, you know, 18-year-olds are able to tend bar, they are able to possess it, they have alcohol in their hands; that is their job. They are able to possess it and they are able to transport it. We are not changing the definition of the laws. All we are doing is saying, we are changing the penalties for violating those laws.

Mr. CLARK. Can I further my interrogation since he reopened it?

The SPEAKER. Yes, you may.

Mr. CLARK. What section of your bill specifically points to saving the sections of the Liquor Code that I pointed out?

Mr. BLAUM. Anyplace on the pages of HB 668 where we do not repeal those sections of the Liquor Code. We repeal the sections of the Liquor Code we wish to repeal. Representative Ryan's amendment repealed the section that he wanted to. His amendment takes precedence over a section of the Liquor Code that we wanted it to. We do not repeal it, and therefore, it remains in effect. The waivers that are given to those who are employed still stand. They are not in violation of the law now; when HB 668 hopefully becomes law, they will not be in violation of the law then. Only those people who do violate it will have the different penalties.

Mr. CLARK. Okay.

Under further interrogation then, it is not illegal for me as an employee of an importing distributor to deliver 10 cases of beer to a licensed establishment if I am between the ages of 18 and 21 if your bill becomes law.

Mr. BLAUM. If it is not illegal now, it certainly—

Mr. CLARK. No, no; that is not what I asked. I am asking, under your bill?

Mr. BLAUM. Our bill does not change it. If it is not illegal now, our bill is not changing it. It is not illegal now.

Mr. CLARK. Do you feel it is illegal now for him to do that?

Mr. BLAUM. I am believing you when you tell me that it is in the Liquor Code—

Mr. CLARK. Well, it is in the Liquor Code.

Mr. BLAUM. Then I believe you that it is legal.

Mr. CLARK. Okay. So it is legal now, but you are telling me that it is not legal for me to take a case of beer home for my father?

Mr. BLAUM. If you are what?

Mr. CLARK. If I am employed by an importing distributor, I am done with work now. I have been delivering cases of beer all day long to customers of that importing distributor. It is quitting time; I have punched the clock. My father calls and says, will you bring me home a case of beer? I throw a case of beer in the car and I am driving home. Is that illegal?

Mr. BLAUM. If it is illegal now, it is going to be illegal under our bill.

Mr. CLARK. No. Is it illegal to transport alcohol?

You see, there is a very important question here, because you are suspending licenses for 3 months that is not current law.

Mr. BLAUM. And we are not changing current law. All we are doing is changing the penalties. If the kid is not guilty of that now, he is not going to be guilty of—

Mr. CLARK. I am through with my interrogation, Mr. Speaker.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

If in the event Representative Clark is concerned about this "transportation" of a person who is employed to do so, why is there not an amendment in there incorporating that that person would be excluded from these penalties? There could be a separate amendment directly pertaining to that particular individual's employment and not killing the whole section of the bill.

In my particular district where we have a tremendous amount of strip mines and everything else, these particular individuals who are being arrested for underage drinking have vans and all different types of vehicles to transport alcoholic beverages up into those stripping holes. Are you going to tell me that we should take this out of the bill and not penalize those individuals who are getting in groups to consume alcoholic beverages? Absolutely not. We do not need this amendment, and I sincerely hope that everyone is going to take that into consideration and vote against this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, on the amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

I would ask if the maker of the amendment will stand for brief interrogation.

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

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask if it is the intention of the amendment to delete the provisions of present law that presently

make it illegal to possess or transport intoxicating beverages by a minor.

Mr. OLASZ. All I am addressing, Mr. Speaker, are the sections that I indicated by the amendment. I am not talking about current law. I am talking about this proposed House bill, where I want to delete it from here.

Mr. HECKLER. I have no other questions. May I be heard on the amendment?

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

Mr. HECKLER. Thank you, Mr. Speaker.

The maker of the amendment, Mr. Speaker, indicates that it is his intention only to affect the bill. However, I would submit that if we read the amendment and if we read the bill together, it is plain that the effect of this amendment would be to remove the offense of possession or transportation as an offense under the laws of Pennsylvania, and while I must confess that I am not enthusiastic about some of what this bill does and have supported some of the amendments to the more draconian penalties, I do not believe that we want to be in the business of legalizing teenage rumrunners. So I would urge that this particular amendment should be defeated. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

It was my intention to ask the gentleman, Mr. Clark, to stand for interrogation, but I do not think that is necessary and in fact it would be inappropriate when I know the information.

I would suggest that the gentleman, Mr. Clark, has set up a straw man and proceeded to punch down that straw man. I think if you would check under the Pennsylvania Motor Carriers Road Tax Act, that the person who drives a vehicle is not the one transporting goods. Very clearly under the Motor Carriers Road Tax Act, the person causing the vehicle to be operated is the person in fact transporting. If you lease your truck to a trucking company, you are not the person responsible to the Department of Transportation for taxes; the person causing the vehicle to be operated is responsible. In this case, the person causing the vehicle to be operated is the brewery or the distributor, and the driver of that vehicle is clearly not transporting a beverage. So the straw man falls of its own accord. The gentleman, Mr. Clark, does not have to strike down the straw man. It is inapplicable, and I urge you to reject this amendment.

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

Mr. BLAUM. Finally, Mr. Speaker, on the amendment, I would just say that I oppose the amendment because while HB 668 does not in any way touch current law, this amendment does. And I can come up with scenarios—and we have had a lot of them today—where kids transporting a keg of beer, transporting several cases to the destination where the party is going to be held, if stopped, would have to be let go if this amendment became law, because intentionally trans-

porting, when the police know they are guilty in what they are going to use it for, they could not do anything about it.

This amendment is a bad amendment, aside from what you think about HB 668, and I would ask for its defeat.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Olasz, for the second and last time on the amendment.

Mr. OLASZ. Mr. Speaker, on page 5, line 25, we are in fact changing the law. It currently is a misdemeanor of the third degree under the Crimes Code. This would change it.

I do not have the time to compile all of the notes, unless you want to hold this thing over and I will be ready for you next week, but if you look at that page, and I think the makers will agree, they are in fact changing the law. Section 6310 has a section in it for the inducement of minors, if he hires, requests, or induces them to purchase malt beverages. Take a look at that.

Mr. BLAUM. No—

The SPEAKER. No; he is not interrogating you.

Mr. OLASZ. So in fact, Mr. Speaker, what I am saying is they are changing the law. You have heard all these scenarios painted for you. The law is being changed.

The theme behind this whole bill is drunken driving and drinking while driving. All of a sudden we interpret this “possession” to mean you are drinking. I always thought you were innocent in this country until proven guilty. By our very actions here today, under “possession” we are automatically assuming that that young man or young lady is guilty of drinking - for mere possession of it. What happened to the innocent until proven guilty?

Once again, think about it. I think it will have serious ramifications down the line. I would ask for your support of this amendment.

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

Mr. CLARK. Two is too many if you ask me, but thank you, Mr. Speaker.

Just very quickly I want to point out, one more act has been brought into the fray here, the Motor Carriers Road Tax Act. So now we have to decide which one of the three - the Crimes Code, the Liquor Code, or the Motor Carriers Road Tax Act - is going to tell us who the person is transporting these alcoholic beverages. I think that points to a very good reason to adopt this amendment, to try to give some clarity to the situation. If I wanted to hold the bill up until next week, I could spend an hour or two drafting the right language, but I would just urge the adoption of this amendment.

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

The following roll call was recorded:

YEAS—60

Book	Farmer	Langtry	Punt
Bowser	Fischer	Leh	Reber
Brandt	Flick	Letterman	Richardson
Bunt	Gamble	Livengood	Rieger
Burd	Gannon	McVerry	Ryan

Caltagirone	Gladeck	Merry	Seventy
Carn	Godshall	Miller	Stairs
Cessar	Gruitza	Moehlmann	Steighner
Clark	Hagarty	O'Brien	Telek
Cohen	Haluska	O'Donnell	Trello
Cornell	Jackson	Olasz	Truman
DeWeese	Jarolin	Oliver	Veon
Dempsey	Josephs	Perzel	Weston
Distler	Kennedy	Petrarca	Wogan
Donatucci	Kukovich	Petrone	Wright, R. C.

NAYS—131

Acosta	Dawida	Lashinger	Robbins
Angstadt	Dietterick	Laughlin	Rudy
Argall	Dombrowski	Lescovitz	Saloom
Arty	Dorr	Levdansky	Saurman
Baldwin	Duffy	Linton	Scheetz
Barley	Durham	Lloyd	Schuler
Battisto	Fargo	Lucyk	Semmel
Belardi	Fee	McCall	Serafini
Belfanti	Foster	McClatchy	Showers
Billow	Fox	McHale	Sirianni
Birmelin	Freeman	Maiale	Smith, B.
Black	Freind	Maine	Smith, S. H.
Blaum	Gallen	Manderino	Snyder, G.
Bortner	Geist	Manmiller	Staback
Bowley	George	Markosek	Stevens
Boyes	Gruppo	Mayernik	Stuban
Broujos	Harper	Melio	Taylor, E. Z.
Burns	Hasay	Michlovic	Taylor, F.
Bush	Hayden	Morris	Taylor, J.
Cappabianca	Hayes	Mowery	Tigue
Carlson	Heckler	Mrkonic	Van Horne
Cawley	Herman	Murphy	Vroon
Chadwick	Hershey	Nahill	Wambach
Civera	Hess	Noye	Wass
Clymer	Honaman	Phillips	Wiggins
Colafella	Howlett	Piccola	Wilson
Cole	Hughes	Pistella	Wozniak
Corrigan	Itkin	Pitts	Wright, D. R.
Cowell	Jadlowiec	Pressmann	Wright, J. L.
Coy	Johnson	Preston	Yandrisevits
DeLuca	Kitchen	Raymond	
DeVerter	Kosinski	Reinard	Irvis,
Daley	LaGrotta	Ritter	Speaker
Davies			

NOT VOTING—5

Fattah	Kenney	Pievsky	Roebuck
Hutchinson			

EXCUSED—7

Dininni	Kasunic	Rybak	Sweet
Evans	Micozzie	Snyder, D. W.	

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

On the question recurring,

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

Mr. FOX offered the following amendments No. A3713:

Amend Sec. 2 (Sec. 6310.1), page 6, line 12, by inserting after "\$1,000" or to imprisonment for not less than 48 hours

Amend Sec. 2 (Sec. 6310.1), page 6, line 13, by inserting after "\$2,500" or to imprisonment for not less than 30 days

On the question,

Will the House agree to the amendments?

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

Are there two amendments or one? One.

Mr. FOX. Mr. Speaker, we withdraw A4363, but we are working on A3713. I am sorry.

The SPEAKER. You see, they applauded too rapidly. We knew that up here.

We recognize you, Mr. Fox, on the amendment.

Mr. FOX. Thank you, Mr. Speaker.

Briefly stated, this amendment 3713 would provide a mandatory minimum choice. This is for infractions by those who illegally furnish alcohol to minors of a \$1,000 fine on the first offense or imprisonment of 48 hours; on the second offense, a \$2,500 fine, which is called for under the legislation, or imprisonment for not less than 30 days. The reason for this "either-or" language, there have been instances across the Commonwealth, and the most egregious I can think of were in Bucks County where in the past 2 years five individuals, five teenagers, in one instance and four teenagers in the second, involved where an adult had furnished the alcohol to the minors and they had died in a car accident as a result of the entire incident.

I think that those who provide alcohol to minors—in this case it was an individual outside of an establishment, for profit, just for their own benefit—should realize that when they deal with this, they are not just going to pay a money fine; they are dealing with lives, and that is why this gives the option to the district justice where there is an egregious case, where there is one where lives have been lost. Why should they not have the hammer and why should those who would be providers of liquor to minors not have the hammer of a jail sentence over them?

There has been no objection by the prime sponsors to this legislation, and I believe that it would be in the public interest to have that option. I ask for the support of the House. Thank you.

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

Mr. BLAUM. Mr. Speaker, when Representative Fox brought this to us, I mentioned that under the bill, anyone who knowingly and intentionally sells or furnishes alcohol to a minor commits a misdemeanor of the third degree. As I read it, misdemeanors of the third degree, while we provide for the mandatory \$1,000 fine, misdemeanors of the third degree also carry with them the possibility, if the judge warrants, of up to 1 year imprisonment. That is what is carried with misdemeanors of the third degree.

The prime sponsor has told me that with his language dealing with 48 hours and 30 days, that he wants to make it clearer—and maybe he can speak for himself on this—and send some kind of a message or a guideline to the judge. So I do not know if it is necessary but I am not necessarily opposed to it.

Mr. FOX. Let me just explain, if I may, Mr. Speaker.

What this would do is a mandatory minimum of a \$1,000 fine or the 48 hours. Of course, it is an M-3, a misdemeanor of the third degree, which would allow up to 1 year. But this would be a mandatory minimum if the judge so decided. If he felt the \$1,000 fine was appropriate, so be it. I think that the courts should have that option when we have an egregious case, and I think it is the discretion of the courts to use that judgment wisely. I call for the vote in favor, if you would agree with me.

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

Mr. CIVERA. Thank you, Mr. Speaker. To speak on the amendment.

Mr. Speaker, what the gentleman, Mr. Fox, is actually doing is he has stiffened the penalties than what they are right now, and Representative Blaum went over that. I really have no objection to that. You know, if we are going to make the bill stronger, I am not going to stand up here and fight that. So I really have no objections to it, Mr. Speaker.

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

Mr. PRESSMANN. Mr. Speaker, will the gentleman, Mr. Fox, stand for a brief period of interrogation?

The SPEAKER. Mr. Fox indicates he will so stand. You may proceed.

Mr. PRESSMANN. Mr. Speaker, you are confusing me with your arguments, and seeing as how you are a lawyer and I am not, that is probably why it is happening. Under your amendment, what is mandatory?

Mr. FOX. What would be the mandatory—

Mr. PRESSMANN. If your amendment is in the bill, what would be mandatory for furnishing minors alcoholic beverages?

Mr. FOX. On the first offense it would be a \$1,000 fine or 48 hours jail.

Mr. PRESSMANN. "Or," not both?

Mr. FOX. That is right.

Mr. PRESSMANN. What about the second offense?

Mr. FOX. A \$2,500 fine or 30 days jail. "Or"; mandatory minimum.

Mr. PRESSMANN. What about a minor who furnishes another minor with alcoholic beverages?

Mr. FOX. That does not apply to this. This applies to those who provide to minors.

Mr. PRESSMANN. What if a minor provides another minor with alcoholic beverages?

Mr. FOX. This applies to adults providing liquor to minors.

Mr. PRESSMANN. Does it say that in the bill?

Mr. FOX. It is my understanding it does. This applies to the adults who supply to minors.

Mr. PRESSMANN. Does it say that in the bill?

Mr. FOX. Yes, it does, to my understanding.

Mr. PRESSMANN. I do not believe it does, Mr. Speaker.

The SPEAKER. Just a moment. Mr. Civera, do you want to clear the point up?

Mr. CIVERA. Mr. Speaker, I really do not mean to interrupt, but I just want to interrogate Mr. Fox because something has been brought to our attention—

The SPEAKER. All right. Just a moment then. We will not let you interrupt for that. Mr. Pressmann still has the floor. We thought you had something to add to the interrogation.

You may proceed, Mr. Pressmann.

Mr. PRESSMANN. Mr. Speaker, may I yield temporarily to Mr. Civera?

The SPEAKER. Certainly.

Mr. CIVERA. Mr. Speaker, what I want to ask you is this: Mr. Speaker, right now if a person is fined \$1,000, under your amendment—okay?—he would either be fined \$1,000 or he would go to jail for 48 days but he would not get both.

Mr. FOX. Forty-eight hours.

Mr. CIVERA. Forty-eight hours, I am sorry. In other words, under your amendment he would be fined \$1,000 if the magistrate wanted to do that, or the judge, or he would go to jail for 48 days, but you could not do both. Forty-eight hours.

Mr. FOX. That is correct. "Or," yes. It is hours, not days.

Mr. CIVERA. Well, in my previous remarks, and I apologize to the floor and to the Speaker, I thought that this was strengthening it, but I think we are going backwards here. We might be weakening it. Under the present law it is \$1,000 and then it is discretion whether it is 48 hours or not. But under your amendment, if I understand you correctly, it would be \$1,000 and that is all—that is all it would be—or it would be 48 hours. You could not have both.

Mr. FOX. As a mandatory minimum.

Mr. CIVERA. That is not what I am reading here.

Mr. FOX. I understand.

Mr. PRESSMANN. Mr. Speaker, if I can reclaim the floor.

The SPEAKER. The floor is yours. You merely released it temporarily.

Mr. PRESSMANN. If Mr. Fox would still stand for interrogation.

Mr. FOX. Yes.

Mr. PRESSMANN. Mr. Speaker, under your amendment are you saying that a magistrate would not have the option of applying then, say, a 60-day jail sentence?

Mr. FOX. He could go beyond the minimum. This would be the minimum.

Mr. PRESSMANN. All right. This is the minimum. Okay. But can he apply a jail sentence as well as a fine if your amendment is in?

Mr. FOX. Give me one moment, please.

PARLIAMENTARY INQUIRY

Mr. BURNS. Mr. Speaker?

The SPEAKER. Why does the gentleman from Bucks, Mr. Burns, rise?

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

The SPEAKER. State your point.

Mr. BURNS. Mr. Speaker, I wonder, would it be proper at this point, as a cosponsor of this amendment, to ask Mr. Fox to withdraw the amendment since there is this confusion and it would only tend to hurt the bill?

AMENDMENTS WITHDRAWN

Mr. FOX. Mr. Speaker, in view of the fact that it would not give the strength that I want to give the bill, I will withdraw the amendment and move forward.

The SPEAKER. The Chair thanks the gentleman.

The Fox amendment is withdrawn.

On the question recurring,

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

Mr. GANNON offered the following amendments No. A4390:

Amend Sec. 1 (Sec. 6308), page 3, line 27, by inserting after "consumes,"

knowingly and intentionally

Amend Sec. 1 (Sec. 6308), page 3, line 27, by inserting after "or"

knowingly and intentionally

On the question,

Will the House agree to the amendments?

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, in the course of the debate on this piece of legislation, there has been a great deal of emphasis on possession and transportation and some of the scenarios that would give rise to a conviction or a charge for that offense under this bill, and in the course of the debate, the prime sponsor of the bill has said "knowingly" and "intentionally" no less than perhaps a dozen times in reference to that section. Although I have a great deal of confidence in our judiciary, I trust more the judgment of this House, so I feel that we should see those words in writing in the legislation and we will know very specifically that in order for someone to be charged in connection with transportation or possession, it will have to be a knowing transportation and an intentional transportation, and that is all this amendment does, Mr. Speaker. Thank you.

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

Mr. FREIND. Thank you, Mr. Speaker.

With all due respect to my colleague, I know of no amendment that can possibly cause confusion and hurt a good bill like this one can. At best, it is not necessary. At worst, what it is going to do is take the teeth out of everything we have done.

Now, remember one thing: This bill does not change the law at all. We have been surviving with the law as it is - that it is against the law to transport, possess, or consume alcoholic beverages. It does not change that at all. It increases the penalties for it. We have survived for 20, 30, 40 years. Not in this bill or this existing law or hardly any other law do we add the elements of knowingly and willingly. That is already assumed. For example, we have given scenarios where someone is in a

car with other people, does not know there is beer in the car, does not possess it; he is not driving. He gets acquitted, Mr. Speaker.

When you add these words to make this crime different from any other crime, add these magic words, what message does this send? Is there a higher degree of proof necessary now than before - the law which we are enforcing today - is there a higher degree of proof needed now than for any other crime? Well, I am sorry, Your Honor, I thought it was 7-UP; I thought it was ginger ale; I thought it was just tomato juice. We have had some real creative scenarios from the other side today. In fact, it has given me a whole lot of material for my next novel. But believe me, the scenarios here if we pass this amendment are beyond calculation. The intentions are fine. We do not need the amendment. It can cause a lot of harm. I sincerely hope we defeat it.

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

Mr. MANDERINO. I am not sure whom I want to question, but maybe Mr. Freind.

The SPEAKER. Mr. Freind, would you stand for interrogation?

Mr. Manderino indicates that he wishes to interrogate Mr. Freind.

Mr. MANDERINO. I like you.

Mr. FREIND. I have always known that, Mr. Speaker.

Mr. MANDERINO. I am having difficulty understanding what harm it does to add the words, and you have said several times that it causes harm. If it is implied anyway, would you again explain to me what harm it does to add the words?

Mr. FREIND. Believe it or not, Mr. Speaker—and this may be hard for all of us to believe—but sometimes judges do look to what we do up here and our intent. Now, we have a law right now that says it is against the law to possess, transport, or consume alcoholic beverages. Obviously, with every other law, you have to prove that the person was aware of it. The fact that he is ignorant of the law does not matter—ignorance of the law is no excuse—but you have to show an intent there. Now, unless we want to change that law in some way, unless we want to add a higher burden of proof, which I do not think we do, why would we pass this amendment? At the very least, it is going to cause confusion. At the very least, it is going to give a sharp defense attorney an area that he did not have before. My point is, we have had no problem at all on this law for 30, 40, 50 years, the exact same law that if we pass this bill we will still have, but we add these words and we put in an area of confusion and a possible loophole that I do not think we intend. At the very least, we do not need it.

Mr. MANDERINO. I thank you, Mr. Speaker.

I thank the gentleman for his answer. It really explained nothing to me. I really do not understand why it hurts to add the words that are being added here, "knowingly and intentionally," if it is already implied and if everyone and the prosecutor, also, who spoke before indicated that it was implied in the law. I am not as sure as she is that it is always implied in the law. Maybe she is right. I am not a prosecutor and have never been.

I do have problems, though, because we are increasing a penalty. Even the sponsors of the bill indicate that we are looking for something that with the teenager is harsher, at least in that teenager's mind. It is going to hurt him more and it is going to be a deterrent. I do not think enforcement officers at the present time seriously enforce or go looking for someone who is transporting or possessing only, because the offense is going to be punished by something that is not really a deterrent to anything. But I will, I think, without the "knowingly and intentionally" language in here, I will be sorry that we passed the bill if someone is convicted and loses a license for a considerable period of time - 3 months, 30 days, 90 days - and did not have the knowledge, possessed without knowledge, without intent to consume. I think that is a severe penalty, and I think that with anyone who has not committed consumption, we ought to make the enforcement prove that possession and transporting was with knowledge and intent. I think that if it is already in the law, let us make it clear so that it must be proved.

I think that we ought to support this amendment.

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

Mr. CIVERA. Mr. Speaker, I oppose the amendment. I listened to the majority leader very carefully and understand exactly what the gentleman is trying to say and what he has said. But the issue before us is possessing, transporting, and consuming alcoholic beverages, and to insert the language "knowingly and intentionally," what we are going to be faced with is, I did not know it was there; I had no idea it was in this automobile.

And then again, are we doing what we staked out to do? What we staked out to do was to make the law stronger in Pennsylvania for underage drinkers. My concern is that with that language in there— And I repeat again: A gentleman is driving down the street and he knows that that case of beer is in the back of that car, and he is going to a party to celebrate and the police officer stops him, and he says, I did not know. Where are we at that point in time?

I understand exactly what the majority leader said and I listened to him very carefully, but I think it would be to regress if we accepted the Gannon amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman makes my point. He indicates that a fellow is driving down the street going to a party, and he says, I did not know it was back there. Now, that man should not be convicted unless the enforcement officer can prove that he knew it was there. I do not care whether he was going to a party. I do not care whether he really had intent and knew that it was there. How do you know, and how does the person imposing the 3-month suspension know? I am simply saying we ought to make him prove it, because otherwise you seem to indicate in the example that you gave that that fellow should be convicted and you think he should be convicted because he was on his way to a party and he knew, but he should only be convicted if

someone can prove that he knew. We are not going to assume or imply the knowledge or the intent, and it will not be assumed or implied if we indicate in the law that he must have it. It will not be assumed or— You know, I have difficulty with this. And let me say, you included consumption. This has nothing to do with consumption, I do not believe. I think this has only to do with intentionally and knowingly possess and purchase and transport.

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

Mr. BORTNER. Thank you, Mr. Speaker.

This is one of those rare occasions where I agree with Mr. Freind and disagree with Mr. Manderino. I think Mr. Freind is correct. The standard of knowing and intentional conduct is implied in the criminal law and is implied in the elements of this offense, but I think it does go beyond that and creates some confusion. Although Mr. Manderino argues what can it harm, what question does it raise, it creates an inconsistency in the definition, I believe, because it indicates that the knowing and intentional standard would only apply to transportation and that there is a different standard to be applied for purchasing, consuming, and possessing. I think it raises a question that we are implying a different definition or a different standard for transportation.

I think that the criminal law implies that all of those acts - whether it is purchasing, consuming, possessing, transporting - have to be knowing and intentional. I think the language of the legislation is clearer without this amendment, and I would urge the members to oppose it. Thank you.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I would also urge the defeat of this amendment. I agree in every respect with the remarks of Mr. Bortner and Mr. Freind. As Mr. Freind indicated, the addition of these words will give rise to the opportunity for creative defense lawyers to raise at least questions about the meaning and the intent behind this statute. Many of those creative defense attorneys become creative judges in this Commonwealth, and I know that many times the change of one word or the lack of a word has great meaning and makes a great deal of difference with respect to the result of a particular case.

Just sitting here and conversing about this particular change, it is obvious to me that it makes one terrific change in the current law that we are talking about and it appears that it would shift the burden of proof in this kind of a case. Currently the prosecutor need only prove prima facie that the defendant possessed the alcoholic beverage. The defense then would have the obligation to prove in his defense that he possessed it unknowingly or unintentionally, and that would be an adequate defense.

By placing this language in the law, we have, I think, in essence shifted the burden to the prosecution to prove that the defendant did this offense knowingly and with intention, and that many times is a difficult if not impossible burden of proof to put upon a prosecutor. You are proving sometimes a

negative, and it is very difficult to do. I think this will undermine the present law, it will undermine the change we are trying to implement here, and I would urge that the amendment be defeated.

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

Mr. BROUJOS. Mr. Speaker, I think it is important to understand what is now part of the criminal law and law lesser than criminal law, and that is that there are many, many summary offenses—most of them, in fact—in which you do not provide and are not required to prove intent. Traffic violations do not require the prosecuting officer to show intent. This is an extraordinary leap from the traditional summary offense concept where summary offenses are summary. They are small; they are not crimes of record; they are lesser, substantially lesser, than misdemeanors and felonies.

Consequently, this is changing abruptly and extraordinarily the ordinary treatment of these issues in law today in the practice and in the substance, and I would strongly urge the defeat of this amendment.

The SPEAKER. For the second time on his amendment, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Today we are here to make a dramatic change in the law; that is why we are debating this bill. I wanted to see some language in here that is going to protect, and I guess really I am addressing some of the parents who have children who may be caught up in this law when it goes onto the books and it starts being enforced, and I think that those parents and those children not only deserve the full defense and protection that would be available to them from their attorney or whomever but also the best protection that we can provide in this law.

To be very specific, this amendment only deals with transportation and possession. There tends to be a tendency here to mix that up a little bit and start to create some confusion. Quite frankly, I think the opponents of this amendment are trying to create the confusion so they can get a “no” vote on this amendment.

This amendment is very clear; it is very forthright; it is very straightforward, and it does say that those criminal prosecutors are not only going to have to show that you were transporting that alcoholic beverage—and I have no problem with that—but I think they should also show, in the case of those young children, that they knew they were transporting that. I guess we could stand here all day and draw up horrendous pictures of things like Representative Fattah was talking about and so did Representatives on both sides of the aisle where a child simply would have a bottle of beer, one bottle of beer, or half a pint of alcoholic beverage that had been purchased by somebody and unknowingly and unwittingly have that in their possession or transportation. I think and I believe, Mr. Speaker, that we should place the burden on those people who are going to enforce this law that they at least be able to show that that child knew that he was doing it and that he intentionally was doing it.

And we do not know. We have drawn scenarios about going to parties and teenage rumrunners and all that. That paints an incorrect picture, Mr. Speaker. That paints an incorrect picture. We do not know that for certain, and I think that this amendment strengthens this piece of legislation and offers a modest protection, a modest protection in those areas where I think it is really needed, and that is in the area of possession and transportation. After all, if he is caught and he is found to be transporting that alcoholic beverage and he is found to be knowingly doing it, if my amendment is adopted, he is going to lose his license, he is going to pay a fine, and he is going to have a permanent criminal record. And if you look at the Saurman amendment, that is exactly what we did today. We gave that child a permanent record as to what happened. So I think good sense and common decency dictates that we should at least offer them some modest protection against being accused of that crime and convicted and not even knowing what they were doing.

I urge a “yes” vote on the amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Manderino would like to try to let others understand what his concern is. If I were driving down the street in my automobile and I put on the brakes and my brake light burned out and half a mile later a policeman stops me for the brake light being out on my automobile, and he stops me and he writes me up for not having working lights on my automobile, and I say to him, I did not know it was out; when I got in the automobile this evening, they were both working; at least it was; I did not know it was out, and he says, I am sorry, that is a violation of the law, and he writes me up, and I go to a magistrate and I say to the magistrate, I did not know it was out, maybe that magistrate would believe me and maybe he would not. But I did not know it was out. Did I have intent? Did I have knowledge that I would be convicted?

Now, maybe it would not be so bad if it was a \$10 fine or something, but what you are doing here is worse than a \$10 fine. And I am not arguing that we have got to have a magistrate prove that I had knowledge or did not have knowledge of whether the brake is out. Take it on a number of other summary offenses: You borrow your dad’s car or your brother’s car and it was not inspected last week when it should have been inspected. You try to tell the magistrate you did not know, and see whether it is going to help. It is not going to help.

I fear that the underage—and that is anybody under 21—who happens to be driving an automobile that maybe there are alcoholic beverages in the trunk that they do not know about and honestly do not know about, they are going to find the same disposition of the case at the magistrate’s office, and he has no discretion because the amendments that would have provided discretion were defeated today, and I voted for the defeat of those amendments. But if the suspension is going to be mandatory, I think we ought to make, at least in the case of transporting and possessing, we ought to make it explicit that there has to be actual knowledge and actual intent, and I again ask for an affirmative vote on the Gannon amendment.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the amendment for some of the reasons raised by others who said that it is not necessary and can only cause problems and confusion. Thank you.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I think the arguments made by the majority leader are clearly erroneous. The defense of intent, lack of intent or lack of knowledge, will always be available to a defendant in any criminal case. In the case that the majority leader cited about the lights being out, if you place the burden upon the police officer to prove that the lights were out knowingly and intentionally, you would never have a conviction under that portion of the law because every defendant would say, well, I did not know. And the same thing will happen here.

The prosecution makes a prima facie case, and the defense of lack of knowledge and lack of intent will still be available unless this amendment is adopted. If the amendment is adopted, the burden falls upon the prosecution to prove that they had intent and to prove that they had knowledge, and that is a difficult if not impossible thing to do.

I urge the defeat of the amendment.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

I believe in my own personal mind here that this is just an amendment to give some legal technicalities and get some people off the hook.

I urge a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I am going to try one more time.

The gentleman from the other side brought me a copy of Pennsylvania's Consolidated Statutes, and I will read from the Pennsylvania Consolidated Statutes, chapter 3, title 18, on culpability. In section 302 it talks about "...a person is not guilty of an offense unless he acted intentionally, knowingly, recklessly or negligently, as the law may require, with respect to each material element of the offense." Now, that is what those who were saying knowledge and intent is part of the offense were saying. That is what the former prosecutor was saying, and that is what Mr. Piccola is saying. All right. And that is what Consolidated Statutes, chapter 3, says.

But further on, when it talks of summary offenses that we are talking about here, it says in section 305(a):

The requirements of culpability prescribed by section 301...(relating to requirement of voluntary act) and section 302...(relating to general requirements of culpability) do not apply to:

- (1) summary offenses, unless the requirement involved is included in the definition of the offense....

And what I am trying to do is include such in the definition of the offense, and that is what I am all about.

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

Mr. HALUSKA. Mr. Speaker, I stand here and vote in favor of the Gannon amendment. Over the years we keep passing legislation here to take the powers away from the judges. They are to use their discretion in many of these cases.

What we are doing here is setting up a kangaroo court, and I think it is time that we stop some of these actions and let us vote in the affirmative on this amendment.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, like the majority leader, I have voted against any weakening amendment to the bill because I feel the bill is necessary. I have a 17- and a 15-year-old son, one of whom is driving and the other is studying his driver's manual now. I do feel strongly.

However, I think Mr. Piccola made the best argument for a vote in favor of this amendment when he said that the burden of proof in this matter would fall on the prosecution. I think that is our American system. I think the burden of proof in this particular matter, since it is mandatory and it is a unique piece of legislation, ought to fall on the prosecution.

I therefore think the Gannon amendment is the way to accomplish that, and it will make the bill a better bill. Thank you.

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

The following roll call was recorded:

YEAS—138

Acosta	Davies	Langtry	Punt
Angstadt	Dawida	Lashinger	Reber
Argall	Distler	Leh	Reinard
Arty	Dombrowski	Lescovitz	Richardson
Baldwin	Donatucci	Letterman	Rieger
Battisto	Duffy	Levdansky	Ritter
Belardi	Durham	Linton	Robbins
Belfanti	Fargo	Livengood	Roebuck
Billow	Farmer	Lloyd	Rudy
Black	Fattah	Lucyk	Ryan
Book	Fee	McCall	Semmel
Bowley	Fischer	McVerry	Seventy
Bowser	Flick	Maiale	Showers
Boyes	Freeman	Maine	Staback
Brandt	Gamble	Manderino	Stairs
Bunt	Gannon	Markosek	Steighner
Burd	George	Mayernik	Stuban
Caltagirone	Gladeck	Michlovic	Taylor, F.
Cappabianca	Godshall	Miller	Taylor, J.
Carn	Gruitza	Moehlimann	Telek
Cawley	Haluska	Morris	Tigue
Cessar	Hasay	Mrkonc	Trello
Clark	Hayden	Nahill	Truman
Clymer	Heckler	O'Brien	Van Horne
Cohen	Herman	O'Donnell	Veon
Colafella	Howlett	Olasz	Wambach
Cole	Hughes	Oliver	Wass
Cornell	Itkin	Perzel	Wiggins
Corrigan	Jackson	Petrarca	Wogan
Cowell	Jadlowiec	Petrone	Wozniak
Coy	Josephs	Pievsky	Wright, D. R.
DeLuca	Kenney	Pistella	Wright, J. L.
DeVerter	Kitchen	Pressmann	Wright, R. C.
DeWeese	Kosinski	Preston	Yandrisevits
Daley	Kukovich		

NAYS—56

Barley	Freind	McHale	Schuler
Birmelin	Gallen	Manmiller	Serafini
Blaum	Geist	Melio	Sirianni
Bortner	Gruppo	Merry	Smith, B.
Broujos	Hagarty	Mowery	Smith, S. H.
Burns	Hayes	Murphy	Snyder, G.
Bush	Hershey	Noye	Stevens
Carlson	Hess	Phillips	Taylor, E. Z.
Chadwick	Honaman	Piccola	Vroon
Civera	Jarolin	Pitts	Weston
Dempsey	Johnson	Raymond	Wilson
Dietterick	Kennedy	Saloom	
Dorr	LaGrotta	Saurman	Irvis,
Foster	Laughlin	Scheetz	Speaker
Fox	McClatchy		

NOT VOTING—2

Harper	Hutchinson
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EXCUSED—7

Dininni	Kasunic	Rybak	Sweet
Evans	Micozzie	Snyder, D. W.	

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

On the question recurring,

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

AMENDMENT A3685 RECONSIDERED

The SPEAKER. The Chair has in its possession a motion for reconsideration of the vote by which the Flick amendment to HB 668 was defeated.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

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

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

NAYS—4

Belardi	Corrigan	DeVerter	Wiggins
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NOT VOTING—2

DeWeese	Hutchinson
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EXCUSED—7

Dininni	Kasunic	Rybak	Sweet
Evans	Micozzie	Snyder, D. W.	

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A3685:

Amend Sec. 2 (Sec. 6310.4), page 9, line 12, by removing the period after "suspension" and inserting , provided, however, that if the violation did not involve the operation of a motor vehicle or the use of a driver's license by the offender, then the duration of the suspension shall be for a period of 30 days.

On the question recurring,

Will the House agree to the amendment?

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

Mr. FLICK. Thank you, Mr. Speaker.

The vote on this amendment was taken at 12:30 this afternoon. Since that time we have heard many hours of very serious debate, and almost all of the direction of the debate was the severity of the law and whether or not we should take a strong stance.

I have asked for reconsideration of my amendment because I want it perfectly understood by each member here, and there were some who were not in their seats when this amendment was voted. If my amendment goes in this bill, every person convicted under this law would face a suspension of their operating privileges. If the conviction deals with the use of a motor vehicle or use of their operator's license, falsifying or whatever, then they will receive a 90-day suspension. If, however, it does not involve either a vehicle or the use of their driver's license, the suspension would only be 30 days.

I, again, feel this is a reasonable approach. As I mentioned, it is a middle-of-the-road approach. I am not trying to weaken

the bill. I supported this bill. I was one of the cosponsors last session of this bill. I have had input into this bill. I am not trying to weaken it. I think it is a reasonable approach that we should take, and I urge your consideration. Thank you.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Not to prolong things, but if the Flick amendment is to go into this piece of legislation, it will set it back. We agree that we do have a problem with underage drinking and we agree that the operating privileges should be suspended for a certain period of time. With this situation on a first offense, it is 90 days. To pull it back would only deter or would make things just a little bit more less that you can get away with. And I cannot see the reasoning of withdrawing the suspension back to 30 days when we have a 90-day suspension presently in the bill.

For the other reasons that I have stated this afternoon on the House floor, I think that we should oppose the Flick amendment. Thank you.

The SPEAKER. The Chair recognizes the lady from Lehigh, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I join Representative Flick in asking for the reconsideration of this amendment. I want to reiterate what he said, and I also want to point out that in other liquor violations in the State of Pennsylvania we make a distinction between drinking irresponsibly - that is, drunk and disorderly or public drunkenness - a distinction between that and drinking and driving, and I think we need to do that in this case also.

I am not minimizing in any way the seriousness of the crime of underage drinking, no matter where the offense is committed, and I think that 30 days will be a sufficient shock to the system of anyone between the ages of 16 and 21. It will put them on notice that the offense of underage drinking is very serious, but it will also serve to make a distinction between drinking irresponsibly - that is, being underage and drinking alcohol - a distinction between doing that and then further compounding the seriousness of the offense by then getting into a vehicle and driving. So I think that by saying 30 days if you are not involved in a vehicle or falsifying a license, and 90 days if you are, makes that distinction and begins early to train people to realize that it is very dangerous to drink and drive.

So I would ask that the House support this amendment.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. Like it or not, this amendment weakens the bill. I believe and I hope you agree that 99 percent of all underage drinking is irresponsible. Maybe giving your kids a glass of wine at Christmastime or the 20-year-old marine at home, but 98 percent, 99 percent of all underage drinking is irresponsible.

I told you that the whole thrust, the beginning of this legislation, came about because three kids in my area died. None

of them, none of the three of them were involved or anywhere near an automobile. Two got smashed, collapsed in the snow, fell asleep and never woke up. The third was in a wooden tree house and did not get out when it caught fire because he and his friends were drinking up there.

What we hope to say by this legislation— There are already laws on the books that if you are caught with alcohol and drinking while driving, there are other laws already on the books that are going to pertain to them. What we are saying is, underage drinking wherever it occurs is potentially hazardous to your health, and we ask that a suspension for 90 days be imposed. To make a differential, to say that only those involved in an automobile are going to lose it for 90 days, misses the point that was brought out at the legislative hearings that the Liquor Control Committee had some 5 years ago, and that is that only a tiny fraction of kids actually drink and drive simultaneously, but there is invariably a link between the use of an automobile and kids drinking. Whether that automobile is used to pick up the booze, whether the drinking actually occurs in the car, or after the drinking is over at a friend's house or out in the woods, the car is going to be used then to take everybody home.

I ask the members who rejected this amendment this afternoon to do so again so that we can send to the Senate—where another battle begins—a very strong bill and hopefully pass it there and send it to the Governor for his signature.

What we have done today is come a long way, since 11 o'clock this morning, and I think fashioned and have before us the best underage drinking bill in the entire United States. Pennsylvania after today will be the model for other States to copy. Please do not weaken it with this amendment.

I ask for a negative vote. Thank you.

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

Mr. JAROLIN. Thank you, Mr. Speaker.

Once again I am back up here at the microphone pleading with you people to keep this bill exactly the way it is, please. Help us defeat this amendment, and let us get this business out of the way. Thank you, Mr. Speaker.

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

Mr. SEVENTY. Thank you, Mr. Speaker.

I would just like to, if I could, counteract Mr. Blaum's statement about the three kids that were killed in his area. Just a half hour ago in a back room I heard of a case in Lancaster County where two teenagers were driving; they were picked up. The one in the back had been drinking; the one in the front had not. They were both cited, and the one in the back committed suicide. I would just like to say, as Mr. Olasz would say, think about that one. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—98

Angstadt	Distler	Kennedy	Punt
Argall	Dombrowski	Kenney	Reber
Baldwin	Donatucci	Kukovich	Reinard
Black	Durham	Langtry	Rieger
Book	Fargo	Leh	Ritter
Bortner	Farmer	Letterman	Robbins
Bowser	Fattah	Levdansky	Roebuck
Boyes	Flick	Lloyd	Ryan
Brandt	Fox	McVerry	Seventy
Bunt	Freeman	Merry	Smith, S. H.
Burd	Gamble	Michlovic	Taylor, J.
Bush	Gannon	Miller	Telek
Carlson	Gladeck	Moehlmann	Tigue
Carn	Godshall	Murphy	Trello
Cawley	Gruitza	Nahill	Truman
Cessar	Haluska	O'Brien	Van Horne
Clark	Harper	O'Donnell	Veon
Clymer	Hayden	Olasz	Vroon
Cohen	Heckler	Oliver	Wambach
Cornell	Herman	Perzel	Weston
DeLuca	Hughes	Petrarca	Wogan
DeVerter	Itkin	Petrone	Wozniak
DeWeese	Jackson	Pistella	Wright, J. L.
Davies	Jadlowiec	Preston	Wright, R. C.
Dawida	Josephs		

NAYS—95

Acosta	Duffy	Livengood	Saurman
Arty	Fee	Lucyk	Scheetz
Barley	Fischer	McCall	Schuler
Battisto	Foster	McClatchy	Semmel
Belardi	Freind	McHale	Serafini
Belfanti	Gallen	Maine	Showers
Billow	Geist	Manderino	Sirianni
Birmelin	George	Manmiller	Smith, B.
Blaum	Gruppo	Markosek	Snyder, G.
Bowley	Hagarty	Mayernik	Staback
Broujos	Hasay	Melio	Stairs
Burns	Hayes	Morris	Steighner
Caltagirone	Hershey	Mowery	Stevens
Cappabianca	Hess	Mrkonic	Struban
Chadwick	Honaman	Noye	Taylor, E. Z.
Civera	Jarolin	Phillips	Taylor, F.
Colafella	Johnson	Piccola	Wass
Cole	Kitchen	Pievsky	Wiggins
Corrigan	Kosinski	Pitts	Wilson
Cowell	LaGrotta	Pressmann	Wright, D. R.
Coy	Lashinger	Raymond	Yandrisevits
Daley	Laughlin	Richardson	
Dempsey	Lescovitz	Rudy	Irvis,
Dietterick	Linton	Saloom	Speaker
Dorr			

NOT VOTING—3

Howlett	Hutchinson	Maiale
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EXCUSED—7

Dininni	Kasunic	Rybak	Sweet
Evans	Micozzie	Snyder, D. W.	

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

On the question recurring,

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

The SPEAKER. Do not leave the floor of the House. There is going to be a reconsideration motion filed on the last vote.

To the knowledge of the Chair, there is only one other amendment to be offered. Mr. Fox has sent for an amend-

ment. After that, we should be on the final passage of the bill.

PARLIAMENTARY INQUIRY

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

Mr. LETTERMAN. Point of clarification on reconsideration.

How many times can an amendment be reconsidered? Is it twice defeated?

The SPEAKER. No; as many times as the House wishes to, as long as the motion to reconsider has not been defeated. Now, if the House wishes to defeat the motion, it may anytime.

STATEMENT BY MR. SALOOM

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

Mr. SALOOM. Mr. Speaker, it seems as though any bill that comes from the Liquor Committee or anything that we have to do with liquor really causes problems.

I would like to inform the House that when I became chairman of the Liquor Control Committee, I did not become chairman to promote the use or the abuse of alcohol in the Commonwealth of Pennsylvania. Recently you heard about a 20-percent 6-day sale that the Liquor Control Board was going to propose. Well, they are reasonable people and they did compromise. A few of us protested that sale, but they are going to have a 10-percent sale for 3 days in December - December 3, 4, and 5 - for the information of those members who are interested. Thank you, Mr. Speaker.

CONSIDERATION OF HB 668 CONTINUED
AMENDMENT A3685 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which the Flick amendment to HB 668 was accepted on this date, November 18.

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

The following roll call was recorded:

YEAS—179

Acosta	Distler	Leh	Rieger
Angstadt	Dombrowski	Lescovitz	Ritter
Argall	Donatucci	Levdansky	Robbins
Baldwin	Duffy	Linton	Rudy
Barley	Fargo	Livengood	Ryan
Battisto	Farmer	Lloyd	Saloom
Belardi	Fattah	Lucyk	Saurman
Belfanti	Fischer	McCall	Scheetz
Birmelin	Flick	McClatchy	Schuler
Black	Foster	McHale	Semmel
Blaum	Fox	Maine	Serafini
Book	Freeman	Manderino	Seventy
Bortner	Freind	Manmiller	Showers
Bowley	Gamble	Markosek	Sirianni
Bowser	Gannon	Mayernik	Smith, B.
Boyes	Geist	Melio	Smith, S. H.
Brandt	George	Merry	Snyder, G.

Broujos	Gladeck	Michlovic	Staback
Bunt	Godshall	Miller	Stairs
Burd	Gruitza	Moehlmann	Steighner
Burns	Gruppo	Morris	Stevens
Bush	Hagarty	Mowery	Stuban
Caltagirone	Haluska	Mrkonic	Taylor, E. Z.
Cappabianca	Harper	Murphy	Taylor, J.
Carlson	Hasay	Nahill	Telek
Carn	Hayes	Noye	Tigue
Cawley	Heckler	O'Brien	Trello
Cessar	Herman	O'Donnell	Truman
Chadwick	Hershey	Olasz	Van Horne
Civera	Hess	Oliver	Veon
Clark	Honaman	Perzel	Vroon
Clymer	Hughes	Petrarca	Wambach
Cohen	Itkin	Petrone	Wass
Colafella	Jackson	Phillips	Weston
Cole	Jadlowiec	Piccola	Wiggins
Cornell	Jarolin	Pievsky	Wilson
Corrigan	Johnson	Pistella	Wogan
Cowell	Josephs	Pitts	Wozniak
Coy	Kennedy	Pressmann	Wright, D. R.
DeLuca	Kenney	Preston	Wright, J. L.
DeWeese	Kitchen	Punt	Wright, R. C.
Daley	Kosinski	Raymond	Yandrisevits
Davies	LaGrotta	Reber	
Dawida	Lashinger	Reinard	Irvis,
Dempsey	Laughlin	Richardson	Speaker
Dietterick			

NAYS—10

Arty	Dorr	Kukovich	Letterman
Billow	Gallen	Langtry	McVerry
DeVerter	Hayden		

NOT VOTING—7

Durham	Howlett	Maiale	Taylor, F.
Fee	Hutchinson	Roebuck	

EXCUSED—7

Dininni	Kasunic	Rybak	Sweet
Evans	Micozzie	Snyder, D. W.	

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

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

The following roll call was recorded:

YEAS—95

Argall	Distler	Josephs	Preston
Baldwin	Dombrowski	Kennedy	Punt
Black	Donatucci	Kenney	Reber
Book	Durham	Kukovich	Reinard
Bortner	Fargo	Langtry	Rieger
Bowser	Farmer	Leh	Ritter
Boyes	Fattah	Letterman	Robbins
Brandt	Flick	Levdanskyy	Ryan
Bunt	Freeman	Lloyd	Seventy
Burd	Gamble	McVerry	Smith, S. H.
Bush	Gannon	Merry	Taylor, J.
Carlson	Gladeck	Michlovic	Telek
Carn	Godshall	Miller	Tigue
Cawley	Gruitza	Moehlmann	Trello
Cessar	Haluska	Murphy	Truman
Clark	Harper	Nahill	Van Horne
Clymer	Hayden	O'Brien	Veon
Cohen	Heckler	O'Donnell	Vroon
Cornell	Herman	Olasz	Weston
DeLuca	Hughes	Oliver	Wogan
DeVerter	Hutchinson	Perzel	Wozniak
DeWeese	Itkin	Petrarca	Wright, J. L.
Davies	Jackson	Petrone	Wright, R. C.

Dawida	Jadlowiec	Pistella	
		NAYS—100	
Acosta	Duffy	Livengood	Saurman
Angstadt	Fee	Lucyk	Scheetz
Arty	Fischer	McCall	Schuler
Barley	Foster	McClatchy	Semmel
Battisto	Fox	McHale	Serafini
Belardi	Freind	Maiale	Showers
Belfanti	Gallen	Maine	Sirianni
Billow	Geist	Manderino	Smith, B.
Birmelin	George	Manmiller	Snyder, G.
Blaum	Gruppo	Markosek	Staback
Bowley	Hagarty	Mayernik	Stairs
Broujos	Hasay	Melio	Steighner
Burns	Hayes	Morris	Stevens
Caltagirone	Hershey	Mowery	Stuban
Cappabianca	Hess	Mrkonic	Taylor, E. Z.
Chadwick	Honaman	Noye	Taylor, F.
Civera	Howlett	Phillips	Wambach
Colafella	Jarolin	Piccola	Wass
Cole	Johnson	Pievsky	Wiggins
Corrigan	Kitchen	Pitts	Wilson
Cowell	Kosinski	Pressmann	Wright, D. R.
Coy	LaGrotta	Raymond	Yandrisevits
Daley	Lashinger	Richardson	
Dempsey	Laughlin	Rudy	Irvis,
Dietterick	Lescovitz	Saloom	Speaker
Dorr	Linton		

NOT VOTING—1

Roebuck

EXCUSED—7

Dininni	Kasunic	Rybak	Sweet
Evans	Micozzie	Snyder, D. W.	

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

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

Mr. FOX offered the following amendments No. A4394:

Amend Sec. 2 (Sec. 6310.1), page 6, line 12, by inserting after "\$1,000"

, to imprisonment for not less than 48 hours, or both

Amend Sec. 2 (Sec. 6310.1), page 6, line 13, by inserting after "\$2,500"

, to imprisonment for not less than 30 days, or both

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

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

Mr. FOX. Thank you, Mr. Speaker. I appreciate the indulgence of the House for just another moment.

You will recall there was pointed out in previous discussion that in fact what we are trying to accomplish with regard to those who illegally sell alcohol to minors is that in fact what we wanted to achieve is a \$1,000 fine or the imprisonment for not less than 48 hours or both. The prior amendment did not have "or both," and this would serve to give the option, as I said earlier, in those cases where a minimum mandatory prison sentence would be appropriate. I feel this would help strengthen the law.

As you will recall earlier, the prime sponsors had no objection to it, but the language was not as it should have been in the prior amendment, and this has been corrected to take care of the either-or situation and still allow both to be accomplished.

This answers the questions raised by Representative Pressmann earlier. Thank you, Mr. Speaker.

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

Mr. BLAUM. Again, I mean, when I read it, a misdemeanor of the third degree automatically carries with it the possibility of prison. I do not understand why we are putting in the 48 hours, if anybody could tell me. I just do not understand that. The way the amendment is drafted, from what I am hearing, it says a \$1,000 fine, 48 hours in jail, or both. So it does not make anything— I mean, if your intent is to make it mandatory, it does not make it mandatory, and if the judge wants a \$1,000 fine and 48 hours, he can do it anyway. And my question is, will a judge read the 48 hours as a maximum instead of a minimum?

Mr. FOX. No, because under an M-3 he already knows the maximum is 1 year.

Mr. BLAUM. But, I mean, will he think our intent is only 48 hours?

Mr. FOX. I think the intent of the language shows a mandatory minimum, 48 hours or a \$1,000 fine.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I have been trying to figure out what Mr. Fox is trying to accomplish, and I am not sure what he is trying to accomplish. I think I know what his amendment does accomplish.

Presently the bill has a \$1,000 minimum. Is that correct?

Mr. BLAUM. Yes.

Mr. MANDERINO. Mr. Fox's amendment has a \$1,000 minimum penalty. Presently the bill allows imprisonment up to 1 year, but you can also imprison for 1 hour or 2 hours or 6 hours or 8 hours, and all Mr. Fox does with this language, which I think is going to be confusing, is if you are going to imprison somebody, you have got to imprison them for at least 48 hours. That is what he is saying and that is all he is saying, and I simply think that it is going to be so confusing to have this in that we ought to just leave it out, because it does not really do anything except say that if you are going to imprison someone, you cannot imprison them for 24 hours, you must imprison them for 48 hours; or you cannot imprison them for 9 hours or 6 hours, you must imprison them for 48 hours. And the way it is worded, saying there is a minimum fine and a minimum imprisonment or both, I think is going to do what Mr. Freind said: it is going to be an area for mischief for the very smart attorneys throughout the Commonwealth.

I ask for a negative vote, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The lady from Lehigh, Ms. Karen Ritter, had to leave the floor. She has asked to be put on leave for the remainder of the afternoon. The leave is granted.

CONSIDERATION OF HB 668 CONTINUED

The SPEAKER. Does the gentleman from Montgomery, Mr. Fox, wish to speak for the second time on the amendment?

Mr. FOX. Yes.

It is my opinion that the amendment is intended to have, as the \$1,000 fine has, a mandatory minimum of the 48 hours in jail in the appropriate circumstance, and I would ask for an affirmative vote on that basis.

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

The following roll call was recorded:

YEAS—26

Acosta	Farmer	Miller	Saurman
Book	Flick	Nahill	Taylor, J.
Bowser	Fox	O'Brien	Trello
Brandt	Kennedy	Oliver	Truman
Bunt	Kenney	Petrone	Wilson
Cornell	Kitchen	Rieger	Wogan
Donatucci	Kosinski		

NAYS—162

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

NOT VOTING—7

Fattah	Hutchinson	Maiale	Richardson
Howlett	Linton	Pievsky	

EXCUSED—8

Diminni	Kasunic	Ritter	Snyder, D. W.
Evans	Micozzie	Rybak	Sweet

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—161

Acosta	Dietterick	Lescovitz	Ryan
Angstadt	Distler	Letterman	Saloom
Argall	Dombrowski	Levdansky	Saurman
Arty	Dorr	Linton	Scheetz
Baldwin	Duffy	Livengood	Schuler
Barley	Durham	Lloyd	Semmel
Battisto	Farmer	Lucyk	Serafini
Belardi	Fee	McCall	Seventy
Belfanti	Fischer	McClatchy	Showers
Billow	Foster	McHale	Sirianni
Birmelin	Fox	Maiale	Smith, B.
Black	Freeman	Maine	Smith, S. H.
Blaum	Freind	Manderino	Snyder, G.
Book	Gallen	Manmiller	Staback
Bortner	Gannon	Markosek	Stairs
Bowley	Geist	Mayernik	Steighner
Brandt	George	Melio	Stevens
Broujos	Gladeck	Michlovic	Stuban
Bunt	Gruppo	Miller	Taylor, E. Z.
Burd	Hagarty	Morris	Taylor, F.
Burns	Harper	Mowery	Taylor, J.
Bush	Hasay	Mrkonic	Telek
Caltagirone	Hayes	Murphy	Trelio
Cappabianca	Heckler	Nahill	Truman
Carlson	Herman	Noye	Van Horne
Cessar	Hershey	O'Brien	Vroon
Chadwick	Hess	Olasz	Wambach
Civera	Honaman	Perzel	Wass
Clymer	Howlett	Petrone	Weston
Cohen	Itkin	Phillips	Wiggins
Colafella	Jadlowiec	Piccola	Wilson
Cole	Jarolin	Pievsky	Wogan
Cornell	Johnson	Pistella	Wozniak
Corrigan	Kennedy	Pitts	Wright, D. R.
Cowell	Kenney	Pressmann	Wright, J. L.
Coy	Kitchen	Preston	Wright, R. C.
DeLuca	Kosinski	Punt	Yandrisevits
Daley	LaGrotta	Raymond	
Davies	Lashinger	Reinard	Irvis,
Dawida	Laughlin	Rieger	Speaker
Dempsey	Leh	Rudy	

NAYS—30

Bowser	Fargo	Josephs	Oliver
Boyes	Flick	Kukovich	Petrarca
Carn	Gamble	Langtry	Reber
Cawley	Godshall	McVerry	Robbins
Clark	Gruitza	Merry	Roebuck
DeVerter	Haluska	Moehlmann	Tigue
DeWeese	Hayden	O'Donnell	Veon
Donatucci	Jackson		

NOT VOTING—4

Fattah	Hughes	Hutchinson	Richardson
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EXCUSED—8

Diminni	Kasunic	Ritter	Snyder, D. W.
Evans	Micozzie	Rybak	Sweet

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. The calendar for next week calls for 3 days. We shall not be here the third day. We will be in session Monday and Tuesday.

Members are free to leave the floor. Those who wish to correct a vote, remain and shortly we will take corrections of votes.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin. Do you want to correct a vote?

Mr. LAUGHLIN. Yes, Mr. Speaker.

My switch did not work on the Gannon amendment A4390 to HB 668. I would like to be recorded in the affirmative.

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

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

Mr. BOWSER. Mr. Speaker, on HB 1022 I would like the record to show me in the negative on that vote. Thank you.

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

REMARKS SUBMITTED FOR THE RECORD

REMARKS ON VOTE

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

Mr. FOX. I have comments to submit for the record.

The SPEAKER. The gentleman will send the comments forward. They will be added to the record.

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

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

November 18, 1987

The Honorable K. Leroy Irvis
Speaker
Room 139 - Main Capitol Building
Harrisburg, PA 17120

Re: House Bill 350

Dear Speaker Irvis:

The vote to recommit House Bill 350 on November 10th was recorded in error. My vote should have been recorded in the affirmative.

Respectfully submitted,
Jon D. Fox
State Representative
153rd Legislative District

JDF/ylr

ANNOUNCEMENT BY MR. PERZEL

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

Mr. PERZEL. Mr. Speaker, I just wanted to make a comment that a gentleman well known to many of the members from my legislative district, Mr. Joseph Dragonetti, passed away yesterday, and I thought a number of the members would like to know that.

RECESS

The SPEAKER. The regular session stands in recess.

AFTER RECESS

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1088, PN 2525 (Amended)

By Rep. DeWEESE

An Act amending the act of February 9, 1984 (P. L. 3, No. 2), known as the "Deputy Sheriffs' Education and Training Act," providing for the fulfillment of education and training requirements at schools certified by the Municipal Police Officers' Education and Training Commission.

JUDICIARY.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 198 By Representatives FOX, NAHILL,
KOSINSKI, CORNELL and BUNT

Recognizing the month of November 1987 as "National REACT Month" in Pennsylvania.

Referred to Committee on RULES, November 18, 1987.

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 251, PN 1943**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

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

HB 251, PN 1943

An Act amending the act of May 7, 1965 (P. L. 48, No. 38), entitled "A supplement to the act of May 28, 1915 (P. L. 596), entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions,' as to employes of second class A cities, reducing the number of years of employment to qualify for a pension; and increasing pension payments and contributions," increasing the maximum pension and the maximum contribution rates.

SB 637, PN 1580

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of farm truck plates, for driving with suspended or revoked operating privilege, for rear stop lights and for limitations on length of projecting loads; further providing for safety seat belt or restraint systems; and providing for notice of certain penalties for participants in the alcohol highway safety program.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Fox. Have you risen to the microphone?

Mr. FOX. Yes, to correct the record on the Flick amendment A3685 to HB 668 the second time it was reconsidered. My vote should have read in the affirmative.

The SPEAKER. In the affirmative?

Mr. FOX. That is correct.

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

Mr. FOX. Thank you, Mr. Speaker.

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

Mr. MELIO. Mr. Speaker, I move that this House do now adjourn until Monday, November 23, 1987, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:48 p.m., e.s.t., the House adjourned.