

Legislative Journal

TUESDAY, MARCH 23, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 114

HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.s.t.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

PRAYER

REVEREND DOCTOR DAVID R. HOOVER, chaplain of the House of Representatives and pastor of St. Paul's Lutheran Church, McConnellsburg, Pennsylvania, offered the following prayer:

Most Gracious and Everloving Father, in this morning hour we turn to Thee with the constancy of Thy love, the continuance of Thy indwelling presence, and the assurance of Thy abiding peace. We know that we are Thine and Thou dost have a care in the life of each of us. Thou dost not leave us alone in this life but Thou art always by our side to counsel and guide. Therefore, O God, we turn to Thee with the prayer that Thou wilt especially fill the lives of these stewards of Thine. Give them the power and might of Thy spirit, the knowledge and competency of Thy divine wisdom, the understanding and accomplishment of Thy truth, and the blessing and benediction of Thy heavenly peace. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, March 22, 1976, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

By Messrs. BERSON and RHODES

HOUSE BILL No. 2220

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), prohibiting discrimination for reason of the affectional or sexual orientation, or marital status of any individual, providing a penalty, and making an editorial change.

Referred to Committee on State Government.

By Mr. FINEMAN

HOUSE BILL No. 2221

An Act making an appropriation to Inglis House at Philadelphia for the care and treatment of patients suffering from long-term neurological diseases.

Referred to Committee on Appropriations.

By Messrs. HASAY, WILSON, WAGNER, CESSAR,
McGINNIS and POLITE**HOUSE BILL No. 2222**

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting electric light utilities from gross receipts taxation.

Referred to Committee on Finance.

By Messrs. O'BRIEN, GOODMAN, MUSTO, LEHR,
GARZIA, STOUT, GEORGE, LINCOLN, ITKIN,
TAYLOR, WRIGHT, McCALL, ABRAHAM,
MISCEVICH, Mrs. KERNICK and Mr. LAUDADIO
HOUSE BILL No. 2223

An Act mandating the Public Utility Commission to require certain utilities to refund to consumers certain sums of moneys.

Referred to Committee on Consumer Protection.

By Messrs. BURNS, WRIGHT, WILSON and
WEIDNER**HOUSE BILL No. 2224**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for aid ratio regarding payment on account of instruction.

Referred to Committee on Education.

By Messrs. RYAN and O'KEEFE

HOUSE BILL No. 2225

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for county boards of elections.

Referred to Committee on State Government.

By Mr. RYAN

HOUSE BILL No. 2226

An Act amending the act of April 14, 1949 (P. L. 482, No. 98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class or by boroughs; ***," allowing authorities to shut off water supply in certain cases.

Referred to Committee on Urban Affairs.

By Messrs. SHELHAMER, FINEMAN, BUTERA,
MANDERINO, RYAN, PITTS, BERSON,
GALLAGHER, SHANE, PANCOAST, YAHNER,
Mrs. KELLY, Messrs. BRANDT, KLINGAMAN,
W. W. FOSTER, THOMAS, COLE, BRADLEY,
WOJDAK, R. W. WILT, MORRIS, RAPPAPORT
and PRATT**HOUSE BILL No. 2227**

An Act providing for the operation of the School of Veterinary Medicine of the University of Pennsylvania as an integral part of the Commonwealth system of higher education; providing for delivery of services by the School of Veterinary Medicine to owners of animals in the Commonwealth; providing for public representation on the Board of Overseers of the School of Veterinary Medicine; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed by the General Assembly; providing for the audit-

ing of expenditures from said appropriations; requiring the President of the University of Pennsylvania and the Dean of the School of Veterinary Medicine to make an annual report of the operations of the School to the Governor and to the General Assembly.

Referred to Committee on Agriculture.

By Messrs. LEVI, FRYER, NOYE, O'KEEFE, WEIDNER, A. C. FOSTER, MEBUS, ARTHURS, PETRARCA, MORRIS, WHELAN, DOYLE, KLINGAMAN, GARZIA, S. E. HAYES, Miss SIRIANNI and Mr. CUMBERLAND

HOUSE BILL No. 2228

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for the distribution of earned income tax receipts.

Referred to Committee on Finance.

By Messrs. NOYE, RENWICK, LETTERMAN, KISTLER, GEORGE and SHELHAMER

HOUSE BILL No. 2229

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing for a committee to issue antlerless deer licenses.

Referred to Committee on Game and Fisheries.

By Messrs. PETRARCA, A. K. HUTCHINSON, KOLTER, DININNI, MCGINNIS and KLINGAMAN

HOUSE BILL No. 2230

An Act amending the "Volunteer Firemen's Relief Association Act," approved June 11, 1968 (P. L. 149, No. 84), further providing for the spending of relief association moneys.

Referred to Committee on State Government.

By Messrs. COLE, GREEN, BRANDT, HILL, LINCOLN, SCHWEDER, McCALL, DeMEDIO, A. K. HUTCHINSON, SHELHAMER, SCHMITT, MILLIRON and PRATT

HOUSE BILL No. 2231

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for mileage fees.

Referred to Committee on Local Government.

By Messrs. COLE, GREEN, BRANDT, HILL, LINCOLN, SCHWEDER, McCALL, DeMEDIO, A. K. HUTCHINSON, MILLIRON and PRATT

HOUSE BILL No. 2232

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), establishing a mileage rate for county officials and employees.

Referred to Committee on Local Government.

By Messrs. COLE, GREEN, BRANDT, HILL, LINCOLN, SCHWEDER, McCALL, DeMEDIO, A. K. HUTCHINSON, MILLIRON, PRATT and BRADLEY

HOUSE BILL No. 2233

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), establishing a mileage rate for county officials and employees.

Referred to Committee on Local Government.

By Messrs. COLE, GREEN, BRANDT, LINCOLN, SCHWEDER, McCALL, DeMEDIO, A. K. HUTCHINSON, SHELHAMER, SCHMITT, MILLIRON and PRATT

HOUSE BILL No. 2234

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for mileage fees.

Referred to Committee on Local Government.

By Mr. DeVERTER

HOUSE BILL No. 2235

An Act making an appropriation to the Beacon Lodge Camp for the Blind, Lewistown, Pennsylvania.

Referred to Committee on Appropriations.

By Mr. DiCARLO

HOUSE BILL No. 2236

An Act amending the "Commonwealth Documents Law," approved July 31, 1968 (P. L. 769, No. 240), providing for legislative participation in the rule-making process as to departmental rules and regulations.

Referred to Committee on Judiciary.

By Messrs. DiCARLO, LINCOLN and Mrs. KELLY

HOUSE BILL No. 2237

An Act amending the "Pennsylvania Drug and Alcohol Abuse Control Act," approved April 14, 1972 (P. L. 221, No. 63), further providing for treatment of minors without parental consent.

Referred to Committee on Health and Welfare.

By Messrs. CAPUTO, GEISLER, ABRAHAM, RAVENSTAHL, NOVAK, FLAHERTY, MRKONIC, ITKIN, MISCEVICH, Mrs. GILLETTE, Mr. COWELL, Mrs. KERNICK, Messrs. M. M. MULLEN, CESSAR, KELLY, PARKER, FISHER and TADDONIO

HOUSE BILL No. 2238

An Act amending the "Second Class County Code," approved July 28, 1953, (P. L. 723, No. 230), authorizing the jury commissioners to join their State Association, providing for attendance at the annual meeting and authorizing payments by the county pertaining thereto.

Referred to Committee on Local Government.

By Messrs. BRUNNER, ENGLEHART and BELLOMINI

HOUSE BILL No. 2239

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), referred to as the State Horse Racing Law, further providing for lost, misplaced or stolen tickets.

Referred to Committee on State Government.

By Messrs. BRUNNER, ENGLEHART and BELLOMINI

HOUSE BILL No. 2240

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the State Harness Racing Law, further providing for lost, misplaced or stolen tickets.

Referred to Committee on State Government.

By Mr. KATZ

HOUSE BILL No. 2241

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), extending certain provisions applicable to school buses to buses used to transport children at camp.

Referred to Committee on Transportation.

By Messrs. PETRARCA, STOUT, SALOOM and CESSAR

HOUSE BILL No. 2242

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for measurement of containers used in sales of liquor for immediate consumption on the premises.

Referred to Committee on Liquor Control.

By Messrs. PETRARCA, ABRAHAM, MISCEVICH, BELLOMINI, KOLTER, NOVAK, SCHMITT, MRKONIC, SHANE and MCGINNIS

HOUSE BILL No. 2243

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), referred to as the State Horse Racing Law, abolishing the Pennsylvania Breeding Fund and providing for the payment of certain funds to the State Lottery Fund.

Referred to Committee on State Government.

By Messrs. GRING, WILSON, M. E. MILLER, Jr., HILL, BRANDT, M. E. MILLER and PERRY

HOUSE BILL No. 2244

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, further providing for initial deposits and for making an editorial change.

Referred to Committee on Business and Commerce.

By Messrs. WILSON, BURNS, WRIGHT, WEIDNER and RENNINGER

HOUSE BILL No. 2245

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for Commonwealth reimbursements.

Referred to Committee on Education.

By Messrs. A. K. HUTCHINSON, PETRARCA, SALOOM and LAUDADIO

HOUSE BILL No. 2246

An Act providing for the observance of the second Saturday of May of each year as Fireman's Day.

Referred to Committee on State Government.

By Messrs. A. K. HUTCHINSON, SALOOM, LAUDADIO and PETRARCA

HOUSE BILL No. 2247

An Act authorizing the recorder of deeds to invest certain tax moneys in interest bearing accounts for the benefit of the county.

Referred to Committee on Urban Affairs.

By Messrs. IRVIS, FINEMAN, BUTERA, HAMMOCK, WOJDAK, BERSON, SCIRICA, LETTERMAN, PARKER, Mrs. TOLL, Messrs. ROSS, SCHMITT, LEDERER, GREEN, PRATT, OLIVER, REED, M. E. MILLER, Jr., COLE, SHUPNIK, ZELLER, KELLY and HOPKINS

HOUSE BILL No. 2248

An Act establishing a Department of Corrections; providing for correctional facilities for inmates, for pre-release programs, for administration of correctional field services, for joint county detention facilities and for the powers of courts with respect to offenders; and establishing a Board of Parole.

Referred to Committee on Judiciary.

By Messrs. IRVIS, FINEMAN, BUTERA, HAMMOCK, WOJDAK, BERSON, SCIRICA, LETTERMAN, PARKER, Mrs. TOLL, Messrs. ROSS, SCHMITT, LEDERER, GREEN, PRATT, OLIVER, REED, M. E. MILLER, Jr., COLE, SHUPNIK, ZELLER, KELLY and HOPKINS

HOUSE BILL No. 2249

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), further providing for the inclusion in the classified service of certain positions within the Department of Corrections.

Referred to Committee on Judiciary.

By Messrs. IRVIS, FINEMAN, BUTERA, HAMMOCK, WOJDAK, BERSON, SCIRICA, LETTERMAN, PARKER, Mrs. TOLL, Messrs. ROSS, SCHMITT, LEDERER, GREEN, PRATT, OLIVER, REED, M. E. MILLER, Jr., COLE, SHUPNIK, ZELLER, KELLY and HOPKINS

HOUSE BILL No. 2250

An Act amending the act of June 1, 1956 (P. L. 1959, No. 657), referred to as the Public Official Compensation Law, adding the Secretary of Corrections.

Referred to Committee on Judiciary.

By Messrs. IRVIS, FINEMAN, BUTERA, HAMMOCK, WOJDAK, BERSON, SCIRICA, LETTERMAN, PARKER, Mrs. TOLL, Messrs. ROSS, SCHMITT, LEDERER, GREEN, PRATT, OLIVER, REED, M. E. MILLER, Jr., COLE, SHUPNIK, ZELLER, KELLY and HOPKINS

HOUSE BILL No. 2251

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the establishment of a Department of Corrections and prescribing its powers and duties.

Referred to Committee on Judiciary.

SENATE MESSAGE

BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1031

An Act amending the act of May 5, 1933 (P. L. 284, No. 104), entitled, as amended, "Malt Beverage Tax Law," extending the emergency malt or brewed beverage tax credits.

Referred to Committee on Liquor Control.

SENATE BILL No. 1264

An Act amending the act of June 22, 1931 (P. L. 720, No. 262), entitled "City State Highway Law," changing a route in the City of Pittsburgh.

Referred to Committee on Transportation.

SENATE BILL No. 1265

An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), entitled "Borough State Highway Law," changing a route in Edgewood Borough.

Referred to Committee on Transportation.

SENATE BILL No. 1277

An Act authorizing cities of the first class to impose for revenue purposes for the fiscal year ending June 30, 1976 and for subsequent fiscal years a tax on certain vending machines; to provide for its levy and collection; and to provide for the imposition of interest and penalties.

Referred to Committee on Urban Affairs.

SENATE BILL No. 1278

An Act authorizing cities of the first class to impose taxes for revenue purposes for the fiscal year ending June 30, 1976 and for a limited period of time thereafter on hotel occupancies and on food and beverages sold at retail; to provide for their levy and collection; and to provide for the imposition of interest and penalties.

Referred to Committee on Urban Affairs.

SENATE BILL No. 1279

An Act authorizing cities of the first class to increase the rates of certain taxes imposed or levied for the fiscal year ending June 30, 1976 for authorized purposes; to impose certain additional taxes for the fiscal year ending June 30, 1976 for authorized purposes; and to provide for the levy, assessment and collection of such taxes and for the imposition of interest and penalties.

Referred to Committee on Urban Affairs.

SENATE BILL No. 1280

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), entitled, as amended, "Housing Finance Agency Law," changing the membership of the agency, granting additional powers to the agency, limiting the powers of the agency to issue bond anticipation notes and make rental housing program mortgage loans, requiring approval of the Governor for the issuance of bonds and notes, requiring notices to the Governor and to the General Assembly in additional instances and empowering the agency to establish separate capital reserve funds and accounts.

Referred to Committee on Business and Commerce.

SENATE BILL No. 1307

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," deleting routes in Erie County.

Referred to Committee on Transportation.

SENATE BILL No. 1341

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," deleting a route in Lycoming County.

Referred to Committee on Transportation.

**HOUSE RESOLUTIONS INTRODUCED
AND REFERRED**

By Messrs. WHELAN, ENGLEHART, YAHNER,
KUSSE, W. W. WILT and SALVATORE

RESOLUTION No. 231

The Speaker of the House of Representatives appoint a special committee comprised of nine members, five from the Majority Party and four from the Minority Party, to conduct a thorough investigation of the quality of care, the administration and the costs of the mental health and mental retardation program as it relates to institutionalized citizens.

Referred to Committee on Rules.

By Messrs. A. K. HUTCHINSON, SALOOM,
SCHMITT and PETRARCA

(Concurrent) **RESOLUTION No. 232**

The President pro tempore of the Pennsylvania Senate and the Speaker of the House of Representatives shall each appoint five members, three from the Majority Party and two from the Minority Party, who shall constitute a joint bipartisan committee to investigate the implementation of the "Pennsylvania No-fault Motor Vehicle Insurance Act," to investigate the establishment and regulation of insurance premium rates thereunder, to determine why motor vehicle insurance premiums have not been substantially reduced on account of the "Pennsylvania No-fault Motor Vehicle Insurance Act" and to determine whether or not the Insurance Department has acted in the best interests of the general public with respect to the implementation of the "Pennsylvania No-fault Motor Vehicle Insurance Act" and the establishment and regulations of the insurance premiums thereunder.

Referred to Committee on Rules.

SENATE MESSAGE

TIME OF NEXT MEETING

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

In the Senate, March 22, 1976

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 29, 1976 and when the House of Representatives adjourns this week it reconvene on Monday, March 29, 1976.

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

On the question,

Will the House concur in the resolution of the Senate? Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

**SENATE ADOPTS REPORT OF COMMITTEE OF
CONFERENCE ON HOUSE BILL No. 749**

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the Committee of Conference on **HOUSE BILL No. 749**:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes relating to breach of privacy of telephone communications.

SENATE MESSAGE

**SENATE ADOPTS REPORT OF COMMITTEE OF
CONFERENCE ON HOUSE BILL No. 826**

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the Committee of Conference on **HOUSE BILL No. 826**:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the satisfaction of requirement of intent when voluntary intoxication or drugged condition exists.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HOUSE BILL No. 1153**:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for eligibility for assistance.

with the information that the Senate has passed the same with amendments in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I request a leave of absence for Mr. DOMBROWSKI for today's session.

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

Mr. McGINNIS. Mr. Speaker, I request leaves of absence for today's session for Mr. THOMAS, and for Mr. GLEASON for the week.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll. Only those members in their seats are permitted to be recorded.

The roll was taken and was as follows:

YEAS—190

Abraham	George	McCue	Saloom
Anderson, J. H.	Giammarco	McGinnis	Salvatore
Arthurs	Gillespie	McIntyre	Scheaffer
Bellomini	Gillette	McLane	Schmitt
Bennett	Gleeson	Mebus	Schweder
Beren	Goodman	Menhorn	Scirica
Berlin	Green	Milanovitch	Seltzer
Berson	Greenfield	Miller, M. E.	Shane
Bittle	Grieco	Miller, M. E., Jr.	Shelhamer
Bonetto	Gring	Milliron	Shelton
Bradley	Halverson	Miscevich	Shuman
Brandt	Hamilton, J. H.	Moehlmann	Shupnik
Brunner	Hammock	Morris	Sirianni
Burns	Hasay	Mrkonje	Smith, E.
Butera	Haskell	Mullen, M. P.	Smith, L.
Caputo	Hayes, D. S.	Mullen	Spencer
Cessar	Hayes, S. E.	Musto	Stahl
Cimini	Hepford	Myers	Stapleton
Cohen	Hill	Novak	Stout
Cole	Hopkins	Noye	Taddonio
Cowell	Hutchinson, A.	O'Brien	Taylor
Crawford	Hutchinson, W.	O'Connell	Toll
Cumberland	Irvis	O'Donnell	Trello
Davies	Itkin	O'Keefe	Turner
DeMedio	Johnson, J.	Oliver	Ustynoski
Deverter	Katz	Pancoast	Valicenti
Dicarlo	Kelly, A. P.	Parker, H. S.	Vroon
DiDonato	Kelly, J. B.	Perri	Wagner
Dietz	Kernick	Perry	Walsh, T. P.
Dinnant	Kistler	Petrarca	Wansacz
Durr	Klingaman	Pievsky	Wargo
Doyle	Knepper	Pitts	Weidner
Dreibelbis	Kolter	Polite	Westerberg
Eckensberger	Kowalshyn	Pratt	Whelan
Englehart	Kusse	Prendergast	Wilson
Fawcett	LaMarca	Pyles	Wilt, R. W.
Fee	Laudadio	Rappaport	Wilt, W. W.
Fischer	Laughlin	Ravenstahl	Wojdak
Fisher	Lederer	Reed	Worrlow
Flaherty	Lehr	Ranninger	Wright
Poster, A.	Letterman	Renwick	Yahner
Poster, W.	Levi	Rhodes	Yohn
Fryer	Lincoln	Richardson	Zearfoss
Gallagher	Lynch	Rieger	Zeller
Gallen	Manderino	Ritter	Zwinkl
Garzia	Manmiller	Ross	
Geesey	McCall	Ruggiero	Fineman,
Geisler	McClatchy	Ryan	Speaker

NOT VOTING—6

Barber	McGraw	Thomas	Zord
Dombrowski	Gleason		

The SPEAKER. One hundred ninety members having indicated their presence, a master roll is established.

CALENDAR

LOCAL GOVERNMENT BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1691, printer's No. 2127, entitled:

An Act amending "The Borough Code," approved Feb-

ruary 1, 1966 (1965, P. L. 1656, No. 581), providing for the signing of certain written contracts and agreements by the president of the borough council.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

Mr. IRVIS moved that House bill No. 1691 be recommitted to the Committee on Local Government.

Motion was agreed to.

RULES SUSPENDED TO ADD AND DELETE SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that the House of Representatives suspend its rules to permit additions and deletions of sponsors on the following bills:

Additions:

- House bill No. 22—Mr. Cimini;
- House bill No. 2060—Mr. Pratt;
- House bill No. 2074—Mr. Bittle;
- House bill No. 2080—Mr. Reed;
- House bill No. 2117—Messrs. Reed and Halverson;
- House bill No. 2172—Messrs. Pratt, Ritter, Milanovich, Mrs. Kernick, Messrs. Zwinkl, Musto, Schweder, McLane, Mrs. Crawford, Messrs. Wansacz, Hepford and Menhorn;
- House resolution No. 206—Mr. Green.

Deletions:

- House bill No. 1153—Messrs. Giammarco, Oliver and Mrs. Toll;
- House bill No. 1646—Mr. Zord;
- House bill No. 1763—Mr. Pitts;
- House bill No. 2144—Messrs. Giammarco, Lederer, Novak, Myers, Saloom and Ravenstahl.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Messrs. IRVIS and MANDERINO and were as follows:

YEAS—173

Abraham	George	McCue	Schmitt
Anderson, J. H.	Giammarco	McGinnis	Schweder
Arthurs	Gillespie	McIntyre	Scirica
Bennett	Gillette	McLane	Seltzer
Beren	Gleeson	Mebus	Shane
Berlin	Goodman	Menhorn	Shelhamer
Berson	Green	Milanovitch	Shelton
Bittle	Grieco	Miller, M. E.	Shuman
Bonetto	Gring	Miller, M. E., Jr.	Shupnik
Bradley	Halverson	Milliron	Sirianni
Brandt	Hamilton, J. H.	Miscevich	Smith, E.
Brunner	Hammock	Mrkonje	Smith, L.
Burns	Hasay	Mullen, M. P.	Spencer
Butera	Haskell	Musto	Stapleton
Cessar	Hayes, S. E.	Myers	Stout
Cimini	Hepford	Novak	Taddonio
Cohen	Hill	Noye	Taylor
Cole	Hopkins	O'Brien	Toll
Cowell	Hutchinson, A.	O'Connell	Turner
Crawford	Hutchinson, W.	O'Keefe	Ustynoski
Cumberland	Irvis	Oliver	Valicenti
DeMedio	Itkin	Pancoast	Vroon
Deverter	Johnson, J.	Parker, H. S.	Wagner
Dicarlo	Katz	Perri	Walsh, T. P.
DiDonato	Kelly, A. P.		

Dietz	Kelly, J. B.	Petrarca	Wansacz
Dininni	Kernick	Pitts	Wargo
Dorr	Klingaman	Pollte	Weidner
Doyle	Knepper	Pratt	Westerberg
Drelbelbis	Kolter	Prendergast	Whelan
Eckensberger	Kowalyszyn	Pyles	Wilt, R. W.
Engelhart	Kusse	Rappaport	Wilt, W. W.
Fawcett	LaMarca	Ravenstahl	Wojdak
Fee	Laudadio	Reed	Worrlow
Fischer	Laughlin	Renninger	Wright
Fisher	Lehr	Renwick	Yahner
Flaherty	Letterman	Richardson	Yohn
Foster, A.	Levi	Rieger	Zearfoss
Foster, W.	Lincoln	Ritter	Zeller
Fryer	Lynch	Ruggiero	Zwickl
Gallagher	Manderino	Ryan	
Gallen	Manmiller	Saloom	Fineman,
Garzia	McCall	Salvatore	Speaker
Geesey	McClatchy	Scheaffer	

NAYS—1

Wilson

NOT VOTING—22

Barber	Gleason	Morris	Rhodes
Bellomint	Greenfield	Mullen	Ross
Caputo	Hayes, D. S.	O'Donnell	Thomas
Davies	Kistler	Perry	Trello
Dombrowski	Lederer	Plevsky	Zord
Geisler	McGraw		

So the question was determined in the affirmative and the motion was agreed to.

**TRANSPORTATION BILL
ON THIRD CONSIDERATION**

Agreeable to order,

The House resumed third consideration of **House bill No. 1817, printer's No. 2873**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. McCue, who will address himself to the matter of the amendments offered by the gentleman at which point the House recessed in its deliberations yesterday.

The Chair recognizes the gentleman, Mr. McCue.

The Chair understands that the amendments have been read by the clerk.

Mr. McCUE. No, Mr. Speaker, I have additional amendments to offer.

The SPEAKER. Is there an additional set of amendments? The Chair thanks the gentleman. The gentleman will send the amendments forward to the desk.

On the question recurring,

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

Mr. McCUE requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 3362), page 193, line 30; page 194, lines 1 through 3, by striking out "Any person exceeding the maximum" in line 30, page 193 and all of lines 1 through 3 on page 194

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. McCue.

Mr. McCUE. Mr. Speaker, this is amendment which is marked "2."

This amendment is to page 193 of the latest printing of House bill No. 1817. What this amendment would do, Mr. Speaker, would be to eliminate the graduated fine for the offense of speeding. It would retain the flat-rate fine, but it would eliminate the \$2 for each mile in excess of 5 miles over the limit.

I feel that such a graduated penalty is too harsh. I believe that it is not fair to add dollars to a fine which is for so many miles over the limit. I think that this could result in abuses by the law enforcement officers. I think that it would also result in plea bargaining in the justice of the peace courts and that there will always be the question as to whether a person was actually going 64 miles per hour or 63 miles per hour.

I think that it would result in more haggling over whether a person was speeding or not and would cause to be forgotten the real intent of the Motor Vehicle Code, to set a maximum speed and for anyone who violates that maximum to be punished. It does not really make much difference if he is going 5 miles over the limit or 7 miles over the limit, he is still over the limit and he should pay the flat fine. But if we get into the graduated fine of \$2 per mile or whatever, we are going to lose sight of what we are trying to accomplish.

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

Mr. BONETTO. Mr. Speaker, I rise to oppose the amendment. This section of the code was recommended to us after careful study by the State Police and also local police associations. The reason why the section is inserted in the code as an escalation of penalties is, we feel that the greater the speed, the greater the penalty.

Without any question, it is our intent that by having such a section in the code, it may bring down the speed to 55 miles an hour, where it belongs.

The point system has been revised so to make it more palatable to all of the individuals in regards to suspensions. I think this penalty is just and we should keep it in the code as it is. Therefore I oppose the amendment.

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

Mr. BEREN. Mr. Speaker, I also oppose the amendment.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. McCUE and BONETTO and were as follows:

YEAS—16

Cimini	Katz	McIntyre	Shuman
Dorr	Klingaman	Musto	Taddonio
Grieco	McCue	Nove	Ustynski
Hill	McGinnis	Rieger	Wargo

NAYS—158

Abraham	Fryer	McCall	Salvatore
Anderson, J. H.	Gallagher	McLane	Scheaffer
Arthurs	Gallen	Mebus	Schmitt
Bellomint	Garzia	Menhorn	Schweder
Bennett	Geesey	Milanovich	Scirica
Beren	Geisler	Miller, M. E.	Seltzer
Berlin	George	Miller, M. E., Jr.	Shane
Berson	Giammarco	Milliron	Shelhamer
Bittle	Gillespie	Miscevich	Shupnik
Bonetto	Gillette	Moehmann	Sirianni

Bradley	Gleeson	Mrkonic	Smith, E.
Brandt	Goodman	Mullen, M. P.	Smith, L.
Brunner	Green	Mullen	Spencer
Burns	Gring	Myers	Stahl
Butera	Halverson	Novak	Stapleton
Caputo	Hamilton, J. H.	O'Brien	Stout
Cessar	Hammock	O'Connell	Taylor
Cohen	Hasay	O'Donnell	Toll
Cole	Haskell	O'Keefe	Trello
Cowell	Hayes, S. E.	Oliver	Turner
Crawford	Hepford	Pancoast	Wagner
Cumberland	Hopkins	Parker, H. S.	Walsch, T. P.
Davies	Irvis	Perri	Wansacz
DeMedio	Itkin	Petrarca	Weidner
Deverter	Kelly, A. P.	Plevsky	Westerberg
Dicarlo	Kelly, J. B.	Pitts	Whelan
DiDonato	Kernick	Folite	Wilson
Dietz	Knepper	Pratt	Wilt, R. W.
Dinnani	Kolter	Prendergast	Wilt, W. W.
Doyle	Kowalyszyn	Fyles	Wojdak
Dreibelbis	Kusse	Rappaport	Worrilow
Eckensberger	LaMarca	Ravenstahl	Wright
Englehart	Laudadio	Reed	Yahner
Fawcett	Laughlin	Renninger	Yohn
Fee	Lehr	Renwick	Zearfoss
Fischer	Letterman	Richardson	Zeller
Fisher	Levi	Ritter	Zwikel
Flaherty	Lincoln	Ruggiero	
Foster, A.	Lynch	Ryan	Fineman,
Foster, W.	Manmiller	Saloom	Speaker

NOT VOTING—22

Barber	Hutchinson, W.	McGraw	Shelton
Dombrowski	Johnson, J.	Morris	Thomas
Gleason	Kistler	Perry	Valicenti
Greenfield	Lederer	Rhodes	Vroon
Hayes, D. S.	Manderino	Ross	Zord
Hutchinson, A.	McClatchy		

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

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. McCue. For what purpose does the gentleman rise?

Mr. McCUE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCUE. Mr. Speaker, I have two separate amendments which should be considered together, both of which have been circulated. Would it be permissible to consider them together or should I offer one to determine whether the second one should be offered?

The SPEAKER. Offer them one at a time, Mr. McCue.

On the question recurring,

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

Mr. McCUE requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 3732), page 217, lines 22 through 24, by striking out all of lines 22 and 23 and "(2)" in line 24 and inserting: (1)

Amend Sec. 1 (Sec. 3732), page 217, line 26, by striking out "(3)" and inserting: (2)

Amend Sec. 1 (Sec. 3732), page 217, line 30, by striking out "(4)" and inserting: (3)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. McCue.

Are we now talking about the amendment that is marked "5"?

Mr. McCUE. Number 5.

The SPEAKER. The gentleman will proceed.

Mr. McCUE. Mr. Speaker, would it be in order for me

to speak of "5 (a)" also since I feel the two are inseparable?

The SPEAKER. The gentleman may proceed.

Mr. McCUE. Thank you.

Mr. Speaker, this is amendment marked "5," which appears on page 217. I would like the House to also look at the amendment which is marked "5 (a)," which has to do with page 120.

What this provision would do would be to remove from the code the language which would make it an offense for a person to have an amount of alcohol in his blood at the point of 0.10 percent. The present law on the Breathalyzer test is that there is a presumption that a person is under the influence if he has this certain amount of alcohol in his blood. This is a presumption which the court and jury may consider to come to a conclusion that the person is guilty of driving under the influence of alcohol.

Presumptions have been in our legal system from almost the beginning of our legal system. This would remove the presumption and would make it an offense if the alcohol in his blood tests to the amount of 0.10 percent.

I think the part in the proposed code is really unconstitutional because a person cannot determine for himself whether or not the alcohol in his blood is of this amount. True, he can refrain from drinking altogether. He can hold himself to one or two drinks and figure that, well, that is all right. But he does not really know unless he has taken the test.

So what my amendments "5" and "5 (a)" would do is restore to House bill No. 1817 the situation as to what the law is right now. It would retain the Breathalyzer test and it would be used in court. And it would be a presumption, which, of course, the defendant could rebut or would be permitted to offer evidence to rebut. But the way the code is written, there would be no rebuttal. It would be an offense in itself. And it would be almost the same as finding a person guilty of a crime because he had red hair or finding a person guilty of a crime because he is of a certain stature.

For this reason, I would ask, Mr. Speaker, that the House first consider amendment "5," which would eliminate the crime of having alcohol of 0.10 percent in the blood and then to continue to amendment "5 (a)," which would restore the language of the present law.

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

Mr. BONETTO. Mr. Speaker, I rise to oppose the amendment. This section of the code was recommended by the Uniform Vehicle Code of the United States Government. There is no presumption on the use of having 0.10 percent alcohol in your blood. We are dealing with the most dangerous drivers on the road.

For that reason, I think that this section ought to be retained. So, therefore, I oppose the amendment.

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

Mr. BEREN. Mr. Speaker, may I interrogate Mr. McCue, please?

The SPEAKER. Will the gentleman, Mr. McCue, consent to interrogation?

Mr. McCUE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. BEREN. Mr. Speaker, it is my understanding that you are offering two amendments. Is that correct?

Mr. McCUE. Yes, Mr. Speaker. This is due to the fact that the Reference Bureau prepared them this way.

Mr. BEREN. Now these two amendments, Mr. Speaker, go directly to those portions of House bill No. 1817 that deal with operating under the influence of intoxicating beverages and/or drugs. Is that correct?

Mr. McCUE. Yes, Mr. Speaker.

Mr. BEREN. Mr. Speaker, the amendment that you are offering is the amendment to take out of House bill No. 1817 that provision which states that in the event a blood alcohol test indicates there is more than 0.10 percent blood alcohol count, there would be a conviction of operating under the influence?

Mr. McCUE. That is correct.

Mr. BEREN. That is what you are attempting to take out of the code now?

Mr. McCUE. Yes.

Mr. BEREN. Mr. Speaker, may I recite for you what I believe to be the current status of the law in the Commonwealth and ask you to comment on it?

Mr. Speaker, under the existing Vehicle Code, there is a presumption of not being under the influence of intoxicating liquors if you have less than 0.05 percent alcohol count. Is that correct?

Mr. McCUE. This is my understanding.

Mr. BEREN. Okay. In the event a blood alcohol test is taken and there is found that there is between 0.05 percent and 0.10 percent blood alcohol, there is no presumption under the existing law as to whether or not a driver is under the influence. Is that correct?

Mr. McCUE. This is my understanding.

Mr. BEREN. And in the event a blood alcohol test is taken under the present law and there is found to be a blood alcohol content of more than 0.10 percent, there is then a presumption that the operator of a vehicle is operating under the influence. Is that right?

Mr. McCUE. This is my understanding. Yes.

Mr. BEREN. Now under the existing law, under that presumption, that presumption can be rebutted by evidence. Is that not true?

Mr. McCUE. Yes.

Mr. BEREN. In that type of rebuttal evidence, would the indication that the operator walked a straight line, that he was able to pick out coins that were selected, that he was well coordinated and a whole series of other tests that would seem to indicate that the presumption could be rebutted, is that correct?

Mr. McCUE. I am not familiar with the exact state of the evidence, but I would say that that type of test would be relevant. And he might offer other evidence also.

Mr. BEREN. All right. However, if the language now that is currently in House bill No. 1817 were to remain in the bill, there would be no opportunity to rebut the presumption that, if you had a blood alcohol content of more than 0.10 percent, you were under the influence? Is that correct?

Mr. McCUE. That is correct.

Mr. BEREN. So that under the language that exists right now in House bill No. 1817, if a blood alcohol test were taken and it was taken and it was found that you had 0.10 percent blood alcohol count, you would be guilty of the crime of driving under the influence regardless of

whether or not you could prove that that were not the case?

Mr. McCUE. Yes.

Mr. BEREN. And you seek to amend that out of the law and put the law back into its present status? Is that correct?

Mr. McCUE. That is correct.

Mr. BEREN. Mr. Speaker, do you have any idea as to how many drinks over a stated period of time would be necessary in order for a normal-sized person to have more than 0.10 percent in their blood alcohol?

Mr. McCUE. I have no idea, Mr. Speaker. I have been informed that this would depend on not only the size of the person, but perhaps his state of health, whether or not he is under other medication, whether or not he is fatigued, perhaps just his experience with drinking.

The SPEAKER. I am sure we can get a more precise answer from some experts in the House.

Mr. LaMARCA. I am disqualified, Mr. Speaker.

The SPEAKER. Shall we ask Mr. LaMarca?

Russ, do you want to help out on this?

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

Mr. LaMARCA. Well, Mr. Speaker, I have always believed that the law was out of its mind because intoxication is a state of mind.

There are friends of mine who are just as intoxicated with their own ego, or themselves as they are with their women or as they are with their work. I think that any presumption of intoxication is wrong on the part of this House, because there are certainly some of us or some of you who may consume more than others and maintain their rationality.

But, honestly, to be serious, to presume that one individual is intoxicated because of a particular percentage is like assuming that a man is weak because he cannot lift 80 pounds. Now there are some men who cannot lift 80 pounds and there are some men who can lift 280 pounds. But to presume that a man is a weak man is wrong. For us to presume that a particular percentage in the blood is an automatic presumption and to disallow extraneous evidence in proof that the individual was not, is wrong. I believe that we should allow an individual to show by extra proof—by outside proof other than a percentage—that he was in fact not intoxicated.

I think circumstances aside from just intoxication allow this in anything. A set of circumstances may place you as the victim or as the perpetrator of a crime. The law allows you to show other circumstances. The law says you may, despite all of the circumstances, prove that you were not responsible for said crime.

Now you are going to say that because of some test, that we know is not by any means perfect, you are going to say that if that test shows that, a man can no longer in court, extraneously and aside from that test, prove his innocence. I believe it is wrong.

Thank you, Mr. Speaker, I did not intend to get into this.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Thank you, Mr. Speaker, because I think Mr. LaMarca was very well able to make the point that I was leading up to, and that is that you cannot, in my

judgment, make any hard and fast rule that simply because there is a blood alcohol content of a certain figure that there is not a presumption, but in fact a finding, of guilt on the part of the operator. A 0.10 percent might very well be equal to two drinks over 2 hours for a 150-pound man. I submit that that is perhaps somewhat unrealistic in terms of what may in fact occur with each individual operator.

I would suggest, Mr. Speaker, that we approve Mr. McCue's amendment, first, to remove this section and, second, that we approve his next amendment which would put House bill No. 1817 in conformity with the existing rules with regard to operating under the influence.

I would ask that Mr. McCue's amendment be approved and, following that, that his next amendment be approved.

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

Mr. CESSAR. Thank you, Mr. Speaker.

I rise to oppose the amendment of the gentleman from Armstrong County. We talk about statistics. Mr. Speaker, a research was done on this very question that we address ourselves to and it was brought forth that a 160-pound drinker drinking 1 ounce of 86 proof alcohol per drink, to reach a 10 percent blood alcohol content, can drink 6.5 drinks in 2 hours.

Now, Mr. Speaker, we have had in the last year approximately 50,000 deaths across the United States. Of those 50,000 deaths, approximately 27,000 were alcohol-related drivers; 45 percent of those drivers had a blood alcohol content of over 10 percent.

It is my opinion, Mr. Speaker, that for any individual with a blood alcohol content of 0.10 percent, the Breathalyzer test or blood test or urine test should stand. I submit to you, Mr. Speaker, that should be the determining factor. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I have had occasion as the prosecuting attorney to try a large number of cases for driving under the influence of alcohol. I have tried cases where people have been maimed, crippled, and at least four cases where they were killed as a result of drunken driving.

I do not wish to address myself today to the question of whether we should be dealing with 0.10 percent or 0.05 percent or 0.15 percent or 0.157 percent so much as I wish to point out to the House that Mr. McCue's amendment would make it safer for those people who imbibe alcohol to handle motor vehicles on the highways of this Commonwealth. But it would not make it safer for those people who get killed by such drivers.

At a time when we are seeing hundreds of thousands of vehicles coming across our borders to celebrate the Bicentennial at a time when the statistics clearly show an increase in highway deaths, this House of Representatives ought not to be minimizing the effects of alcohol on the ability of a driver to operate his motor vehicle safely.

The ideal is that no one shall drive a motor vehicle after having taken one drink because no one can predict what that one drink will do to that individual at that time. I am sufficiently realistic to know that we shall

never get to that ideal. Therefore we ought to be striving to make it more difficult for a person to drink and drive.

By maintaining the language of the current bill, we say to the people who drive on our highways, you do so at your own peril, if you take two drinks in 2 hours and you are 150 pounds or if you take four drinks in 1 hour and you are 300 pounds, and we find you in an accident and we find that your blood alcohol test content is 0.10 percent. You have risked your license. That threat alone can reduce the number of people who operate motor vehicles while under the influence of alcohol, or at least that is our hope. I would urge the members to vote "no" on Mr. McCue's amendment.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. LaMarca.

Mr. LaMARCA. Mr. Speaker, I rarely if ever disagree with my majority leader, and, in fact, I do not disagree with much he has said now, but I would like this House to consider one factor: When you are talking about denying an individual all of the opportunities to prove his intoxication or lack of intoxication—and that is the sentence that you have imposed along with the finding of a man being intoxicated—I would like you to consider that in the Commonwealth of Pennsylvania a man who because he has indulged and has reached this stage and who, you and I will say, cannot prove that he was not intoxicated, can stand to lose his livelihood for a year, 1 year. I have had many clients of mine, good law abiding citizens, who possibly forgot themselves of a Saturday evening or on Friday night and who got themselves, according to this law, beyond that 0.10 percent.

They were not a menace on the highway, they were not intoxicated, but they went over 0.10 percent, and for that crime they lost their livelihood for a whole year, unequivocally, no chances, no what-have-you. They could not drive. They could not get to work; they could not take out their family; they could not go to their occupation; and they could not support.

You can knock an old lady over the head in Pennsylvania, drag her purse from her and give her a kick, and you get more consideration from the courts than you do if you are a decent citizen and you go over the 0.10 percent.

Now I ask you to consider that it is just as important to protect the pedestrian. It is absolutely essential that we keep drunken drivers off the road, but all we are asking here is to be sure before you impose the penalty that you seek to give that man, who would have a 1-year penalty, every opportunity to prove beyond this test that he was not in fact intoxicated.

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

The yeas and nays were required by Messrs. McCUE and BONETTO and were as follows:

YEAS—34

Bellomini	Gillette	McIntyre	Rieger
Bennett	Hasay	McCue	Ruggiero
Beren	Hutchinson, A.	McGinnis	Saloom
Cohen	Kolter	Milanovich	Salvatore
Dietz	LaMarca	Moehlmann	Stahl
Dorr	Laudadio	Myers	Trelio
Fawcett	Lederer	Petrarca	Wheilan
Fryer	Letterman	Prendergast	Wilson
Giammarco	Manderino		

NAYS—147

Abraham	Geesey	McLane	Schweder
Anderson, J. H.	Geisler	Mebus	Scirica
Arthurs	George	Menhorn	Shane
Berlin	Gillespie	Miller, M. E.	Shelhamer
Berson	Gleeson	Miller, M. E., Jr.	Shuman
Bittie	Goodman	Millron	Shupnik
Bonetto	Green	Miscevich	Sirianni
Bradley	Greenfield	Morris	Smith, E.
Brandt	Grieco	Mrkonje	Smith, L.
Brunner	Gring	Mullen, M. P.	Spencer
Burns	Halverson	Mullen	Stapleton
Butera	Hamilton, J. H.	Musto	Stout
Caputo	Haskell	Novak	Taddonio
Cessar	Hayes, S. E.	Noye	Taylor
Cimini	Hepford	O'Brien	Toll
Cole	Hill	O'Connell	Turner
Cowell	Hopkins	O'Donnell	Ustynoski
Crawford	Hutchinson, W.	O'Keefe	Vroon
Cumberland	Irvis	Oliver	Wagner
Davies	Itkin	Pancoast	Walsh, T. P.
DeMedio	Katz	Parker, H. S.	Wansacz
Deverter	Kelly, A. P.	Perri	Wargo
Dicarlo	Kelly, J. B.	Plevsky	Weidner
DiDonato	Kernick	Pitts	Westerberg
Dinanni	Kistler	Polite	Wilt, R. W.
Doyle	Klingaman	Pratt	Wilt, W. W.
Dreibelbis	Knepper	Pyles	Wojdak
Eckensberger	Kowalyszyn	Rappaport	Worrilow
Englehart	Kusse	Ravenstahl	Wright
Fee	Laughlin	Reed	Yahner
Fischer	Lehr	Renninger	Yohn
Fisher	Levi	Renwick	Zearfoss
Flaherty	Lincoln	Ritter	Zeller
Foster, A.	Lynch	Ross	Zwilk
Foster, W.	Manmiller	Ryan	
Gallagher	McCall	Scheaffer	
Gallen	McClatchy	Schmitt	
Garzia			Fineman, Speaker

NOT VOTING—15

Barber	Hayes, D. S.	Rhodes	Thomas
Dombrowski	Johnson, J.	Richardson	Valicenti
Gleason	McGraw	Seltzer	Zord
Hammock	Perry	Shelton	

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

The SPEAKER. Does the gentleman, Mr. McCue, now desire to offer a second amendment?

Mr. McCUE. Mr. Speaker, I have other amendments to offer. I will not offer "5 (a)" in view of the vote on "5."

The SPEAKER. The gentleman withdraws his amendment "5(a)" but offers another amendment which the clerk will read.

On the question recurring,

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

Mr. McCUE requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1535), page 111, by inserting between lines 7 and 8: 3732(c)(1) Driving under the influence. 6

Amend Sec. 1 (Sec. 3732), page 218, line 8, by inserting a colon after "section"

Amend Sec. 1 (Sec. 3732), page 218, lines 8 through 10, by striking out "is guilty of a misdemeanor of the third degree and" in line 8, all of lines 9 and 10, and inserting:

(1) Shall be guilty of a summary offense if the incident which results in a conviction under this section involves neither another violation of this title nor results in an accident wherein there is damage to either person or property.

(2) Shall be guilty of a misdemeanor of the third degree and shall upon conviction, be sentenced in accordance with section 6503 (relating to penalties for misdemeanors) if the incident which results in a conviction under this section involves either another violation of this

title or an accident wherein there is damage to either person or property.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. McCue.

Mr. McCUE. Mr. Speaker, this is amendment "4." This also has to do with drunken driving.

I would like to state for the record that I do consider driving under the influence a very hazardous activity. I feel that persons who are guilty of this offense should be properly punished.

However, I believe that the way the law stands now and the way it is proposed in House bill No. 1817 provides a penalty which is so harsh that it results in persons who are guilty of this offense being either acquitted by the jury or, as we find in so many courts around this state, that these persons who are guilty of this offense are given no punishment at all under the so-called ARD—Accelerated Rehabilitative Disposition—program.

This amendment would create a new offense under the code and it would be that of driving under influence of alcohol or drugs. If there is no other violation of the code, and if there is no accident or damage to property or injury, this offense then would be a summary offense. It would be tried before a justice of the peace, and it would have a punishment which would be under the summary provisions of the code. And, in addition, this amendment provides that such an offense would merit an assessment of six points.

Now if you will notice in the schedule of points which are assessed for violations, the greatest number of points is five. This six points is the greatest point violation, and I believe that under the terms of the point system, six points would require the attendance at safety school.

The situation of the law today is that a person who is found guilty of driving under the influence is guilty of a misdemeanor. This means that he goes before a jury if he does not plead guilty; he goes before the jury and it is a regular jury trial.

If he is found guilty, there is a mandatory minimum sentence of, I am not sure, \$100, I believe. But the more severe penalty is the administrative penalty under the code that his license is revoked for 1 year.

A revocation is a more serious penalty than suspension of a license. Under revocation the license is removed. It is not at the discretion of the secretary. It is by mandate of law. In order for him to obtain his license at the end of the year, it does not come back to him automatically. He must apply for it, and I believe he also must furnish evidence of insurance under the assigned risk provisions of insurance. It is no easy matter.

Again I feel that drunken driving is a serious menace on the highway, but with the penalty being that harsh, jurors are inclined not to convict because they know its harshness and they know that a working man who is found in this situation and who needs his vehicle to drive back and forth to work will be deprived of his livelihood and his family will suffer for the period of this year or longer.

Now if it were a summary offense and a person is found in this position where he is guilty of this offense, he can either offer his defense before the justice of the peace or he can plead guilty, pay his fine, and, in turn, receive his six points.

Now if he has other violations at other times, these six points will quickly add up to an excess of 11, and that would require a suspension and that would make him an unsafe driver and his license should be suspended for whatever the period calls for in the code. And again I am talking only of the offense of where a person is found guilty of driving under the influence and that is all there is to it.

If he is guilty of any other offense of the code, violating the rules of the road, speeding, or if he is involved in an accident and there is damage to property, if there is injury to a person, then it would be a misdemeanor and it would have the same penalties as driving under the influence at this time.

We find also, at the present time, in the courts is a provision called ARD—Accelerated Rehabilitative Disposition—program in which the judge may put him on pre-probation with certain requirements before that person goes before the jury. And I understand that courts in several counties are doing this for drunken driving. So that a person who is guilty of drunken driving, if the court in his county is so inclined, may put that violator under the ARD program and thwart the law.

So we have an uneven imposition of justice throughout the Commonwealth from county to county either because of the ARD system or because of the unwillingness of juries to convict because the penalties are too harsh.

I think that the penalty which I provide—it being a summary offense with a fine and an imposition of six points—is a severe penalty, but it is one that a person can live with but at the same time he is not getting away with an offense. I feel that this is a sensible solution and I ask favorable consideration by this House.

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

Mr. BONETTO. Mr. Speaker, I have a tremendous admiration for Mr. McCue, who wants to be somewhat compassionate for those who are under the influence of liquor and driving a vehicle. But under the present code, being under the influence of liquor is a misdemeanor. It should be retained. They are a menace on our highway. Statistics have proven that. A speaker in this House has already mentioned to you that the death rate because of driving under the influence of liquor has caused some 27,000 deaths in a year, and I do not think that this law should be changed. For that reason I oppose this amendment.

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. McCue.

Mr. McCUE. It is for the very reason that the gentleman, Mr. Bonetto, has stated that I offer this amendment: I feel that the present law results in violators going free when they should be punished. This is the reason for offering this. It is not compassion for the violator, but rather to see to it that the violator is brought to justice.

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

The yeas and nays were required by Messrs. McCUE and BONETTO and were as follows:

YEAS—11

- | | | | |
|-----------------|-----------|-----------|-------------|
| Bennett | Katz | McCue | Prendergast |
| Gleeson | LaMarca | McGinnis | Salvatore |
| Hamilton, J. H. | Letterman | Moehlmann | |

NAYS—168

- | | | | |
|-----------------|----------------|--------------------|--------------|
| Abraham | Geesey | Mebus | Schweder |
| Anderson, J. H. | Geisler | Menhorn | Scirica |
| Arthurs | George | Milanovich | Seltzer |
| Beren | Giammarco | Miller, M. E. | Shane |
| Berlin | Gillespie | Miller, M. E., Jr. | Shelhamer |
| Berson | Gillette | Milliron | Shuman |
| Bittle | Goodman | Miscevich | Shupnik |
| Bonetto | Green | Morris | Sirianni |
| Bradley | Greenfield | Mrkonic | Smith, E. |
| Brandt | Grieco | Mullen, M. P. | Smith, L. |
| Brunner | Gring | Mullen | Spencer |
| Burns | Halverson | Musto | Stahl |
| Butera | Haskell | Myers | Stapleton |
| Caputo | Hayes, S. E. | Novak | Stout |
| Cassar | Hepford | Noye | Taddonio |
| Cimini | Hill | O'Brien | Taylor |
| Cohen | Hopkins | O'Connell | Toll |
| Cole | Hutchinson, A. | O'Donnell | Trello |
| Cowell | Hutchinson, W. | O'Keefe | Turner |
| Crawford | Irvis | Oliver | Ustynoski |
| Cumberland | Itkin | Pancoast | Valicenti |
| Davies | Kelly, A. P. | Parker, H. S. | Vroom |
| DeMedio | Kelly, J. B. | Perri | Wagner |
| Deverter | Kernick | Petrarca | Walsh, T. P. |
| DiDonato | Kistler | Pievsky | Wansacz |
| Dietz | Klingaman | Pitts | Wargo |
| Dininni | Knepper | Polite | Westerberg |
| Dorr | Kolter | Pratt | Whelan |
| Doyle | Kowalyszyn | Pyles | Wilson |
| Dreibelbis | Kusse | Rappaport | Wilt, R. W. |
| Eckensberger | Laudadio | Ravenstahl | Wilt, W. W. |
| Engelhart | Laughlin | Reed | Wojdak |
| Fawcett | Lederer | Renninger | WorriLOW |
| Fee | Lehr | Renwick | Wright |
| Fischer | Levi | Rieger | Yahner |
| Fisher | Lincoln | Ritter | Yohn |
| Flaherty | Lynch | Ross | Zearfoss |
| Foster, A. | Manderino | Ruggiero | Zeller |
| Foster, W. | Manmiller | Ryan | Zwickl |
| Fryer | McCall | Saloom | |
| Gallagher | McClatchy | Scheaffer | Fineman, |
| Gallen | McIntyre | Schmitt | Speaker |
| Garzia | McLane | | |

NOT VOTING—17

- | | | | |
|------------|--------------|------------|---------|
| Barber | Hammock | McGraw | Shelton |
| Bellomtnl | Hasay | Perry | Thomas |
| Dicarlo | Hayes, D. S. | Rhodes | Weidner |
| Dombrowski | Johnson, J. | Richardson | Zord |
| Gleason | | | |

So 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 as amended on third consideration?

Mr. McCUE requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1959), page 155, by inserting between lines 28 and 29:

§ 1960. Registrations by notaries.

The annual registration fee for notaries public for acting as agents of the department as provided for in Chapter 77 (relating to notaries public) shall be \$100.

Amend Bill, page 339, by inserting between lines 4 and 5:

CHAPTER 77

NOTARIES PUBLIC

Sec.

- 7701. Authorization of notaries public.
- 7702. Certificate of authorization.
- 7703. Transaction of business by notaries public.
- 7704. Applications to notaries public.
- 7705. Records of notaries public.

§ 7701. Authorization of notaries public.

The department shall authorize and shall issue a certificate of authorization to every notary public that complies with the requirements of this chapter.

§ 7702. Certificate of authorization.

(a) Application and issuance.—Application for a certificate of authorization shall be made on a form pre-

scribed by the department, accompanied by the applicable fee. The department shall investigate the qualifications and fitness of the applicant and shall issue a certificate of authorization if it determines that the applicant is capable of performing the duties authorized by this chapter in a manner consistent with the public interest and the applicable fees are paid.

(b) Bond required.—Before issuing a certificate of authorization, the department shall require the applicant to furnish and maintain a bond indemnifying the public and the department in the amount of \$10,000.

(c) Duration and renewal.—Certificates of authorization shall be given for a period of one year and may be renewed annually.

§ 7703. Transaction of business by notaries public.

Every notary public to whom a certificate or authorization is issued pursuant to this chapter shall be permitted to accept applications for and issue drivers' licenses, registration cards and plates for the annual renewal of registration of motor vehicles and collect the fees fixed by law for such drivers' licenses, registration cards and plates.

§ 7704. Applications to notaries public.

(a) Place where application may be made.—Applications for drivers' licenses, registration cards and plates, for the annual renewal of registration of motor vehicles shall be made by the applicant to a notary public in the county in which he resides or, if the applicant is not a resident of any county of the Commonwealth, then the applications may be made to a notary public in any county of the Commonwealth.

(b) Form of application.—Applications to notaries public shall be made upon appropriate forms furnished by the department and shall be accompanied by the appropriate fee.

(c) Fees.—The fee charged by a notary public for each application shall not exceed \$5.

§ 7705. Records of notaries public.

(a) Maintenance of records.—A notary public to whom a certificate of authorization has been issued shall maintain in his office a file or book, to be furnished by the department, containing an accurate record of all applications for and issuances of drivers' licenses, registration cards and plates for the annual renewal of registrations.

(b) Inspection of records.—All books, records and papers of notaries public relating to the application for and issuance of drivers' licenses, registration cards and plates for the annual renewal of registration shall be open to the inspection of any officer of the Commonwealth and to any representative of the department or the Department of the Auditor General.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. McCue.

Mr. McCUE. Mr. Speaker, this amendment would create a new section in the code. And this would be for the purpose of making it more convenient for the citizens of Pennsylvania to obtain their licenses. This is amendment No. 7, which I have circulated.

This would create a new section on page 155. This is a new section which would make it easier for the citizens of the Commonwealth to obtain their licenses. This would provide that notaries public could become agents of the Commonwealth and of the Secretary of Transportation for the purpose of distributing registration tags, registration renewal stickers, operators' licenses.

The notary could become an agent by applying to the secretary and paying a permit fee of \$100 and filing a bond in the amount of \$10,000 to secure his honesty and fidelity.

The citizen would receive his application for license renewal in the same manner that he does now. The citizen would have the option then of sending his application, as he does now, to the Department of Transportation,

together with the required fee and taking chances on getting the renewal license in the mail as he does now. Or he could take this application to this duly authorized agent and put in the application together with the required fee and walk out with his new license.

For this service the notary would be permitted to charge the licensee a fee not to exceed \$5. Now this is not adding an additional fee to the cost of licenses, because the licensee has the option either of mailing it in to the department and being processed for the present statutory fee or he could go to this duly authorized agent, this notary, and for an additional fee to the notary, not to exceed \$5, he could obtain his license immediately.

I feel that this is a great need in Pennsylvania. One of the great constituent problems which I have—and I am informed that other members have—is the delay and the mixup that occurs in the Department of Transportation. This mixup is apparently an annual problem. Citizens cannot understand why, when they send the Commonwealth money for a license, they cannot receive the license. Now granted, many citizens are fortunate. But I can attest that many citizens are not so fortunate, who have occasion to come to me and many others who do not go to their Representatives, and must bear their problems in silence or at least official silence.

I suggest that this is an important provision which would help our citizens. I think that it is an economical way. It certainly is cheaper than setting up a branch office in every county, and it would be cheaper than using the courthouse and paying the courthouse additional money to do this. This way the service would be at no cost to the Commonwealth, and there is even a possibility that the Commonwealth could make money on the \$100 fee of the notary. I request favorable consideration of this provision.

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

Mr. BONETTO. Mr. Speaker, I rise to oppose this amendment. Effective January 1, 1977, the code provides a staggering of license plates. Number two, there are 40,000 notaries in this state. Can you imagine all of them issuing registration plates to the citizens of this Commonwealth? Can you imagine the auditing job for the Commonwealth to make sure that what is being done is correct and proper? For that reason I ask a negative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. McCUE and BONETTO and were as follows:

YEAS—23

Arthurs	Fee	LaMarca	Stahl
Bennett	Fischer	McCue	Taddonio
Burns	Gillette	Miller, M. E.	Ustynoski
Davies	Gleason	Pratt	Wilson
Dietz	Halverson	Prendergast	Wright
Eckensberger	Hopkins	Ritter	

NAYS—161

Abraham	Goodman	Mebus	Schmitt
Anderson, J. H.	Green	Menhorn	Schweder
Bellomini	Greenfield	Milanovich	Scirica
Beren	Grieco	Miller, M. E., Jr.	Seltzer
Berlin	Gring	Milliron	Shane
Berson	Hamilton, J. H.	Miscevich	Shelhamer
Bittle	Hammock	Moehlmann	Shelton
Bonetto	Hasay	Morris	Shuman

Bradley	Haskell	Mrkonic	Shupnik
Brandt	Hayes, S. E.	Mullen	Sirianni
Brunner	Hepford	Mullen, M. P.	Smith, E.
Butera	Hill	Musto	Smith, L.
Caputo	Hutchinson, A.	Myers	Spencer
Cessar	Hutchinson, W.	Novak	Stapleton
Cimini	Irvia	Noye	Stout
Cohen	Itkin	O'Brien	Taylor
Cole	Katz	O'Connell	Toll
Cowell	Kelly, A. P.	O'Donnell	Trello
Crawford	Kelly, J. B.	O'Keefe	Turner
Cumberland	Kernick	Oliver	Valicenti
DeMedio	Kistler	Pancoast	Vroon
Deverter	Klingaman	Parker, H. S.	Wagner
DiDonato	Knepper	Perri	Walsh, T. P.
Dininni	Kolter	Petrarca	Wansacz
Dorr	Kowalyshyn	Pievsky	Wargo
Doyle	Kusse	Pitts	Weidner
Dreibelbis	Laudadio	Polite	Westerberg
Englehart	Laughlin	Pyles	Whelan
Fawcett	Lederer	Rappaport	Wilt, R. W.
Fisher	Lehr	Ravenstahl	Wilt, W. W.
Flaherty	Letterman	Reed	Wojdak
Foster, A.	Levi	Renninger	Worrlow
Foster, W.	Lincoln	Renwick	Yahner
Fryer	Lynch	Richardson	Yohn
Gallagher	Manderino	Rieger	Zearfoss
Garzia	Manmiller	Ross	Zeller
Geesey	McCall	Ruggiero	Zwikel
Geisler	McClatchy	Ryan	
George	McGinnis	Saloom	
Giammarco	McIntyre	Salvatore	
Gillespie	McLane	Scheaffer	

would put an additional tax on such land at the rate of \$50 for each junked car or wrecked car stored in an exposed position on that land. This would be a tax on the land and would be collected by the local tax collector in the same manner that millage taxes are collected, and nonpayment would constitute a lien on the land the same way that present millage taxes are collected.

This would not be mandatory upon the municipalities, but it would be discretionary on their part. If they wanted to use this, it would be a tool for them and would encourage the cleaning up of our land sites.

**THE SPEAKER PRO TEMPORE
(Russell J. LaMarca) IN THE CHAIR**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I oppose this amendment. It is in the wrong place at the wrong time. This amendment should be in the Local Tax Enabling Act or it should be placed in the various codes—the Borough Code, the County Codes, the Township Codes. This has no place in the Vehicle Code.

This is a tax on land and not a tax on vehicles, so therefore I oppose the amendment.

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

The yeas and nays were required by Messrs. McCUE and BONETTO and were as follows:

NOT VOTING—12

Barber	Gallen	Johnson, J.	Rhodes
Dicarlo	Gleason	McGraw	Thomas
Dombrowski	Hayes, D. S.	Perry	Zord

So 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 as amended on third consideration?

Mr. McCUE requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Bill, page 335, by inserting between lines 16 and 17: §7313. Tax on land encumbered by unlicensed junk vehicles.

(a) Tax authorized.—Except in the case of a junk yard licensed by a city, borough, township or incorporated town, such city, borough, township or incorporated town authorities may impose by ordinance a tax on land encumbered with junked or abandoned vehicles, equal to the sum of \$50 per abandoned or junked vehicle per year.

(b) Definition.—For purposes of this section a junked or abandoned vehicle is one without a current registration plate or sticker and within the sight of any public road. The term vehicle shall not include farm vehicles.

(c) Collection and liens.—The tax shall be collected annually in the same manner as all other real estate taxes. A failure to pay the tax shall constitute a lien upon the encumbered real estate.

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

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. McCue.

Mr. McCUE. Mr. Speaker, this is my amendment marked number "6." This would add new sections on page 335. This is a provision which is intended to give local municipalities the right to help clean up their community. This would encourage landowners on whose land is deposited wrecked or junked automobiles to remove these vehicles and put them into a proper junkyard.

This would permit a municipality to enact an ordinance which would impose a tax on land which is not used by an authorized or a permitted junkyard. This

YEAS—38

Abraham	Haskell	Mrkonic	Ustynoski
Bradley	Katz	Pratt	Valicenti
Brandt	Kowalyshyn	Reed	Whelan
Burns	Kusse	Ritter	Wilson
Cumberland	Levi	Salvatore	Wilt, R. W.
Davies	McCue	Schmitt	Wright
Eckensberger	Menhorn	Schweder	Zearfoss
Fischer	Miller, M. E.	Sirianni	Zeller
Geesey	Miscevich	Turner	Zwikel
Hamilton, J. H.	Morris		

NAYS—143

Anderson, J. H.	George	Manmiller	Ross
Arthurs	Giammarco	McCall	Ruggiero
Bennett	Gillespie	McClatchy	Ryan
Beren	Gillette	McGinnis	Saloom
Berlin	Gleason	McIntyre	Scheaffer
Berson	Goodman	McLane	Scitrica
Bittle	Green	Mebus	Seltzer
Bonetto	Greenfield	Milanovich	Shane
Brunner	Grieco	Miller, M. E., Jr.	Shelhamer
Butera	Gring	Milliron	Shelton
Caputo	Halverson	Moehlmann	Shuman
Cessar	Hasay	Mullen, M. P.	Shupnik
Cimini	Hayes, S. E.	Mullen	Smith, E.
Cohen	Hepford	Musto	Smith, L.
Cole	Hill	Myers	Spencer
Cowell	Hopkins	Novak	Stahl
Crawford	Hutchinson, A.	Noye	Stapleton
DeMedio	Hutchinson, W.	O'Brien	Stout
Deverter	Irvia	O'Connell	Taddonio
DiDonato	Itkin	O'Donnell	Toll
Dietz	Johnson, J.	O'Keefe	Trello
Dininni	Kelly, A. P.	Oliver	Vroon
Dorr	Kelly, J. B.	Pancoast	Wagner
Doyle	Kernick	Parker, H. S.	Walsh, T. P.
Dreibelbis	Kistler	Perri	Wansacz
Englehart	Klingaman	Petrarca	Wargo
Fawcett	Knepper	Pievsky	Weidner
Fee	Kolter	Pitts	Westerberg
Fisher	LaMarca	Polite	Wilt, W. W.
Flaherty	Laudadio	Prendergast	Wojdak
Foster, A.	Laughlin	Pyles	Worrlow
Foster, W.	Lederer	Rappaport	Yahner
Fryer	Lehr	Renninger	Yohn
Gallagher	Lincoln	Renwick	

Gallen	Lynch	Rieger	Fineman,
Garzia	Manderino	Romanelli	Speaker
Geisler			

NOT VOTING—15

Barber	Gleason	McGraw	Taylor
Bellomini	Hammock	Perry	Thomas
Dicarlo	Hayes, D. S.	Rhodes	Zord
Dombrowski	Letterman	Richardson	

So 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 as amended on third consideration?

Mr. HOPKINS requested and obtained unanimous consent to offer the following amendments, which were read:

- Amend Sec. 1 (Sec. 1310), page 70, line 9, by inserting after "to": notaries or
- Amend Sec. 1 (Sec. 1310), page 70, line 14, by inserting after "by": notaries or
- Amend Sec. 1 (Sec. 1310), page 70, line 14, by inserting after "A": notary or

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Hopkins.

Mr. HOPKINS. This amendment simply allows a notary to issue a temporary license plate. The other amendment allowed issuing a license to an individual. This merely allows the issuance of a temporary license plate to someone who has sold his car or otherwise done something with it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I again ask a negative vote on permitting notaries to issue temporary plates. Temporary plates in Pennsylvania are limited. We are now going to a permanent-plate setup beginning January 1 of 1977. This is not necessary, so I ask for a negative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, will the gentleman, Mr. Bonetto, submit to interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Bonetto, consent to interrogation?

Mr. BONETTO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RITTER. Mr. Speaker, what is "a designated agent" under House bill No. 1817?

Mr. BONETTO. That is under the jurisdiction of the Secretary of Transportation.

Mr. RITTER. I thank you, Mr. Speaker.

Mr. Speaker, Mr. Hopkins' amendment seeks to add the word "notaries" after "designated agents." I think that makes it rather specific, and I would ask for support for the amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. HOPKINS and BONETTO and were as follows:

YEAS—93

Abraham	Gleason	Miller, M. E., Jr.	Shupnik
Beren	Goodman	Milliron	Sirianni
Bradley	Green	Moehlmann	Smith, E.
Brandt	Greenfield	Morris	Smith, L.
Brunner	Grieco	Noye	Spencer
Burns	Gring	O'Brien	Stahl
Cessar	Halverson	O'Connell	Taddonio
Cimini	Hasay	Pancoast	Taylor
Crawford	Haskell	Parker, H. S.	Turner
Cumberland	Hayes, S. E.	Perri	Ustynoski
Davies	Hopkins	Pitts	Valicenti
Dietz	Hutchinson, W.	Polite	Vroon
Dreibelbis	Kelly, J. B.	Pratt	Wagner
Eckensberger	Kistler	Pyles	Weidner
Fawcett	Klingaman	Renninger	Whelan
Fischer	Knepper	Ritter	Wilson
Fisher	Kusse	Ross	Wilt, R. W.
Foster, W.	Lederer	Scheaffer	Wilt, W. W.
Fryer	Levi	Schmitt	WorriLOW
Gallen	Lynch	Schweder	Wright
Garzia	Mebus	Sciaca	Zearfoss
Geesey	Milanovich	Shelhamer	Zeller
George	Miller, M. E.	Shuman	Zwilk
Gillette			

NAYS—87

Anderson, J. H.	Giammarco	McClatchy	Rieger
Bellomini	Gillespie	McCue	Ruggiero
Bennett	Hamilton, J. H.	McGinnis	Ryan
Berlin	Hepford	McIntyre	Saloom
Berson	Hutchinson, A.	McLane	Salvatore
Bonetto	Irvis	Memhorn	Seitzer
Butera	Itkin	Miscevich	Shane
Caputo	Johnson, J.	Mrkonc	Shelton
Cohen	Katz	Mullen, M. P.	Stapleton
Cole	Kelly, A. P.	Musto	Stout
Cowell	Kernick	Myers	Toi
DeMedio	Kolter	Novak	Trello
Deverter	Kowalyszyn	O'Donnell	Walsh, T. P.
DiDonato	LaMarca	O'Keefe	Wansacz
Dirinini	Laudadio	Oliver	Wargo
Dorr	Laughlin	Petrarca	Westerberg
Doyle	Lehr	Pievsky	Wojdak
Englehart	Letterman	Prendergast	Yahner
Fee	Lincoln	Rappaport	Yohn
Flaherty	Manderino	Ravenstahl	
Foster, A.	Manmiller	Reed	Fineman,
Gallagher	McCall	Renwick	Speaker
Geisler			

NOT VOTING--16

Arthurs	Dombrowski	Hill	Rhodes
Barber	Gleason	McGraw	Richardson
Bittle	Hammock	Mullen	Thomas
Dicarlo	Hayes, D. S.	Perry	Zord

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

QUESTIONS OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs. For what purpose does the gentleman rise?

Mr. ARTHURS. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARTHURS. Mr. Speaker, my switch was inoperative at that time. I would like to be recorded in the affirmative on the Hopkins amendment to House bill No. 1817.

The SPEAKER pro tempore. The gentleman's vote will so be recorded.

The Chair recognizes the gentleman from Washington, Mr. Brunner.

Mr. BRUNNER. My switch was also inoperative. I would like to be recorded in the negative on the Hopkins amendment to House bill No. 1817.

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

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

Mr. SALOOM. I would like to be recorded in the affirmative on the Hopkins amendment to House bill No. 1817.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

On the question recurring,

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

Mr. A. C. FOSTER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 4523), page 243, line 11, by inserting after "regulation.": Headers and side exhausts shall be permitted provided that they meet all requirements of subsection (d).

Amend Sec. 1 (Sec. 4523), page 244, line 2, by removing the period after "section" and inserting: ; however, headers and side exhausts shall be permitted provided the vehicle meets all other requirements of this section.

On the question,

Will the House agree to the amendments?

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

Mr. A. C. FOSTER. Mr. Speaker, this amendment would simply permit the use of headers and side exhaust systems. The language of the bill possibly will permit this use already, but I just want to offer the amendment for clarification.

I believe the gentleman, Mr. Bonetto, has accepted this as an agreed-to amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. It is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question recurring,

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

Mr. SALVATORE requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1510), page 98, line 21, by striking out "may" where it appears the second time and inserting: shall

Amend Sec. 1 (Sec. 1510), page 98, line 23, by inserting after "address,": height, weight,

Amend Sec. 1 (Sec. 1510), page 98, line 27, by inserting after "ink.": The secretary shall establish requirements relating to the size and type of photographs as well as the time, place and manner of taking photographs and renewals thereof.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore.

Mr. SALVATORE. Thank you, Mr. Speaker.

Mr. Speaker, I had samples of a registration card or a driver's license distributed to each member of the House. What I am trying to do with this amendment is change the word on page 98, line 21, by striking out "may" and inserting "shall".

This is a much needed amendment, as 38 states in this great country of ours have adopted color photographs on their drivers' licenses. What this would do is stop many, many people from having duplicate drivers' licenses. It would be good for identification when you are cashing checks, using credit cards, and there are many, many other areas where your driver's license with your photograph can be used in a useful manner.

Now we know there are many, many people driving in the Commonwealth of Pennsylvania today with eight or nine drivers' licenses which are false and they can be easily duplicated. We have recently raised the fee from \$2 to \$5, and I think that the people of Pennsylvania are entitled to this little bit of service which would cost the Commonwealth approximately 37 cents to do.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, we originally inserted in the code the word "may". It was done so at the request of the department in view of the fact that they insisted that the cost would be prohibitive.

The concept is a good one. This is something that was initiated by several of the members of this General Assembly and recommended to the Transportation Committee in its deliberations in forming and recodifying the code. The only reason we put in "may" was at the request of the department, and I believe that it shall be the decision of this General Assembly to determine whether or not this type of card should be used as an operator's card. I will neither oppose nor favor this amendment. I shall be subject to the judgment of this General Assembly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore.

Mr. SALVATORE. I have heard the argument many times that it would be a cost to the Commonwealth. I believe that that is not true, because when a person applies for his driver's license or a learner's permit, at that particular time at the State Police station his photograph could be taken, which could then be superimposed on his driver's license. So we are not talking about great cost in doing something of this nature.

The second thing that I want to bring out to this House is that many times bureaucracies construe their way what is legislative intent, and I think the word "shall" will make them do what we want them to do. If we give this authority to the secretary and we say he may do it, well, it is never going to happen, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. I support the gentleman, Mr. Salvatore, in his amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Whelan.

Mr. WHELAN. Mr. Speaker, I also support it. I think in view of the fact that we have provided for an identification card in the bill, which we are giving an indi-

vidual for \$5, the identification card will not be of very much value if we do not have a picture on it.

I also support the amendment because I think in view of the fact that we have 39 states presently with color photographs, it is an indication that we are not in a category by ourselves by any means by putting this in. So I ask for the support of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Mr. Speaker, I, too, rise in support of Mr. Salvatore's amendment.

His reference to the legislative intent, that the Department of Transportation shall do it, bears repetition so that we do not abdicate our authority to make that judgment here today.

Moreover, during this last year in the Law and Justice Committee, the chairman of that committee named me to head a crime prevention task group which conducted a series of hearings statewide in which a series of witnesses, including law enforcement personnel in Pennsylvania, made reference to, among other things, the need for a better driver's license in Pennsylvania, which was a rather interesting side assertion on their part throughout our hearings. Law enforcement personnel, eventually the agents from the Liquor Control Board, and a whole series of other governmental and private agencies have all expressed an interest in improving the degree to which we provide positive identification for drivers in Pennsylvania.

I think it is an excellent amendment and urge the members to consider all of its ramifications and vote "yes."

The SPEAKER pro tempore. The Chair recognizes the majority leader. Does the majority leader desire recognition?

Mr. IRVIS. Mr. Speaker, I will yield to Mrs. Kernick.

The SPEAKER pro tempore. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Thank you.

I agree with Mr. Salvatore's amendment. I do have one objection though. I think all the information contained on the card should be of a permanent type, and so therefore I object to the weight being included. It is bad enough that you know our ages, let alone our weight.

The SPEAKER pro tempore. At this point the Chair might interject if the lady will yield. The Chair will agree that the weight is an unnecessary factor also.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore. For what purpose does the gentleman rise?

Mr. SALVATORE. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SALVATORE. I do not think that that young lady ever has to worry about her weight, believe me.

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Kernick.

Mrs. KERNICK. I would like to suggest that the amendment be adopted without the inclusion of weight, because you could weigh 125 pounds today and 6 months

from now weigh 165. The photograph identifies it; everything else on it does, and I would like to ask Mr. Salvatore if he is agreeable to dropping that particular word.

Mr. SALVATORE. I would be agreeable to dropping the weight if it bothers my colleague, Phyllis Kernick.

Mrs. KERNICK. It does.

Mr. SALVATORE. But, honestly, I think that you could update this thing when you have a renewal of your application as far as the weight is concerned, Mr. Speaker, and I do not think that that would be detrimental to the amendment.

The SPEAKER pro tempore. Then the Chair understands that the gentleman is not requesting the withdrawal of the word "weight".

Mr. SALVATORE. I would say no, not at this time.

The SPEAKER pro tempore. Very well then.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I am opposed to the amendment, not because of the substance of the amendment—because I happen to agree with it, being one of the people who originally suggested this type of license many years ago—but I am informed that those of you who intend to vote for this amendment will be voting for an \$8-million expenditure. That is right, \$8 million is the first expenditure.

Now I would suggest that those members who so enthusiastically endorse this type of operator's license think very carefully about whether you want to spend that \$8 million to fill potholes or to take pictures. When you have made that decision—and I suspect you may make it that you want to take pictures—when I come back to you a few months from now and say, we now need \$8 million more in the Motor License Fund, I will be checking on the record to see how many of you recognized that fact today, for that is precisely where it is.

Now what Mr. Salvatore told you is the truth. After the initial \$8 million, then, of course, it costs 37 cents. But you have to lay out the \$8 million first, and for that reason I am opposing the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Salvatore.

Mr. SALVATORE. Mr. Speaker, in rebuttal to the majority leader, I have to disagree with him.

First of all, I would like to know where he gets an \$8-million figure.

Mr. BONETTO. Mr. Speaker, I can answer that question.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Bonetto.

Mr. BONETTO. Originally when we went to the investigation of having a picture and the information as you mention on the operator's card, we did some checking with some various states on how this would come about.

The original cost to implement this type of operator's card would cost approximately \$8 million. Upon the completion of that operation, our figure was that it would cost approximately 37 to 41 cents a year for an operator's card. That in itself, at 37 cents a year multiplied by some 8 million operators' cards, would approximately cost \$3 million a year from then on. But the initial cost is \$8 million, and then it would cost \$3 million extra every year thereafter.

Mr. SALVATORE. Mr. Speaker, he still did not tell me where the \$8-million figure came from.

Mr. BONETTO. From the Department of Transportation's budget.

Mr. SALVATORE. Oh, from the department?

Mr. BONETTO. Right.

Mr. SALVATORE. Well, first of all, Mr. Speaker—

Mr. BONETTO. May I finish—

The SPEAKER pro tempore. Just a moment, please; one at a time. Mr. Bonetto.

Mr. BONETTO. I think the individual is questioning the integrity of the department and I think that is wrong.

Number one, I am not here to argue whether this type of operator's card is good or bad. All I am saying to the members of the House is this: In our investigation as a committee and staff to find out what this would cost to implement this program, it would cost approximately \$8 million. The cost yearly to the Department of Transportation would be approximately \$3 million. At 37 cents apiece for 8 million operators, it would cost \$3 million. That is exactly what I am presenting to this General Assembly, only the figures that were presented to us.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore.

Mr. SALVATORE. Mr. Speaker, I am not questioning the integrity of the Department of Transportation. All I can tell you is that California, which has a larger population than we do, only issues 4,500,000 licenses. So we must be issuing 3,500,000 false licenses in this state, because if we are issuing 8 million licenses in Pennsylvania and we have a smaller population than California, then something is wrong.

Now I have here facts and figures—4,500,000 licenses were issued in California at a cost of 31 cents. Now this can be done—and many states can prove it—with no additional cost, no additional cost. And even if it did cost something, assuming the 31 cents, we have just raised the fees from \$2 to \$5 a year.

I think that the average taxpayer deserves to be protected while he is driving his car and gets in an accident. He asks the fellow for his driver's license, and the guy hands him a fake driver's license. Then he goes and chases who struck John, and he cannot find the guy. The guy disappeared. Now I saw this happen just the other night. A friend of mine lost all his credit cards and his driver's license. The person who stole them could have driven down the turnpike, been stopped by the State Police, and that man could have presented the stolen credentials and gotten away with presenting those stolen credentials to the state policeman.

Now I think that the taxpayers of Pennsylvania are entitled to this kind of service. Thirty-one cents or 32 cents is not too much to ask for when we have raised our fees 150 percent.

As far as potholes are concerned, I heard the word "potholes." They have not fixed any potholes in my district yet.

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

Miss SIRIANNI. Mr. Speaker, they have not fixed any potholes anywhere, not only in his district.

The SPEAKER pro tempore. The Chair would like to remind the House that we are on the question of identification. If you want to commingle potholes with pictures, you may do so in your mind but not in your remarks.

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

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Salvatore, consent to brief interrogation?

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Salvatore, consent to interrogation?

Mr. SALVATORE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RITTER. Mr. Speaker, I do not have a copy of your amendment in front of me. Are you just simply taking out that second word "may" and saying "shall"?

Mr. SALVATORE. Yes; that is part of the amendment, Mr. Speaker.

Mr. RITTER. Mr. Speaker, do you talk about the size of the photograph that would be necessary?

Mr. SALVATORE. On line 27, Mr. Speaker, I say:

The secretary shall establish requirements relating to the size and type of photographs as well as the time, place and manner of taking photographs and renewals thereof.

I leave that to the discretion of the secretary, Mr. Speaker.

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

Mr. Speaker, my concern is that this is also going to be an additional cost to the driver. I am not so sure what size photograph the secretary is going to require. It may very well be a size photograph that is not able to be taken with, for instance, a small Kodak or other Instamatic camera, and may very well require the individual to purchase the services of a professional photographer or have some special work done to reduce the photograph to the proper size, et cetera.

I think that that is a cost that is going to be borne by the individual licensed driver. So in addition to the cost to the Commonwealth, there is going to be a cost to the individual. I have no idea what that is going to be or how much of an effort it will require on the part of the individual to get those photographs. For that reason, I am going to vote in the negative on the amendment. I would rather see some more specifics so that we all have an idea what size photograph is going to be required, how much effort and what the cost is going to be to the individual. Until I get that information, Mr. Speaker, I intend to vote in the negative.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore.

Mr. SALVATORE. Mr. Speaker, I know I have exceeded my limit on the floor, but in answer to the gentleman's question, the department at all police substations—what they do in other states, the state has the equipment to take the photograph. It is no cost to the individual. The state at every substation has the equipment to take the photograph.

When a person applies for his learner's permit, his photograph will be taken at such time. If he has to go in for a renewal of his license, his photograph is taken, and it could be set up on a 5-year basis.

I am not saying that this has to be something that is going to be detrimental and cause inconvenience to the taxpayers, but at every substation they will have the photography machines and scanners installed at the substations.

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

Mr. ITKIN. Mr. Speaker, would Mr. Bonetto consent to interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Bonetto, consent to interrogation?

Mr. BONETTO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, could you tell us what the present procedure is for renewal, the time for renewal, how many years before you renew your license?

Mr. BONETTO. Every 2 years.

Mr. ITKIN. Every 2 years.

Mr. BONETTO. That is the operator's card, yes.

Mr. ITKIN. If Mr. Salvatore's amendment is adopted, in your judgment, would it require an individual to get a new photograph every 2 years to be placed on his operator's license?

Mr. BONETTO. In our deliberations in the recodification of the code, that subject was thoroughly discussed. One of the reasons why the department objected to the photograph was that it would be a requirement every 2 years to get a new photograph. Number two, men, for example, wear beards, mustaches, and so forth, and women wear wigs, and that presented a problem. For that reason it would require a photograph every 2 years.

Mr. ITKIN. In other words, Mr. Speaker, if we adopt the Salvatore amendments, then at least once every 2 years everyone who has an operator's license must, in order to renew his operator's license, go to a substation for the purpose of having his photograph taken?

Mr. BONETTO. That would be correct.

Mr. ITKIN. And right now, what is the procedure to renew one's operator's license?

Mr. BONETTO. Simply by filling out an application.

Mr. ITKIN. And does the operator who seeks to have his license renewed have to go anyplace to have that done?

Mr. BONETTO. No. The application is mailed to his home or to his address. He fills out the application, makes out a check or money order for \$10, and he has a 2-year renewal.

Mr. ITKIN. So, Mr. Speaker, if we adopt the Salvatore amendment, we will require that every operator, every 2 years, must go to some place to have his photograph taken?

Mr. BONETTO. In accordance with the amendment, it states that "The secretary shall establish requirements relating to the size and type of photographs as well as the time, place and manner of taking photographs and renewals thereof."

I would suspect that without any question, because of the changes that I have said to you previously—where men will grow beards and mustaches and then change; women will wear wigs and then change; some women will get fatter; some will get pregnant; you never know—I would presume that the secretary, without any question, will require a picture every 2 years. Therefore, every operator—4.2 million—each year would be required to go to some substation and have his photograph taken before he submits his application for a renewal.

Mr. ITKIN. Thank you.

Mr. Speaker, I would just like to make a brief comment. I feel that if this amendment is adopted, it would

seriously provide for a substantial effort on the part of operators who presently now have a very simplified process to renew their license. Therefore, I must at this time vote against the amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, I would just like to call to the attention of the House, in regard to the cost, that this schedule of fines is increased in some cases by 200 and 300 percent. I think that some of this cost involved in this added protection for the citizens of Pennsylvania can be afforded by that increase in the fines that the department is going to be collecting, and I think it is well worth it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore.

Mr. SALVATORE. In rebuttal again, my good colleague, Mr. Bonetto, says 4,200,000. I would like to know where they get this figure of 8 million licensed drivers in Pennsylvania.

Mr. BONETTO. Mr. Speaker, there are 8.4 million drivers in Pennsylvania who possess an operator's card.

Mr. SALVATORE. Are those figures available to us?

Mr. BONETTO. They are available to you at any time from the Bureau of Motor Vehicles.

There are 7 million vehicles driven in this state, registration cards, and there are 8.4 million drivers.

Mr. SALVATORE. I would like to see those figures, number one.

Mr. BONETTO. California has 12 million drivers, not 4 million.

Mr. SALVATORE. Mr. Speaker, in rebuttal, when we allow the secretary to use his discretion, we are not saying that he has to do this every 2 years. He could do it on a 4-year basis.

We are worrying about someone wearing a wig. We are worrying about someone getting pregnant. But we are not worrying about the bona fide taxpayer who gets fleeced, or the businessman who asks for identification and the fellow hands him a driver's license that does not belong to him. People falsify passports with illegal cards.

I think we should look at both sides of the coin and not say, well, here it is going to be a cost to the Commonwealth. Sure it is going to cost the Commonwealth 31 cents. Every 5 years it is going to cost them. And they have doubled our fees from \$2 to \$5.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Stahl.

Mr. STAHL. Mr. Speaker, will Mr. Bonetto consent to a very brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Bonetto, consent to interrogation?

Mr. BONETTO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STAHL. Mr. Speaker, when you were being interrogated by the gentleman, Mr. Itkin, you were referring to the fact that 4 million-plus people will have to get their pictures taken every 2 years. When you made that statement, had you at any time checked into the situation in other states which require photographs? And I would

specifically ask whether you have checked into California and how often they require photographs?

Mr. BONETTO. We did not ask the department that information. The Bureau of Motor Vehicles has done this investigation for us. They have checked with various states.

Again, I want to mention to you that we are not against the concept of an operator's card. All we are presenting to you is some facts and some problems that the committee ran into in trying to make this determination. We did not in any way try to alter an idea of committee people who wished to have this placed in the code. All we are saying to you as a matter of information is that it would cost approximately \$8 million to initiate this program, including the first year's pictures that would have to be taken.

Mr. STAHL. Well, the point is that if you turn to the gentleman there to your left and ask him whether or not they are familiar with California's proposals and methods and whether they require pictures every 2 years, I suspect that if they had checked into it, California does not require pictures every 2 years of each and every driver. My information is that they require it if a person's physical condition or characteristic has changed in the past 2 years, and it is the responsibility of the driver to notify the department of such change.

I think if you would answer that first, if you would, please.

Mr. BONETTO. Repeat the question.

The SPEAKER pro tempore. Oh, no.

Mr. STAHL. Has the department—

The SPEAKER pro tempore. Will the gentleman attempt to repeat the question and perhaps make it a little more definitive?

Mr. STAHL. All right. Has the department—and ask the fellow there, if he would—checked into California?

Mr. BONETTO. What are you worried about California for? We live in Pennsylvania.

Mr. STAHL. I think the point is that you were trying to use—

The SPEAKER pro tempore. Just a minute, gentlemen. The question was not clear and the answer was not responsive. Now do you both want to start again, but only one at a time?

Mr. Stahl, your question is what?

Mr. STAHL. All right. The question is—with a clear answer, please—have you checked with California or any other state that requires pictures to determine whether they require them every 2 years?

Mr. BONETTO. My answer would be simply this, Mr. Speaker: If you are willing to pay the same fee that California pays, you should have had this operator's card a long time ago. I think that is the question. It is the amount of money that is involved.

Mr. STAHL. Mr. Speaker, I realize the gentleman has indicated that he has not checked with California, and I think that if he had checked with California, he would have found that, in fact, his statement regarding having to take pictures every 2 years is not correct, and I doubt very much if we pass this legislation that the secretary would be in the position of requiring one every 2 years.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs.

Mr. ARTHURS. Mr. Speaker, I think we are overlook-

ing one strong point here, and that is that our licenses are used for identification purposes. I think it would be good to have pictures on this. But as it has been stated, hair-styles, hair colors, facial identifications can change. The main thing that I want to bring up is that our licenses today are used for identification, and the most important thing is on our license today, and that is our signature. Anytime that the police, anytime that anyone, wants to ask for identification from our licenses, it is the signature that is compared, and a signature will not change like facial features will.

So I really do not think that we need this for identification purposes as much as we are trying to make out here this morning.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Pyles.

Mr. PYLES. Mr. Speaker, this debate and argument about the frequency of a picture, I think, is fallacious. I have before me here in my hand an Armed Forces of the United States retirement identification. I retired in 1967. The picture was taken in 1967. The weight, height, color of hair—what is left—and eyes are still there. I showed this to my colleagues around me and they say that is me. It was taken 9 years ago.

We do not have to be worried about how frequently this picture has to be taken. That is not the point. This identification card gets me into places that this driver's license would not.

I think the argument about the frequency should not be a part of our conclusions as to whether it is needed or not. I recommend that everybody vote "yes" to get the identification card with the picture on it for the driver's permit.

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

Mr. A. C. FOSTER. Mr. Speaker, I have been contacted at various times, too, by law enforcement officials asking for a card of this type, and I think the idea has some merit. But as strongly as I feel that way, I do feel inclined to agree with the majority leader and with Mr. Bonetto that the figure of \$8 million is going to punch a substantial hole in our already overburdened state budget. So reluctantly I would ask that we oppose this amendment also.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. SALVATORE and BONETTO and were as follows:

YEAS—94

Anderson, J. H.	Giammarco	McClatchy	Salvatore
Beren	Greenfield	McCue	Scirica
Bittle	Grieco	McGinnis	Seltzer
Bradley	Gring	Mebus	Shelhamer
Brandt	Halverson	Milliron	Sirianni
Burns	Hamilton, J. H.	Miller, M. E.	Smith, E.
Butera	Hasay	Miller, M. E., Jr.	Smith, L.
Cassar	Haskell	Mrkonic	Spencer
Cimini	Hayes, S. E.	Noye	Stahl
Cohen	Hepford	O'Connell	Taddonio
Crawford	Hill	O'Keefe	Turner
Cumberland	Hopkins	Pancoast	Ustykoski
Davies	Katz	Parker, H. S.	Vroon
Deverter	Kelly, J. B.	Perri	Wagner
DiDonato	Kistler	Pitts	Wansacz
Dietz	Klingaman	Polite	Weidner
Dintnini	Knepper	Pratt	Whelan
Dorr	Kowalshyn	Pyles	Wilson
Eckensberger	Kusse	Reed	Wilt, R. W.
Fischer	Lederer	Renninger	Worrilow

Fisher	Lehr	Richardson	Wright
Foster, W.	Levi	Ross	Yohn
Fryer	Lynch	Ryan	Zearfoss
Gallen	Manmiller		

NAYS—87

Abraham	Gleeson	Moehlmann	Schweder
Arthurs	Goodman	Morris	Shane
Bennett	Green	Mullen, M. P.	Shelton
Berlin	Hammock	Mullen	Shuman
Berson	Hutchinson, A.	Musto	Shupnik
Bonetto	Hutchinson, W.	Myers	Stapieton
Brunner	Irvic	Novak	Stout
Caputo	Itkin	O'Brien	Taylor
Cole	Kelly, A. P.	O'Donnell	Tou
Cowell	Kernick	Oliver	Trello
DeMedio	Kolter	Petrarca	Valicenti
Dicarlo	LaMarca	Pievsky	Walsh, T. P.
Doyle	Laudadio	Prendergast	Wargo
Englehart	Letterman	Rappaport	Westerberg
Fee	Lincoln	Ravenstahl	Wilt, W. W.
Flaherty	Manderino	Renwick	Wojdak
Foster, A.	McCall	Rieger	Yahner
Gallagher	McIntyre	Ritter	Zeller
Garzia	McLane	Ruggiero	Zwikl
Geesey	Menhorn	Saloom	
Geisler	Milanovich	Scheaffer	Fineman, Speaker
George	Miscevich	Schmitt	
Gillespie			

NOT VOTING—15

Barber	Fawcett	Johnson, J.	Rhodes
Bellomini	Gillette	Laughlin	Thomas
Dombrowski	Gleason	McGraw	Zord
Dreibelbis	Hayes, D. S.	Perry	

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

On the question recurring,

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

Mr. ECKENSBERGER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1535), page 111, line 7, by striking out all of said line

Amend Sec. 1 (Sec. 3711), page 215, line 8 through 13, by striking out all of said lines

Amend Sec. 1 (Sec. 3712), page 215, line 14, by striking out "3712" and inserting: 3711

Amend Sec. 1 (Sec. 3713), page 215, line 28, by striking out "3713" and inserting: 3712

Amend Sec. 1 (Sec. 3714), page 216, line 16, by striking out "3714" and inserting: 3713

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Eckensberger.

Mr. ECKENSBERGER. Mr. Speaker, presently in the law we have a provision that prevents reckless driving. That is under the present law. Under the present law reckless driving is defined as a willful, wanton, and grossly negligent manner of the operation of a motor vehicle. This is basically how the courts have interpreted the provision regarding reckless driving. And ordinary negligence is not a crime under the present law.

In House bill No. 1817 as we have it before us now, we retain the crime of reckless driving, but we would add a new crime that would be referred to as careless driving, which, in effect, would make ordinary negligence a crime.

I might add that I have submitted two amendments, both under my name. One is not numbered, and the

other one is numbered. The numbered amendment has already been agreed to and put into the bill yesterday. Therefore, the amendment that I am talking about now does not have a number on it. But what the amendment would do would be to remove the crime of careless driving.

Now we have been doing very well in applying the provisions of the present Motor Vehicle Code with the term "reckless driving."

The SPEAKER pro tempore. Will the gentleman yield a moment?

Mr. ECKENSBERGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. You have just pointed out that the amendment you sent up was not numbered.

Mr. ECKENSBERGER. That is correct.

The SPEAKER pro tempore. The Chair has received an amendment with your name, numbered "93."

Mr. ECKENSBERGER. That is my seat number, Mr. Speaker.

The SPEAKER pro tempore. That is your seat number?

Mr. ECKENSBERGER. Yes.

The SPEAKER pro tempore. And is that the one that you intended to send up?

Mr. ECKENSBERGER. Yes. There should be no number in the upper right-hand corner.

The SPEAKER pro tempore. There is none, and we are correct.

Thank you.

Mr. ECKENSBERGER. That is the amendment that I am submitting, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ECKENSBERGER. Now may I respectfully submit to the members of this House that we do not need to create a new crime identified as careless driving. It shocks my conscience that we should say that it henceforth will be a crime if you drive carelessly. Now that amounts to ordinary negligence. Can you imagine the number of cases that would flow through a magistrate's office if we were to identify ordinary negligence as a crime? It would proliferate the number of cases, clog up the courts unnecessarily. We are doing well now without it.

I know that many of the members have demonstrated a concern for harassment by police departments. For many years it has been my experience that police agencies were inclined to make an arrest for reckless driving every time an accident occurred and they were called to investigate. I believe that the police agencies throughout the Commonwealth have now come to the understanding that the mere occurrence or happening of an accident does not constitute reckless driving. It may not even constitute ordinary negligence. But now for us to take the step to identify ordinary negligence as a crime should not be done.

I ask each member to vote for this amendment to remove from the provisions of House bill No. 1817 the crime of careless driving, remembering and bearing in mind that we still retain the crime of reckless driving, and properly so.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, this section was inserted

in House bill No. 1817, taken exactly word for word from the Uniform Vehicle Code of the United States.

I suggest that we oppose the amendment of Mr. Eckensberger, because to do so we would be eliminating careless driving as recommended by the Uniform Vehicle Code, and every person who is negligent would then be indicted or arrested for reckless driving. And reckless driving in this code is a misdemeanor.

This is a summary offense. The fine is \$25. Why should we have on our roads today those who are careless and negligent driving and making it unsafe for everybody else who is driving safely? I think this should remain in the code, and for that reason I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Eckensberger.

Mr. ECKENSBERGER. Mr. Speaker, it is my understanding that by an amendment that was submitted by Mr. Bonetto, he changed the classification of reckless driving, particularly the first offense, from misdemeanor to summary offense. If I am incorrect on that point, I wish Mr. Bonetto would make that correction. Assuming that that is correct, it seems to me that we still retain all the elements that we have in the present law of reckless driving, and it seems to me that that is sufficient to police the operation of vehicles on the highway.

Mr. Bonetto suggests that careless drivers should not be on the highway. I suggest to you that at some point in time every one of us has been careless in the manner of operating a vehicle—not intentionally so, depending, of course, on how you interpret the word “careless”—and that he and the rest of us would probably not be on the highway, as well as the rest of the general public, if we are going to say that every careless act should be a crime. I am not advocating that carelessness should not be accounted for. We have the civil courts that take care of the careless operation of vehicles.

With regard to the argument that the Uniform Motor Vehicle Code requires or suggests that this be a crime, may I suggest, Mr. Speaker, that that would depend on a matter of interpretation; it would depend on whether or not that code also provides the crime of reckless driving as to how that is defined. And to merely use the argument that the Uniform Code suggests it and that should be a basis for our adoption, is not a valid reason for us to do it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, the insertion of careless driving in the code does just one simple thing: It provides that a person who drives a vehicle carelessly, in a manner so to endanger a person or property, is guilty of careless driving.

I find absolutely nothing wrong with that section and I ask that it be retained and ask opposition to the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I hate to disagree with my colleague, Mr. Eckensberger, but under this present code the penalty for reckless driving is a 6-month suspension of your operating privileges, which seems to me to signify the seriousness of the offense. So the argument raised by Mr. Eckensberger that under present law there are a

lot of convictions now for reckless driving, it seems to me that that would put an unfair burden on a lot of operators.

There are many of us who are aware that police officers at times bring the charge of reckless driving, and those same police officers say I wish there were some other offense such as careless driving because that is what the person did.

Now this penalty in here for careless driving is a 3-point penalty, and it is a summary offense with a \$25 fine. I think that it would be beneficial for the policemen as well as for operators, particularly when there has been an accident and the police officer is faced with a situation, if you take out careless driving, where the only other charge he could bring would be reckless driving, which would bring an automatic 6-month suspension of your license.

I think we need to have the option. There are people who are careless drivers, who do commit accidents, or who cause accidents without being involved themselves, but because of their careless attitude have in fact caused that accident.

I think there should be a penalty for that. I think the bill does set out the restrictions. I think the language in the present bill is good and I would ask for a negative vote on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I support the amendment. I believe that we have to think of what we are doing. Just in the last session of this General Assembly, we sat here and listened to the arguments and passed a no-fault bill on the civil side, and the basic argument for that was that you could not define negligence; that the juries did not know what it was; that the lawyers did not know what it was; and that the courts did not know what it was.

Now you are talking about what we could not define on the civil side—carelessness, ordinary negligence—and making it an offense, a summary offense. That is just giving carte blanche to the police officers, local, state, and otherwise, to get at anybody they feel like getting at. This amendment should be supported.

Thank you.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. ECKENSBERGER and BONETTO and were as follows:

YEAS—93

Anderson, J. H.	McCall	Schweder	Scitca
Bennett	Green	McGinnis	Seltzer
Bradley	Gring	McLane	Shelhamer
Brandt	Halverson	Milanovich	Shuman
Brunner	Hamilton, J. H.	Miller, M. E., Jr.	Shupnik
Burns	Henford	Moehlmann	Sirianni
Butera	Hill	Morris	Smith, E.
Cohen	Hopkins	Mrkonjc	Spencer
Cumberland	Hutchinson, W.	Musto	Stahl
Davies	Itkin	Noye	Stapleton
DeMedio	Katz	O'Brien	Taylor
Dicarlo	Kelly, J. B.	O'Donnell	Turner
DiDonato	Kernick	Pancoast	Vroon
Dininni	Kistler	Perri	Wagner
Dorr	Kowalshyn	Polite	Walsh, T. P.
Doyle	Kusse	Pratt	Wansacz
Dreibelbis	Laughlin	Pyles	Wargo
Eckensberger	Lederer	Richardson	Weidner
Engelhart	Lehr	Ross	Wilson
Flaherty	Levi	Ruggiero	Worriol

Fryer	Lincoln	Ryan	Wright
Giammarco	Lynch	Salvatore	Yohn
Gillespie	Manmiller	Schmitt	Zeller
Goodman			

NAYS—89

Abraham	Garzia	McIntyre	Ritter
Arthurs	Geesey	Mebus	Saloom
Bellomini	Geisler	Menhorn	Scheaffer
Beren	George	Miller, M. E.	Shane
Berlin	Gillette	Milliron	Smith, L.
Berson	Gleeson	Miscevich	Stout
Bittle	Greenfield	Mullen, M. P.	Taddonto
Bonetto	Grieco	Mullen	Toll
Cessar	Hasay	Myers	Trello
Cimini	Haskell	Novak	Ustynoski
Cole	Hayes, S. E.	O'Connell	Valicenti
Cowell	Hutchinson, A.	O'Keefe	Westerber
Crawford	Irvis	Oliver	Whelan
Deverter	Kelly, A. P.	Parker, H. S.	Witt, R. W.
Dietz	Klingaman	Petrarca	Witt, W. W.
Fawcett	Knepper	Pievsky	Wojdak
Fee	Kotter	Pitts	Yahner
Fischer	LaMarca	Prendergast	Zearfoss
Fisher	Laudadio	Ravenstahl	Zwinkl
Foster, A.	Letterman	Reed	
Foster, W.	Manderino	Renninger	Fineman, Speaker
Gallagher	McClatchy	Renwick	
Gallen	McCue	Rieger	

NOT VOTING—14

Barber	Hammock	Perry	Shelton
Caputo	Hayes, D. S.	Rappaport	Thomas
Dombrowski	Johnson, J.	Rhodes	Zord
Gleason	McGraw		

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

On the question recurring,

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

Mr. LETTERMAN requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 3368), page 200, lines 1 and 2 by striking out "INCLUDING THOSE PURCHASED FOR THE PENNSYLVANIA STATE POLICE"

On the question,

Will the House agree to the amendment?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

My amendment is on page 200, lines 1 and 2. It strikes out "including those purchased for the Pennsylvania State Police". All I am doing is trying to eliminate the print-out amendment that was put in last week.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, what this amendment does is to remove from the bill the printout that was inserted by amendment by Mr. Wilson.

Now I do not know whether Mr. Wilson is on the floor to debate this issue or not. It was his amendment that inserted the printout originally, and he is not here.

Mr. WRIGHT. Can we pass it over until Mr. Wilson comes back? He left the floor.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Just a minute. Mr. Bonetto, will you yield to the gentleman, Mr. Wright?

Mr. Wright, do you have something to address to the Chair?

Mr. WRIGHT. I am requesting the Chair to pass over this amendment until Mr. Wilson returns to the floor.

The SPEAKER pro tempore. Does the gentleman know the whereabouts of Mr. Wilson? Is he expected today?

Mr. WRIGHT. Oh, yes. He is here, Mr. Speaker; he is in the building.

The SPEAKER pro tempore. Well, perhaps if he is within the range of my voice, he will bring himself here very shortly.

Does the gentleman, Mr. Letterman, mind passing it over for a moment until Mr. Wilson can be here?

We will get to your amendment immediately after the next one.

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

Mr. RENNINGER. Mr. Speaker, Mr. Wilson is handling a constituent matter on the phone because he asked me about it when he walked out of the door.

The SPEAKER pro tempore. Well, then, with Mr. Letterman's permission, we will pass over the amendment temporarily. And if Mr. Wilson can hear me, will he please present himself as soon as possible?

On the question recurring,

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

Mr. LEDERER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Bill, page 252, by inserting between lines 13 and 14:

§ 4553. Special requirements for certain school buses.

(a) Special equipment.—All school buses used in the transportation of exceptional (physically or mentally handicapped) students shall be equipped with safety straps, securely anchored to the floor to hold wheelchairs firmly in place. All school buses fitted with a lift for raising and lowering wheelchairs into and out of said bus shall have such equipment inspected daily and said lifts shall be equipped with straps to hold the wheelchairs securely in place during operation. The Commonwealth of Pennsylvania shall bear the full cost of equipping the school buses for the transportation of handicapped students.

(b) Personnel.—All school buses used in the transportation of exceptional (physically or mentally handicapped) students shall have a matron in the bus at all times when there are students in the bus. The duties of a matron shall include, but not be limited to, maintaining order, providing first aid, supervising of emergency exiting, and furnishing care for any mentally or physically handicapped students who are in the bus. The Commonwealth of Pennsylvania shall reimburse each school district, in full, for the salaries of matrons hired to aid the transportation of handicapped students.

(c) Training for personnel.—Matrons shall receive mandatory training in first aid and emergency care of children who are susceptible to seizures. Matrons and school bus drivers shall regularly supervise emergency exiting drills so as to familiarize the students with the procedures to be followed in case of an accident or other emergency.

Amend Sec. 1 (Sec. 4553), page 253, line 14, by striking out "4553" and inserting: 4554

Amend Sec. 6, page 341, line 22, by striking out "JANUARY 1, 1977." and inserting: in one year.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Lederer.

Mr. LEDERER. Mr. Speaker, this amendment has to do with matrons and straps for wheelchairs on school buses in the Commonwealth.

The exceptional children of Pennsylvania, the mentally retarded, the physically disabled, do not have any so-called paid lobbyists. The lobbyists are the elected members of the House of Representatives. I would ask your support on this.

I passed a fiscal note around to the members of the House. If the amendment should be successful, the package will be picked up by the Commonwealth.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I oppose the amendment because there is no fiscal note on this amendment. The cost is so great that we do not know what it is really going to be.

Secondly, I had recommended originally that something of this nature be placed in the School Code in order that the moneys would come from the general fund. This amendment is asking the Commonwealth, the Department of Transportation, to pick up the entire cost.

Now if we are going to continue to have amendments—and they are good amendments; I am not questioning them—but if we are going to continue to have amendments that are going to provide excessive costs, then what we did here several weeks ago or a month ago is not going to mean a thing. I oppose this amendment because of its cost.

QUESTION OF INFORMATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs. For what purpose does the gentleman rise?

Mr. ARTHURS. I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARTHURS. Am I thinking wrong or did we not consider this amendment or a like amendment last week?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, Mr. Arthurs is right. We did consider this amendment 2 weeks ago. At the time, I asked Mr. Lederer whether or not he would reconsider the amendment because at that time this amendment did not consider or did not include in it the provision that the state would pick up the cost.

My concern at that time was that we were mandating a program that I considered to be a needy program to our local school districts, and yet we were going to saddle them with the cost.

I hate to disagree with my distinguished colleague, the majority chairman of the Transportation Committee, but I do agree that this is an important piece of legislation. If we are going to pass it, then the state should pick up the cost, not the school districts. I support the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. I have just received the cost breakdown from the Appropriations Committee. The cost to insert the equipment in the buses is going to be \$500,000, and the cost for matrons will be \$1.5 million annually. That is a total of \$2 million.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Lederer.

Mr. LEDERER. Mr. Speaker, the \$500,000 cost is a one-shot item.

The \$1.5-million-figure that the Department of Education has sent to us on the fiscal note—if, indeed, it is \$1.5 million—will create 1,000 part-time jobs in the Commonwealth. I think there is no better time than now to create 1,000 jobs for the Commonwealth.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Menhorn.

Mr. MENHORN. Mr. Speaker, I would like to rise to support this amendment. Unless I missed something when I was off the floor on occasions, 2 weeks ago or the last time we voted on amendments on this, we lowered the driving age to 16 for a full license. It seems to me that this is going to eliminate a lot of driver education classes in school. The money that is now being spent on driver education could well be spent on equipping these buses.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. The money does not come from the driver education funds. I think, Mr. Speaker, you have got it all wrong. It does not come from the driver education funds. The driver education funds will remain. This \$2 million will come from the general fund. The amendment says: "The Commonwealth of Pennsylvania shall bear the full cost of equipping the school buses . . ." It is a question of whether you want to vote for taxes to provide this service.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Menhorn.

Mr. MENHORN. Maybe I did misunderstand, but I figured this money would be coming from the motor license fund to take care of these buses.

Mr. BONETTO. The moneys that must be provided for this service shall come from the general fund. It is an additional \$2 million for this year, but not from the motor license fund. The \$5 million for driver education will remain for driver education. We did not eliminate driver education.

Mr. MENHORN. I know you did not eliminate it, but I am assuming that a lot of school systems are going to eliminate it when there is no longer any need for it.

Mr. BONETTO. The money is not available for this service.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Gillespie.

Mr. GILLESPIE. Thank you, Mr. Speaker. I rise to support my very distinguished colleague from Philadelphia, for I feel it kind of ironic that just a few minutes ago we voted for an \$8-million expenditure to have our pictures placed on cards and now we are talking about \$2 million for helping needy students. I think it is a ridiculous argument against it. What we should be doing is reconsidering that previous amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Warren, Mr. Kusse.

Mr. KUSSE. Mr. Speaker, may I interrogate Mr. Lederer?

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Lederer, consent to interrogation?

Mr. LEDERER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. KUSSE. Mr. Speaker, in my district we have a minibus that picks up six mentally handicapped children and takes them to a class in one of our elementary schools. Would that bus have to be equipped with safety straps?

Mr. LEDERER. No. Where there would be wheelchairs, then there would be safety straps on the buses.

Mr. KUSSE. Well, you say, "All buses used in the transportation of exceptional (physically or mentally handicapped) students shall be equipped with safety straps,"

Mr. LEDERER. The wording should be—and I imagine that it is not indicated there—that it is for wheelchairs. I believe if you read down further, it will say "wheelchairs."

Mr. KUSSE. Yes, it does. But you also say they have to be equipped with safety straps if they transport physically or mentally handicapped students. It would seem to me that it would be a waste of money to have to equip that bus in that manner.

Let me go on to my next question.

Mr. LEDERER. Let me just interrupt a minute, Mr. Speaker. Do you think it is a waste of money to have safety belts in cars?

Mr. KUSSE. Mr. Speaker, I am interrogating you.

Mr. LEDERER. All right. Go ahead.

Mr. KUSSE. Yes, Mr. Speaker, I am opposed to safety belts. I flew for a living for 20 years. I always had my belt fastened in an airplane and I do not fasten it in a car. But that is my feeling.

Mr. LEDERER. Okay.

Mr. KUSSE. My next question then: You say these buses would also have to have a matron. So in this bus that only has six children, you would require a full-time employe, a paid employe, to look after those six children?

Mr. LEDERER. Yes, I would.

Mr. KUSSE. Mr. Speaker, I would oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman's amendment has merit, to say the least. However, my fear is in the area of providing a matron for these children. Having had some experience within my family as to the ability to handle these kinds of children, I am afraid that a matron merely trained in first aid and the care of epileptic seizures, and so forth, would not be sufficient. You would find that you perhaps are going to need a registered nurse, and, in so doing, I am certain you are not going to find one who will work for \$2.36 per hour as suggested by the fiscal note.

I would admire the gentleman for offering the amendment, but, on the other hand, knowing the problems they are faced with in handling these exceptional children, I am just afraid that it is not feasible.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Lederer.

Mr. LEDERER. Mr. Speaker, at the present time we do not have matrons; we have bus drivers. I think it is a most difficult job to watch traffic on our complex highways today and worry about maybe 10 or 15 children who cannot take care of their own faculties.

For instance, has anyone ever thought about what would happen when maybe a bus driver is not on his usual route and he may put a blind child or a mentally retarded child off three blocks from where he lives where possibly a mother or an older brother or sister is waiting? That kid is left in the forest. I think what we are doing today is putting too much on the bus driver and possibly we had better start helping them.

Mr. DeVerter says maybe we will get into registered nurses. As of today in the Commonwealth, we have no one helping those bus drivers. I think it is kind of important that we take care of the forgotten child of Pennsylvania.

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

Mr. LETTERMAN. I would like to interrogate Mr. Lederer, please.

The SPEAKER pro tempore. Will the gentleman from Philadelphia, Mr. Lederer, consent to interrogation?

Mr. LEDERER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. LETTERMAN. Mr. Speaker, do you think that this money that we are going to have to put up for this should come from the places where most of it is going to be used? In other words, what I am saying to you is that I think this amendment is completely out of order here. I think that it should be in the Department of Education. I would ask you where you think this money is really going to come from?

Mr. LEDERER. I believe this money will come from the general fund.

Mr. LETTERMAN. I think possibly that is not the right answer. I think it will end up coming from the motor license fund, and that is my exact example of why I say it should come out of the Department of Education funds.

I live in a district where I will be paying everybody else's bill. I might have only one or two of those children. You, in Philadelphia, will have maybe 5,000 of them, so you are asking me to pay your entire bill. Why do you not pay it out of the education funds then, so that it will pay the taxes to do that job?

Mr. LEDERER. Mr. Speaker, not for one minute do I believe that there are 1,000 buses in Pennsylvania carrying retarded children. I do not believe there are 20 buses in the county of Philadelphia, which has a population of 2 million.

I question—and I have questioned twice—the Department of Education's figures. They sent back word that they really do not have an idea but they projected this as being 1,000 buses. I have asked for two fiscal notes on it.

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

Mr. LETTERMAN. I do not mind paying the bills for everybody, but we just raised the license fee. I do not think it is fair that we raise the license fee for every

person in Pennsylvania when they are not going to benefit from it.

If we have these children in a school district, that is the proper place for it to be paid. I am getting sick and tired of watching the Transportation Department pay for education bills. It is the same way with your training. Everybody wants mandatory training for a 16-year-old to drive an automobile. I do not think that should come out of the motor license fund either. I think it is about time we stick education in where education belongs. This amendment just does not belong in Transportation.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs.

Mr. ARTHURS. Mr. Speaker, I think there is a point that needs to be brought out here which I think is rather important, and that is, in many areas of Pennsylvania, in our rural areas, we have these handicapped children, whether they be mentally or physically handicapped, who are being transported in private automobiles. This is being supported by moneys from the mentally retarded-mentally handicapped fund.

What we are saying, if we adopt this amendment, is that in these areas where we have one or perhaps two children who are not even physically handicapped, that first of all they are going to have to buy a van-type bus. Secondly, they are going to have to put a lift in that bus, and not even a ramp. Now we are mandating money here that absolutely in many cases will not be necessary.

Now I want to take care of the handicapped just as much as anybody, but I want to use a little bit of common sense about the thing. I think, once again, it should be in the School Code. Then there should be regulations set up so we can take care of the one child who needs to be transported, compared to the 5, 10, 15.

I agree that this is a good concept, but let us put it where it belongs. Let us put a little bit more thought into it to take care of the children where and how many of them need taking care of. I think this particular amendment is bad at this particular time and in this particular part of the code, and I would ask for the defeat of this particular amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Lederer.

Mr. LEDERER. Mr. Speaker, the amendment reads "certain school buses." It does not go into anything about automobiles or private vehicles carrying school children.

I just feel strongly that this is the time to meet this situation head on. It has been too long that the exceptional children, not only of Pennsylvania but of this country, have been second-class citizens. I say that if this legislature does not act on it today, we are keeping them second-class children.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs.

Mr. ARTHURS. Just in quick response there, any vehicle that does transport a child to and from school is looked upon as being a school vehicle. Now they do not all come under the same regulations. This is referring to all children who are mentally or physically handicapped, so it does refer to all of them.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I agree that we probably should roll it and I am sure we probably will defeat it.

I want to call your attention to Act 215 of 1974 which I have been working on and trying to get it changed. It passed the House here and is in the Senate now. It is the one that says that all public buildings, whether they are rented or leased or what-have-you now, must have toilet facilities and ramps and all that for the physically handicapped.

Now I know their intent was right, but if they only realize what chaos it has caused in the State of Pennsylvania. As a matter of fact, we have some thousands of jobs right now that cannot even move because of the fact of complying with this regulation. The Department of Labor and Industry and the state are just up in arms over it and the Liquor Control Board. It is just a mess.

It is true what Mr. Arthurs said, this is going to be very costly. We have a monitoring system in our county through various PTA's and other groups that are watching, like the Blind Association, which I belong to, and physically and mentally handicapped organizations that we belong to, and I have yet to receive one complaint, not one.

Since the "Fed's" came in—with this business and I agree with them that the physically handicapped, mentally retarded children must be educated, must be given their equal rights—we have schools set up and buses set up now. Presently we are well equipped, not only in our schools but we are well equipped on the minibuses, as Mr. Kusse stated. We do have equipment to haul these youngsters. I have yet to have one complaint. As a matter of fact, the mothers and fathers who are monitoring these systems are just overwhelmed at the way they are handled.

I agree, if Mr. Lederer has a problem in Philadelphia or if some of the other areas have a problem, I think it is up to their school boards to look into that problem. We, as Mr. Letterman stated, do not want to be plagued in our rural areas where we are responsibly doing the job now.

One last item: I do not want to hear what I have heard before—well, I say, I do not want to hear; I will have to put up with it if the fellow says so—relating to our not having mercy or so-called sympathy for this problem. That is not true. I see in this room here probably 80 or 90 percent of these ladies and gentlemen who have probably been involved, or the ladies' husbands were, as GI's. There is no one who has more sympathy for children than the American GI. If we see a problem that is existing and it is really sincerely called to our attention, we will do something about it at that time.

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

Mr. RICHARDSON. Mr. Speaker, I rise today to support the amendment for several reasons.

Last week when this amendment was offered and was defeated, I went back and did some research in my own district. The thing is, I think that a lot of us today are saying that we are sympathetic to the cause of handicapped children. Well, we are certainly not expressing it today in the will to support this amendment.

I rise today to support the amendment that is presently

on the floor. Last week we attempted to try to pass this amendment concerning handicapped children. Since then I have had an opportunity to go back into my district and do some research on my own.

Personally, I feel that this is an opportunity for us to look at the whole question concerning handicapped children.

There was some information that was passed on that this is an educational piece and should therefore be put in an educational bill. I think that when you talk about buses and you talk about requiring special equipment on buses, that we are talking about transportation. Certainly this seems to be the right place to amend this particular code.

I think that one of the things facing us today is the fact—although it has been brought to my attention as early as just a few minutes ago by one of the Representatives—that parents do ride on these buses. The thing is that a large majority of them do not get an opportunity every day to ride on those buses, and therefore do not understand the causes and cases of all of the problems that face handicapped children, such as an epileptic fit or other things, that are necessary for them to know about in order to maintain a child if they are sick. I think that the course that is being offered is the correct one.

The other thing is that matrons are needed on the bus in order to ensure the youngsters who have some physical deficiency, who are traveling up and down the steps, an opportunity to make sure that the young persons are seated comfortably and certainly correctly.

We seem to forget the fact that when we are dealing with young people or handicapped people that we are bypassing the fact that we have a responsibility to them also. The thing is that we have to try to move in some light that will direct youngsters in looking at this legislative body, the members of this House, in the direction of saying that here we do have an opportunity to amend and put in the special equipment inside of the buses to make sure that their ride is more comfortable.

Mr. Speaker, I cannot stress to you the importance of looking at this amendment in a more serious vein to begin to try to correct some of the problems that are existing. The buses now do not have the necessary added equipment. The amendment is not farfetched. If it does cost this Commonwealth some money, it is about time we start spending it in the right kind of direction, if it is going to deal with at least helping somebody instead of the kinds of moneys, that we have been allocating toward other programs and other interests that are very significant to ourselves.

I think, therefore, with this one particular amendment that is going to deal with spending some money, with all the costs that have been put into this bill, that certainly we are not reaching beyond the scope of the bill. This brings it back into focus in helping some young people who probably need the attention that is so readily needed.

Before you make that decision today, just think for a moment. If you had a handicapped child, how would you want that child to respond or act today? I think that is the question that is before us. If we all had a child who was handicapped, how would they want us to respond to a piece of legislation that is before us giving us the opportunity to make sure that we can give them the

kind of service that is needed? I urge the members of the House to vote in the affirmative.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, I rise to support this amendment. Back in Delaware County, we do have a lot of physically handicapped boys and girls going to school. A lot of our buses do have a matron on the buses now.

It was brought to our attention here that they could not find enough people to work at these jobs. They only pay \$2-something an hour. Well, believe me, in Delaware County, we have a waiting list of people who want these kinds of jobs.

A month or so ago we passed a bill to raise the judges' salaries \$1,600,000 and no one on this floor asked where the hell the money was coming from. The money is there for the judges' raise. Now let us hope that the Governor vetoes that bill, and then you can have \$1,600,000 for this amendment.

I ask my colleagues to support this amendment. It is a good amendment. When you think of increasing somebody's wages, just think of this amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I would like to mention to the members of this House that if this amendment were to be inserted in the Vehicle Code, I have now found out that the moneys must come from the Transportation Department.

So now what we are dealing with here is this: The Constitution of Pennsylvania provides that all moneys derived from liquid fuel taxes, license fees, shall be used for highway purposes.

To insert this amendment into the Vehicle Code—and I have said this before, it does not belong there; it belongs in the School Code—is it proper? Would it be proper to take liquid fuel funds to pay for matrons on school buses? I believe it to be unconstitutional.

For that reason, I am asking the defeat of this amendment. Place it in the School Code where it belongs.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Stahl. For what purpose does the gentleman rise?

Mr. STAHL. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAHL. Mr. Bonetto raised what I think might be a very telling argument. I would ask the Chair to rule whether the amendment is germane to the matter at hand or whether it is extraneous.

The SPEAKER pro tempore. Is the gentleman, Mr. Stahl, raising the question of the germaneness of the amendment?

Mr. STAHL. Yes.

Mr. BONETTO. I did not raise the question as the gentleman so stated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. Stahl has raised the question of germaneness. Does Mr. Bonetto have a comment?

Mr. BONETTO. No.

The SPEAKER pro tempore. The House will be at ease for a moment.

Will Mr. Bonetto, Mr. Westerberg, Mr. Stahl, and Mr. Beren approach the Chair?

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The question before the House is the question of the germaneness of the amendment, raised by the gentleman from Berks, Mr. Stahl.

I would inform the members of the House that I would be inclined to rule that the amendment is not germane. However, I think it my duty to further advise you that I do not believe the question of germaneness should be applied to the amendment, but rather I feel it is a question of the constitutionality of the amendment itself.

The question has been raised as to the application of highway funds for this particular use, and I think more properly, rather than my ruling on the germaneness, I would entertain a motion from a member of the House as to the constitutionality. That motion would then be voted on by the members of the House and you would determine the constitutionality of the amendment.

POINT OF ORDER ON GERMANENESS WITHDRAWN

CONSTITUTIONAL POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Stahl.

Mr. STAHL. Mr. Speaker, I move that the House vote on the constitutionality of the question and urge a "no" vote.

The SPEAKER pro tempore. Is it my understanding that the gentleman withdraws his motion as to germaneness?

Mr. STAHL. Yes.

The SPEAKER pro tempore. The gentleman from Berks, Mr. Stahl, now moves as to the constitutionality of the amendment.

Mr. STAHL. Right.

The SPEAKER pro tempore. Then the question before the House is: Is the amendment constitutional or not?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett. For what purpose does the gentleman rise?

Mr. BENNETT. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BENNETT. Is the motion debatable?

The SPEAKER pro tempore. The motion is debatable, yes, of course. Does the gentleman wish to debate the motion?

Mr. BENNETT. Mr. Speaker, a further parliamentary inquiry: If we are ruling on the constitutionality of the amendment, would it be proper at this time to raise the question relative to workshops for the mentally retarded, et cetera? Now my question really, Mr. Speaker is: If this House finds the amendment unconstitutional, what would be my procedure in raising a question of germaneness as to schools for the mentally retarded?

The SPEAKER pro tempore. The Chair would answer the gentleman in this fashion: The only question before the House is the constitutionality of this amendment.

Now the gentleman poses the various ramifications that may occur from your particular vote. I would leave that

with you when you decide to vote. But the only question before this House presently would be the constitutionality of the amendment as it is presented.

Each question will stand on its own as it is raised. The only question presently before the House is the question of the constitutionality of this amendment.

Mr. BENNETT. On the question, Mr. Speaker, may I speak to the question?

The SPEAKER pro tempore. The gentleman may do so.

Mr. BENNETT. Mr. Speaker, I am very much concerned, as I am sure every member of this House of Representatives is concerned, with this amendment.

I would call to the attention of the membership a situation. In Mercer County, we have a school for the mentally retarded and a workshop. At the present time, Mr. Speaker, we have buses that transport these kinds of people to and from the workshop.

The SPEAKER pro tempore. Will the gentleman yield for a moment?

Mr. BENNETT. Certainly.

The SPEAKER pro tempore. I am sure that there may be some other discussion on this. I would caution the gentleman and other speakers and ask that you address yourself to the constitutionality of the amendment. The merits are not to be debated at this time. I realize that there may be many pros and cons, but the merits of the amendment are not the issue. I would ask that you confine yourselves to the constitutionality of said amendment.

Mr. BENNETT. I thank the Chair, Mr. Speaker. I will certainly attempt to do that. It makes it rather difficult, however, in view of the motion by the gentleman as to the constitutionality.

I would suggest that it would pose very, very grave questions if we found this unconstitutional. Therefore, I would ask that all of the members vote in favor of the constitutionality of the question.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, once again, we question the constitutionality of this particular amendment because the liquid fuel tax fund cannot pay for matrons on school buses.

We should insert in the Vehicle Code those regulations that would require lifts on buses, or safety belts on buses. That would be legal. But remember what I am saying. The majority of the buses used are privately owned, and they are rented by the school boards.

It is my personal opinion that to pay for matrons out of liquid fuel tax funds—no matter what the merits of this amendment may be—is unconstitutional.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, is not this amendment divisible?

The SPEAKER pro tempore. The question of the

amendment is not before the House as to its divisibility; the only question is to its constitutionality.

Mr. RICHARDSON. Of what? Of the entire amendment? That is why I am asking if it is divisible.

The SPEAKER pro tempore. That is the question as it was so propounded by the gentleman. His motion was as to the constitutionality of the entire amendment.

Mr. RICHARDSON. So, therefore, nothing is before the House other than the constitutionality of the entire amendment?

The SPEAKER pro tempore. Unless the gentleman from Berks would want to restate his motion, and he does not indicate that he will. The question before the House remains, and that is, on the constitutionality of the entire amendment.

The Chair recognizes the gentleman from Montgomery, Mr. Pyles.

Mr. PYLES. Mr. Speaker, on the question of constitutionality, may I briefly interrogate Mr. Bonetto?

The SPEAKER pro tempore. Will the gentleman consent to interrogation?

Mr. BONETTO. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PYLES. Mr. Speaker, is it true that the driver education reimbursement to the schools, to our school systems now, comes out of the liquid fuels fund?

Mr. BONETTO. That is correct.

Mr. PYLES. But you also said a moment ago that the constitution says that the liquid fuel funds, could only be used for Transportation Department requirements.

Mr. BONETTO. The Constitution of Pennsylvania specifically states that all funds derived from liquid fuels taxes, license fees, and fines shall be used for highway purposes.

Now driver education is a highway purpose. That is a highway safety purpose. It was designated so by the Justice Department.

Mr. PYLES. Thank you very much.

That point needed to be clarified because many of us know that the school systems of our Commonwealth do get money derived from the liquid fuels fund, and if, in fact, the Department of Justice has ruled that driver education in our state is a part of that safety program administered by the Department of Transportation, then I would say it is legal and constitutional.

I just wonder whether what we are addressing ourselves to today on this amendment is not also a part of the driver safety program.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Gillespie.

Mr. GILLESPIE. Mr. Speaker, I wonder if the gentleman, Mr. Stahl, would submit himself to interrogation?

The SPEAKER pro tempore. Will the gentleman consent to interrogation?

Mr. STAHL. Yes, but I might yield to my colleague across the aisle.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GILLESPIE. In making your motion, Mr. Speaker, I was wondering if your rationale is similar to Mr. Bonetto's as far as the constitutionality?

Mr. STAHL. Yes, it is.

Mr. GILLESPIE. Thank you, Mr. Speaker.

Mr. Speaker, I think this is a very shallow ground to be going on because what you must consider is that the payment for the matron is payment for the safe transportation of people, which can be considered a highway purpose. It can be a safety question on the highway, and I think I am as close to right as Mr. Bonetto is. So, therefore, I would encourage a vote to sustain the constitutionality of this amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, there is a big difference. I would like to answer the question very clearly.

When we in this state pay for driver education, we pay to a school board. In this amendment we are required by law, if this passes, to pay for the training of matrons, and to pay whom? Whom do we pay? It does not say whom we pay in this amendment. So, therefore, it is indicated that the matron would be paid directly by the state, or a private owner, who own a bus and is required to have a matron on it, would be paid directly by the state. For that reason I am saying that this is unconstitutional.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Eckensberger.

Mr. ECKENSBERGER. Mr. Speaker, may I refer the members to Article VIII, section 11 of our constitution, specifically to the language which I believe is applicable in this case.

In referring to the use of gasoline and other motor fuel excise taxes, registration fees and license taxes, operators' license fees and other excise taxes, the section says, and I quote it: ". . . used solely"—this is the permissible use—" . . . used solely for construction, reconstruction, maintenance and repair of and safety on public highways and bridges," et cetera.

It seems to me that we are confronted with interpreting the words "safety on public highways". With regard to my own personal opinion, it would seem to me that the amendment would go somewhat beyond the language of safety on public highways and the training of particular capacities of individuals. And I would, therefore, submit that we are going somewhat beyond the bounds of the constitution.

Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, might I point out also that there is discrimination in using the word "matron" only.

The SPEAKER pro tempore. Will the gentleman repeat his question or was it not a question?

Mr. LETTERMAN. No, Mr. Speaker. I said that the use of the word "matron" is pure discrimination.

The SPEAKER pro tempore. That is the gentleman's opinion.

Mr. LETTERMAN. That is everybody's opinion. They want equal rights.

Mr. LEDERER. We want to thank Mr. Letterman for his opinion.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Columbia, Mr. Shelhamer.

Mr. SHELHAMER. Thank you, Mr. Speaker.

Mr. Speaker, a couple of years ago several members of the General Assembly, including at least two of us who sit here today, were assigned to an ad hoc or joint state government study between the House and the Senate on school bus safety. Mr. Westerberg and I had the honor of being at least two of those members who were on that survey.

In that survey we considered many things, including some of the things we are debating here today. One of the things that was approved was the present system of amber and red stopping lights on school buses that we now have put in here in Pennsylvania.

Now when it was finally decided that that was a safety factor and that we would mandate that upon the school bus operators, the question came up of reimbursement. And it was clearly pointed out that it would be unconstitutional for the Commonwealth to directly reimburse those private operators of school buses.

You may also remember, Mr. Speaker, a couple of years ago, back in 1972, when we originally had the first flood victims' bill, it became necessary for us here in this House of Representatives and in the Senate to pass a special piece of legislation making it possible to reimburse individuals directly from the Commonwealth. We reinstated this desire this past year in the Eloise disaster.

What we are saying clearly then is that the Commonwealth may not reimburse individuals directly for this sort of thing. What we did in the school bus situation when lights were put on those buses, we reimbursed the school boards which, in turn, reimbursed the operators when they purchased a new bus. We never did reimburse those original people because it was unconstitutional.

For that reason, as meritorious as the situation is as developed by Mr. Lederer today, I believe that it will undoubtedly be found unconstitutional, that we may not reimburse these people individually for their services.

I ask members to vote in the negative.
Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Lederer.

Mr. LEDERER. Mr. Speaker, I ask the House to vote in the positive.

The SPEAKER pro tempore. On the question of the constitutionality, an "aye" vote will indicate that you are stating that the amendment is constitutional; a "nay" vote will indicate that it is unconstitutional.

On the question,
Will the House sustain the constitutionality of the amendments?

The yeas and nays were required by Messrs. STAHL and LEDERER and were as follows:

YEAS—68

Abraham	Gillespie	McLane	Richardson
Bennett	Gillette	Menhorn	Rieger
Beren	Goodman	Miller, M. E.	Ross
Berlin	Greenfield	Milliron	Ruggiero
Bradley	Grieco	Myers	Ryan
Burns	Hamilton, J. H.	Novak	Salvatore
Butera	Hutchinson, W.	O'Brien	Schweder
Cessar	Katz	O'Connell	Shelton
Cohen	Kelly, J. B.	O'Donnell	Stapleton
Dicarlo	Knepper	O'Keefe	Stynowski
DiDonato	Laughlin	O'liver	Wagner
Doyle	Lederer	Perri	Walsh, T. P.
Fawcett	Lincoln	Perry	Wansacz
Fischer	Lynch	Polite	Wargo
Garzia	McClatchy	Pyles	Wilson

George Giammarco	McGinnis McIntyre	Reed Renninger	Worrlow Wright
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NAYS—110

Anderson, J. H.	Geisler	McCall	Shelhamer
Arthur	Gleason	McCue	Shuman
Bellomint	Green	Milanovitch	Shupnik
Bittle	Gring	Miller, M. E., Jr.	Sizlanni
Bonetto	Halverson	Moehlmann	Smith, E.
Brandt	Hasay	Morris	Smith, L.
Brunner	Haskell	Mrkonc	Spencer
Caputo	Hayes, S. E.	Mullen	Stahl
Cole	Hepford	Musto	Stout
Cowell	Hill	Noye	Taddonio
Crawford	Hopkins	Pancoast	Taylor
Cumberland	Hutchinson, A.	Parker, H. S.	Toll
Davies	Irvic	Petrarca	Trello
DeMedio	Itkin	Plevsky	Turner
Deverter	Kelly, A. P.	Pitts	Vroon
Dietz	Kernick	Pratt	Weidner
Dininni	Kistler	Prendergast	Westerberg
Dorr	Klingaman	Rappaport	Whelan
Eckensberger	Kolter	Ravenstahl	Wilt, R. W.
Englehart	Kowalshyn	Renwick	Wilt, W. W.
Fee	Kusse	Rhodes	Yahner
Fisher	LaMarca	Ritter	Yohn
Flaherty	Laudadio	Saloom	Zearfoss
Foster, A.	Lehr	Scheaffer	Zeller
Foster, W.	Letterman	Schmitt	Zwickl
Fryer	Levi	Seirica	
Gallen	Manderino	Seitzer	Fineman, Speaker
Geesey	Manmiller	Shane	

NOT VOTING—18

Barber	Gallagher	McGraw	Thomas
Berson	Gleason	Mebus	Valicenti
Cimini	Hammock	Miscevich	Wojdak
Dombrowski	Hayes, D. S.	Mullen, M. P.	Zord
Dreibelbis	Johnson, J.		

So the question was determined in the negative and the amendments were declared unconstitutional.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett. For what purpose does the gentleman rise?

Mr. BENNETT. I rise to a parliamentary inquiry.
The SPEAKER pro tempore. The gentleman will state it.

Mr. BENNETT. Mr. Speaker, would the Chair inform me if it would be proper to amend the amendment that was just found unconstitutional by deleting the words in that amendment that the cost is to be paid by the Commonwealth? Would that be permissible at this time?

The SPEAKER pro tempore. The Chair would have to rule that it would take an entirely new or different amendment in order for this body to vote. The Chair can advise that if the gentleman wishes to have an amendment prepared and submitted, then this House will consider it on its individual wording and its individual merit. But this particular amendment, as it is so constructed, fails.

If the gentleman desires to draw up another one, he may do so.

Mr. BENNETT. Would the Chair further advise me if I would have an opportunity to amend this particular code by that amendment, or are we at a time when no further amendments are to be offered?

The SPEAKER pro tempore. There are a number of amendments to be offered, and judging from the progress we are making, I would say that the gentleman has ample time.

Mr. BENNETT. Mr. Speaker, I have just been on the telephone with the Mercer County Mental Health As-

sociation. We are very much concerned with the amendment. I am sorry that it failed—and I understand the reasons for the members voting as they did—however from my own group, I have just been given the information that it is so needed for intracity travel that they have informed me that if it is absolutely necessary for those individuals to pick up the costs of the person on the bus, they would do so. So if Mr. Bonetto would kindly consent, Mr. Speaker, I will have that amendment drafted and will submit it to the body.

The SPEAKER pro tempore. I suggest that the gentleman is free to do so and suggest he proceed to do it immediately.

Mr. BENNETT. I thank the Chair.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. I apologize to the members for going beyond the announced lunch period, but we did interrupt Mr. Letterman and I thought it was unfair to ask him to come back after lunch. But I want to issue a word of caution. Your brilliant and extensive debate on the amendments so far has now placed us about 24 hours behind schedule. I hope you are prepared to stay with me until Thursday or Friday if necessary. We shall finish the amendment battle on this bill this week. So take your time.

If you finish tomorrow, you go tomorrow; if you do not finish until Thursday, you do not go until Thursday; and if you do not finish Thursday, you do not go until Friday. Enjoy yourselves.

The SPEAKER pro tempore. The Chair thanks the majority leader. I would not recommend that he be swayed by that applause. I doubt that it was intended that he be swayed.

On the question recurring,

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

CONSIDERATION OF THE LETTERMAN AMENDMENT RESUMED

The House resumed consideration of the amendment offered previously by Mr. LETTERMAN:

Amend Sec. 1 (Sec. 3368), page 200, lines 1 and 2 by striking out "INCLUDING THOSE PURCHASED FOR THE PENNSYLVANIA STATE POLICE"

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Letterman.

I caution you, gentlemen, on your debate, that this will be the last amendment we will consider prior to lunch, so that you have a hand in deciding when.

You may proceed, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

My amendment is on page 200, lines 1 and 2. What I am doing is attempting to strike out the words "including those purchased for the Pennsylvania State Police". That is the entire amendment.

It saves a lot of money. It also does not require a printout on radar, and I think that that is a real fallacy.

Machines are never as accurate as some people would lead us to believe, and I think that that is the main reason for asking for this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I think naturally I rise to oppose this amendment. The gentleman, Mr. Letterman, suggests that it is going to save money. Perhaps if you recall the fiscal note on this amendment last week, it indicated that last year the State Police did not buy any radar units at all, and all that the bill says now is that any units purchased in the future, any new units that the State Police purchase, shall include a read-out type of radar device.

Now as to the accuracy, I would suggest that the gentleman however suggested that these machines are not accurate. Well, the printout is going to be as accurate as the radar itself is. I would suggest that it is more accurate to have a printout than it is to have a trooper sitting there trying to read the thing as it fleetingly passes by in the digital manner.

I would oppose the amendment. I think it is in the interest of the driving public to have the printout.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Fayette, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I rise to oppose the amendment. I would like to give the House members a little chronological listing of what we have done to this point and what affect this amendment would have on that.

We have as a body said that the only police agency in Pennsylvania which would be permitted to use radar would be the Pennsylvania State Police. Mr. Wilson added an amendment to the proposed code by saying that, after the enactment, all new radar equipment purchased would have to have a device which would give a printout of that particular violation.

Yesterday we accepted an amendment which I offered which extended that one step further by saying that the printout must include the time and the date of the violation and shall be given to the defendant upon his request. At this point if we accept Mr. Letterman's amendment, what we are doing in effect is removing the two amendments that Mr. Wilson and I have offered and which were accepted almost totally by the House. And I do not believe that that is what we want to do. I think that it is a good idea. It is beneficial to not only you and me and our constituency as drivers, but I think it is a benefit to the arresting officer, because one of the biggest arguments that you hear and I hear is that they do not believe the policeman when he comes and tells them that they were going 68 miles an hour or 64 miles an hour. We will have conclusive proof as to what that radar machine said because of that printout. And with allowing only the State Police to use radar, I think it is a little foolish for us now to exclude any equipment they are going to use from having that printout.

I would also say to the gentleman, Mr. Letterman, that I am not positive that his amendment would do what he intends. Because the only thing he is removing from page 200, lines 1 and 2, is this wording which says, "including those purchased for the Pennsylvania State Police." If we accept that amendment, what we are going

to have in the code at that time would be beginning on line 30, page 199: "All new units purchased after the effective date of this title shall have printed output." And I really do not think that the State Police could be excluded at that point because they are the only ones which would be using the new equipment which was purchased, and the code still would say that you must have a printed output. So I really do not think that he is accomplishing what he had intended with his amendment, but I do oppose it and I would ask the rest of the members of the House to do likewise.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, I agree with the position taken by Mr. Wilson and Mr. Lincoln and I ask that the amendment be defeated.

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

Mr. SALOOM. Mr. Speaker, time is running short, but however I want to say this amendment has been proposed probably not to trust the State Police out in the field.

Now during my driving experiences I had been stopped one time for speeding and, of course—

The SPEAKER pro tempore. I think we heard about that, Mr. Saloom.

Mr. SALOOM. Right.

I trust the judgments of the State Police who are out there, and, of course, at the time I was speeding. And I would say that I do not think there is any reason really for the printout and I would oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Really this is much ado about nothing. If you read the bill on page 199, it talks about the use of radar by officers of the Pennsylvania State Police. And if you take Mr. Letterman's amendment, the very next sentence would read "All new units purchased after the effective date of this title shall have printed output." If you are not going to allow anyone except the State Police to use radar, why then do you need the language in there "including those purchased for the Pennsylvania State Police"?

So that if you take Mr. Letterman's amendment, the Pennsylvania State Police are still going to be using radar and all new units purchased would have to have printed outputs. I do not think the amendment does what Mr. Letterman wanted it to do, but there is nothing wrong with taking the amendment. The State Police will still have the use of radar and they will have to have on their new units the printed output.

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

The yeas and nays were required by Messrs. LETTERMAN and WILSON and were as follows:

YEAS—28

Arthurs	Halverson	McCue	Salvatore
Bellomini	Hamilton, J. H.	McGinnis	Shuman
Bennett	Klingaman	Mullen, M. P.	Sirianni
Bradley	Laughlin	Myers	Stout
Dreibelbis	Letterman	Oliver	Taddonio
Engelhart	Manderino	Rieger	Taylor
Green	McCall	Ritter	Worrilow

NAYS—152

Abraham	George	McLane	Ryan
Anderson, J. H.	Giammarco	Mebus	Saloom
Beren	Gillespie	Menhorn	Scheaffer
Berlin	Gillette	Millanovich	Schmitt
Bittle	Gleason	Miller, M. E.	Schweder
Bonetto	Goodman	Miller, M. E., Jr.	Scirica
Brandt	Greenfield	Milliron	Seltzer
Brunner	Grieco	Miscevich	Shane
Burns	Gring	Moehlmann	Shelhamer
Butera	Hasay	Morris	Shelton
Cessar	Haskell	Mrkonjc	Shupnik
Cimini	Hayes, S. E.	Mullen	Smith, E.
Cohen	Hepford	Musto	Smith, L.
Cole	Hill	Novak	Spencer
Cowell	Hopkins	Noye	Stahl
Crawford	Hutchinson, A.	O'Brien	Stapleton
Cumberland	Hutchinson, W.	O'Connell	Toll
Davies	Irvis	O'Donnell	Trello
DeMedio	Itkin	O'Keefe	Turner
Deverter	Katz	Pancoast	Ustynoski
Dicarlo	Kelly, A. P.	Parker, H. S.	Valicenti
DiDonato	Kelly, J. B.	Perri	Vroon
Dietz	Kernick	Perry	Wagner
Dininni	Kistler	Petrarca	Walsh, T. P.
Dorr	Knepper	Pievscky	Wansacz
Doyle	Kolter	Pitts	Wargo
Eckensberger	Kowalyszyn	Polite	Weidner
Fawcett	Kusse	Pratt	Westerberg
Fee	LaMarca	Prendergast	Whelan
Fischer	Laudadio	Pyles	Wilson
Fisher	Lederer	Rappaport	Wilt, R. W.
Flaherty	Lehr	Ravenstahl	Wilt, W. W.
Foster, A.	Levi	Reed	Wright
Foster, W.	Lincoln	Renninger	Yahner
Fryer	Lynch	Renwick	Yohn
Garzia	Manmiller	Rhodes	Zearfoss
Geesey	McClatchy	Ross	Zeller
Geisler	McIntyre	Ruggiero	Zwikl

NOT VOTING—16

Barber	Gallen	McGraw	Zord
Berson	Gleason	Richardson	
Caputo	Hammock	Thomas	Fineman, Speaker
Dombrowski	Hayes, D. S.	Wojdak	
Gallagher	Johnson, J.		

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

SENATE BILL No. 116 TAKEN FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I wish to move to remove from the table Senate bill No. 116 on page 24.

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

REQUEST FOR RECESS

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, there are some members who have miscellaneous resolutions and who would like to be recognized. When they have been recognized, I would like the Chair to declare a recess of this House until 1:45 for the purpose of lunch.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has been asked to announce that there will be a meeting of the Committee on State Government on Wednesday, March 24, at the time that our lunch recess is announced.

QUESTIONS OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Pyles. For what purpose does the gentleman rise?

Mr. PYLES. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PYLES. Mr. Speaker, I would like the record to show that on the Mebus amendment of yesterday on House bill No. 1817, I am reported as voting in the negative. I would like the record to be corrected that I am in the affirmative on that.

The SPEAKER pro tempore. The record will so state.

The Chair recognizes the gentleman from Chester, Mr. Vroon. For what purpose does the gentleman rise?

Mr. VROON. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VROON. Mr. Speaker, on the Mebus amendment which fell yesterday, I was recorded as not voting. I wish to have it stated on the record that if I had been in my seat, I would have voted for the amendment.

The SPEAKER pro tempore. The gentleman's remarks will be spread on the record.

LEGISLATIVE CITATIONS ADOPTED

Mrs. KERNICK, chairman of Select Committee on Legislative Citations, presented citations, which were read, considered, adopted, and forwarded to the following recipients:

Paul P. Altomari, 445 McKee Avenue, Monessen, Pennsylvania 15062.

Ladies Auxiliary of Emmaus Volunteer Fire Company No. 3, East Main and Lee Streets, Emmaus, Pennsylvania 18049.

Dr. Oplinger during the fourteenth meeting of the Emmaus Lodge on March 29, 1976, with Habtmon Arthur Wessner presiding.

Mr. and Mrs. George Cucore, 30 War Admiral Road, Riddlewood, Pennsylvania.

Mr. George Manly, 32 West High Street, Union City, Pennsylvania 16438.

Mr. and Mrs. Timothy H. Gehman, 825 East Main Street, Macungie, Pennsylvania 18062.

Mr. Salina M. Bartholomew, 528 West Euclid Street, Allentown, Pennsylvania 18103.

Reverend Clarence R. Rahn, during the Grundsow Lodge Nummer Dreitzae on der Insche Grick, on this twenty-ninth day of March, in the year 1976, with Habtmon Arthur Wessner presiding.

Reverend Robert F. Engelbrecht, Pastor, Emmaus Moravian Church, Main and Keystone Streets, Emmaus, Pennsylvania 18049.

Mr. Terry Neumyer, 801 Wood Street, Harrisburg, Pennsylvania 17109.

Joe Verdeur, 15 Bryn Mawr Avenue, Bala Cynwyd, Pennsylvania 19004.

Dick Osterberg, 28 Orchard Street, Albion, Pennsylvania 16401.

Mrs. Carmela D'Anella, 1101 Gerritt Street, Philadelphia, Pennsylvania 19147.

The Reverend Peter S. Wendell, Pastor of the Derry Presbyterian Church, 301 North Chestnut Street, Derry, Pennsylvania 15627.

Joseph M. Kunkle, 734 Parkview Drive, Johnstown, Pennsylvania 15905.

Honorable Edward P. Zemprelli, 1244 Bickerton Drive, Clairton, Pennsylvania 15025.

The Swim Team, c/o Patrick Campbell, Bethel Park High School, 301 Church Road, Bethel Park, Pennsylvania 15102.

Joseph Kalamas, Chief of Police, Belle Vernon Police Department, Fayette County, Pennsylvania.

Edward J. Lyons, Jr., North Belle Vernon Police Department, Westmoreland County, Pennsylvania.

James Moats, Patrolman, Fayette City Police Department, Fayette County, Pennsylvania.

Mrs. Margaret Shelton, 5568 Blakemore Street, Philadelphia, Pennsylvania 19138.

Elizabeth Walter, 1094 Davisville Road, Warminster, Pennsylvania 18974.

Mr. and Mrs. Andrew Kessler, 1347 Saxonburg Boulevard, Glenshaw, Pennsylvania 15116.

Mr. and Mrs. Bernard J. Soeder, Middle Road, Glenshaw, Pennsylvania 15116.

Mr. and Mrs. John Olczak, Route 908, R. D. 1, Natrona Heights, Pennsylvania 15065.

Steel Valley High School Wrestling Team, Munhall, Pennsylvania 15120.

John R. Wogan, Altoona, Pennsylvania.

James A. Davison, Maria Lane, Zelenople, Pennsylvania 16063.

Frank Buczkowski, 205 Terrace Avenue, Zelenople, Pennsylvania 16063.

Joseph P. Graziano, 601 Ridge Street, McKeesport, Pennsylvania 15132.

Mr. Guy R. Eisenhower, 234 Dersam Avenue, Port Vue, Pennsylvania 15133.

Mr. and Mrs. Frank J. Sgro, 5313 Gramercy Drive, Westbrook Park, Clifton Heights, Pennsylvania 19018.

Mr. Will E. Alton, 805 Grandview Avenue, Mount Washington, Pennsylvania 15211.

Mr. Gerard W. Vommer, c/o Athens Area School District, P.O. Box 38, East Smithfield, Pennsylvania 18817.

Dr. John S. Sandel, 2912 Loveland Avenue, Erie, Pennsylvania 16506.

Mr. and Mrs. Booker Ponds, 5537 Blakemore Street, Philadelphia, Pennsylvania 19138.

Judy Cassel, R. D. 3, Harrisburg, Pennsylvania 17112.

Carol Hoffman, 228 Augusta Street, Pittsburgh, Pennsylvania 15211.

Pennsylvania State YMCA, 123 Forster Street, Harrisburg, Pennsylvania 17101.

Joseph W. Gardiner, IV, 4231 Orchard Hill Road, Harrisburg, Pennsylvania 17110.

Stanley H. Grimwood, 217 North Street, Harrisburg, Pennsylvania 17101.

Pennsylvania State YMCA Model Legislature.

Philadelphia Preceptory, Legion of Honor, Order of Demolay.

Industry Volunteer Fire Company, Elizabeth Township.

Michael O'Truba, 130 North Washington Street, Orwigsburg, Pennsylvania 17961.

Colonel Albert J. Brown, 3431 River Road, Muhlenberg Township, Reading, Pennsylvania 19605.

Mr. and Mrs. Mahlon Gerber, R. D. 1, New Ringgold, Pennsylvania 17960.

Mr. and Mrs. Arthur Oswald, R. D. 2, New Ringgold, Pennsylvania 17960.

Mr. and Mrs. George Eckroth, R. D. 1, New Ringgold, Pennsylvania 17960.

Mr. and Mrs. Oliver Gildner, Germansville, Pennsylvania 18053.

Mr. and Mrs. Bernise A. Kern, 2426 Main Street, Schnecksville, Pennsylvania 18078.

Mike Miorelli, 511 Lombard Street, Tamaqua, Pennsylvania 18252.

Stephent Bandzi, R. 1, Slatington, Pennsylvania 18080.

Mrs. Cleo Pier, 306 Prospect Street, Girard, Pennsylvania 16417.

Business and Professional Women's Club of West Erie County, 47 Linda Avenue, Fairview, Pennsylvania 16415.

Mr. Eddy Dorr, Highland Avenue, Albion, Pennsylvania 16401.

Mrs. Sarah Groshens, 418 Abington Avenue, Glenside, Pennsylvania 19038.

Deborah H. Wilson, 617 Beech Street, Washington, Pennsylvania 15301.

Bradley K. Allison, R. D. 1, Glen Rock, Pennsylvania 17327.

Mr. and Mrs. John H. Kell, 436 West Maple Street, Daltstown, Pennsylvania 17313.

Mr. and Mrs. Harold R. Helf, 321 Brentwood Drive, York, Pennsylvania 17403.

Mr. and Mrs. David Boclair, 710 Disston Street, Philadelphia, Pennsylvania 19111.

Mr. and Mrs. Charles E. Kessler, R. D. 2, Spring Grove, Pennsylvania 17362.

Mr. and Mrs. J. Cleveland Orwig, R. D. 2, Stewartstown, Pennsylvania 17363.

Henry A. Kalinowski, 425 Wade Avenue, Lansdale, Pennsylvania 19446.

Mr. and Mrs. Matteo Pino, 2121 North Broad Street, Lansdale, Pennsylvania 19446.

Mr. and Mrs. Theodore F. Freed, 105 West Springettsbury Avenue, York, Pennsylvania 17403.

Mr. and Mrs. Ronald Myers, 59 Cherry Street, Hatfield, Pennsylvania 19440.

Resurrection Lutheran Church, Bristol-Oxford Valley Road, Levittown, Pennsylvania 19057.

The Honorable and Mrs. Peter E. Perry Sr., 1040 Lakeside Avenue, Philadelphia, Pennsylvania 19126.

Mr. and Mrs. Alex Rue, R. D. 3, Monongahela, Pennsylvania 15063.

Mr. and Mrs. Edward Krivacsy, Old Abers Creek Road, Monroeville, Pennsylvania 15146.

Mr. and Mrs. Howard J. Alexander, 526A Middle Avenue, Wilmerding, Pennsylvania 15148.

Albert M. Barrett, Merle McKain Boarding Home, 499 North Water Street, Kittanning, Pennsylvania 16201.

City of McKeesport.

Mr. Dennis Zmudzin, 140 South First Street, Shamokin, Pennsylvania 17872.

RECESS

The SPEAKER pro tempore. Is there anything further before the House? If not, this House stands in recess until the hour of 1:45.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (Harry A. Englehart, Jr.) IN THE CHAIR

REQUEST FOR AMENDMENTS

The SPEAKER pro tempore. Will all the members who are in their offices please report to the floor of the House to proceed with amendments to House bill No. 1817.

The Chair recognizes the gentleman from Lawrence, Mr. Pratt, for the purpose of offering an amendment. Is the gentleman present on the floor of the House?

It is apparent that Mr. Pratt is not present in the hall of the House. We will pass his amendment over.

Mr. IRVIS. Put his at the bottom of the list.

The SPEAKER pro tempore. The Chair will proceed now to call upon the gentleman, Mr. DeVerter, for the purpose of offering amendments. Is the gentleman present?

The Chair wishes to announce that those who are not present in the hall of the House when their amendment is called for will be placed at the bottom of the list and considered if time is available to consider their amendments. It is a pretty good bet that there is not going to be much time left.

The Chair recognizes the gentleman from Bucks, Mr. Gallagher, who has indicated that he wishes to offer amendments to House bill No. 1817.

The Chair recognizes the gentleman from Montgomery, Mr. Polite.

Mr. POLITE. Mr. Speaker, I think that not only should we put them at the bottom of the pile, but maybe we should not consider some of them if they are not here and interested in offering them.

The SPEAKER pro tempore. I would be delighted with that arrangement myself.

Considering that the gentleman, Mr. Gallagher, is not present, his amendment will be passed over.

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

Mr. FISHER. Mr. Speaker, I have a radar amendment if you care to consider that.

The SPEAKER pro tempore. It looks like it is going to take radar to find some of the amendments.

On the question recurring,

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

Mr. FISHER requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 6326), page 314, line 2 by inserting after "Procedure.": The citation form shall indicate, as additional information the number of points, if any, to be assessed by the department upon a plea of guilty or conviction. Failure of any person to provide and complete such additional information shall not affect the validity of the citation or a prosecution commenced thereby.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Fisher, for the purpose of explaining his amendment. The House will be in order.

Those members in their offices who can hear the

Speaker's voice, I would recommend that you get to the floor promptly because we are going to be voting in about five minutes.

Mr. FISHER. Thank you, Mr. Speaker.

My amendment is No. 3. I am not sure that it is circulated, but I had circulated a previous number. This one is marked "Fisher No. 3" and it simply amends section No. 6326 and requires that the citation form shall indicate, as additional information the number of points that may be assessed by the department upon a plea of guilty or upon a conviction for the violation for which the driver is being cited. The failure to contain this information will in no way jeopardize the validity of the citation or the prosecution commenced thereby.

The SPEAKER pro tempore. As a point of information, am I correct that the House considered this amendment yesterday either alone or in connection with another amendment?

Mr. FISHER. I do not believe so, Mr. Speaker. I believe on one of the other amendments someone inter-rogated the sponsor as to what effect his amendment would have on the assessment of points. But, to the best of my knowledge, this has not been considered.

As I understand it, Mr. Bonetto has no objection to this amendment.

The SPEAKER pro tempore. The Chair recognizes Mr. Bonetto.

Mr. BONETTO. Agreed to, as far as we are concerned on this side.

The SPEAKER pro tempore. Does the gentleman, Mr. Beren, agree to the amendment?

The Chair recognizes the gentleman, Mr. Beren.

Mr. BEREN. I agree, Mr. Speaker.

The SPEAKER pro tempore. Any objections to the amendment?

On the question,

Will the House agree to the amendment?

Amendment was agreed to.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

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

Mr. BONETTO. Mr. Speaker, I think Mr. Cohen's amendment went in yesterday. It was agreed to.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. BONETTO. Mr. Reed is not on the floor of the House at the present time.

The SPEAKER pro tempore. Mr. Reed's amendment will be passed over.

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

Mr. BONETTO. Mr. Speaker, I would like to ask Mr. Halverson how many amendments he has.

Mr. HALVERSON. I think six.

The SPEAKER pro tempore. We call the members' attention to the fact that the gentleman is about to offer six separate amendments.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?

Mr. RITTER. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. Before you take the Halverson amendments, would the Chair inform me as to just what amendment by Mr. Fisher did we accept by agreement?

The SPEAKER pro tempore. The gentleman, Mr. Fisher's amendment I believe requires the citation form issued on an arrest to show the number of points that could be assessed on a plea of guilty or conviction. It is called the Fisher amendment, No. 3.

The Chair recognizes the gentleman, Mr. Ritter.

Mr. RITTER. I know we have done it by agreement, Mr. Speaker, but I think there is some confusion.

Mr. Speaker, what would be the procedure to have that vote reconsidered? I think we at least ought to have some debate on that amendment because that is going to entail some problems, I think.

The SPEAKER pro tempore. The motion to reconsider the vote by which that amendment passed is always in order. It must be in writing. I suggest the gentleman get the necessary forms on the majority leader's desk and file the motion. We will return to that amendment after we are finished.

On the question recurring,

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

Mr. HALVERSON requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 1508), page 97, lines 9 and 10, by striking out "examination may also include a physical and mental examination if the department" and inserting: applicant, prior to the examination, shall undergo a complete physical examination. The department may require a mental examination if it

On the question,

Will the House agree to the amendment?

Mr. HALVERSON. Mr. Speaker, for the benefit of the members, this is the Halverson amendment No. 2. It amends page 97, lines 9 and 10.

Current law says that before a person can get a learner's permit, he must first submit to an eye examination and then go and have a physical examination completed by his doctor. Then he goes and gets the learner's permit. The bill as it now stands would eliminate the physical examination. My amendment would reinstate the requirement that a physical examination be completed.

My reasoning for it is that I have been working with this for, I guess, approximately 16 years, seeing young people first obtain their operator's privileges and learner's permit. And it has been my observation that really the physical examination has done a good job in screening out persons who, for one reason or another, have physical disabilities. Some of these disabilities can be corrected; some can drive still having that physical disability. But in other cases and I cite a few examples, for

instance, an epileptic, upon viewing that person, you would not know necessarily that he is subject to those seizures, and bear in mind too that I have nothing against epileptics, and most of those, if they are under proper treatment, present no danger to the motoring public.

But what I fear is that if you do not have the physical examination, there will be no way to weed out or to at least recognize that this person does have a handicap and that the corrective methods be taken.

A person can walk into a notary public's office to have that application notarized and, upon the notary viewing that person, he would not otherwise know that there may be a physical disability. And one of the questions in there, of course, asks does the individual have a physical disability. Many times they hurry through the questions and they are not answered properly. I ask for an affirmative vote on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I oppose this amendment. We do have provisions now in the code that in the event of a serious illness, such as a bad heart or epileptic seizures, that a doctor is required now to inform the Bureau of Motor Vehicles so that they have this information before a person can be given an application. This would be another expense placed upon an individual who is interested in becoming a driver in this state, and for that reason I ask for a negative vote on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. In brief rebuttal to Mr. Bonetto's argument, I do not deny that in the bill as it is now constituted the department does have the right upon knowing of that physical disability to have that person examined. My question though of Mr. Bonetto is, if you do not know of that physical disability, then how are you going to have them examined?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. The bill now contains that once a defect or epilepsy or an illness of any kind is noticed in the examination by a doctor, it is mandatory that that doctor notify the department of that individual's incapability. And for that reason this amendment is not necessary, and I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. The point I am trying to make, Mr. Speaker, is that Mr. Bonetto is saying that the department knows that. I testify to that; that is in the bill. I am saying that if the department does not know it, then there is no way for them to ask that person to submit to a physical examination.

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

The yeas and nays were required by Messrs. HALVERSON and BONETTO and were as follows:

YEAS—76

Anderson, J. H.	Geesey	McClatchy	Sirianni
Bennett	Grieco	McGinnis	Smith, E.
Bittle	Gring	Mebus	Smith, L.
Bradley	Halverson	Menhorn	Spencer
Brandt	Hasay	Miller, M. E.	Stahl
Burns	Haskell	Miller, M. E., Jr.	Taylor
Butera	Hayes, D. S.	Milliron	Turner
Crain	Hayes, S. E.	Moehlmann	Ustynoski
Cumberland	Hepford	Noye	Vroon
Davies	Hill	O'Connell	Wagner
Deverter	Hopkins	Pancoast	Weidner
Dietz	Hutchinson, W.	Polite	Whelan
Dininni	Kistler	Pyles	Wilson
Dorr	Klingaman	Renninger	Wilt, R. W.
Eckensberger	Kusse	Ritter	Wilt, W. W.
Fischer	Lehr	Ryan	Worrilow
Foster, A.	Levi	Scheaffer	Wright
Foster, W.	Lynch	Seltzer	Zearfoss
Gallen	Manmiller	Shuman	Zwick

NAYS—98

Abraham	Gallagher	Manderino	Rieger
Arthurs	Garzia	McCall	Ross
Bellomint	George	McCue	Ruggiero
Beren	Giammarco	McIntyre	Saloom
Berlin	Gillespie	McLane	Salvatore
Berson	Gillette	Milanovich	Schmitt
Bonetto	Gleeson	Morris	Schweder
Brunner	Green	Mrkonic	Scrica
Caputo	Greenfield	Musto	Shelhamer
Cessar	Hamilton, J. H.	Myers	Shelton
Cohen	Hammock	Novak	Shupnik
Cole	Irvic	O'Donnell	Stapleton
Cowell	Itkin	O'Keefe	Stout
Crawford	Katz	Parker, H. S.	Taddonio
DeMedio	Kelly, A. P.	Petrarca	Toll
Dicarlo	Kelly, J. B.	Pievsky	Valicenti
DiDonato	Kernick	Perri	Walsh, T. P.
Doyle	Knepper	Pitts	Wansacz
Dreibelbis	Kowalyshyn	Pratt	Wargo
Englehart	LaMarca	Prendergast	Westerberg
Fawcett	Laudadio	Rappaport	Wojdak
Fee	Laughlin	Ravenstahl	Zeller
Fisher	Lederer	Reed	
Flaherty	Letterman	Renwick	Fineman,
Fryer	Lincoln	Richardson	Speaker

NOT VOTING—22

Barber	Johnson, J.	O'Brien	Thomas
Dombrowski	Kolter	Oliver	Trelio
Gelsier	McGraw	Perry	Yahner
Gleason	Miscevich	Rhodes	Yohn
Goodman	Mullen, M. P.	Shane	Zord
Hutchinson, A.	Mullen		

So 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 as amended on third consideration?

Mr. HALVERSON requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1509), page 97, lines 27 through 30; by removing the colon after "person" in line 27, and striking out all of lines 28 and 29, and "(2)" in line 30

Amend Sec. 1 (Sec. 1509), page 98, line 16, by inserting after "operate.": Every person granted a license under this section shall have successfully completed the course of instruction herein prescribed within six months of the issuance of the Class 4 license and shall submit proof of such successful completion to the department. If any licensee shall not submit such proof within six months, the department shall revoke such license.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, this is the Halverson

amendment No. 1. It amends page 97, line 27 through 30, et cetera.

Mr. Speaker, under current law a person who is about to obtain a school bus operator's license must first of all submit himself to an eye examination and then a physical examination. That is also true of House bill No. 1817, but in addition under House bill No. 1817, before that school bus operator is given a learner's permit or also given an examination—I do not think he can get a permit; before he is given a learner's permit—he must submit to a 20-hour course of instruction.

Now I know the course of instruction is mandated by the Federal Government and I know it is something we are going to have to do. The problem that I have back in my district is that there is not a large abundance of school bus operators sitting around waiting to be hired. And whenever that school bus owner needs replacement to haul those kids to school, he needs somebody who can qualify, you know, in a week's time, say, in order to drive that school bus. As I understand it, the 20 hours would take some 4 or 5 weeks probably to complete, so there is that delay involved.

What my amendment would do is to require that the school bus operator submit to these courses, but that he be given 6 months' time in which to take the course. If he does not take the course within 6 months' time, his school bus operator's license would be suspended.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, all individuals who now possess a driver's license for the purpose of driving a school bus have been locked in under the grandfather clause. So that should not present a problem for any school board to find a bus driver. At least that is not our intent anyway.

But to ask that he be given 6 months prior to getting a job as a school bus driver for an examination, I do not think would accomplish anything. I just cannot seem to understand what you are trying to drive at with this type of an amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. As I veiny maybe I could further explain it then, Mr. Speaker. I am not going to mandate that he not be given a permit for 6 months. He could be given a permit as soon as he took his eye test and his physical examination and sent the necessary paperwork in here. All I am going to do by this amendment is insist that he take that rank training course and that he be given 6 months to complete the training.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. I would like to question Mr. Halverson.

The SPEAKER pro tempore. Will the gentleman from Somerset submit to interrogation?

Mr. HALVERSON. Yes, sir.

The SPEAKER pro tempore. The gentleman indicates he shall.

Mr. BONETTO. Are you saying that by this amendment that this bus driver would then be driving prior to the completion of his course?

Mr. HALVERSON. Yes, he would.

Mr. BONETTO. And at the present time under the

present law, he cannot drive a bus until he has completed his course?

Mr. HALVERSON. No, that is not true. Under the present law that is not true.

Mr. BONETTO. Under House bill No. 1817, we say that he must complete his course prior to getting a driver's license for a bus.

Mr. HALVERSON. That is right.

Mr. BONETTO. I have been informed, and I am going to oppose this amendment on the fact that I do not think, that we should take the chance of having on-the-job training especially when we are dealing with school children. I think that under House bill No. 1817 where we require that the person complete his course before he is permitted to drive or to obtain a driver's license is the proper way of doing it. This is in compliance with the Uniform Vehicle Code, and for that reason I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, would the gentleman, Mr. Halverson, submit to a brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Halverson, submit to a brief interrogation?

Mr. HALVERSON. Yes, I will.

The SPEAKER pro tempore. He indicates that he will.

Mr. RITTER. Mr. Speaker, under the present bill and without your amendment, the effective date of the act is January 1, 1977. Are you saying that, if your amendment is not accepted, as of that date there will be no one in this Commonwealth authorized or allowed to operate a school bus because they have not had the 20 hours of instruction?

Mr. HALVERSON. No, that is not true, Mr. Speaker. Anybody who currently has a school bus operator's license will be mandated to complete the course, but they would continue to operate in the interim period of time. What my amendment would do, Mr. Speaker, after January 1, 1977, if I for the first time wanted to obtain a school bus operator's license, I would have to then submit to the 20-hour course before I could be issued a permit.

Mr. RITTER. I want to just ask one further question, Mr. Speaker.

In other words, there is in effect in the present bill a grandfather clause that those who are operating school buses now would not be allowed to operate while they get their 20 hours of instruction? Is that what you are saying?

Mr. HALVERSON. Right.

Mr. RITTER. But if someone wanted to drive for the very first time, not having driven a school bus before, your amendment would say that they could drive that school bus while they were in fact learning?

Mr. HALVERSON. Right.

Mr. RITTER. All right. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Beren.

Do you have a comment?

Mr. BEREN. Mr. Speaker, we have been giving this matter a great deal of consideration. Quite frankly, we cannot come to any final conclusion on it. We feel that this is a matter that each of the members will have to

decide on their own, and that is what I intend to do in the next 30 seconds.

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

The yeas and nays were required by Messrs. HALVERSON and BONETTO and were as follows:

YEAS—64

Anderson, J. H.	Hasay	Mebus	Sirtanni
Beren	Hayes, D. S.	Miller, M. E., Jr.	Smith, E.
Brandt	Hepford	Moehlmann	Smith, L.
Butera	Hill	Noye	Spencer
Cimini	Hutchinson, W.	Pancoast	Taddonio
Crawford	Katz	Parker, H. S.	Turner
Cumberland	Klingaman	Perri	Ustynowski
Dininni	Knepper	Pitts	Vroon
Dorr	Kusse	Polite	Wagner
Fawcett	Lehr	Pyles	Weidner
Foster, A.	Levi	Renninger	Westerberg
Foster, W.	Lynch	Ryan	Whelan
Grieco	Manmiller	Salvatore	Wilt, W. W.
Gring	McClatchy	Scheaffer	Worrilow
Halverson	McCue	Setruca	Yohn
Hamilton, J. H.	McGinnis	Seltzer	Zearfoss

NAYS—118

Abraham	Gallagher	Letterman	Ross
Arthur	Gallen	Lincoln	Ruggiero
Bellomini	Garzia	Manderino	Saloom
Bennett	Geesoy	McCall	Schmitt
Berlin	Geisler	McLane	Schweder
Berson	Giammarco	Menhorn	Shane
Bittle	Gillespie	Milanovich	Shelhamer
Bonetto	Gillette	Miller, M. E.	Shelton
Bradley	George	Millron	Shuman
Brunner	Gleson	Miscevich	Shupnik
Burns	Goodman	Morris	Stahl
Caputo	Green	Mrkonie	Stapleton
Cassar	Greenfield	Mullen, M. P.	Stout
Cole	Hammock	Mullen	Taylor
Cowell	Haskell	Musto	Toll
Davies	Hayes, S. E.	Novak	Trello
DeMedto	Hopkins	O'Connell	Valicenti
Deverter	Hutchinson, A.	O'Donnell	Walsh, T. P.
Dicarlo	Irvic	O'Keefe	Wansacz
DiDonato	Itkin	Petrarca	Wargo
Dietz	Kelly, A. P.	Plevsky	Wilson
Doyle	Kelly, J. B.	Pratt	Wilt, R. W.
Dreibelbis	Kernick	Prendergast	Wojdak
Eckensberger	Kistler	Rappaport	Wright
Englehart	Kolter	Ravenstahl	Yahner
Fee	Kowalyshyn	Reed	Zeller
Fischer	LaMarca	Renwick	Zwickl
Fisher	Laudadio	Richardson	
Flaherty	Laughlin	Rieger	Fineman, Speaker
Fryer	Lederer	Ritter	

NOT VOTING—14

Barber	Johnson, J.	O'Brien	Rhodes
Cohen	McGraw	Oliver	Thomas
Dombrowski	McIntyre	Perry	Zord
Gleason	Myers		

So 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 as amended on third consideration?

Mr. HALVERSON requested and obtained unanimous consent to offer the following amendments, which were read:

- Amend Sec. 1 (Sec. 1342), page 82, line 12, by striking out "not less than \$100." and inserting: \$25.
- Amend Sec. 1 (Sec. 1343), page 82, line 25, by striking out "not less than \$100." and inserting: \$25

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, this is Halverson amendment No. 6. It proposes to change on page 82, line 12, the fine set forth in the new code. Agreed to.

The SPEAKER pro tempore. Will the gentleman explain the amendment even though it is agreed to?

Mr. HALVERSON. Okay. Mr. Speaker, under the present bill a misuse of a farm-use-only license and a school bus license would constitute a summary offense and be subject to a penalty of \$100. This amends it to a fine of \$25.

The SPEAKER pro tempore. Does the gentleman from Allegheny agree to the amendment?

Mr. BONETTO. Yes.

The SPEAKER pro tempore. Does the gentleman from Montgomery agree to the amendment?

Mr. BEREN. Agreed.

On the question recurring,
Will the House agree to the amendments?
Amendments were agreed to.

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

Mr. HALVERSON requested and obtained unanimous consent to offer the following amendments, which were read:

- Amend Sec. 1 (Sec. 4702), page 256, line 15, by inserting after "Commonwealth": , except fire fighting vehicles,
- Amend Sec. 1 (Sec. 4702), page 256, line 17, by inserting after "vehicle.": Any vehicle owned or operated by any paid or volunteer fire department or company and which is used for fire fighting purposes shall be inspected annually on a schedule established by the department.

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

Mr. HALVERSON. This is No. 8.
Mr. BONETTO. Agreed.
The SPEAKER pro tempore. Agreed?
Mr. BONETTO. Agreed. Mr. Beren?
Mr. BEREN. Agreed, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman, Mr. Halverson, please briefly explain the amendment even though it might be agreed to?

Mr. HALVERSON. Yes, Mr. Speaker. Under current law a fire truck is only required to be inspected once per year. The present bill calls for it to be inspected twice per year. This puts it back to one inspection per year.

On the question recurring,
Will the House agree to the amendments?
Amendments were agreed to.

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

Mr. HALVERSON requested and obtained unanimous consent to offer the following amendment, which was read:

- Amend Sec. 1 (Sec. 6109), page 292, by inserting between lines 12 and 13:
(f) Rural mail carriers.—The provisions of this title shall not be construed to authorize the department or

local authorities to prohibit rural mail carriers from stopping or standing on streets or highways.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. This is the Halverson amendment No. 7 and it proposes to change page 292 where it talks about stopping on the highways. I was approached by a rural mail carrier in my district, who happens to be, I think, the president of the Pennsylvania Rural Mail Carriers Association. He advised me that last year two of his members were arrested while carrying mail on Pennsylvania highways because they stopped on the berm of the road and were not able fully to get off the highway.

Currently, at least in my district, the berms in many areas are not sufficient so that the mail carriers can pull off, and this amendment would simply allow them to make their mail deliveries without being subject to being arrested for stopping on the highway.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I oppose this amendment because we already have law in the code that protects these types of people and I would like to read it to you so that you can understand it. If you take a look at the code on page 30, starting with line 26, it says "Park" or "parking," and going down to number (2), it says "When prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers." This covers what you are talking about in this amendment, so it is not necessary.

Mr. HALVERSON. Okay.

Mr. BONETTO. Do you want to withdraw it?

Mr. HALVERSON. Hold it. Mr. Bennett does not agree, evidently.

The SPEAKER pro tempore. Does the gentleman wish to withdraw the amendment?

Mr. HALVERSON. Wait just a moment, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, would the gentleman, Mr. Bonetto, consent to interrogation?

The SPEAKER pro tempore. Will the gentleman consent to interrogation?

Mr. BONETTO. Yes.

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. BENNETT. Mr. Speaker, is the gentleman, Mr. Bonetto, insinuating to this House that a mailman who is unloading mail or property would not be parking as contained in the code?

Mr. BONETTO. He is not illegally parking under the law. What he is doing is unloading property which is mail. So therefore he would not be subject to a parking ticket.

Mr. BENNETT. Would the gentleman define for me then, Mr. Speaker, the words "when prohibited"? Would you just define that for me a little more clearly?

Mr. BONETTO. "When prohibited" means that it may be an area where there would be a "no parking" sign. So anybody who would stop at that particular area would be violating a local ordinance of a "no parking" sign. But

a mailman who stops to unload mail or someone who stops to unload either property or passengers would not be in violation of that law or ordinance.

Mr. BENNETT. I would accept that, Mr. Speaker, and I thank the gentleman.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. BONETTO. Mr. Halverson, are you going to withdraw?

Mr. HALVERSON. Yes. I will withdraw the amendment then, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates that he will withdraw the amendment.

On the question recurring,

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

Mr. HALVERSON requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 1516), page 103, by inserting between lines 14 and 15:

(e) Availability of records.—Every application for the renewal of a license shall present the question of whether or not the applicant authorizes the department to disclose his personal records to the applicant's insurer. No such records shall be made available to the insurer without the applicant's authorization.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, this is the Halverson amendment No. 9. It amends page 103, between lines 14 and 15.

Mr. Speaker, we currently have a problem here in Pennsylvania and it is basically the result of the Federal Fair Reporting Act which provides that no information can be given to another party without the, in this case, operator's consent. The Bureau of Traffic Safety has indicated that they are accepting, to enforce this, only a written authorization by that operator—before they would release any information pertaining to his operator's license.

The insurance companies are currently having a great deal of problems in doing their underwriting and reunderwriting because of being unable to gain this information.

What this amendment seeks to do is to add another question to the back of a person's operator's license when it is up for renewal. And the question would be as to whether or not that operator consents or does not consent to this information to be given to the third party.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, we are looking at House bill No. 1817. We say that this amendment is no longer necessary because the contents of what you say in your amendment is already in the bill at page 294, beginning with line 21: (Reading:)

Required or authorized under this title to be sold, published or disclosed.

Then the entire paragraph covers exactly what your amendment does or wants to do, so it is not necessary.

Mr. HALVERSON. Yes. And it does apply to an operator's license?

Mr. BONETTO. Right. All records.

Mr. HALVERSON. Okay.

AMENDMENT WITHDRAWN

Mr. HALVERSON. I will withdraw my amendment then if that is the case.

The SPEAKER pro tempore. The gentleman indicates that he will withdraw his amendment.

Does the gentleman have any further amendments?

Mr. HALVERSON. That is all.

On the question recurring,

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

Mr. WAGNER requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Bill, page 107, by inserting between lines 23 and 24:

(4) Driving under the influence of alcohol or controlled substance if the chemical analysis of the person's breath or blood shows that the amount of alcohol by weight in the blood of the person tested is 0.15% or more.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner, to explain his amendment.

Mr. WAGNER. Thank you, Mr. Speaker.

Mr. Speaker, this is the amendment dealing with driving under the influence of alcohol, page 107. What in essence it does is to establish that if you are convicted of driving under the influence of alcohol with an alcohol blood content of 0.15 percent, you will lose your license for 1 year.

As I understand the present bill, it reduces the suspension penalty for the driving under the influence of alcohol from 12 months to 6 months.

And what my amendment seeks to do is to say that if you are convicted with a blood alcohol content of 0.15 percent or higher, then that suspension will remain at a 1-year suspension, in essence.

You are going to have people who drive while under the legal presumption of 0.05 percent; you are going to have people who are going to have a few more drinks and are going to be convicted of driving under the influence; but you are not going to have a fellow who is driving while totally drunk. I think a fellow who is totally drunk ought to suffer a more severe penalty. In essence, that is what this does.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I am going to refer this one to you because I want to tell you what Mr. Wagner is doing with this amendment is making it awfully tough for anybody who wants to take a drink. What he is doing here is giving a year's revocation for any person whose blood alcohol content would be 1.5 percent. Am I correct?

Mr. BEREN. No. It says 0.15. I had better look at it.

Mr. Speaker, we attempted to deal with this subject matter earlier today. And the attempt was on Mr. Mc-

Cue's effort to make sure that the statutory law that is now in effect—with regard to drunken driving or driving under the influence—remains in existence. This House decided, in its wisdom this morning, not to keep the existing law of the Commonwealth but to make it a little bit more difficult on the person who has a drink or two.

What Mr. Wagner is attempting to do, I think, is to carry this one step further. What Mr. Wagner is doing is saying in essence that there are really now going to be two degrees of operating under the influence. The first degree, which will bring a 6-month revocation of license, will occur when that individual, I suppose by inference, has a blood alcohol content of .10 percent.

What Mr. Wagner is now saying is that in the event that blood alcohol is now .15 percent that there will be a revocation for a year, is that correct?

Mr. WAGNER. That is correct.

Mr. BEREN. Mr. Speaker, I have no problems with this amendment. My problem is with what we did this morning. There is no question but that when you get to .15 percent you have got a reasonable amount of alcohol in your system or beyond a reasonable amount, and I had no difficulty whatsoever in assessing a difficult penalty at that time. My problems, as I indicated to you earlier this morning, were in just how wise we were in the decisions we were making then.

If it is the judgment of this House—and it will be mine, by the way—that when you have a blood alcohol content of .15 percent, you lose your license for a year. That is fine with me.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I believe that the penalty clause for drunken driving in the existing code is severe enough. And I am going to just say that for that reason, I would oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Mr. Speaker, this is the same philosophy as for speeding. The faster you go, the stiffer the penalty. And it is the same thing here with the alcohol. The more you drink and the drunker you are when you drive, the stiffer the penalty.

The SPEAKER pro tempore. The drunker you are, the longer you wait.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Messrs. WAGNER and BONETTO and were as follows:

YEAS—103

Abraham	Gallen	Menhorn	Shuman
Anderson, J. H.	Geesey	Miller, M. E.	Sirianni
Arthurs	Gillespie	Miller, M. E., Jr.	Smith, E.
Beren	Gillette	Milliron	Smith, L.
Bittle	Grieco	Miscevich	Spencer
Brandt	Gring	Moehlmann	Stahl
Burns	Haskell	Morris	Stapleton
Butera	Hayes, D. S.	Mrkonic	Taddonio
Cessar	Hayes, S. E.	Noye	Taylor
Cimini	Hepford	O'Connell	Turner
Cowell	Hill	Pancoast	Ustynoski
Crawford	Hopkins	Parker, H. S.	Valicenti
Cumberland	Katz	Perri	Vroon
Davies	Kelly, J. B.	Pitts	Wagner
Deverter	Kernick	Polite	Westerberg
Dicarlo	Kistler	Pyles	Whelan
Dietz	Klingaman	Reed	Wilson
Dinnant	Knepper	Renninger	Wilt, R. W.

Dorr	Kusse	Ritter	Wilt, W. W.
Dreibelbs	Lehr	Salvatore	Worrilow
Eckensberger	Levi	Scheaffer	Wright
Fawcett	Lincoln	Schweder	Yohn
Fischer	Lynch	Scirica	Zearfoss
Fisher	Manmiller	Seltzer	Zeller
Foster, A.	McClatchy	Shane	Zwikel
Foster, W.	Mebus	Shelhamer	

NAYS—84

Bellomini	Goodman	McCue	Richardson
Bennett	Green	McGinnis	Rieger
Berlin	Greenfield	McIntyre	Ross
Berson	Halverson	McLane	Ruggiero
Bonetto	Hamilton, J. H.	Milanevich	Ryan
Bradley	Hammock	Mullen, M. P.	Saloom
Brunner	Hasay	Mullen	Schmitt
Caputo	Hutchinson, A.	Musto	Shelton
Cole	Hutchinson, W.	Novak	Shupnik
DeMedio	Irvis	O'Brien	Stout
DiDonato	Itkin	O'Donnell	Toll
Doyle	Johnson, J.	O'Keefe	Trello
Englehart	Kelly, A. P.	Oliver	Walsh, T. P.
Fee	Kolter	Perry	Wansacz
Flaherty	Kowalshyn	Petrarca	Wargo
Fryer	LaMarca	Plevsky	Weidner
Gallagher	Laudadio	Pratt	Wojdak
Garzia	Laughlin	Prendergast	Yahner
Geisler	Lederer	Rappaport	
George	Letterman	Ravenstahl	Fineman,
Giammarco	Manderino	Renwick	Speaker
Gleeson	McCall		

NOT VOTING—9

Barber	Gleason	Myers	Thomas
Cohen	McGraw	Rhodes	Zord
Dombrowski			

So the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

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

Mr. WAGNER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1549), page 122, line 1, by inserting after "examinations": under the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), known as the "Mental Health and Mental Retardation Act of 1966"

Amend Sec. 1 (Sec. 1549), page 122, line 5, by striking out "user" and inserting: abuser

Amend Sec. 1 (Sec. 1549), page 122, line 7, by striking out "person constitutes a danger to himself or others" and inserting: user is a severely debilitated drug or alcohol user who represents a demonstrated and serious public threat

On the question,

Will the House agree to the amendments?

AMENDMENT DIVIDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner. Does the gentleman wish the amendment divided for the purpose of a vote?

Mr. WAGNER. Yes, Mr. Speaker, the first one to amend section 1, page 122, line 1. If I may speak to the question.

The SPEAKER pro tempore. Will the gentleman discuss then the first three lines of the amendment which we will vote upon first?

Mr. WAGNER. Mr. Speaker, the act provides that when a person is convicted of drunken driving that he shall undergo an examination to determine whether or not he is addicted or abuses the use of alcohol. It also provides for a commitment procedure.

The problem is—and I think this is a legal problem—

that it does not say how the person will be examined, what procedures will be followed and how he will be convicted.

We have consolidated everything under the Mental Health-Mental Retardation Act, providing for a hearing before physicians and attorney and so on, and all this does is to just say he is going to have a hearing as provided in the MH-MR Act.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I would like to inter-rogate Mr. Wagner.

The SPEAKER pro tempore. Will the gentleman submit to interrogation?

Mr. WAGNER. Yes, Mr. Speaker.

The SPEAKER pro tempore. He indicates that he will. The gentleman may proceed.

Mr. BONETTO. What is the first part of your amendment? Where are you dividing the amendment?

Mr. WAGNER. After the sentence "known as the Mental Health and Mental Retardation Act of 1966."

Mr. BONETTO. That is the first part of it?

Mr. WAGNER. Yes.

Mr. BONETTO. And you are not going to vote on the second part at all?

Mr. WAGNER. Yes, but that part, I imagine, will have some debate on it.

Mr. BEREN. I have no trouble with this.

Mr. BONETTO. Okay, this is acceptable.

On the question,

Will the House agree to Part I of the Wagner amendments?

Part I of the Wagner amendments was agreed to.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner, to discuss the second part of the amendment.

Mr. WAGNER. Mr. Speaker, this deals with what I consider very broad power given to the courts here if a person is convicted of drunken driving. It basically states that if a person is convicted, he shall undergo an examination to determine if the person is—and I am quoting from the language—"an habitual user of alcohol."

If a fellow is accustomed to having five beers a day at home, does not drive, and happens to be convicted on a Saturday on a separate offense, he is an habitual user of alcohol. If a person has two Martinis today when he comes home, in his own livingroom, and does not drive after, that is an habitual user of alcohol.

What we want to do and I think it was not intended there to say habitual abuser of alcohol. That is the first part of the amendment to distinguish between use and habitual abuse.

The other thing is, if it is determined that he is an habitual abuser of alcohol, then the present language says the court may order treatment, if it is determined that the person constitutes a danger to himself or others.

If you would bear with me, I think this is a little bit like your public inebriate bill. If a fellow is caught for drunken driving, I am all for taking away his license. You take away his license, but if a person is an habitual abuser of alcohol—and by that I mean he has too much to drink everyday, he might be late for work, and what-have-you—I do not think that it is within the purview of the Vehicle Code to order that man to undergo treat-

ment for something that has nothing to do with his driver's license. He has lost it. And what my amendment does is to say that the court shall order treatment only. If the user is a severely debilitated drug or alcohol user who represents a demonstrated and serious public threat—if he wants to get drunk everyday, he has lost his license and he wants to abuse alcohol, he does not hurt anybody but himself—I do not think it is within the purview of this Vehicle Code to order treatment. And you are ordering that man to undergo routine urinalysis, and I think it might be unconstitutional for this reason.

You have to get past the block that the fellow has lost his license and there is no court, there is no law, that I know of that requires a man who is addicted to the use of alcohol to undergo treatment to detoxify himself. I do not think that we have come to that point. If a person is addicted to the use of alcohol and he has to have his two or three martinis in the morning, then we have not yet put our foot forward to order him to be treated.

And what we are doing here is saying that the court can order him to be treated, and that treatment, Mr. Speaker, can say, you shall not touch a drop of alcohol for the next year, and if you touch it, we are going to commit you; if you touch it, we are going to give you Antabuse, a drug which makes you sick if you drink it.

In other words we are ordering his treatment for someone to say that you are not going to touch alcohol for the rest of your life, and I think that is wrong. If you want to take his driver's license away, that is one thing, but that is in essence what this amendment does.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I would like to ask Mr. Wagner a question.

The SPEAKER pro tempore. Will the gentleman submit to interrogation?

Mr. WAGNER. Yes.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. BONETTO. In the third part of your amendment, would it not be proper to take out the words "user is a severely" and insert "a person is a severely", and then after the word "alcohol" use the words "abuser who represents a demonstrated and a serious public threat"?

Mr. WAGNER. Yes. Yes.

Mr. BONETTO. Can we make that change now, Mr. Speaker?

Mr. WAGNER. I have no objections if we can cross it out of my amendment and I can write it in.

Mr. BONETTO. If the Parliamentarian would permit us to do so?

AMENDMENT AMENDED

The SPEAKER pro tempore. Am I correct that the gentleman from Montour, Mr. Wagner, moves to amend his amendment to change the word "user" to person and the second word "user" to "abuser"?

Mr. WAGNER. That is correct.

On the question,

Will the House agree to the amendment to the amendment?

Amendment to the amendment was agreed to.

The SPEAKER pro tempore. Does the gentleman from Montgomery, Mr. Beren, now agree to the amendment?

Mr. BEREN. Agreed to, Mr. Speaker.

On the question,

Will the House agree to the amendment as amended? Amendment as amended was agreed to.

The SPEAKER pro tempore. Does the gentleman have any further amendments?

Mr. BEREN. Two more, Mr. Speaker.

On the question recurring,

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

Mr. WAGNER requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 1510), page 98, line 29, by inserting after "licensee.": At the further option of the applicant, the license shall also contain the applicant's blood type and any drug allergies to which the applicant is subject.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. I seem to have lost my copy, Mr. Speaker.

The SPEAKER pro tempore. Is this the one that requires the license to show your drug allergies and blood type?

Mr. WAGNER. Yes. In addition to the other information required on the license, at the option of the applicant, the license shall state the person's blood type and drug allergies, if any. This information may be put on there at his option. The reason for this, Mr. Speaker, is that in most cases the need for the immediate determination of blood type or drug abuse comes about in an automobile accident when the person is unconscious or unable to give this information. And the person wants it on there if he has a rare blood type. I think it would be good.

I think a lot of people also, Mr. Speaker, do not know their blood type. Everybody carries a driver's license and it would be informative to them.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. I do not have the copy of that amendment.

The SPEAKER pro tempore. Would the gentleman, Mr. Wagner, inform the Chair as to who is to provide the information to the department as to the applicant's blood type?

Mr. WAGNER. The applicant would have that responsibility. I assume the department would provide a form for the applicant.

The SPEAKER pro tempore. The Chair recognizes Mr. Bonetto.

Mr. BONETTO. I oppose this particular amendment. We have enough information on an operator's card the way it is. To continually place upon a card the various blood types and allergies could very easily bring us into a possible violation of the right of privacy, and for that reason I would oppose this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, I am not sure I agree with that.

It says that the applicant has the option to say that he wants it on there. I do not see how it is abusing the applicant's right of privacy. I can see where it could possibly create some problems for the department in putting additional lines on the license that the driver will have, but I do not imagine that that will be insurmountable either.

The SPEAKER pro tempore. The Chair recognizes Mr. Bonetto.

Mr. BONETTO. I would have no objections, Mr. Speaker, if the applicant himself put it on and he wanted it there. There would be no problem. But to have it done by the department would be chaotic, in my opinion, and I do not think that would be the right way to do it. But if the applicant wants it on there, he can very easily put it on his operator's card if he wants to.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Warren, Mr. Kusse.

Mr. KUSSE. Mr. Speaker, may I interrogate Mr. Bonetto?

The SPEAKER pro tempore. Will the gentleman, Mr. Bonetto, consent to interrogation?

Mr. BONETTO. I will, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. KUSSE. Mr. Speaker, I believe under the provision of House bill No. 1817 as it applies to anatomical gifts, it is permissible to attach a card to your license that indicates you are an anatomical donor. Could you not then attach your blood type card also?

Mr. BONETTO. I have no problem if it is attached to the same type of card; no.

Mr. KUSSE. Your indication that one could list his blood type on there, would that not be illegal because you are not permitted to deface the front of your license or put anything on your license?

Mr. BONETTO. I do not know whether you would be defacing it, you know. I think if you operated on the same basis as for the other requests that were made, we would have no objection to it. But to have it done by the department and placed on the card, I think there would be an objection because some would and some would not. It would be an awful mess.

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

The yeas and nays were required by Messrs. WAGNER and BONETTO and were as follows:

YEAS—76

Anderson, J. H.	Gallen	Levi	Scheaffer
Beren	Geesey	Lynch	Scitca
Bittle	Grieco	Manmiller	Seltzer
Brandt	Gring	McClatchy	Sirjanni
Burns	Halverson	Mebus	Smith, E.
Butera	Hamilton, J. H.	Miller, M. E.	Stahl
Cessar	Hasay	Miller, M. E., Jr.	Taddonio
Cimint	Haskell	Moehlmann	Turner
Crawford	Hayes, D. S.	Noye	Ustynoski
Cumberland	Hayes, S. E.	O'Connell	Vroon
Davies	Hepford	Pancoast	Wagner
Deverter	Hill	Parker, H. S.	Weidner
Dietz	Hopkins	Perri	Whelan
Dininni	Katz	Pitts	Wilson
Dorr	Kelly, J. B.	Polite	Wilt, R. W.
Fawcett	Klingaman	Pyles	Wilt, W. W.
Fischer	Knepper	Renninger	Worrlow
Foster, A.	Kusge	Ryan	Wright
Foster, W.	Lehr	Salvatore	Zearfoss

NAYS—107

Abraham	Gillespie	McLane	Ritter
Arthurs	Gillette	Menhorn	Ross
Bennett	Gleeson	Milanovich	Ruggiero
Berlin	Goodman	Milliron	Saloom
Berson	Green	Miscevich	Schmitt
Bonetto	Greenfield	Mrkonic	Schweder
Bradley	Hammock	Morris	Shane
Brunner	Hutchinson, A.	Mullen, M. P.	Shelton
Caputo	Irvis	Mullen	Shuman
Cohen	Itkin	Musto	Shupnik
Cole	Johnson, J.	Myers	Smith, L.
Cowell	Kelly, A. P.	Novak	Spencer
DeMedio	Kernick	O'Brien	Stapleton
Dicarlo	Kistler	O'Donnell	Stout
Doyle	Kolter	O'Keefe	Toll
Dreibelbis	Kowalshyn	Oliver	Trello
Eckensberger	LaMarca	Petrarca	Valicenti
Englehart	Laudadio	Pievsky	Walsh, T. P.
Fee	Laughlin	Pratt	Wansacz
Fisher	Lederer	Prendergast	Wargo
Flaherty	Letterman	Rappaport	Westerberg
Fryer	Lincoln	Ravenstahl	Wojdak
Gallagher	Manderino	Reed	Yahner
Garza	McCall	Renwick	Yohn
Gelsler	McCue	Rhodes	Zeller
George	McGinnis	Richardson	Zwick
Giammarco	McIntyre	Rieger	

NOT VOTING—13

Barber	Gleason	Shelhamer	Zord
Bellomint	Hutchinson, W.	Taylor	
DiDonato	McGraw	Thomas	Fineman,
Dombrowski	Perry		Speaker

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

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Warren, Mr. Kusse. For what purpose does the gentleman rise?

Mr. KUSSE. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KUSSE. Mr. Speaker, for the third time today my name was mispronounced, most recently by you. I think all politicians like to have their names pronounced properly, and I guess we all like to have our colleagues know exactly what our name is.

I am sure that Mr. Abraham does not want to be called Mr. Lincoln, nor does Mr. Lincoln want to be called Mr. Abraham. Mr. Zeller mispronounced my name. Now I would not call him "Zealous," although some might. Mr. LaMarca mispronounced my name. Now I would not call him "MaLarkey."

You who were with me 3 years ago recall that I was forced to make a similar speech on this floor telling you how to pronounce my name. It is very simple. It is pronounced like two letters of the alphabet, Q and C—"QC." If you cannot remember those two letters, if you will just think of "quality candidate" you will think of me. Thank you.

The SPEAKER pro tempore. The Chair apologizes to the gentleman, Mr. "QC" for mispronouncing his name.

On the question recurring,

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

Mr. WAGNER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1549), page 121, line 28, by inserting after "convicted": for a second or subsequent offense
Amend Sec. 1 (Sec. 1549), page 121, line 29, by in-

serting after "substance)": committed within five years of a prior offense of section 3732,

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. This amendment is to page 121, line 28, dealing with inserting "for a second or subsequent offense".

Mr. Speaker, this follows a recommendation of the National Highway Traffic and Safety Administration. What this concerns is, again, drunken driving. If you are convicted of drunken driving, the way the law is presently written, you "shall" undergo an examination to determine—now that we have amended it—whether or not you are an abuser of alcohol.

What I seek to do is to say that if you are convicted the second time—the first time you are going to lose your license, and that is fine—you are not going to have to put up with some MH-MR—mental health-mental retardation—social worker or administrator poking around and snooping around your private affairs as to whether or not you are an habitual user. The first time you are going to lose your license, but you are not going to have to put up with any MH-MR personnel. The second time you "shall" undergo an examination.

I might add, if the court or the district attorney feels that that person, even though convicted, is an habitual user and does constitute a serious threat to himself and to society, there are other procedures through the MH-MR program and the Drug and Alcohol Abuse Control Act to have him petitioned, examined, and committed, if need be.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. It is agreed to, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Beren.

Mr. BEREN. It is agreed to.

On the question recurring,
Will the House agree to the amendments?
Amendments were agreed to.

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

Mr. ANDERSON requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1, (Sec. 3301), page 166, by inserting between lines 17 and 18:

(6) Upon a roadway which is divided into two or more lanes for traffic moving in the same direction, a vehicle may be driven in a left-hand lane to allow traffic entering the roadway the use of the right-hand lane. Such a vehicle in a left-hand lane shall return to the right-hand lane as soon as practicable.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Anderson.

Mr. ANDERSON. Mr. Speaker, this is listed as number "5" of the amendments that I offered.

It does not cost anyone anything; it does not add any money to the bill.

We have been having a little problem in our area, and I think also over the state, with arrests being made because a person tries to be courteous and swings to the left when another car is coming out onto the interstate highway at a yield sign. I brought this up before the State Police at the Appropriations Committee meeting and I was told by Colonel Barger that they should be arrested if they pull off of the right-hand lane because the law states that they are to drive only on the right-hand lane.

It is my understanding that the bill as it is now written will cover this up to a point. But the purpose of this amendment is to spell out a little more clearly that a person may be courteous when there is no traffic on his left and swing to the left to permit another person to enter the expressway.

That is the reason for this amendment, and I would request everyone to vote for it if they will, please.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I hate to disagree with my good friend, Mr. Anderson, but this amendment is not needed. Under House bill No. 1817, we now permit passing on the right; therefore there should be no arrests if you go from right to left or from left to right on a divided highway. This involves the yield sign, and therefore the amendment is not necessary. I am opposing it for that reason.

Mr. ANDERSON. Well, I do not feel that there should have been any arrests at the present time and this may help to clarify that a little bit also.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. I support Mr. Anderson, Mr. Speaker.

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

The yeas and nays were required by Messrs. ANDERSON and BONETTO and were as follows:

YEAS—91

Anderson, J. H.	Gring	McCue	Shuman
Beren	Halverson	McGinnis	Sirianni
Bittle	Hamilton, J. H.	Mebus	Smith, E.
Brandt	Hasay	Miller, M. E.	Smith, L.
Burns	Haskell	Miller, M. E., Jr.	Spencer
Rutera	Hayes, D. S.	Moehlmann	Stahl
Cessar	Hayes, S. E.	Morris	Taddonio
Cimini	Hepford	Noye	Taylor
Crawford	Hill	O'Connell	Turner
Cumberland	Hopkins	Pancoast	Ustynoski
Davies	Hutchinson, W.	Parker, H. S.	Vroon
Deverter	Katz	Perri	Wagner
Dietz	Kelly, J. B.	Pitts	Weidner
Dininni	Kernick	Polite	Westerberg
Dorr	Kistler	Pyles	Whelan
Fawcett	Klingaman	Reef	Wilson
Fischer	Knepper	Renninger	Wilt, R. W.
Fisher	Kusse	Ryan	Wilt, W. W.
Foster, A.	Lohr	Salvatore	Worrlow
Foster, W.	Levi	Scheaffer	Wright
Gallen	Lynch	Seirica	Yohn
Geesey	Manmiller	Seltzer	Zearfoos
Grieco	McClatchy	Shelhamer	

NAYS—94

Abraham	George	McLane	Ritter
Arthur	Giammarco	Menhorn	Ross
Bellomini	Gilleaple	Milanovich	Ruggiero

Bennett	Gillette	Milliron	Saloom
Berlin	Gleason	Miscevich	Schmitt
Bonetto	Goodman	Mullen, M. P.	Schweder
Bradley	Green	Mullen	Shane
Brunner	Greenfield	Mrkonic	Shelton
Caputo	Hammock	Musto	Shupnik
Cohen	Hutchinson, A.	Myers	Stapleton
Cole	Irvis	Novak	Stout
Cowell	Itkin	O'Brien	Toll
DeMedio	Kelly, A. P.	O'Donnell	Trelio
Dicarlo	Kolter	O'Keefe	Valicenti
Doyle	Kowalshyn	Oliver	Walsh, T. P.
Dreibelbis	LaMarca	Petrarca	Wansacz
Eckensberger	Laudadio	Pievsky	Wargo
Englehart	Laughlin	Pratt	Wojdak
Fee	Lederer	Prendergast	Yahner
Flaherty	Letterman	Rappaport	Zeller
Fryer	Lincoln	Ravenstahl	Zwikel
Gallagher	Manderino	Renwick	
Garzia	McCall	Richardson	Fineman,
Gelsler	McIntyre	Rieger	Speaker

NOT VOTING—11

Barber	Dombrowski	McGraw	Thomas
Berson	Gleason	Perry	Zord
DiDonato	Johnson, J.	Rhodes	

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

REQUEST FOR SIGNATURES

The SPEAKER pro tempore. The Chair would also like to remind those who are sending amendments up that again some of the amendments do not contain the member's signature. Please do not send an amendment up which does not contain the signature of the author.

The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, it is my request of the Chair that if a member sends an amendment up without the signature that you ignore that amendment. The members have been warned three times. I do not think a further warning needs to be issued.

The SPEAKER pro tempore. The Chair would remind the members of the admonition of the majority leader. Those amendments sent up here with no signature will not be considered.

On the question recurring,

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

Mr. BEREN requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Table of Contents, page 5, lines 11 and 12 by striking out both of said lines

Amend Sec. 1 (Subchapter Analyses), page 106, lines 7 and 8 by striking out both of said lines

Amend Sec. 1 (Sec. 1534), page 108, lines 20 through 30, page 109, lines 1 and 2 by striking out all of said lines

Amend Sec. 1 (Sec. 1540), page 114, lines 17 through 21, by striking out "or upon" in line 17, all of lines 18 through 20, and "Disposition" in line 21

Amend Sec. 1 (Sec. 1540), page 114, line 21, by striking out "or the district attorney"

Amend Sec. 1 (Sec. 1540), page 114, line 24 by striking out "or Accelerative or Rehabilitative Disposition"

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Thank you, Mr. Speaker.

In order to properly describe this amendment, I think I ought to describe what the state of the law is in the

Commonwealth today and then get into how the code attempts to deal with this situation and then get into my amendment.

Mr. Speaker, there currently exists in the Commonwealth today a program known as Accelerative or Rehabilitative Disposition. This is a program, I believe, that has been put forth by the Supreme Court. It attempts to deal with a fair number of crimes and will allow the courts in their discretion not to find the defendant, the criminal defendant, who comes before them on the first instance, guilty, but would allow the courts to establish certain rules and regulations for their behavior prior to or, indeed, in place of a finding of guilt.

This applies in some counties to the crime of operating under the influence. The reason the Supreme Court has laid down this rule is that in many counties such as Philadelphia, Allegheny I believe, Montgomery and Delaware, perhaps Bucks, and your other more populous counties, the courts are simply clogged with a great many cases. The Supreme Court has directed the district attorney together with the judges to make certain decisions with regard to the disposition of these cases.

What has happened is that in some of the cases which are not too severe where a defendant is charged with driving under the influence, the district attorney consults with the court, and the program of ARD—Accelerated Rehabilitative Disposition—comes into being, and the defendant is not then found guilty and does not lose his license.

What happens, however, is that in many of the other counties or less populous counties in the state, these ARD provisions are not being followed through by the local district attorneys nor the courts, so you have an unequal law enforcement situation with regard to offenders of these particular provisions.

House bill No. 1817 attempted to deal with this program or with this concept by simply saying that if a defendant avails himself or herself of ARD, they must, nonetheless, also lose their license for the 6-month period.

I submit, Mr. Speaker, that that is not a practical way to deal with the problem, because if the defendant goes to the district attorney and has to face the 6-month suspension of a sentence, the defendant is not going to avail himself or herself of ARD and ARD will simply become a worthless arm of the courts.

It is my judgment, regardless of what this General Assembly does, that the courts will reinstitute ARD anyway, but I think that it is a mistake for us to do away with ARD in those counties where it is being used. My amendment would restore to the Commonwealth the provisions of ARD as they now exist, and I would ask that this amendment be approved.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. I am sorry to have to oppose my good friend, Mr. Beren, but to eliminate the suspension would mean simply this: Those who are in a county having ARD would not receive any suspension whatsoever, but those in counties not having ARD would be faced with a 6-month suspension. For that reason, I oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

(A roll-call vote was taken.)

The SPEAKER pro tempore. For what purpose does the gentleman from Allegheny, Mr. Fisher, wish recognition? Does the gentleman wish to debate the bill?

Mr. FISHER. I wanted to debate the amendments, Mr. Speaker.

The SPEAKER pro tempore. The clerk will strike the vote.

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

Mr. FISHER. I will keep my remarks short, in light of the overwhelming number of lights of one color which I just saw, but as Mr. Beren has indicated, in some of the counties approximately 2 years ago, the ARD program was instituted. This program was instituted at least in four counties that I know of, and principally in Allegheny County where, at that time, I was involved in the participation and the planning for the development of it in that county.

At first I had mixed emotions about the implementation of the program as it was ordered by the Supreme Court, but one of the very beneficial effects of this program has really been to bring about a more even type of justice in the criminal justice system.

What we frequently had in a large urban county, such as Allegheny—and I am sure the situation is quite similar in Philadelphia, Dauphin, Montgomery, and Delaware—was that in drunken driving cases, you had an unbelievable amount of judge-shopping to see which particular judge you wanted to get in front of. We have heard today about the distinction between the degree of alcohol—.10, .15, higher, lower. Everyone came in with the best defendant in the community, the defendant who, if convicted, was going to lose his driver's license and was going to lose his job and his family was going to be on public assistance. I would say, in probably 80 percent of the cases involving drunken driving where there was no accident or fatal injury, we had the Scotch verdict formula, where the court found the defendant not guilty, ordered him to pay the costs, and that was it. There was no record. There was no attempt to help the individual. There was just a finding of not guilty, and the Commonwealth or the county was not burdened by the cost.

But what the ARD program did was, it allowed those counties which implemented it to take drunken driving cases where there was no injury—and at least as far as Allegheny County is concerned, if there is any injury, whether personal injury or property damage, the case will not be considered for ARD. Prior to being considered for ARD, all the victims are notified; the police officers are notified. If one person objects to it, the defendant is not allowed in the ARD program. If a police officer says, I did not like the way he acted when I arrested him, he does not get in the ARD program. If the guy who was driving the car had \$150 worth of damage and he did not get his car paid for, the defendant does not get into the program.

What we have now is that over the last year probably about 300 to 500 cases in Allegheny County have been disposed of in this way. The defendants have actually received better treatment than they would receive by just walking out thinking they beat the system and paying the costs.

Some counties are requiring the defendant to tender the license to the court for a period of 6 months. In Allegheny County, in some instances, the courts have said that you have to put your license in their possession for a period of 3 months. They have ordered them to seek treatment, to go out and seek some help to see if they do have any problems.

So overall, I think the ARD program is a plus to the criminal justice system. Some counties have chosen not to implement it. The district attorney is the one who makes the decision. But this is up to these counties.

If we do not accept Mr. Beren's amendment, what we are going to do is penalize the counties who have seen fit to go out and apply for Federal grants through the Law Enforcement Assistance Administration to fund these programs, and I think it is a very damaging step, not only in the area of the Vehicle Code but in the whole area of the criminal justice system. So I would ask you to reconsider the vote that some of you have already cast and support the Beren amendment.

Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, apparently they are only talking about drunken driving, but if you look at the code, the language that is being taken out deals also with an ARD program involving the commission of homicide by vehicle; any felony in the commission of which a motor vehicle was used; failure to stop, render aid or identify oneself in an accident involving death or personal injury. All of these programs, if a person goes under ARD, if you accept Mr. Beren's amendment, we could not suspend. I think that is incredible.

I agree with Mr. Bonetto. Not all counties have it, and even if every county had it, the man who could afford to get himself a good lawyer and go to court could still continue to drive after having committed these offenses, while the ordinary citizen who cannot avail himself of that will have to suffer the suspension.

I think that it is discrimination. I think the amendment ought to be defeated and the bill left the way it is.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cessar.

Mr. CESSAR. Mr. Speaker, I support the Beren amendment and would certainly hope that everybody else would.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. I still oppose the amendment, Mr. Speaker. Let us roll it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, I would say this in conclusion: Mr. Ritter points out that the ARD provisions apply to matters other than operating under the influence. What we attempted to do in our amendment is to correct the provisions of House bill No. 1817 in any event where they apply to ARD.

I would point out that ARD gives additional flexibility to the criminal justice system. It does not simply mean that the operator will retain his license for a year. It can

mean that a judge would direct the defendant to be under a system of probation. It can mean that the judge may direct the defendant to do certain additional things with regard to rehabilitation which he may now do.

On the face of it, we do have unequal law enforcement in the Commonwealth in this area. It is unfortunate, but I do not think that we should penalize those areas that have resorted to ARD as a method of help in the criminal justice system. I would ask again for support.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Renninger.

Mr. RENNINGER. Mr. Speaker, I would like to call to the attention of the House that this amendment has the support of the district attorney of Bucks County who, as you know, is undergoing some very trying experiences with murders and things like that. We are dealing with a big court calendar, and only a couple of days ago the court administrator of the Supreme Court testified that Bucks County is a county badly in need of additional judicial assistance. We are trying to deal with a great volume of cases effectively.

When you really look at it, what you are trying to do is to find some basis for keeping these people who are involved in the violations that this amendment addresses itself to out of the courts so that we can get on with their major business and yet have people suffer penalties and responsibilities as a result of their acts. It has added a new dimension to criminal justice, and it is one that is going to be badly needed, because, Mr. Speaker, there is no way that we are ever going to—and I said this when we talked about medical malpractice—get enough judges to man the traditional approaches to criminal law or civil law, for that matter.

We do not have enough money in the Commonwealth to finance what is ahead of us in litigation. We must move ahead, and this is a first step which has the kind of effect that will eventually come to benefit all our courts and all our people in protecting them from crime in your community.

Thank you, Mr. Speaker.

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

The yeas and nays were required by Messrs. BEREN and BONETTO and were as follows:

YEAS—75

Abraham	Gring	McGinnis	Shelhamer
Anderson, J. H.	Hamilton, J. H.	Mebus	Smith, E.
Beren	Hasay	Menhorn	Smith, L.
Brunner	Haskell	Miller, M. E.	Spencer
Burns	Hayes, D. S.	Miller, M. E., Jr.	Stahl
Butera	Hepford	Miscevich	Taddonio
Caputo	Hopkins	Mrkonic	Trello
Cessar	Hutchinson, W.	Novak	Turner
Cimini	Itkin	Noye	Ustynoski
Crawford	Katz	O'Brien	Vroon
Davies	Kelly, J. B.	Pancoast	Weldner
Dorr	Kernick	Parker, H. S.	Whelan
Fawcett	Kistler	Perri	Wilson
Fisher	Klingaman	Polite	Wilt, R. W.
Flaherty	Knepper	Pyles	Worrilow
Gallen	Lederer	Renninger	Wright
Geisler	Lehr	Ryan	Yohn
Goodman	Lynch	Salvatore	Zearfoss
Grieco	McClatchy	Scirica	

NAYS—107

Arthur	Geesey	McCue	Saloom
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Bellomini	George	McIntyre	Scheaffer
Bennett	Giammarco	McLane	Schmitt
Berlin	Gillespie	Milliron	Schweder
Berson	Gillette	Mochlmann	Seltzer
Bittle	Gleeson	Morris	Shane
Bonetto	Green	Mullen, M. P.	Shelton
Bradley	Greenfield	Musto	Shuman
Brandt	Halverson	Myers	Shupnik
Cole	Hayes, S. E.	O'Connell	Sirianni
Cowell	Hill	O'Donnell	Stapleton
Cumberland	Hutchinson, A.	O'Keefe	Stout
DeMedio	Irvic	Oliver	Taylor
Deverter	Johnson, J.	Petrarca	Toll
DiCarlo	Kelly, A. P.	Pievsky	Wagner
Dietz	Kolter	Pitts	Walsh, T. P.
Dinnini	Kowalshyn	Prendergast	Wansacz
Doyle	Kusse	Rappaport	Wargo
Dreibelbis	LaMarca	Ravenstahl	Westerberg
Eckensberger	Laudadio	Reed	Wilt, W. W.
Engelhart	Laughlin	Ronwick	Wojdak
Fee	Letterman	Rhodes	Yahner
Fischer	Levi	Richardson	Zeller
Foster, A.	Lincoln	Rieger	Zwickl
Foster, W.	Manderino	Ritter	
Fryer	Manmiller	Ross	Fineman, Speaker
Gallagher	McCall	Ruggiero	
Garzia			

NOT VOTING—14

Barber	Gleason	Mullen	Thomas
Cohen	Hammock	Perry	Valicenti
DiDonato	McGraw	Pratt	Zord
Dombrowski	Milanovich		

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

AMENDMENT REOFFERED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, I wish to reoffer the amendment which I withdrew earlier.

On the question recurring,

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

Mr. HALVERSON requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 1516), page 103, by inserting between lines 14 and 15:

(e) Availability of records.—Every application for the renewal of a license shall present the question of whether or not the applicant authorizes the department to disclose his personal records to the applicant's insurer. No such records shall be made available to the insurer without the applicant's authorization.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. I believe it is an agreed-to amendment.

Does the gentleman, Mr. Bonetto, want me to explain it?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Bonetto.

Mr. BONETTO. It is agreed to, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Beren.

Mr. BEREN. Agreed to, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

Amendment was agreed to.

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

Mr. DORR requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 3354), page 192, by inserting between lines 3 and 4:

(d) Impacted areas.—Local authorities may determine that certain designated areas within the municipality constitute impacted areas by reason of the existence adjacent to or near such areas of institutions or facilities attended or utilized by persons driving motor vehicles into such areas and may therefore create special parking regulations by ordinance restricting or limiting parking on public streets or highways in such areas. They may provide for special parking privileges in such areas by use of stickers permitting parking outside of such limitations. They may issue such stickers upon the payment of a fee to the municipality in the amount designated by such ordinance or upon the payment of such existing taxes imposed by the municipality as may be designated by such ordinance.

Amend Sec. 1 (Sec. 3354), page 192, line 4 by striking out "(d)" and inserting: (e)

Amend Sec. 1 (Sec. 3354), page 192, line 14 by striking out "(e)" and inserting: (f)

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, I do not have numbers on these amendments, but the first line reads: "Amend Sec. 1 (Sec. 3354), page 192, . . ."

The amendment would establish what I have chosen to call impacted areas in which local governments would have the authority to create a parking zone and authorize effectively the establishment of a sticker system whereby persons who have a sticker may park longer than the already authorized, or by sign authorized, limit.

For example, in an area near a hospital, the township might say that the parking limit is 1 hour. Those persons, however, who have obtained a sticker from the township could then park in that zone longer than the 1 hour that is established by the sign.

The further provision of the amendment is to the effect that a township might adopt an existing tax, such as—if they have it—a head tax, and state that any person who has paid the head tax has, in effect, paid the fee for that particular parking sticker and may thereby continue to park in the area.

Now the practical effect of this system is to allow the residents in an area where an institution is located, such as a hospital or a school, to continue to park in front of their homes, in spite of the fact that the people who work at the institution or the students there or the people visiting it continually park in that area.

It may well be said that this amendment is not necessary because local authorities have the right to impose their own parking restrictions. However, the solicitors for municipalities in my area do not feel that that is clear at all and, therefore, have requested the direct authority of the General Assembly to create this kind of a system of parking for their local residents.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I rise to oppose this amendment.

Section (d), on page 190, already covers what the local authorities may do concerning parking. This is what it says: "The department on State-designated highways and local authorities on any highway within their boundaries may by erection of official traffic-control devices prohibit, limit or restrict stopping, standing or parking of vehicles on any highway where engineering and traffic studies indicate that stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic."

The exception is the interstate system and the limited-access highways. This is already in the bill. This amendment is not necessary, and I ask that this amendment be opposed and voted in the negative.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, I am not in favor of this amendment.

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

Mr. DORR. Mr. Speaker, just one further comment: I often hear managers of bills in this House using the argument that an amendment is already there and it is not necessary. As I have indicated, there are lawyers in my area who say that it is necessary, in spite of what this bill contains and in spite of what the current law contains. I am asking the members to simply add this section. If it is not necessary, if it is already there, Mr. Speaker, there is no harm in putting it in particularly. I request the members of the General Assembly to do that.

Mr. BONETTO. That is a very good way of wasting money. I oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. DORR and BONETTO and were as follows:

YEAS—78

Anderson, J. H.	Geesey	Lynch	Scirca
Bittie	Grieco	Manmiller	Seltzer
Brandt	Gring	McGinnis	Sirianni
Burns	Halverson	Mebus	Smith, E.
Butera	Hamilton, J. H.	Miller, M. E.	Smith, L.
Cessar	Hasay	Miller, M. E., Jr.	Stahl
Cimiri	Haskell	Moehlmann	Taddonio
Cole	Hayes, D. S.	Noye	Turner
Crawford	Hayes, S. E.	O'Connell	Ustynoski
Cumberland	Hepford	Pancoast	Vroon
Davies	Hill	Parker, H. S.	Weidner
Deverter	Hopkins	Perri	Whelan
Dietz	Hutchinson, W.	Pitts	Wilson
Dininni	Katz	Polite	Wilt, R. W.
Dorr	Kelly, J. B.	Pyles	Wilt, W. W.
Fischer	Kistler	Renninger	Worrlow
Fisher	Klingaman	Ryan	Wright
Foster, A.	Knepper	Salvatore	Yohn
Foster, W.	Lehr	Scheaffer	Zearfoss
Gallen	Levi		

NAYS—102

Abraham	Gillespie	Menborn	Saloom
Arthurs	Gillette	Milliron	Schmitt
Bellommi	Gleeson	Miscevich	Schweder
Bennett	Goodman	Morris	Shane
Beren	Green	Mrkonje	Shelhamer
Berlin	Greenfield	Mullen	Shelton
Berson	Hammock	Mullen, M. P.	Shuman
Bonetto	Irvis	Musto	Shupnik
Bradley	Itkin	Myers	Stapleton
Brunner	Johnson, J.	Novak	Stout
Cowell	Kelly, A. P.	O'Brien	Taylor
DeMedio	Kernick	O'Donnell	Toil

Dicarlo	Kolter	O'Keefe	Trello
Doyle	Kowalshyn	Oliver	Valicenti
Dreibelbis	Kusse	Pievsky	Wagner
Eckensberger	LaMarca	Prendergast	Walsh, T. P.
Englehart	Laudadio	Rappaport	Wansacz
Fawcett	Laughlin	Ravenstahl	Wargo
Fee	Lederer	Reed	Westerberg
Flaherty	Letterman	Renwick	Wojdak
Fryer	Lincoln	Rhodes	Yahner
Gallagher	Mandertino	Richardson	Zeller
Garzia	McCall	Rieger	Zwinkl
Geisler	McCue	Ritter	
George	McIntyre	Ross	Fineman,
Giammarco	McLane	Ruggiero	Speake

NOT VOTING—16

Barber	Dombrowaki	McGraw	Pratt
Caputo	Gleason	Milanovich	Spencer
Cohen	Hutchinson, A.	Perry	Thomas
DiDonato	McClatchy	Petrarca	Zord

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

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

Mr. DORR. Mr. Speaker, if I might ask for a little latitude, I think that the amendments to be proposed by Mr. Reed might cover this and might be a better approach.

May I have the latitude and the permission of the House to so inquire of Mr. Reed and to ask Mr. Bonetto to offer his opinion too? If we could cover that by those amendments, it will not be necessary for me to offer mine.

The SPEAKER pro tempore. May I suggest that the gentleman confer privately with Mr. Reed and Mr. Bonetto. Perhaps we can proceed to another amendment while he does that. I will put you back on the list.

On the question recurring,

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

Mr. VROON requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 3362), page 194, line 1, by striking out "five" and inserting: ten

Amend Sec. 1 (Sec. 3362), page 194, line 2, by striking out "five" and inserting: ten

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, this is a very simple but important proposal. This deals with something which affects every one of us and has the potential of affecting our constituents quite drastically.

This is Vroon amendment No. "3", and it has the effect of changing the amount of fine to be levied. As it now stands, the basic fine for a violation is changed to \$35 and an additional \$2 is added for each mile per hour over 5 miles in excess of the speed limit.

By way of illustration, therefore, if you are going 35 miles an hour in a 25-mile-an-hour zone, you will be going 10 miles an hour above the speed limit. The first 5 miles are gratis; the next 5 miles an hour are assessed to you on the basis of \$2 per mile. So your total fine for going 35 miles an hour in a 25-mile-an-hour zone is \$45. I think that is a very important fact to consider. Likewise, if you are going 65 miles an hour on the turnpike and you are supposed to be going 55, you will be paying \$45 for a fine there.

In my opinion, the reason why I have offered this is because I believe that it is very important to tie this in with the debate which took place on local radar. Local radar was opposed in this House on the basis of not giving local authorities the prerogatives of using the regulations to raise revenue. This is another area where we are giving local policemen the opportunity to raise revenue. Thirty-five dollars for a fine is already enough. But if every local policeman gets wise to this, he will pull you in at 10 miles an hour over the speed limit and you are paying \$45. That is a substantial fee, and I think \$35 is already very substantial.

My proposal therefore says, do not start this penalty until you get over 10 miles an hour beyond the speed limit. So in other words, if you are going 65 miles an hour in a 55-mile-an-hour zone, your basic fine will apply. Then the penalty applies over that area, and I think this is the area where we really want to inflict a penalty. These are the people who are really endangering life and limb. We do not have that much to fear from those who speed up to 10 miles an hour over the speed limit. So I strongly urge the consideration of the members of the House to amend this from 5 to 10 and make it more reasonable in its application.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I oppose this amendment. I oppose it for several reasons.

One, the irony of this whole thing is, I cannot for the life of me understand that we sit here in this General Assembly and we become so sympathetic to those who violate the law, to those who can kill on our highways. When you are talking about a 35-mile speed limit, the only reason why it is 35 is because there are a lot of people living along that road, and when you are going 10 miles an hour over that speed limit on that very highway, you are more dangerous to the general public than you would be if you were on the turnpike.

Why be so compassionate with people who violate the law? When are we going to quit giving pity? What we are trying to do is make these people obey the law. That is what this is all about, and for that reason I am opposing this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean, Mr. Westerberg.

The Chair congratulates the gentleman, Mr. Bonetto, for his impassioned plea.

The Chair recognizes the gentleman, Mr. Westerberg.

Mr. WESTERBERG. Mr. Speaker, was that cheer when I was announced or was that for Joe's speech? I hope it was the first.

Mr. Speaker, I think that we ought to all remember that in this present bill the points are cut down very, very much, and it is true that the fines are raised. But possibly this way, by paying through the nose, maybe it will keep the speed down. So just remember that we cannot be cutting the points down without putting some kind of penalty against speeding. For that reason I personally will vote against this amendment.

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

Mr. VROON. Mr. Speaker, I am in total sympathy with

the idea of emphasizing safety. But when you have already raised the basic fine 133 1/3 percent, I think you have already done a big job in that direction and I think we have already given a lot of incentive to people to slow down—133 1/3 percent of what it used to be.

Now let us not pour it on and just play right into the hands of the local constabulary and give them the opportunity to exploit us. I want safe driving just as much as the next fellow, but I do not want to see my constituents abused by the local police.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, I heartily agree with Mr. Vroon. I think that we must have a sense of understanding of human error in this bill and not try to clobber the people with excessive fines.

Mr. Speaker, I think that Mr. Vroon has a point when he says in many cases the speed traps are going to be used to raise revenue in the local districts. Mr. Speaker, I think that we have to have some understanding, and let us go slow in this kind of situation. I heartily support his position.

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

The yeas and nays were required by Messrs. VROON and BONETTO and were as follows:

YEAS—51

- | | | | |
|-----------------|----------------|---------------|-----------|
| Bittle | Hasay | Mrkonic | Seltzer |
| Caputo | Hopkins | Mullen | Shelton |
| Cimini | Hutchinson, A. | Mullen, M. P. | Shuman |
| Dreibelbis | Hutchinson, W. | Musto | Smith, E. |
| Englehart | Katz | Myers | Stahl |
| Fawcett | Klingaman | O'Connell | Taylor |
| Geisler | Lederer | Oliver | Trello |
| Giammarco | Lynch | Pancoast | Ustynoski |
| Greenfield | McClatchy | Pitts | Vroon |
| Grieco | McCue | Polite | Wargo |
| Gring | McGinnis | Pyles | Worrilow |
| Halverson | McIntyre | Rieger | Zeller |
| Hamilton, J. H. | Moehlmann | Ross | |

NAYS—133

- | | | | |
|-----------------|--------------|--------------------|--------------|
| Abraham | Gallagher | Manderino | Scheaffer |
| Anderson, J. H. | Gallen | Manmiller | Schmitt |
| Arthurs | Garzia | McCall | Schweder |
| Bellomini | Geesey | McLane | Scrica |
| Bennett | George | Mebus | Shane |
| Beren | Gillespie | Menhorn | Shelhamer |
| Berlin | Gillette | Milanovich | Shupnik |
| Berson | Gleeson | Miller, M. E. | Sirianni |
| Bonetto | Goodman | Miller, M. E., Jr. | Smith, L. |
| Bradley | Green | Milliron | Spencer |
| Brandt | Hammock | Miscevich | Stapleton |
| Brunner | Haskell | Morris | Stout |
| Burns | Hayes, D. S. | Novak | Taddonio |
| Cadera | Hayes, S. E. | Noye | Toll |
| Cassar | Hepford | O'Brien | Turner |
| Cole | Hill | O'Keefe | Wagner |
| Cowell | Irviss | Parker, H. S. | Walsh, T. P. |
| Crawford | Itkin | Perrit | Wansacz |
| Chamberland | Johnson, J. | Petrarca | Weidner |
| Davies | Kelly, A. P. | Pievsky | Westerberg |
| DeMedio | Kelly, J. B. | Pratt | Whelan |
| Deverter | Kernick | Prendergast | Wilson |
| DeCarlo | Kistler | Rappaport | Wilt, R. W. |
| Dietz | Knepper | Ravenstahl | Wilt, W. W. |
| Dininni | Kolter | Reed | Wojdak |
| Dorr | Kowalyszyn | Renninger | Wright |
| Doyle | Kusce | Renwick | Yahner |
| Eckensberger | LaMarca | Rhodes | Yohn |
| Fee | Laudadio | Richardson | Zearfoss |
| Fischer | Laughlin | Ritter | Zwikel |
| Fisher | Lehr | Ruggiero | |
| Flaherty | Letterman | Ryan | Fineman |
| Foster, A. | Levi | Saloom | Speaker |
| Foster, W. | Lincoln | Salvatore | |

NOT VOTING—12

- | | | | |
|----------|------------|-----------|----------|
| Barber | Dombrowski | McGraw | Thomas |
| Cohen | Fryer | O'Donnell | Vaicenti |
| DiDonato | Gleason | Perry | Zord |

So 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 as amended on third consideration?

Mr. VROON requested and obtained unanimous consent to offer the following amendments, which were read:

- Amend Sec. 1 (Sec. 1543), page 116, lines 17 through 28, by striking out all of said lines
- Amend Sec. 1 (Sec. 1544), page 116, line 29, by striking out "1544." and inserting: 1543.
- Amend Sec. 1 (Sec. 1545), page 117, line 22, by striking out "1545." and inserting: 1544.
- Amend Sec. 1 (Sec. 1546), page 118, line 2, by striking out "1546." and inserting: 1545.
- Amend Sec. 1 (Sec. 1547), page 118, line 22, by striking out "1547." and inserting: 1546.
- Amend Sec. 1 (Sec. 1548), page 119, line 8, by striking out "1548." and inserting: 1547.
- Amend Sec. 1 (Sec. 1549), page 121, line 25, by striking out "1549." and inserting: 1548.
- Amend Sec. 1 (Sec. 1550), page 122, line 23, by striking out "1550." and inserting: 1549.
- Amend Sec. 1 (Sec. 1551), page 123, line 12, by striking out "1551." and inserting: 1550.

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

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

Mr. VROON. Mr. Speaker, here is another area in this new proposal which has long been a source of unhappiness to me and to a lot of my constituents. There is a basic principle of law involved in this area and this is the area having to deal with the reciprocal application of points.

If you violate the law in another state with which the State of Pennsylvania has a reciprocal agreement, there will be points put on your license in the State of Pennsylvania. Now there is a very unsound, unconstitutional principle involved in this particular section. I do not imagine that anybody ever contested the constitutionality of this, because it is really not worth the trouble or the expense to do it.

But let me point out to you that if a person is convicted of a misdemeanor or a crime in another state, the State of Pennsylvania cannot heap abuse on him by penalizing him a second time. In this particular situation, a person commits a small offense in another state and he comes back into this state and this state adds another penalty for his having violated the law in that other state.

The unconstitutionality of this is quite apparent. The State of Pennsylvania does not have jurisdiction over what I do in another state.

This is number 5, by the way, in case anybody wonders what number it is.

In the next place, I want to emphasize the fact that there is a lack of uniformity in the motor vehicle laws from one state to another. The State of New Jersey, the State of Ohio, the State of New York, the State of Delaware—those bordering on our state—and the State of Maryland, all have different motor vehicle laws. I do not know what those motor vehicle laws are like when I

go into those states and sometimes I inadvertently violate their law. And under this section here, if we happen to have a reciprocity agreement, I get penalized with points on my Pennsylvania license. I do not think that is fair.

Now there is also a lack of knowledge of what goes on in the other states. I had a son one day who got caught in the State of New Jersey for parking during an emergency—having a flat tire—on a New Jersey highway, and he was pulled in for parking in an unauthorized manner in a place reserved only for emergencies. He found out that having a flat tire and not being able to move was not an emergency. Now how was he to know that? This is typical of the illustration of what can happen when you go into another state and drive and inadvertently violate their laws.

In the next place, there is a lack of uniformity in the application of this provision, which is another reason why it is unconstitutional, in my opinion. Several states do not have reciprocity in the State of Pennsylvania, so if I go into these states, I do not get penalized for violating the law there. But if I happen to go into the State of New Jersey or the State of Delaware, where we do have reciprocity, I am penalized.

Now put it another way. You fellows who live in the western part of the state near the State of Ohio, where I do not believe we have reciprocity, can drive in and out of the State of Ohio and not suffer at all. In the eastern part of the state we run in and out of the State of New Jersey and go into New York City quite frequently, and every time we violate the law there, we get some points added onto our license here. That is unfair and that is discriminatory. Finally, we have an opportunity given to people out of state to get at us because we are out-of-state drivers, and you all know how that works. This is a common trick, and there are many states in which we as out-of-state drivers are exploited by the law enforcement people in those states.

For all of these reasons, I condemn this section as being unconstitutional and inequitable, unfair to the people of this Commonwealth.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I oppose this amendment. On page 116, in this section, we do provide that in the event that an individual is apprehended in another state, he may request a hearing that shall operate as a supersedeas to whatever happened in the state. So therefore for that reason I oppose this amendment.

Under the Uniform Vehicle Code, it has been recommended that the commissioners, the secretaries, whoever is in charge of the transportation departments in various states have reciprocity agreements between all 50 states, and that is the intent of the law that was passed by the Federal Government. I think that we should comply with it, and it should not affect us. If we maintain our good point system in Pennsylvania and also obey the laws, maybe this would never be necessary. But, unfortunately, there are those who do violate the law. But under this provision of the code, we do provide a hearing, and, therefore, I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I sat through the last vote and I was not going to say anything this time, but I just

cannot stand to hear what I heard here just now. You know, I hear these bleeding hearts telling me about all these so-called criminals, and they refer to them as criminals out here on the highways. I mean, they are really terrible people, and they will turn around and turn loose all these people who are committing murder, rape, bank robbery.

We have one article here where they want to, by July 4 of this year, turn loose all the criminals in prison, everyone, get them out, because of the fact that we have reparation. We have to take care of these poor people. But the poor character who has to work for a living, the poor little John Doe who lives in a little community, paying the taxes and taking care of everything, the responsible citizen, you want to give him the works.

Then they bring that item in about the Federal Government. I get a kick out of that one. That is the real hooker. The Federal Government is going to withhold your funds and you cannot do it. I get a big bang out of that one.

It is about time we start using state's rights and let these birds down there know again where the bear took a walk in the buckwheat. Let them know where we stand. I am getting sick and tired of these so-called law-and-order people—these big law-and-order people—trying to get these poor little drivers. How terrible they are. But they will turn them all loose in jail, you know, to commit robbery and rape and murder. Turn them loose. I get a kick out of that one.

So let us go along with Mr. Vroon's amendment and let us give a break to the poor John Doe citizen.

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

Mr. VROON. Mr. Speaker, just a very small comment on Mr. Bonetto's reply: Yes, it is true that we can have a hearing, but it costs a lot of money to get into that hearing. I am going to have to spend a lot of money to circumvent the application of points, and it is very awkward and inconvenient and expensive.

I will also say this, Mr. Bonetto, sir: If every state in the Union has a reciprocal agreement, I am totally in favor of this. But as it now stands, there are very few states that have reciprocal agreements with Pennsylvania, and some of our neighbors do and some of our neighbors do not. That is why I say it is discriminatory against those of us who live near those who do.

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

The yeas and nays were required by Messrs. VROON and BONETTO and were as follows:

YEAS—75

Anderson, J. H.	Haskell	McGinnis	Shuman
Beren	Hayes, D. S.	Mebus	Sirianni
Bittle	Hepford	Moehlmann	Smith, E.
Brandt	Hill	Mrkonie	Smith, L.
Butera	Hopkins	Nove	Stahl
Cessar	Hutchinson, A.	O'Connell	Taddonio
Cimini	Hutchinson, W.	Pancoast	Taylor
Crawford	Katz	Parker, H. S.	Turner
Davies	Kistler	Perri	Ustynoski
Dietz	Klingaman	Pitts	Vroon
Dininni	Knenper	Polite	Wagner
Dorr	Kolter	Pratt	Wargo
Fawcett	Kusse	Pyles	Westerberg
Foster, W.	Lehr	Renninger	Whelan
Grieco	Levi	Ryan	Wilt, R. W.
Gring	Lynch	Salvatore	Worrilow
Halverson	Manmiller	Scheaffer	Zearfoss

Hamilton, J. H. Hasay	McClatchy McCue	Scirica Seitzer	Zeller
NAYS—112			
Abraham	Garzia	McLane	Ross
Arthurs	Geesey	Menhorn	Ruggiero
Bellomini	Geisler	Milanovitch	Saloom
Bennett	George	Miller, M. E.	Schmitt
Berlin	Giammarco	Miller, M. E., Jr.	Schweder
Berson	Gillespie	Milliron	Shane
Bonetto	Gillette	Miscovich	Snelhamer
Bradley	Heason	Morris	Shelton
Brunner	Goodman	Mullen	Shupnik
Burns	Green	Mullen, M. P.	Spencer
Caputo	Greenfield	Musto	Stapleton
Cole	Hammock	Myers	Stout
Cowell	Hayes, S. E.	Novak	Toll
Cumberland	Irvin	O'Donnell	Trello
DeMedio	Itkin	O'Keefe	Valicenti
Deverter	Johnson, J.	Oliver	Walsh, T. P.
Dicarlo	Kelly, A. P.	Perry	Wansacz
Doyle	Kelly, J. B.	Petrarca	Weidner
Dreibelbis	Kernick	Pievsky	Wilson
Eckensberger	Kowalshyn	Prendergast	Wilt, W. W.
Englehart	LaMarca	Rappaport	Wojdak
Fee	Laudadio	Ravenstahl	Wright
Fischer	Laughlin	Reed	Yahner
Fisher	Lederer	Renwick	Yohn
Flaherty	Letterman	Roodes	Zwick
Foster, A.	Lincoln	Richardson	
Fryer	Manderino	Rieger	Fineman, Speaker
Gallagher	McCall	Ritter	
Gallen	McIntyre		

NOT VOTING—9

Barber	Dombrowski	McGraw	Thomas
Cohen	Gleeson	O'Brien	Zord
DiDonato			

So 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 as amended on third consideration?

Mr. L. E. SMITH requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 4961), page 280, lines 1 and 2 by striking out "WEIGHT SPECIFIED IN SECTION 4941(A)" in line 1 and all of line 2 and inserting: weights specified in Subchapter C (relating to Maximum Weights of Vehicles).

Amend Sec. 1 (Sec. 4961), page 280, line 5 by striking out "WEIGHT SPECIFIED IN SECTION 4941(A)." and inserting: weights specified in Subchapter C (relating to Maximum Weights of Vehicles).

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I believe this amendment is agreed to. It deals with the section of the code which specifies overweight vehicles.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question recurring,

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

Mr. A. C. FOSTER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 4729), page 263, line 28, by striking out "an inspection" and inserting: a

Amend Sec. 1 (Sec. 4729), page 263, line 29, by inserting after "certificate": of inspection

Amend Sec. 1 (Sec. 4729), page 264, lines 3 and 4, by striking out "an" in line 3 and all of line 4 and inserting: a certificate of inspection shall cut out the portion of the windshield containing the certificate and deliver it to the registrant of the vehicle or, at the option of the registrant, destroy the certificate. The registrant shall display the portion of the old windshield containing the certificate as prescribed in department regulations until the vehicle is next inspected.

Amend Sec. 1 (Sec. 4729), page 264, line 5, by striking out "inspection"

Amend Sec. 1 (Sec. 4729), page 264, line 6, by inserting after "certificate": of inspection

On the question,

Will the House agree to the amendments?

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

Mr. A. C. FOSTER. Mr. Speaker, this deals with the amendment that I offered yesterday and was subsequently withdrawn, and it is now an agreed-to amendment on the replacement of windshields.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question recurring,

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

Mr. DeVERTER requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 1503), page 92, line 3, by striking out "16 years." and inserting: 17 years, except that the department shall issue a driver's license to any person who is 16 years of age and who presents evidence that the person has satisfactorily completed a driver education course and all other requirements necessary for the type of license to be issued. This course must be approved by the department and the Department of Education and may be given by a public school, a private school or a licensed professional driver training school. Upon receiving an application signed and verified by a parent, guardian or person in loco parentis, the department shall issue a learner's permit to any person who has attained the age of 15 years 9 months in order that the person may receive classroom instruction in an approved driver training course. Upon such person's 16th birthday, the learner's permit shall be valid for driving on the highways of this Commonwealth subject to the provisions of this chapter governing the use of learners' permits. No license granted under the provisions of this subsection to persons under 18 years of age shall be valid for use during the hours from 1 a.m. to 5 a.m. unless the licensee is accompanied by a parent, guardian or person in loco parentis.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, this is the amendment that we attempted to bring back before the House yesterday. We have cleaned up the language, and what we have attempted to do is to have youngsters at the age of 16 take a driver education course prior to their being permitted to receive their regular driver's license.

As many of you know, we have done away with the junior driver's license, and I am in favor of that. I think they all should be treated on an equitable basis. How-

ever, I believe that a youngster at age 16 should have some kind of educational requirements before he is permitted to have a regular driver's license. For that reason I offer the amendment.

AMENDMENT DIVIDED

Mr. DeVERTER. Mr. Speaker, I would like to divide my proposed amendment beginning at the bottom of the paragraph, four lines up, where it states "No license granted . . ." and have that run as a separate amendment.

The SPEAKER pro tempore. It is my opinion that the amendment is divisible, and the first vote taken on the amendment will be all of the amendment except the last four lines.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto. For what purpose does the gentleman rise?

Mr. BONETTO. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BONETTO. Mr. Speaker, how can you divide this type of amendment? How can you divide an amendment that is one paragraph?

The SPEAKER pro tempore. I believe if the gentleman will read the sentences in the amendment, it is possible to strike the last four lines and still have a sensible and competent amendment.

Mr. BONETTO. I may have a different amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, this one is marked "1-A." It is possible that the gentleman has the one that was distributed yesterday, which does not have a number on it. I apologize for not indicating the number.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. I would like to interrogate Mr. DeVerter.

The SPEAKER pro tempore. Will the gentleman, Mr. DeVerter, consent to interrogation?

Mr. DeVERTER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BONETTO. Mr. Speaker, your amendment would say that a person at 17 years of age would be entitled to a driver's license without taking an examination?

Mr. DeVERTER. Yes. And I think, Mr. Speaker, under the old law, that was the situation. If the individual was not going to apply for a license until that age, he was entitled to a regular license. Now all I am attempting to say—to go below that age—is that the youth have an opportunity to be given a driver education program. Now I do not believe that that is too much to ask in light of today's traffic conditions. And many youngsters have no other opportunity to ever be schooled except through our educational system. Whether it is through private, parochial or public schools, they all have access to driver education.

Additionally, this provides that a youngster may apply for his permit at 15 years 9 months, at such time as he would have a summer in which to be eligible to take his classroom instruction. I believe if we do not do this,

driver education programs are going to be phased out through our educational system and, further, that it is going to, in the end run, inflate insurance premiums to a size that many of us as parents cannot afford. As the father of three teenagers, I know none of my children is allowed on the highway before they have had an educational program, and I think we should almost mandate it for every youngster if at all possible.

Now if they want to wait a year until they are 17 or over, fine, but at least this provides some incentive for them to do it. I do not think that is too much to ask.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, 2 weeks ago this General Assembly overwhelmingly eliminated the junior licenses for those who are 16 years of age or over. We feel and strongly feel that that was a good amendment. We have also recommended that the driver education courses be a part of the curriculum in the School Code. We feel that there is nothing wrong with that.

We are trying to help those young students and young men and women who are 16 years old or over, who have a position or a job during the summer months or during the evening, to be able to drive to and from work after midnight. Under a junior license concept, that cannot be done. We have required under our amendment, 2 weeks ago, that any person getting a license at 16 would be subject to the same penalties as any other licensee.

I do not find it proper at this time to accept this amendment and say that we are going to go to 17. It is a question of semantics in my case. I would rather say that the junior license should not be inserted back into the bill, and therefore I oppose this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, first, with the four lines that were taken out, we do not have a junior license. And I support the amendment, but I want to correct Mr. DeVerter. Under present law, under age 18, you cannot get a regular license unless you have completed a driver education program.

But this amendment, Mr. Speaker, is better than what is in the bill, because it says that between the ages of 16 and 17, if you want to drive an automobile in this Commonwealth, you need to have a driver education program. I do not think there is anything wrong with that at all. I think—and I said 2 weeks ago—that when we voted to abolish that provision, we for all practical purposes did away with driver education in this Commonwealth, and that will be reflected in the next year or two in your insurance rates.

I think that Mr. DeVerter has a very good amendment, and when we get to the part about the junior license, I will have more comment to make on that. But I support the first provision of the DeVerter amendment, and I do not think there is anything wrong with asking that youngster between 16 and 17, if he wants to drive an automobile, to get the proper education.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs.

Mr. ARTHURS. Mr. Speaker, I rise in opposition to this part of the amendment because there are many schools in many areas that do not have the facilities to give driver education today. If every child or every

young person were required to do this, there would automatically be people waiting until they were 17 or 18 years of age before they got a driver's license, because facilities would not be available for them to take their driving education before this time. If we build enough of these facilities into our schools, once again it is taking that much more money out of the vehicle highway fund. I am also saying that there is an incentive for the person who does want to get this driver's education in the reduction that he will get in his insurance.

But my main reason for the objection is that there are just not enough facilities to give the young people the opportunity to take driver's education. For that reason I would ask for the defeat of this part of the amendment.

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

Mr. LETTERMAN. Mr. Speaker, I also rise to oppose this amendment. I feel that if we give the young people the right to take a driver's test at age 16 and they can pass it, even if they have been instructed by their parents, I think this is good enough.

I do not know what a 4-year-college education is going to do to teach me to drive or why the man who is my driving instructor, because he went to college, can do a better job than my parents. So I really object to this.

And I wish people would quit mentioning insurance companies. They do not need any help in finding ways to raise our rates. They will find enough ways without our going along and mentioning it all the time.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. I, too, also rise to oppose the amendment. I think that the action we took 2 weeks ago in removing this provision from the bill was a good one.

In spite of the fact that I am very much in favor of driver training, I think that this amendment would be unworkable. It would be discriminatory against various persons who would not be able to get into the various driver-training programs.

I would, therefore, ask for a negative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I say ditto to Mr. Halverson's remarks because—although we have driver's education in our East Penn School District, and I think it is a very good program—I think it should be a "may" bill rather than "shall." You are going to push more costs on school districts in rather isolated rural areas that do not have the program. There are kids who drive tractors and equipment from the time they are 12 and 13 years of age, and I will stack them up against many adults in being able to handle equipment. They can handle equipment. They know what they are doing.

To make that kid go out and take a driver's education course before he can drive, I think is absurd and discriminatory. I think it should be a "may" bill rather than a "shall" bill. You are going to force a terrible cost on a lot of school districts. In a way, it appears to me to be another one of these PSEA—Pennsylvania State Education Association—bills. It is going to put some more people to work.

The SPEAKER pro tempore. The Chair recognizes the lady from Allegheny, Mrs. Gillette.

Mrs. GILLETTE. I also rise in opposition to this amendment. I think it would be discriminatory. While most of our schools may give driver's training courses, many of the young people cannot get into class at the time they are 16 years of age, and yet they have an opportunity to obtain employment where they need to be able to drive. This would be discriminatory because those who could afford to go to a private driver's training school would be able to take the training and obtain a license while others would not. I would urge members to oppose this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, I, too, oppose this amendment.

We spent a considerable time in caucus the first day discussing this particular concept. A great many of our members felt that it created a very inequitable situation, particularly in regard to those students who may go to nonpublic schools or private schools where they do not offer this driver education. So I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DEVERTER. Just in brief response here, the arguments about the unavailability of the education I think are totally untrue. I feel that unless we give some justification for these young people to have some kind of education prior to their receiving the regular driver's license, we are really doing an injustice to them and to the people of this Commonwealth.

Further, I do not honestly believe that we can sit here and use some of the arguments that have been used after having tolerated all this time a junior-license situation that was almost intolerable to live with. I would ask for an affirmative vote on the amendment, please.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs.

Mr. ARTHURS. May I interrogate Mr. DeVerter?

The SPEAKER pro tempore. Subject to the understanding of rule 10, that you get two cracks at this dog and that is it.

Mr. ARTHURS. I will not do that, Mr. "Trainer."

The SPEAKER pro tempore. Will the gentleman, Mr. DeVerter, submit to interrogation?

Mr. DEVERTER. If you are going to permit me to answer more than the second time, Mr. Speaker, I shall.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ARTHURS. Mr. Speaker, you said that you felt it was untrue that schools could not provide this. May I ask, have you made a survey of the schools in Pennsylvania?

Mr. DEVERTER. No, I have not made a survey.

Mr. ARTHURS. Well, how can you make the statement that you do not think this is true?

Mr. DEVERTER. Because in discussions with many people around this Commonwealth, I find, in fact, that many of the driver education programs go right through the summer, and many times in our area they go begging to find people, including adults, to put into the driver-education program to justify them.

Mr. ARTHURS. Have you talked to anyone in the Centre County school districts?

Mr. DeVERTER. Yes.

Mr. ARTHURS. Can they do it in their schools? Can they furnish it?

Mr. DeVERTER. I am sure they are already doing it, Mr. Speaker.

Mr. ARTHURS. They cannot furnish it for everyone, and this is what I mean.

Have you talked to anyone in Butler County?

Mr. DeVERTER. No, Mr. Speaker, I have not.

Mr. ARTHURS. Have you talked to any of the private schools or all of the private schools?

All right. All I will say, Mr. Speaker, and then I will sit down, is that there are many schools which do not have the facilities to handle this particular program.

On the question,

Will the House agree to Part I of the DeVertter amendment?

The yeas and nays were required by Messrs. DeVERTER and BONETTO and were as follows:

YEAS—65

Anderson, J. H.	Gillespie	Miller, M. E.	Scheaffer
Brandt	Gring	Miller, M. E., Jr.	Schweder
Butera	Hayes, D. S.	Moehlmann	Seltzer
Cessar	Hayes, S. E.	Morris	Smith, E.
Crawford	Hepford	Noye	Smith, L.
Davies	Hill	O'Connell	Spencer
Devertter	Hutchinson, W.	O'Keefe	Stahl
Dietz	Itkin	Pancoast	Taddonio
Dininni	Klingaman	Parker, H. S.	Turner
Dorr	Kusse	Pitts	Vroon
Doyle	Lehr	Polite	Wagner
Eckensberger	Lynch	Prendergast	Weidner
Fisher	Manmiller	Pyles	Worrilow
Foster, A.	McClatchy	Reed	Yohn
Gallagher	Mebus	Ritter	Zearfoss
Gallen	Menhorn	Saloom	Zwinkl
Geesey			

NAYS—122

Abraham	Gillette	McCall	Salvatore
Arthurs	Gleeson	McCue	Schmitt
Bellomini	Goodman	McGinnis	Scirica
Bennett	Green	McIntyre	Shane
Beren	Greenfield	McLane	Shelhamer
Berlin	Grieco	Milanovich	Shelton
Berson	Halverson	Milliron	Shuman
Bittle	Hamilton, J. H.	Miscevich	Shupnik
Bonetto	Hammock	Mrkonjc	Srianni
Bradley	Hasay	Mullen, M. P.	Stapleton
Brunner	Haskell	Mullen	Stout
Burns	Hopkins	Musto	Taylor
Caputo	Hutchinson, A.	Myers	Toil
Cimini	Irvis	Novak	Trello
Cohen	Johnson, J.	O'Brien	Ustynoski
Cole	Katz	O'Donnell	Valicenti
Cowell	Kelly, A. P.	Oliver	Walsh, T. P.
Cumberland	Kelly, J. B.	Perri	Wansacz
DeMedio	Kernick	Perry	Wargo
Dicarlo	Kistler	Petrarca	Westerberg
Dreibelbits	Knepper	Plevsky	Wheilan
Engelhart	Kolter	Pratt	Wilson
Fawcett	Kowalyszyn	Rappaport	Wilt, R. W.
Fee	LaMarca	Ravenstahl	Wilt, W. W.
Flaherty	Laudadio	Renninger	Wojdak
Foster, W.	Laughlin	Renwick	Wright
Fryer	Lederer	Richardson	Zahner
Garzia	Letterman	Rieger	Zeller
Geisler	Levi	Ross	
George	Lincolin	Ruggiero	Fineman,
Giammarco	Manderino	Ryan	Speaker

NOT VOTING—9

Barber	Fischer	McGraw	Thomas
DiDonato	Gleason	Rhodes	Zord
Dombrowski			

So the question was determined in the negative and Part I of the amendments was not agreed to.

PART II OF DeVERTER AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. For what purpose does the gentleman from Lehigh, Mr. Ritter, rise?

Mr. RITTER. Mr. Speaker, did Mr. DeVertter withdraw the second part of his amendment?

The SPEAKER pro tempore. The Chair rules that the second part of the amendment cannot stand on its own, and, besides that, the gentleman withdraws it.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?

Mr. RITTER. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. You said that the last section of Mr. DeVertter's amendment cannot stand by itself, and I take exception to that, Mr. Speaker.

The SPEAKER pro tempore. I gave two reasons: The first was that the second part of the amendment could not stand on its own; and, secondly, the gentleman withdrew it anyway.

Mr. RITTER. I was not sure Mr. DeVertter withdrew it, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mifflin, Mr. DeVertter.

Mr. DeVERTER. Mr. Speaker, if I might respond, I felt that I would have to withdraw it by virtue of the fact that it says: "No license granted under the provisions of this subsection to persons under 18" and without the previous language being inserted, the second part just does not fly.

On the question recurring,

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

Mr. PRATT requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Bill, page 150, by inserting between lines 13 and 14:

§ 1932. Disposition of certain fees.

The revenues appropriated to the Department of Transportation by virtue of the fees imposed under this chapter which are used for general maintenance and improvement of highways shall be allocated by the Department of Transportation on a county basis determined by the following factors:

(1) Forty per cent of the allocation divided by the number of miles of State highways in the Commonwealth multiplied by the number of miles of State highways in the particular county.

(2) Thirty per cent of the allocation divided by the number of registered vehicles in the Commonwealth multiplied by the number of vehicles registered from the particular county.

(3) Thirty per cent of the allocation divided by the population of the Commonwealth multiplied by the population of the particular county.

On or before June 30 of each year, the Secretary of Transportation shall annually report to the General Assembly the computations based on the factors used to allocate the revenues and the amount of such revenues actually used in each county for general maintenance and improvement of State highways.

On the question,

Will the House agree to the amendment?

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

Mr. PRATT. Very briefly, Mr. Speaker, this adds a new section to the proposed code by directing the method by which certain fees collected by the department are distributed to each of the various counties throughout the Commonwealth.

What it states, Mr. Speaker, is this: By virtue of the revenues produced by the fees, these revenues are distributed to each of the counties based upon a formula—40 percent based upon the number of miles of state highways in each county; 30 percent based upon the population; and 30 percent based upon the number of registered vehicles.

The purpose of this particular amendment, Mr. Speaker, is to ensure that each county gets their fair share of the maintenance money.

At the present time, as well as in the past, the Secretary of Transportation has the authority to designate the amount of money each county gets for general maintenance and improvement. The department uses a so-called formula which I have been unable to obtain, but I have found out that in 1975 my particular county, which is in Maintenance District 1, a seven-county area, had its allocation for maintenance reduced by half a million dollars. Although the Secretary of Transportation designates which amounts go to each county, it is apparent that when this particular money gets to the district office, the people there decide which counties are going to get which amounts.

I think this formula is very fair based upon three factors. I think if the State Transportation Commission can use a percentage basis for telling which counties, either urban or rural, will get what percent of the construction money, I think it is fair that we have a formula to designate which counties are going to get which amounts for general maintenance and improvement.

Furthermore, there is one provision in this new section which states that on or before June 30 of each year, the Secretary shall report to this General Assembly the computations and the amounts each county receives for general maintenance and improvement. I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I rise to oppose this amendment. I think that, first, the appropriation to the Department of Transportation is usually made on the recommendation of the Appropriations Committee. I do not believe that we here in the General Assembly should set a formula for maintenance. I do not believe that this amendment belongs in the Vehicle Code. It has nothing to do with the Vehicle Code.

If there is a problem with the distribution of moneys to counties and local municipalities, it should be taken up under the liquid fuel taxes and other taxes that are imposed upon the drivers of this Commonwealth and which go into the general fund for the Department of Transportation.

This has absolutely nothing to do with the code, and for that reason I oppose it.

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

Mr. ITKIN. Mr. Speaker, would Mr. Bonetto consent to interrogation?

The SPEAKER pro tempore. Will the gentleman submit to interrogation?

Mr. BONETTO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, can you tell us just what the present allocation procedure is and what the formula is?

Mr. BONETTO. If you are talking about the counties, the first half of said gas tax is reimbursed to all counties of the Commonwealth based upon a population factor.

If you are talking about the liquid fuel tax, 50 percent of all moneys reimbursed back to local municipalities is determined on mileage, and 50 percent of the reimbursement is determined on population. Those are the two formulas used in allocating moneys back to counties and local municipalities.

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

Mr. PRATT. Mr. Speaker, a correction should be made here. We are not talking about reimbursement to local municipalities with liquid fuel tax proceeds; we are talking about the money that PennDOT uses to maintain our state highways in each of the 67 counties. Each county supposedly gets a budget for pothole filling, for resurfacing, or what-have-you. We are not talking about reimbursement to local municipalities with liquid fuel tax proceeds.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, once again I want to mention the fact that the distribution of moneys by the Department of Transportation is not a part of the Vehicle Code, and it should not be in the Vehicle Code. This amendment should be formulated into a bill and presented to the Appropriations Committee if such an allocation is to be made. It should not be in the Vehicle Code. For that reason I oppose this amendment.

The SPEAKER pro tempore. I believe the gentleman's point is that he is referring only to the fees covered by chapter 19; that it is only these fees that would be allocated to the counties in accordance with the formula presented by his amendment.

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

Mr. ITKIN. Mr. Speaker, would Mr. Bonetto consent to additional interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Bonetto, consent to interrogation?

Mr. BONETTO. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, do you know then how the money is apportioned for the maintenance of state highways in the various counties?

Mr. BONETTO. We have been informed, if you remember in passing House bill No. 1723, that one of the requirements was that every 3 months or so, or whatever it was, once a year, the Department of Transportation shall make available to the General Assembly the apportionment of moneys to counties, per se. I am not talking about local municipalities; I am talking about the moneys that would be appropriated, not to a county to do the

work but what the state would do in each particular county. That report is required to be given to us here in the General Assembly once a year. That was required when we increased the license fees.

Mr. ITKIN. Do we have that information now, Mr. Speaker?

Mr. BONETTO. I would think that the Department of Transportation can provide you with the information on how much money they have for maintenance in each district, how much construction money is allocated to each district. I think that information is available.

Mr. ITKIN. You mean on a highway-district basis and not a county basis?

Mr. BONETTO. I think most of it is based on need.

Mr. ITKIN. You are assuming that the department can provide the maintenance moneys appropriated by highway districts rather than by counties.

Mr. BONETTO. Mr. Speaker, the allocations of Federal funds and state funds for construction are based upon a formula which was devised by the Transportation Commission; 55 percent of these moneys would go to the urban areas and 45 percent would go to the rural areas, because of the increased cost in the urban area. So it is fiscally impossible to determine. Do we need "X" number of dollars in Allegheny County? Do we need "X" number of dollars in Mercer? Do we need "X" number of dollars in Tioga? The question is: How much does a job cost? That is the determining factor.

As far as maintenance is concerned, the Department of Transportation allocates moneys to the counties and they appropriate it on a basis of what is needed within that county.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Mr. Speaker, I would hate to disagree with my chairman of the Transportation Committee, Mr. Bonetto, but that is the entire problem, that the Pennsylvania Department of Transportation does not distribute the money to the counties based on need; it is dispensed based on politics and who plays ball with PennDOT. Needless to say, I do not think Blair County is going to get much of an appropriation.

The liquid fuel tax moneys that we are discussing are a very equitable basis for distribution of moneys, because they are based on the population and the number of miles of highways in each county.

This proposal by Mr. Pratt lays out a formula which states that maintenance moneys shall be distributed on a similar basis. There is not a county in this Commonwealth that does not have a great need for maintenance moneys. However, some of the counties are definitely getting shortchanged, because it is up to the central office to decide how much money each county will get. Every county needs five to 10 times more than the money that is available.

What Mr. Pratt's amendment will do is spell out a fair formula, taking into account the population, the number of vehicles that are registered, and the number of miles of highways in that county. With a limited amount of funds, I can think of no formula that is fairer to make sure that all of the counties get a fair distribution, no matter what their political affiliation or what the politics of their local district engineer or supervisor or superintendent might be.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

The Chair cautions the gentleman that under rule 10, you only have two bites at the dog. You are on your second bite. Would you rather wait?

Mr. BONETTO. This is only my second time because I have been interrogated.

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. BONETTO. Would Mr. Milliron agree with me that this type of formula has no place in the Vehicle Code? That is all I am arguing. I am not opposing the formula. I am saying to you that there is no reason for inserting this type of amendment in the Vehicle Code. It should be done the same way as you do with liquid fuel tax money. Let us get a bill.

Mr. MILLIRON. But if the fees are being discussed in the bill, Mr. Speaker, the way that the money should be distributed as a result of these fees, I believe, is the rationale behind the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I rise to support this amendment. Three months ago when we were considering the license fee increase, I requested information from our research staff in the Department of Transportation concerning how maintenance funds were allocated.

Upon looking at the figures since 1971, I found out that of the 11 maintenance districts in the state, every maintenance district since 1971 has received an increase every year except one. That one maintenance district has received a decrease every year since 1971. That maintenance district is, of course, in the southeast.

I would suggest that potholes are not political. Our roads are being used more; our population is increasing in the southeast. We need our roads maintained, and the money to maintain these roads should be distributed equitably and fairly to all counties regardless of their politics.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I would like to interrogate the sponsor of the amendment or someone who is familiar with the breakdown.

The SPEAKER pro tempore. Will the gentleman, Mr. Pratt, consent to interrogation?

Mr. PRATT. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, could the gentleman advise me whether or not this formula has been applied to the various counties and compared to the existing formula on distribution?

Mr. PRATT. Apparently, Mr. Speaker—

Mr. RYAN. Mr. Speaker, I would like attention in the House on this. I honestly believe that everybody had better listen closely to this interrogation—if it is a complete interrogation—because I think it affects all of us more than we probably know.

The SPEAKER pro tempore. The Chair concurs that all of this discussion is extremely important to every dis-

strict. The members should listen to debate before they make up their minds.

The gentleman will proceed.

Mr. PRATT. Mr. Speaker, apparently the Secretary of Transportation has designated what each county is to receive in maintenance money based upon an apparent formula which is similar to this one that I have proposed today.

Mr. RYAN. If I may interrupt the gentleman, as I understand the existing law, this money is distributed on a 50-50 basis; that is, 50 percent on the number of miles of roads in your county and 50 percent of population. Is that accurate or inaccurate?

Mr. PRATT. No, Mr. Speaker, that is inaccurate. From what I can gather from the information that I got, there is no written formula, but apparently the Secretary of Transportation has a formula and it is similar to this one. I do not know the percentages as far as what weight is given to each factor, but each county is given a certain percent of the total maintenance money given to each maintenance district, and we have 11 of them throughout the Commonwealth.

However, what happens is that once that money is received at the district level, it seems to find its way into some counties not based upon the formula which was used at the Harrisburg's or the secretary's level. I hope I explained that to you the best way I know how.

Mr. RYAN. I am sure you did, but I still do not understand it. That is not your fault.

Mr. PRATT. Let me try again.

Mr. RYAN. Pardon me. Is this money the money that has been derived from either liquid fuels taxes or the motor license fund? Is that part of the fees you are referring to?

Mr. PRATT. All those fees charged under chapter 19, which are fees gathered from the motor license fund.

Mr. RYAN. Now that would be part of the money distributed?

Mr. PRATT. Right.

Mr. RYAN. Now what is the present law? Mr. Bonetto, I am making further inquiry and I would like you to listen. You say that the moneys now gathered by the liquid fuels tax would be distributed under this new formula you propose?

Mr. PRATT. No. The liquid fuels tax distribution—we are talking about reimbursement back to the local municipalities—has nothing to do with this amendment.

Mr. RYAN. Is this Motor License Fund money?

Mr. PRATT. Yes.

Mr. RYAN. Is it anything in addition to the motor license fund money, or is it just the motor license fund money?

Mr. PRATT. It is just the Motor License Fund money.

Mr. RYAN. Now, is not the motor license fund money presently distributed under a strict formula?

Mr. PRATT. Not to my knowledge, Mr. Speaker.

Mr. BONETTO. Only by district, Mr. Ryan.

Mr. RYAN. Not by county?

Mr. BONETTO. Not by county; only by districts.

Mr. RYAN. That is by the PennDot districts?

Mr. BONETTO. Right.

Mr. RYAN. That distribution is what formula? Is that the 50-50 formula?

Mr. BONETTO. No. It is based again on need. If

\$150 million is to be allocated for maintenance to the Commonwealth, and let us say that that is all the money they have to distribute, that money would be divided in the districts which have approved programs that have been submitted to the district office.

Mr. RYAN. Mr. Speaker—and I am just addressing either one of you two gentlemen—this distribution—and I assume it amounts to \$100 or \$150 million—is about to be distributed under a proposed amendment which I am not familiar with and, I dare say, there are very few people here who are familiar with what would happen.

Now I say to the Republicans and the Democrats alike: For instance, from Delaware County we have a common problem. And I am wondering if there is unanimity in Delaware County. We are 5 to 4 at the moment. It will be 9 to 1 next year. I just talked to the people from Delaware County, Republicans and Democrats, and I do not believe any of us are sure whether we are helped or hurt by your amendment. And I am wondering if there are any facts or figures that can be provided to us.

Mr. PRATT. I dare say, Mr. Speaker, that there is no one on this floor who knows what their respective county gets each year in terms of maintenance money.

Mr. RYAN. I cannot help but think that a comparison could be made between the moneys that were given to our counties by breaking it out of the districts last year and the year before and using this factor and multiplying it out by the moneys that were available against the year where they have made distribution.

I do not know which way to go with this thing and I do not believe there is anyone here who can intelligently vote on it.

Mr. PRATT. One thing for sure: If this becomes law, each county will get their fair share based upon this particular amendment.

Mr. RYAN. Yes, but, Mr. Speaker, everybody has a different idea as to fair share. At one time when I came up here, a fair share was 60 percent roads and 40 percent population. I thought a fair share was 60 percent population and 40 percent roads, so it came out 50-50. So that fair share changes. I am not so sure that this one should not change to get a fairer share of the fair share.

Mr. PRATT. At the present time no one knows how the money is distributed, upon what basis.

Mr. RYAN. Is there anyone here who can speak with any authority as to what effect this amendment is going to have on the respective counties of this Commonwealth?

MOTION TO TABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Caputo.

Mr. CAPUTO. Mr. Speaker, a very intelligent question has been posed, and there has been debate on what this does for everybody.

I move that the amendment be laid on the table so that we have a chance to get some figures and that it be called up tomorrow afternoon.

The SPEAKER pro tempore. It has been moved by the gentleman from Allegheny, Mr. Caputo, that the amendment be placed upon the table.

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

Mr. RYAN. I am very curious about the amendment. I am going to second the motion and I would ask the gentleman to contact PennDOT to get the figures and bring this one up again. This is the big one of the day as far as I am concerned.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Speaker, according to the rules of the House, I would like to have part of Mr. Ryan's remarks eliminated or taken out, particularly the remarks about 9 to 1 and 5 to 5. I do not think they belong any place in the record of the House of Representatives.

The SPEAKER pro tempore. I think we all recognize that.

Mr. RYAN. Mr. Speaker, I will withdraw that. It will be 10 to 0.

The SPEAKER pro tempore. The new rule in Delaware is 10 to 0.

Mr. O'KEEFE. You will be surprised where it is.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Mr. Speaker, I am happy to hear the motion by Mr. Caputo and also the second by Mr. Ryan, because Mr. Pratt and myself have made requests of PennDOT to ask them how they intend to distribute the maintenance money. We keep hearing that they are working on it, they are working on it. So, hopefully, tomorrow they could come up with some figures. I will be more than happy to compare the figures, county by county, of this proposal with the proposal PennDOT has.

The SPEAKER pro tempore. I would like to remind the members, before we take this important vote, that I think the majority leader has announced that we will finish House bill No. 1817, if we have to be here until Friday, Saturday or Sunday.

Now the motion is by the gentleman from Allegheny, Mr. Caputo, to table the amendment now pending by Mr. Pratt.

Is there any further debate on the motion to table?

The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, I concur on the motion to table. As the ranking minority member, I am a member of the Transportation Commission, and at the last commission meeting I brought forth the role the Transportation Commission plays with regard to the Department of Transportation. I think this gives us an excellent chance to find out from the department what the facts and figures are. I support the motion to table so that we can get this information before us tomorrow and make an intelligent vote.

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

Mr. PRATT. Mr. Speaker, I would ask my colleague, Mr. Caputo, if he would withdraw his motion to table, so it would give me the opportunity to withdraw this particular amendment today in order that I can offer it again tomorrow after I get the facts and figures on it.

The SPEAKER pro tempore. Before Mr. Caputo answers, I suggest that we hear from the distinguished majority leader.

Mr. IRVIS. Mr. Speaker, it is my intention to finish

the amendments tonight, so that the bill can be voted on finally tomorrow. If this motion is tabled, I would suggest to Mr. Pratt that he get on the phone immediately and get the information now, so that we can come back and lift the amendment from the table and give the information on statistics as the members inquire about it. We want to get this bill ready for passage tomorrow. We can do so but for this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Ryan.

Mr. RYAN. Mr. Speaker, if I may address myself to the remarks of the majority leader, it would seem to me that the amendment that we have suggested be tabled is so important that if it is delayed until tomorrow, and then assuming that it does pass, my guess is that there would be no objection to passing the bill on final passage with those amendments. They would be in print. There would be no need for a further printing of the bill.

I do not see how PennDOT is going to get these numbers together today—if that is what the majority leader is suggesting—because in 8 minutes the place will be empty.

Mr. IRVIS. Mr. Speaker, that is the reason that I am going to suggest that he get on the phone immediately and tell them that the House of Representatives requires this information now. I do not object to the tabling, but they come to us for their budget and when we want information, they ought to be prepared to stay and give it to us. I suggest that you do just that.

Mr. RYAN. God bless you.

The SPEAKER pro tempore. I would like to call the attention of the members of the House to rule 59, that a motion to table is not debatable; however, I have permitted debate.

There are two gentlemen standing whom I feel we should hear from. I wanted you to hear the majority leader's position. I will recognize the gentleman from Chester, Mr. Morris, and the gentleman who sponsored the amendment, Mr. Pratt, and then we will vote.

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

Mr. MORRIS. All I want to say is this, and I thank you for the opportunity to say it: My county, Chester County, has the second largest mileage of state roads of any county in the Commonwealth. Whatever formula they are putting this money out on now, I know it is going to be less—it has to be less than we are getting—than Mr. Pratt's amendment will make it.

I oppose the motion to table for that reason. And in addition to that, if we get this information, we are just going to be fighting here county by county and we are all going to be at each other's throats all day tomorrow.

The SPEAKER pro tempore. The last person to discuss the motion will be the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I posed a question to Mr. Caputo; that is, would the gentleman from Allegheny withdraw his motion so that I may withdraw this amendment and offer it again at a time when I can obtain the facts and figures? I will attempt to get the facts and figures as soon as possible and I suspect that the amendment will be offered again early in the morning.

The SPEAKER pro tempore. The gentleman from Law-

rence has suggested that he will withdraw his amendment if the gentleman from Allegheny, Mr. Caputo, will withdraw his motion to table, subject to the understanding that he will offer it again tomorrow. What is the gentleman's response?

MOTION TO TABLE WITHDRAWN

Mr. CAPUTO. Mr. Speaker, with the approval of Mr. Ryan, who seconded the motion, I will withdraw the motion to table.

The SPEAKER pro tempore. Mr. Caputo withdraws the motion to table providing Mr. Ryan withdraws his second.

Mr. RYAN. I do so.

The SPEAKER pro tempore. The motion to table has now been withdrawn.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Does the gentleman from Lawrence now withdraw his amendment?

Mr. PRATT. Yes, Mr. Speaker. I will offer this amendment again first thing in the morning.

The SPEAKER pro tempore. I hope the gentleman gets away with what he wants to do.

The Chair now recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, we have the Secretary of Transportation on the line. We are dictating the amendment to him now. I told him that I wanted answers now, or immediately thereafter. We will have them tonight.

The SPEAKER pro tempore. Since we have a few more things to do, we will proceed.

On the question recurring,

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

Mr. DiCARLO requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Bill, page 240, by inserting between lines 15 and 16:

§ 4308. Use of spotlights by police.

Any police department may attach or mount on the exterior of any police vehicle a spotlight with an adjustable socket. This spotlight shall be used only for emergency illuminating purposes.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, the amendment that I am discussing is circulated under the name of Mr. Dombrowski. He originally was going to offer this, but his mother passed away last night and that is why he is not here.

Very basically, what he is doing is reinstating language in the new code which is the present law, as the result of a meeting between Mr. Dombrowski and the Erie Police Department. The Erie Police Department is saying that they would like to have, under the present code, the right to retain a spotlight which can be attached to an adjustable socket on the outside of the police car.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, under the existing code and under the proposed code, police departments may attach and mount a spotlight on the exterior of a police

vehicle. They can mount two if they wish. This is already in the code. This is not necessary. We do not restrict a police department from doing that, so the amendment is not necessary.

Mr. DiCARLO. Mr. Speaker, there seems to be a misunderstanding between your position and what I understand. Can you direct me to the page and the section of the bill that says that?

Mr. BONETTO. Page 240, lines 15 and 16.

The SPEAKER pro tempore. The question recurs, Will the Erie Police Department be allowed to have an adjustable spotlight on the outside of their cars?

Mr. BONETTO. We say that the code now permits that and this one does too, so we do not think the amendment is necessary.

The SPEAKER pro tempore. The gentleman from Allegheny claims that the amendment is not necessary.

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

Mr. WALSH. Would Mr. Bonetto share his wealth of information with the rest of the members, because the Scranton Police Department wants the same privilege?

It was my information that the Pennsylvania State Police at the Dunmore Barracks indicated to the Scranton police that they have to take their alley lights off their automobiles, posthaste. We now have 18 major housing developments in Scranton and the alley lights are essential to the police department.

AMENDMENT AMENDED

The SPEAKER pro tempore. The Scranton Police Department now asks the same question.

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

Mr. BONETTO. Mr. Speaker, the amendment submitted by Mr. Dombrowski is drawn to the wrong section. I am asking permission to change the section to 4571, section (a), page 253.

The SPEAKER pro tempore. It is moved by the gentleman from Allegheny that the amendment of the gentleman, Mr. Dombrowski, offered by the gentleman, Mr. DiCarlo, be amended to change the section number to 4571, section (a), page 253.

On the question,

Will the House agree to the amendment to the amendment?

Amendment to the amendment was agreed to.

AMENDMENT AMENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Now the second thing, to correct the amendment properly, would be to remove the word "a" on line 2 and to make the word "spotlight" "spotlights"—plural. That is all.

The SPEAKER pro tempore. It is further moved by the gentleman from Allegheny, that the second line of the amendment be changed to eliminate the word "a" between "vehicle" and "spotlight" and to change the word "spotlight" to "spotlights".

On the question,

Will the House agree to the amendment to the amendment?

Amendment to the amendment was agreed to.

Mr. BONETTO. It is an agreed-to amendment.

The SPEAKER pro tempore. Does the gentleman from Montgomery, Mr. Beren, have any objection to the amendment?

Mr. BEREN. No.

The SPEAKER pro tempore. The gentleman indicates he has no objection.

On the question,

Will the House agree to the amendment as amended?
Amendment as amended was agreed to.

On the question recurring,

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

Mr. REED requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Bill, page 112, by inserting between lines 2 and 3:

§ 1538. Positive point system.

(a) General rule.—In an effort to reward those drivers who drive without any violation of this title, there shall be one positive point credited to each driver's record with the department for each 12-month period of driving in which the driver has not been convicted of any violation of this title.

(b) Limit on point accumulation.—No driver may accumulate more than five positive points at any one time.

(c) Offsetting points.—Positive points shall be applied against points obtained for violations of this title on a one-to-one basis and the driver may thereby decrease his violation points accordingly.

(d) Limitation on positive point use.—Positive points shall be cancelled and may not be utilized whenever a driver shall have been convicted of violating section 3732 (relating to driving under the influence of alcohol or controlled substance), section 3742 (relating to accidents involving death or personal injury), section 3743 (relating to accidents involving damage to attended vehicle or property) or of any crime committed in which the defendant utilized a vehicle in the commission of such crime.

Amend Sec. 1 (Sec. 1538), page 112, line 3, by striking out "1538." and inserting: 1539.

Amend Sec. 1 (Sec. 1539), page 113, line 24, by striking out "1539" and inserting: 1540

Amend Sec. 1 (Sec. 1539), page 113, line 26, by striking out "1539." and inserting: 1540.

Amend Sec. 1 (Sec. 1540), page 114, line 14, by striking out "1540." and inserting: 1541.

Amend Sec. 1 (Sec. 1541), page 115, line 1, by striking out "1541." and inserting: 1542.

Amend Sec. 1 (Sec. 1542), page 115, line 29, by striking out "1542." and inserting: 1543.

Amend Sec. 1 (Sec. 1543), page 116, line 17, by striking out "1543." and inserting: 1544.

Amend Sec. 1 (Sec. 1544), page 116, line 29, by striking out "1544." and inserting: 1545.

Amend Sec. 1 (Sec. 1545), page 117, line 22, by striking out "1545." and inserting: 1546.

Amend Sec. 1 (Sec. 1545), page 117, line 30, by striking out "1544" and inserting: 1545

Amend Sec. 1 (Sec. 1546), page 118, line 2, by striking out "1546." and inserting: 1547.

Amend Sec. 1 (Sec. 1547), page 118, line 22, by striking out "1547." and inserting: 1548.

Amend Sec. 1 (Sec. 1548), page 119, line 8, by striking out "1548." and inserting: 1549.

Amend Sec. 1 (Sec. 1549), page 121, line 25, by striking out "1549." and inserting: 1550.

Amend Sec. 1 (Sec. 1550), page 122, line 23, by striking out "1550." and inserting: 1551.

Amend Sec. 1 (Sec. 1551), page 123, line 12, by striking out "1551." and inserting: 1552.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Mr. Speaker, 2 weeks ago the matter of a positive-point system was debated and some deficiencies in a similar but not identical amendment were pointed out and some of the points were well taken.

Now irrespective of those who completely opposed the concept of a positive-point system, I have listed it here in several paragraphs very simply and I will summarize it as I go:

A person will receive one positive credit to their name on their driving record in PennDOT for each year in which there are no moving violations;

Maximum number of points that can be accumulated at any time is five;

Each of those points will be applied against negative points on a one-to-one basis; and

No points may be used when a person is found guilty of driving under the influence of alcohol or any controlled substance, any violation relating to accidents involving death or injury, any accident in which the person was involved in a hit-and-run, or in any crime committed in which the defendant utilized a vehicle in the commission of such crime.

That paragraph goes on further to say that the person would have all positive points, not only not used but completely canceled for conviction of any of those things. We are making sure that we are applying the positive points to normal driving habits.

CHAIR RETURNS TO DiCARLO AMENDMENT

The SPEAKER pro tempore. Before we proceed, the Chair would like to go back to the previous amendment offered by Mr. DiCarlo.

The last amendment was amended to change section 4571, page 253, but it did not refer to the correct line number.

Mr. BONETTO. Line 16, was it not?

The SPEAKER pro tempore. Line 16 refers to section (b).

Mr. BONETTO. Oh, I am sorry.

The SPEAKER pro tempore. It probably should be somewhere between lines 7 and 13, but I am not sure just where.

Mr. BONETTO. Line 13, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman suggesting that the amendment should be on line 13?

Mr. REED. Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman suspend for just a moment until we straighten up the last amendment? Then we will get back to yours.

Mr. REED. I have a question on this last amendment that you have gone back to.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Maybe Mr. Bonetto could answer this or someone could with regard to the section that we have gone back to.

The SPEAKER pro tempore. Am I correct that the last amendment offered by the gentleman from Erie could appropriately be placed on line 13 of page 253?

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

Amendment to the amendment was agreed to.

On the question,
Will the House agree to the amendment as amended?
Amendment as amended was agreed to.

QUESTION OF INFORMATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Reed. For what purpose does the gentleman rise?

Mr. REED. I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. REED. May I first make a comment with regard to the amendment which you just amended?

The SPEAKER pro tempore. Well, unless you are going to mess it up further, I would prefer you would not talk about it.

Mr. REED. No, I have an inquiry. I would like to know—perhaps Mr. Bonetto knows, Mr. DiCarlo, or someone—in reference to police departments, could that be construed to mean also an ambulance squad or a rescue squad, because they have had similar kinds of problems with regard to having outside lights. They have had occasion to use them, and the question has come up in the past.

The SPEAKER pro tempore. I believe the amendment offered by the gentleman, Mr. DiCarlo, referred only to police departments.

Mr. REED. Okay.

CONSIDERATION OF REED AMENDMENT RESUMED

The SPEAKER pro tempore. We are now on consideration of the amendment offered by Mr. Reed for the credit point system.

The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Well, Mr. Speaker, even though many probably did not hear it because of the noise level on the floor, I will not repeat all the points that I went through, except to say that some of the deficiencies in a similar but not identical amendment offered 2 weeks ago have been cleared up and the language has been cleaned up.

It now appears, very simply, that you get one credit for a year's worth of violation-free driving; no one can accumulate more than five points; they are attached to moving-violation points on a one-to-one basis; and your points get completely wiped out and cannot be used if a person is convicted of driving under the influence of alcohol or a controlled substance, hit-and-run accidents involving personal injury or death, or when a crime committed by that driver involved the use of any vehicle.

Very simply, Mr. Speaker, the philosophy behind it is that our point system presently is a punitive one. I think we are dealing here with the good-driving habits as opposed to the bad-driving habits of Pennsylvania drivers. We ought to build into the law a means of incentive to reward the overwhelming majority of Pennsylvania drivers who do, in fact, maintain safe speeds and conduct themselves in a proper fashion.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, the other day I said that a good driver does not need points, and I am going to say it again today. To provide points for a person who is a good driver will some day give him the incentive that he should do something wrong. I do not think that we ought to take that chance. You do not award a good driver points; you only give a man points for being a bad driver. For that reason, I am again, for the second time, opposing this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, I, too, oppose this amendment. I think there have been some basic philosophical approaches or changes made in the Vehicle Code as we now have it before us. We have reduced the points; we have increased the fines. I think that is a sensible approach. I do not think we should go any further than this. I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I hope the membership will pay attention to this one, because we are going to have a good little show.

The SPEAKER pro tempore. If you make it good and brief, they will pay attention.

Mr. ZELLER. We will make it really interesting.

Seriously, Mr. Bonetto mentioned that he repeated it before and that he is for a very, very strict handling of those—and I repeat again, as I interpreted earlier today that I believe too many have been referring to—so-called criminals. We have these terrible, terrible criminals in our system who are driving cars. These people must be straightened out.

Now let us take a little look at these so-called criminals they are talking about. I do not think they have anything to do with the type of criminals we have locked up in some of our institutions, but they do not mind letting them out. I am not saying that about Mr. Bonetto, because I am sure Mr. Bonetto does not agree with that. But there are certain people who would like to see them let out.

All we are talking about is an individual who, just because he gets picked up once in a while for a speeding violation, is considered a really bad driver. Well, that is not true.

All we are asking is to give the poor individual who is trying to make a living, who has to drive his car to work, a little break in regard to the fact that occasionally we know we all happen to step on it, and that means we are a bad driver. Okay. So we get our points. We are slapped on the wrist.

What we are saying in this amendment is that for that person who has been a good driver for a period of time, he accumulates points in reverse that will null and void or negate those points that he received under a violation of the Vehicle Code, and possibly save that individual so that he can go to work to pay the taxes to keep some of the officials in office and to keep the services going.

All we are asking is for that guy to get a break. Somebody mentioned here that we raised the fines 133½ percent. I do not know where that percentage

came from, but they say it is and it probably is. All we are asking is to give this guy a break.

I talked to the people in the Motor Vehicle Bureau over here, the people you sometimes criticize because they are acting under the laws that we make. They are saying that this is the sensible approach. That comes right from PennDOT, the Motor Vehicle Bureau. They think it would be a great idea.

Let us try it. Let us give the citizen a break—the guy we gave the works to earlier this week in increased fines to the point that we will probably get his job off of him. Let us vote for this amendment.

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

Mr. LETTERMAN. Mr. Speaker, thank you.

I feel that we in the Transportation Committee have done just about everything we can do to give people any kind of credit or help.

If we pass this bill, everybody's driving record will be wiped clean except for revocations. It would take three penalties before you would lose your license or have it suspended. There are no more automatic suspensions. It would almost take a driver trying now to lose his license; he would just about have to try to lose it.

I think it is a really good setup just the way it is. A lot of work has been put into it. I would appreciate a "no" vote on this amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Reed. Does the gentleman have any further comments?

Mr. REED. Only in conclusion to say to those of you—and I think it probably applies to everyone of us—who have been confronted by constituents who tell you, this or that is happening to me because I was finally convicted of one moving violation or possibly two moving violations in 1 year, and they ask you why they have no credit for all the years of good driving, that this is the only sensible answer that we have ever had to give them at this point. So you can decide on that. Vote "yes" or "no" on that basis.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. Very quickly, I think we should really look into this amendment and support this amendment.

The present point system was really an unfair and unjust system. I think this amendment will help the present system that we are now trying to revise. I would appreciate your support. Thank you.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. REED and BONETTO and were as follows:

YEAS—74

Anderson, J. H.	Hasay	Miller, M. E.	Scheaffer
Berlin	Haskell	Miller, M. E., Jr.	Schweder
Bradley	Hepford	Milliron	Seltzer
Brandt	Hill	Moehlmann	Shuman
Burns	Hopkins	Mrkonjc	Shupnik
Butera	Katz	Musto	Spencer
Cimini	Klungaman	Novak	Taddonio
Cohen	Kowalshyn	Noye	Taylor
Cole	LaMarca	O'Brien	Ustynoski
Dietz	Laughlin	O'Connell	Walsh, T. P.

Dininni	Lederer	O'Donnell	Wansacz
Dreibelbis	Levi	Perri	Wargo
Flaherty	Lynch	Pratt	Weidner
Geesey	Manmiller	Prendergast	Whelan
Green	McClatchy	Pyles	Wilson
Greenfield	McGinnis	Reed	Wilt, R. W.
Grieco	McLane	Renninger	Wright
Halverson	Menhorn	Salvatore	Zeller
Hamilton, J. H.	Milanovich		

NAYS—111

Abraham	Gallen	Manderino	Schmitt
Arthurs	Garzia	McCall	Scirica
Bellomini	Geisler	McCue	Shane
Bennett	George	McIntyre	Shelhamer
Beren	Giammarco	Mebus	Shelton
Bittle	Gillespie	Miscevich	Sirianni
Bonetto	Gillette	Morris	Smith, E.
Brunner	Gleeson	Mullen, M. P.	Smith, L.
Caputo	Goodman	Mullen	Stahl
Cessar	Gring	Myers	Stapleton
Cowell	Hayes, D. S.	O'Keefe	Stout
Crawford	Hayes, S. E.	Oliwer	Toll
Cumberland	Hutchinson, A.	Pancoast	Trello
Davies	Hutchinson, W.	Parker, H. S.	Turner
DeMedio	Irvis	Petrarca	Valicenti
Deverter	Itkin	Pievsky	Vroon
Dicarlo	Johnson, J.	Pitts	Wagner
Dorr	Kelly, A. P.	Polite	Westerberg
Doyle	Kelly, J. B.	Rappaport	Wilt, W. W.
Eckensberger	Kernick	Ravenstahl	Wojdak
Englehart	Kistler	Renwick	Worrlow
Fawcett	Knepper	Rhodes	Yahner
Fee	Kolter	Rieger	Yohn
Fischer	Kusse	Ritter	Zearfoss
Fisher	Laudadio	Ross	Zwikel
Foster, A.	Lehr	Ruggiero	
Foster, W.	Letterman	Ryan	Fineman, Speaker
Fryer	Lincoln	Saloom	
Gallagher			

NOT VOTING—11

Barber	Dombrowaki	McCraw	Thomas
Berson	Gleason	Perry	Zord
DiDonato	Hammock	Richardson	

So 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 as amended on third consideration?

Mr. REED requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1532), page 108, line 5, by striking out "1542" and inserting: 1543

Amend Bill, page 109, by inserting between lines 2 and 3:

§ 1535. Suspension of operating privileges for five or more parking violations.

The department may suspend the driver's license of any person after a hearing before the secretary or his representative, whenever the secretary finds upon sufficient evidence that such person has violated the parking ordinances of a political subdivision five or more times within the previous 12 month period without paying the penalties therefor.

Amend Sec. 1 (Sec. 1535), page 109, line 3, by striking out "1535." and inserting: 1536.

Amend Sec. 1 (Sec. 1536), page 111, line 14, by striking out "1536." and inserting: 1537.

Amend Sec. 1 (Sec. 1537), page 111, line 21, by striking out "1537." and inserting: 1538.

Amend Sec. 1 (Sec. 1538), page 112, line 3, by striking out "1538." and inserting: 1539.

Amend Sec. 1 (Sec. 1539), page 113, line 24, by striking out "1539." and inserting: 1540

Amend Sec. 1 (Sec. 1539), page 113, line 26, by striking out "1539." and inserting: 1540.

Amend Sec. 1 (Sec. 1539), page 114, line 12, by striking out "1535" and inserting: 1536

Amend Sec. 1 (Sec. 1540), page 114, line 14, by striking out "1540." and inserting: 1541.

Amend Sec. 1 (Sec. 1541), page 115, line 1, by striking out "1541." and inserting: 1542.
 Amend Sec. 1 (Sec. 1542), page 115, line 29, by striking out "1542." and inserting: 1543.
 Amend Sec. 1 (Sec. 1543), page 116, line 17, by striking out "1543." and inserting: 1544.
 Amend Sec. 1 (Sec. 1544), page 116, line 29, by striking out "1544." and inserting: 1545.
 Amend Sec. 1 (Sec. 1545), page 117, line 22, by striking out "1545." and inserting: 1546.
 Amend Sec. 1 (Sec. 1545), page 117, line 30, by striking out "1544(a)" and inserting: 1545(a)
 Amend Sec. 1 (Sec. 1546), page 118, line 2, by striking out "1546." and inserting: 1547.
 Amend Sec. 1 (Sec. 1547), page 118, line 22, by striking out "1547." and inserting: 1548.
 Amend Sec. 1 (Sec. 1548), page 119, line 8, by striking out "1548." and inserting: 1549.
 Amend Sec. 1 (Sec. 1549), page 121, line 25, by striking out "1549." and inserting: 1550.
 Amend Sec. 1 (Sec. 1550), page 122, line 23, by striking out "1550." and inserting: 1551.
 Amend Sec. 1 (Sec. 1551), page 123, line 12, by striking out "1551." and inserting: 1552.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Mr. Speaker, this very simply says that any driver in Pennsylvania who refuses to respond to five or more parking violations by not paying them in any given year could—not shall, but could—lose his or her license if that municipality requests PennDOT to hold a hearing with them on that basis.

Now this does not mean—in case there is any moaning and groaning on this point—that if a person gets five or more parking violations that they get a suspension. It means that if they have gotten five or more which they have refused to pay in any political subdivision.

Now when I made it known that I was going to offer this on the House floor with regard to amending the Motor Vehicle Code, the Pennsylvania Association of District Justices, at a meeting held near Carlisle 2 weeks ago, indicated very strong support of the matter, as did a variety of municipal police departments and various other local governmental officials from different areas of the state. In fact, I frankly was a little surprised that they all found out about it as quickly as they did, since there was no news release or any communications on the matter.

There is a problem—I know we have it in Harrisburg and apparently it must be statewide—where people just simply ignore parking violations. Now each of us has a recourse with regard to parking violations. We can ask for a hearing and get them discharged. We can contest them in a variety of ways or we can pay them. But we do not have the right to simply let them sit—that is unfair—first, because it is a violation of a local ordinance which the person should be held accountable for, and, secondly, it is really a violation to most citizens who do pay for their parking violations.

Every municipality that I have ever had contact with has told me frankly—and so have the district justices who are backlogged with a horrendous number of other kinds of cases besides parking violations—that it is a very difficult thing to keep up with. The incentive to pay would certainly be provided if they can hang over their head the fact that they could be subject to a pos-

sible suspension by PennDOT. This does not mean that PennDOT will be involved in the collection business or that they, in fact, will be collecting the fine. It simply is PennDOT notifying the driver that if they do not own up in one fashion or another to their obligations in a subdivision—either to pay the tickets or get them discharged or do something with them—that they could face a suspension of license for that refusal or failure. I think it is perfectly proper, and when we have a problem in our local-government level and they have asked state government to assist, I think we should.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Columbia, Mr. Shelhamer.

Mr. SHELHAMER. Thank you, Mr. Speaker.

Mr. Speaker, I cannot think of a worse amendment that we could add to this Vehicle Code than the one being proposed now. I am sure that the gentleman proposing it does not realize what the impact on this can have in the upstate areas. We in Pennsylvania have been besieged by parking tickets out of the city of Philadelphia and Pittsburgh and other major cities.

What you are suggesting now is that you are going to require every driver to go and pay a notary to certify he has not been there, when in fact he was not guilty in the first place and now he may lose his license because of this amendment. It is a bad amendment. It should not be considered on this basis until the police and the magistrates in those cities have cleaned up their systems. I urge the House to vote this one down.

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

Mr. A. C. FOSTER. Mr. Speaker, Mr. Shelhamer has just responded far better than I could on the same point, the very point of Philadelphia traffic tickets. I urge a "no" vote on the amendment.

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

The yeas and nays were required by Messrs. REED and BONETTO and were as follows:

YEAS—19

Abraham	Haskell	Menhorn	Salvatore
Brandt	Hill	Miller, M. E.	Wilt, R. W.
Cimini	Itkin	Perri	Zearfoss
Fischer	Katz	Pratt	Zeller
Hamilton, J. H.	Kowalyszyn	Reed	

NAYS—164

Anderson, J. H.	George	McGinnis	Scheaffer
Arthurs	Giammarco	McIntyre	Schmitt
Bellomini	Gillespie	McLane	Schweder
Bennett	Gillette	Mebus	Scirica
Beren	Gleeson	Milanovich	Seltzer
Berlin	Goodman	Miller, M. E., Jr.	Shelhamer
Bittle	Green	Milliron	Shuman
Bonetto	Greenfield	Miscevich	Shupnik
Bradley	Grieco	Moehlmann	Sirianni
Brunner	Gring	Morris	Smith, E.
Burns	Halverson	Mrkonic	Smith, L.
Butera	Hammock	Mullen, M. P.	Spencer
Caputo	Hasay	Musto	Stahl
Cessar	Hayes, D. S.	Myers	Stapleton
Cohen	Hayes, S. E.	Novak	Stout
Cole	Hepford	Noye	Taddonio
Cowell	Hopkins	O'Brien	Taylor
Crawford	Hutchinson, A.	O'Connell	Toll
Cumberland	Hutchinson, W.	O'Donnell	Trello
Davies	Irvis	O'Keefe	Turner
DeMedio	Kelly, A. P.	Oliver	Ustyanski
Deverter	Kelly, J. B.	Pancoast	Valicenti
Dicarlo	Kernick	Parker, H. S.	Vroom

Dietz	Kistler	Perry	Wagner
Dininni	Klingaman	Petrarca	Walsh, T. P.
Dorr	Knepper	Pievsky	Wansacz
Doyle	Kolter	Pitts	Wargo
Dreibelbis	Kusse	Polite	Weidner
Eckensberger	LaMarca	Prendergast	Westerberg
Englehart	Laudadio	Pyles	Whelan
Fawcett	Laughlin	Ravenstahl	Wilson
Fee	Lederer	Renninger	Wilt, W. W.
Fisher	Lehr	Renwick	Wojdak
Flaherty	Letterman	Rhodes	Worrlow
Foster, A.	Levi	Richardson	Wright
Foster, W.	Lincoln	Rieger	Yahner
Fryer	Lynch	Ritter	Yohn
Gallagher	Manderino	Ross	Zwinkl
Gallen	Manmiller	Ruggiero	
Garzia	McCall	Ryan	Fineman,
Geesey	McClatchy	Saloom	Speaker
Geisler	McCue		

NOT VOTING—13

Barber	Gleason	Mullen	Shelton
Berson	Johnson, J.	Rappaport	Thomas
DiDonato	McGraw	Shane	Zord
Dombrowski			

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

The SPEAKER pro tempore. Does the gentleman from Montour, Mr. Wagner, have some more amendments?

Mr. WAGNER. Mr. Speaker, on behalf of Mr. Thomas.

The SPEAKER pro tempore. The gentleman, Mr. Wagner, offers the following amendments in behalf of Mr. Thomas, which the clerk will read.

On the question recurring,

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

Mr. WAGNER requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Sec. 1 (Sec. 1305), page 67, by inserting between lines 9 and 10:

(d) Application for limited term registration.—Before registering any vehicle which will carry insurance only for stated periods during the year, the department shall require a certification from the owner of the vehicle stating that the vehicle will not be used on the highways of the Commonwealth during the periods when the vehicle does not carry insurance.

Amend Sec. 1 (Sec. 1308), page 69, by inserting between lines 25 and 26:

(f) Limited term registration.—The registration card of a vehicle registered under section 1305(d) shall indicate the periods of time for which the registration will be in effect.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Would the gentleman give us a brief explanation?

Mr. WAGNER. Yes, Mr. Speaker. It was just handed to me and the intent of it covers the problems where vehicles are only used during part of the year—motorcycles, recreational homes, trailers, and the like.

What is happening is they are licensed and insured for a 5-month period, and they are finding they cannot cancel their insurance—I am told this—and they are having a problem. They want to cancel their insurance in September to get a rebate for the whole year so it is not insured.

What this does is basically say that the department shall require certification from the owner that he will not drive during the period in which it is not insured. Thus, if he only insures it for 5 months, he will certify

that he would drive it for 5 months. It will also be noted on his registration card.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. I rise to oppose this amendment.

This would present a very chaotic situation if we were to permit a limited-term registration in order to eliminate the possibility of paying insurance. I think it is wrong. It would create a problem with the department and also with those who would want this limited-term registration, and it would be of no value.

For that reason I am asking a negative vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Stahl.

Mr. STAHL. I would like to interrogate Mr. Wagner.

The SPEAKER pro tempore. Will the gentleman from Montour, Mr. Wagner, submit to interrogation?

Mr. WAGNER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STAHL. Mr. Speaker, I do not have a copy of the amendment, but does your amendment seek to allow short-term suspensions of coverage for insurance purposes? Is that what you said it allows?

Mr. WAGNER. Yes.

Mr. STAHL. Is it for commercial vehicles as well as recreational vehicles?

Mr. WAGNER. It is my understanding the intent was for recreational vehicles and motorcycles.

Mr. STAHL. Could commercial vehicles be included in it?

Mr. WAGNER. No; only motor vehicles need insurance, I believe.

Mr. STAHL. Okay.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Stahl.

Mr. STAHL. Mr. Speaker, as an insurance agent—and I think other insurance agents might want to speak to this—it is the practice of the insurance industry to issue suspensions of coverage for certain types of equipment. Now I would have hoped that Mr. Wagner's amendment would have included commercial vehicles simply because it is on construction vehicles which are used on and off the road, certain types of tractor trailers that are used during the summer months that are not used during the winter months.

Suspensions of coverage are a matter of course because the insurance premiums can be fantastic.

I urge the support of this amendment. I think Mr. Bonetto is mistaken because he does not know the practice of the insurance industry in this regard. I would urge the support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. WAGNER and BONETTO and were as follows:

YEAS—81

Abraham	Foster, W.	McClatchy	Strianni
Anderson, J. H.	Gallen	McCue	Smith, F.
Beren	Geesey	McGinnis	Smith, L.
Bittle	Gring	Mebus	Spencer

Bradley	Halverson	Miller, M. E.	Stahl
Brandt	Hasay	Miller, M. E., Jr.	Taddonio
Burns	Haskell	Moehlmann	Taylor
Butera	Hayes, D. S.	Noye	Turner
Cessar	Hayes, S. E.	O'Connell	Ustynoski
Cimini	Hepford	Pancoast	Vroon
Crawford	Hill	Parker, H. S.	Wagner
Cumberland	Hopkins	Pitts	Wansacz
Davies	Itkin	Polite	Weidner
Deverter	Kelly, J. B.	Pyles	Whelan
Dietz	Knepper	Renninger	Wilson
Dinanni	Kusse	Ryan	Wilt, R. W.
Dorr	Lehr	Scheaffer	Wilt, W. W.
Fawcett	Levi	Setrica	Worrillow
Fischer	Lynch	Seltzer	Wright
Fisher	Manniller	Shuman	Yohn
Foster, A.			

NAYS—101

Arthurs	Goodman	Milliron	Ruggiero
Bennett	Green	Miscevich	Saloom
Berlin	Greenfield	Morris	Salvatore
Berson	Hamilton, J. H.	Mrkonjc	Schmitt
Brunner	Hammock	Mullen	Schweder
Caputo	Hutchinson, A.	Mullen, M. P.	Shane
Cohen	Irvia	Musto	Shelhamer
Cole	Johnson, J.	Myers	Shelton
Cowell	Katz	Novak	Shupnik
DeMedio	Kelly, A. P.	O'Brien	Stapleton
Dicarlo	Kernick	O'Donnell	Stout
Doyle	Klingaman	O'Keefe	Toll
Dreibelbis	Kolter	Oliver	Trello
Eckensberger	Kowalshyn	Perri	Valicenti
Engelhart	LaMarca	Perry	Walsh, T. P.
Fee	Laudadio	Petrarca	Wargo
Flaherty	Laughlin	Pratt	Westenberg
Fryer	Lederer	Prendergast	Wojdak
Gallagher	Letterman	Rappaport	Yahner
Garzia	Lincoln	Ravenstahl	Zearfoss
Geisler	Manderino	Reed	Zeller
George	McCall	Renwick	Zwickl
Giammarco	McIntyre	Richardson	
Gillespie	McLane	Rieger	Fineman, Speaker
Gillette	Menhorn	Ritter	
Gleeson	Milanovich	Ross	

NOT VOTING—14

Barber	Dombrowski	Kistler	Rhodes
Bellomini	Gieason	McGraw	Thomas
Bonetto	Grieco	Pievsky	Zord
DiDonato	Hutchinson, W.		

So 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 as amended on third consideration?

Mr. WAGNER requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 1548), page 121, by inserting between lines 24 and 25:

(j) Immunity from civil liability and reports—No physician, registered nurse, or hospital employing such physician or registered nurse, and no other employer of such physician or registered nurse shall be civilly liable for the withdrawing of blood and reporting of test results to the police at the request of a police officer pursuant to this section.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Mr. Speaker, it is agreed to.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

On the question recurring,

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

Mr. W. W. WILT requested and obtained unanimous consent to offer the following amendment, which was read:

Amend Sec. 1 (Sec. 3706), page 213, by inserting between lines 28 and 29:

(c) Exception for camper bodies.—A camper body which rests partially upon its own axle or axles and partially upon the chassis or frame of the truck, and which is attached to such truck in an articulating manner by means of a fifth wheel semi-trailer coupling device attached to the carrying compartment of the truck may be occupied by a passenger or passengers. The coupling device shall be for use with a two-inch or larger kingpin. All windows shall have safety glass approved by the department and some means of electronic communications approved by the department shall be required between the cab of the truck and the camper body.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Wilt.

Mr. W. W. WILT. Mr. Speaker, this amendment has been agreed to, but it has not been distributed as yet. It has not been brought up from the duplicating room.

On the question recurring,
Will the House agree to the amendment?
Amendment was agreed to.

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

Mr. BONETTO requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Bill, page 321, by inserting between lines 17 and 18:

§ 7101. Requirement for identification number.
Every vehicle shall contain a vehicle identification number which shall be placed upon or incorporated into the vehicle in such a manner as to be a permanent part of the vehicle.

Amend Sec. 7101, page 321, line 18, by striking out "7101." and inserting: 7102.

Amend Sec. 7102, page 321, line 30, by striking out "7102." and inserting: 7103.

Amend Sec. 7103, page 322, line 15, by striking out "7103." and inserting: 7104.

Amend Sec. 7104, page 323, line 11, by striking out "7104." and inserting: 7105.

Amend Sec. 7104, page 323, line 25, by striking out "7103" and inserting: 7104

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. This amendment, Mr. Speaker, requires an identification number. It is an agreed-to amendment.

On the question recurring,
Will the House agree to the amendments?
Amendments were agreed to.

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

Mr. M. E. MILLER, JR. requested and obtained unani-

mous consent to offer the following amendments, which were read:

Amend Bill, page 115, by inserting between lines 28 and 29:

§ 1542. Revocation of habitual offender's license.

(a) Powers of revocation.—The department shall revoke the operating privilege of any person found to be a habitual offender pursuant to the provisions of this section. A "habitual offender" shall be any person whose driving record, as maintained in the department, shows that such person has accumulated the requisite number of convictions for the separate and distinct offenses described and enumerated in paragraphs (1) and (2) of subsection (b) committed after the effective date, of this title and within any period of five years thereafter.

(b) Offenses enumerated.

(1) Three or more convictions arising from separate acts of any one or more of the following offenses committed either singularly or in combination by any person shall result in such person being designated as a habitual offender:

(i) Any offense designated as a serious traffic offense in Subchapter B of Chapter 37.

(ii) Operating any vehicle while his operator's license or learner's permit is suspended or revoked or while his privilege to apply for an operator's license or learner's permit is suspended and before such operating privilege or right to apply for an operator's license or learner's permit has been reinstated.

(iii) Any crime punishable as a felony under this title or any other felony in the commission of which any vehicle is either used or operated.

(iv) Failure to stop and render assistance or disclose his identity as required by Subchapter C of Chapter 37 in the event of an accident resulting in injury or death to any person or damage to property.

(v) Making use of or operating any vehicle or tractor without the knowledge or consent of the owner or custodian thereof.

(vi) Operating any vehicle or tractor upon the highways of this Commonwealth after its registration has been suspended by the department.

(vii) Operating any vehicle in a speed contest, including those commonly known as drag races, in violation of section 3367 (relating to racing on highways).

(viii) Utilizing a vehicle in the unlawful transportation or unlawful sale of any narcotic or habit producing drug.

(2) Eight or more convictions of any other separate and distinct offenses in the operation of any vehicle or tractor not enumerated in paragraph (1) which are required to be reported to the department under section 6322 (relating to reports by issuing authorities) and for which the operating privilege is subject to suspension or other action by the department which are committed by any person shall result in such person being designated as a habitual offender. The convictions required under this paragraph may include not more than two of the offenses enumerated in paragraph (1) when taken with and added to any of the offenses required and provided for in this paragraph.

(c) Period of revocation.

(1) The operating privilege of any person found to be a habitual offender under the provisions of this section shall be revoked by the department as follows:

(i) for a period of five years if found under the provisions of subsection (b)(1);

(ii) for a period of four years if found under the provisions of subsection (b)(2) in combination with not more than two of the offenses enumerated in subsection (b)(1); and

(iii) for a period of three years if found solely under the provisions of subsection (b)(2) without counting any of the offenses enumerated in subsection (b)(1).

(2) The revocation provided for in this section is and shall be separate and distinct from any other suspension or revocation imposed by the department for each individual separate offense and shall be imposed in addition thereto.

(d) Extended revocation.—Upon receiving a report of

conviction of any person whose operating privilege has been revoked under the provisions this section of any violations, the department shall immediately extend the period of such revocation for an additional like period.

(e) Limits on revocation.—The total period of time for which the operating privilege shall be suspended or revoked under any provision of this title shall not exceed the period of time prescribed for suspension or revocation for violation of that provision and, when applicable, this section.

Amend Sec. 1 (Sec. 1542), page 115, line 29, by striking out "1542" and inserting: 1543

Amend Sec. 1 (Sec. 1543), page 116, line 17, by striking out "1543" and inserting: 1544

Amend Sec. 1 (Sec. 1544), page 116, line 29, by striking out "1544" and inserting: 1545

Amend Sec. 1 (Sec. 1545), page 117, line 22, by striking out "1545" and inserting: 1546

Amend Sec. 1 (Sec. 1546), page 118, line 2, by striking out "1546" and inserting: 1547

Amend Sec. 1 (Sec. 1547), page 118, line 22, by striking out "1547" and inserting: 1548

Amend Sec. 1 (Sec. 1548), page 119, line 8, by striking out "1548" and inserting: 1549

Amend Sec. 1 (Sec. 1549), page 121, line 25, by striking out "1549" and inserting: 1550

Amend Sec. 1 (Sec. 1550), page 122, line 23, by striking out "1550" and inserting: 1551

Amend Sec. 1 (Sec. 1551), page 123, line 12, by striking out "1551" and inserting: 1552

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. M. E. MILLER, JR. Thank you, Mr. Speaker.

The amendment I am offering is marked "M. E. Miller, 196." The gentleman is a distant relative of mine and I am pinch-hitting for him right now.

The amendment is a three-page amendment. It has a paper clip in it for those of you who are looking for it.

The SPEAKER pro tempore. The Chair would suggest that the members pay attention. It involves the revocation of habitual offenders' licenses. It is extremely important.

The gentleman will proceed.

Mr. M. E. MILLER, JR. I thank you, Mr. Speaker.

The habitual offender's proposal that is before you now does essentially three things: Number one, for an habitual offender who commits serious offenses, those as outlined in subchapter B, chapter 37 of House bill No. 1817, such as drunken driving, the causing or taking of a life with a motor vehicle, also for an individual who would utilize a motor vehicle in the trafficking of narcotics or an individual who would steal a motor vehicle.

For the enumerated sections if an individual within a 5-year period of time committed any one of these violations three times or any combination of violations three times—in addition to the current suspension for each violation—he would have his license removed for an additional 5-year period of time.

I have heard mentioned here on the floor today our strange sense of criminal justice where we turn out the convicted felon but at the same time suspend the license of a motorist who has committed only speeding violations.

This amendment, if you think on it for a moment, would intend to solve part of that problem where people are too easily paroled in our criminal justice system for the commission of major crimes. Perhaps they will still continue to be paroled, but at least they will not be driving on our Pennsylvania highways.

Under the second part of the amendment, an individual who commits eight violations, eight separate and distinct violations, could also have his driving privileges suspended for an additional 5-year period of time.

With the exception of tailoring this bill to the language of the new Motor Vehicle Code, its intent and the element for which an individual can be suspended for 5 additional years are quite similar to the package—those of you who remember—that passed this House both last session and the session before on the habitual offender bill.

I would encourage your consideration and be willing to answer any questions.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I rise to oppose this amendment. I believe that the penalties inserted now in the code are sufficient. There is absolutely no need to go beyond that area. I think to suspend someone for 5 years is pretty harsh.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I am an ally more often than not of a tough law-and-order approach to the problem. The thing that disturbs me about the amendments offered by Mr. Miller is that again I see us stepping into the area where the judge has discretion. In other words, if some person was guilty of three of these offenses such as enumerated by Mr. Miller, a judge has it within his power as part of the conditions for probation and parole, that he not drive a motor vehicle. The thing that scares me about this, frankly, Mr. Speaker, is that in many cases we speak in one breath saying that a man who goes to prison must be rehabilitated, that he should get a job. A license normally is part of the average man's job. At least I believe that the type of person who is coming out of prison more often than not probably needs a driver's license to get to and from work or just to get work.

If a judge sees an habitual offender involved with motor vehicle offenses, I do not think that judge would hesitate for a moment to lift the operator's license, but for us to make it mandatory and take that discretion away from the courts, I think is wrong.

I am sympathetic to the amendment. I am sympathetic to the reasoning but just think in practice that we would be making a mistake, and I reluctantly would vote against the amendment.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. I rise to a point of parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman state his point of inquiry?

Mr. BENNETT. Mr. Speaker, would the Chair believe that the amendment would be divisible?

The SPEAKER pro tempore. How does the gentleman suggest that the amendment be divided?

Mr. BENNETT. I would suggest that the amendment be divided, and I do not have a copy of it right in front of me, but it would be the section dealing with the three violations having to do with drunken driving.

Mr. M. E. MILLER, JR. Mr. Speaker, if I might aid the Chair, I believe the division Mr. Bennett is suggesting would be to accept all of the information prior to section (2) on page 2. That would be the most natural division. If Mr. Bennett is amenable to that, I would certainly be as well, Mr. Speaker.

AMENDMENT DIVIDED

The SPEAKER pro tempore. I presume that the gentleman, Mr. Bennett, suggests that we divide and vote on section (b) of House bill No. 1542 on page 2 of the amendment, which under paragraph (1) defines only three or more convictions arising for separate acts from any one of separately described offenses, is that correct?

Mr. BENNETT. If I am in order, Mr. Speaker, I would so move.

The SPEAKER pro tempore. Does the gentleman, Mr. Miller, object to that division?

Mr. M. E. MILLER, JR. No objection, Mr. Speaker.

The SPEAKER pro tempore. It is therefore ordered that the amendment will be divided, and the first vote will be on section 1542, subparagraph (b) 1 and all of its subdivisions—only permitting a revocation for 5 years on three or more convictions under those listed.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, on the motion, my reason for the division is as follows: It would seem to me that a person who was convicted of the three violations aforementioned certainly ought to have their license revoked for that 5-year period. However, it would seem to me, Mr. Speaker, to follow that, someone who had eight minor violations ought not to have.

I can perceive many instances where for minor violations, such as speeding, a possibility of someone who drives hundreds of thousands of miles might be subjected to those kinds of things, and it would be certainly a severe hardship to that person to have that revocation. However, in the instance mentioned by the gentleman, Mr. Miller, in the first three cases, I would ask that the members vote in support of that amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Armstrong, Mr. McCue.

Mr. McCUE. Mr. Speaker, will the gentleman, Mr. Miller, stand for interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Miller, consent to interrogation?

Mr. M. E. MILLER, JR. Certainly, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman will proceed.

Mr. McCUE. Mr. Speaker, I believe that the gentleman in his explanation used the term "suspended." I note in the amendments which have been circulated it used the terms "revoked" and "revocation." Is this to be in effect a revocation?

Mr. M. E. MILLER, JR. We are now on the question to divide, but your question would affect the first section, I am assuming. Is that where you are reading from?

Mr. McCUE. Throughout the amendment the term "revoked" is used. Is that what is intended?

Mr. M. E. MILLER, JR. In the definition as we are using "revoked," in that it is a power of the Commonwealth rather than the court to revoke, yes, that is correct. The director of Traffic Safety would revoke under

the authority of this statute. It would not necessarily be a court-ordered suspension.

Mr. McCUE. Mr. Speaker, as I understand it, the suspension is a provision that the secretary takes the license of a person for a time certain and then returns it automatically. A revocation, as I understand it, is where the license is taken under the mandate of legislative act for a period certain, and the license is not returned automatically to the licensee.

Now the term used in this amendment is "revoked." The gentleman used the term "suspended" in his explanation.

The SPEAKER pro tempore. The language of the amendment is clear. It is "revoke," not "suspend."

Mr. M. E. MILLER, JR. All of these are court offenses, Mr. Speaker, in the first section on the question of division.

Mr. McCUE. Does the gentleman intend it to be revoked and not suspended, in order to get the proceedings here clear today?

Mr. M. E. MILLER, JR. That is correct, Mr. Speaker. You would have to apply to get a license back.

Mr. McCUE. Right. Then what would a person do to have his license renewed at the end of this mandatory 5-year suspension?

Mr. M. E. MILLER, JR. I am sorry, I did not hear.

Mr. McCUE. How would a person be licensed again at the end of a 5-year period? What would he have to do?

Mr. M. E. MILLER, JR. While that specific procedure is not outlined here, it is my understanding that there is a general reexamination of the individual after his application to the department to have his license restored.

Mr. McCUE. Right. I thank the gentleman.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. I urge support of the amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, I oppose the first part of the amendment. As I have said before, I think that the penalties contained within the code are sufficient without making any further changes. This is being awfully harsh.

Mr. M. E. MILLER, JR. Mr. Speaker, may I have an opportunity to speak again in rebuttal to Mr. Bonetto's comments directly on the bill?

The SPEAKER pro tempore. Under Rule 10, you are on your second and last fight.

Mr. M. E. MILLER, JR. Thank you, Mr. Speaker.

I agree with the gentleman, Mr. Bonetto, that as for individual violations, the consequential suspension is adequate. That is correct, but we are talking about an habitual and repeated offense. And we are not talking about going 10 miles over the speed limit, Mr. Speaker. We are talking about serious crimes that are committed while using an automobile and the very individual who commits them, in our revolving-door system of criminal justice, may be out in the street the next day on an Accelerated Rehabilitative Disposition provision, for example, the very point that Mr. Bonetto raised, in defending his current system of harsher fine punishments in the bill.

The habitual offender is the guy who is causing us the

key problem on state highways today, and I do not think it is too severe to let him know we mean business and do not want him on our highways. I would encourage your considerate support of this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Will the members agree to the first part of the amendment as divided, requiring a revocation for 5 years on an habitual offender who commits 3 or more of the 8 violations enumerated within a 5-year period?

On the question,

Will the House agree to Part I of the amendments?

The yeas and nays were required by Messrs. M. E. MILLER, JR. and BONETTO and were as follows:

YEAS—92

Anderson, J. H.	Fischer	Lynch	Scirica
Arthurs	Fisher	Manmiller	Seltzer
Bennett	Foster, A.	McCall	Shelhamer
Beren	Foster, W.	McClatchy	Shuman
Bittle	Gallen	McCue	Smith, E.
Brandt	Garzia	Mebus	Stahl
Burns	Geesey	Menhorn	Stapleton
Butera	Gillespie	Miller, M. E.	Taddonio
Cessar	Grieco	Miller, M. E., Jr.	Taylor
Cimini	Gring	Milliron	Turner
Cole	Haskell	Moehlmann	Ustynowski
Cowell	Hayes, D. S.	Morris	Vroon
Crawford	Hayes, S. E.	Noye	Wagner
Davies	Hill	O'Connell	Walsh, T. P.
Deverter	Itkin	O'Keefe	Westerberg
Dicarlo	Kelly, J. B.	Pancoast	Whelan
Dietz	Kernick	Parker, H. S.	Wilt, R. W.
Dininni	Knepper	Pitts	Wilt, W. W.
Dorr	Kowalyszyn	Polite	Worrlow
Doyle	Kusse	Pyles	Yohn
Eckensberger	Lehr	Reed	Zearfoss
Engelhart	Levi	Ritter	Zeller
Fee	Lincoln	Scheaffer	Zwikel

NAYS—96

Abraham	Hamilton, J. H.	Mullen, M. P.	Saloom
Bellomini	Hasay	Mullen	Salvatore
Berlin	Hepford	Musto	Schmitt
Berson	Hopkins	Myers	Schweder
Bonetto	Hutchinson, A.	Novak	Shane
Bradley	Hutchinson, W.	O'Brien	Shelton
Brunner	Irvis	O'Donnell	Shupnik
Caputo	Johnson, J.	Oliver	Sirianni
Cohen	Katz	Perrri	Smith, L.
Cumberland	Kelly, A. P.	Perry	Spencer
DeMedio	Kistler	Petrarca	Stout
Dreibelbis	Klingaman	Pievsky	Toll
Fawcett	Kolter	Pratt	Trello
Flaherty	LaMarca	Prendergast	Valcenti
Fryer	Laudadio	Rappaport	Wansacz
Gallagher	Laughlin	Ravenstahl	Wargo
Geisler	Lederer	Renninger	Weidner
George	Letterman	Renwick	Wilson
Giammarco	Manderino	Rhodes	Wojdak
Gillette	McGinnis	Richardson	Wright
Gleeson	McIntyre	Rieger	Yahner
Goodman	McLane	Ross	
Green	Milanovich	Ruggiero	Fineman, Speaker
Greenfield	Miscevich	Ryan	
Halverson	Mrkonic		

NOT VOTING—8

Barber	Dombrowski	Hammock	Thomas
DiDonato	Gleason	McGraw	Zord

So the question was determined in the negative and Part I of the amendments was not agreed to.

On the question,

Will the House agree to Part II of the amendments?

PART II OF THE AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. M. E. MILLER, JR. Mr. Speaker, in the spirit in which I agreed to divide the amendments, I withdraw the second half of the amendment with the statement that, if possible, I would like to have the Chair consider my written request for a reconsideration of the first part tomorrow. I thank the gentleman.

The SPEAKER pro tempore. I would suggest that the gentleman promptly file a written motion by himself and one other member to have a reconsideration of the vote on his amendment tonight and not tomorrow.

On the question recurring,

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

Mrs. CRAWFORD requested and obtained unanimous consent to offer the following amendments, which were read:

Amend Subchapter Analysis, page 106, by inserting after line 30: § 1552. Notice of suspension of licenses or permits.

Amend Bill, page 124, by inserting between lines 1 and 2:

§ 1552. Notice of suspension of licenses or permits. The department shall promptly notify each person whose license or permit is suspended as a result of the accumulation of points. The notification that the license or permit is suspended shall be made within six months following the conviction of a violation of this title that resulted in the addition of sufficient points to cause the suspension.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the lady from Chester, Mrs. Crawford.

Mrs. CRAWFORD. Thank you, Mr. Speaker.

Mr. Speaker, it has come to my attention over the years that I have served here in Harrisburg that our Bureau of Traffic Safety is taking longer and longer to notify people when they have a license suspended. In other words, it may be as long as a year. I even had one case where it was a year and a half before their license was taken from them after a conviction.

My amendment would act as a statute of limitation in effect, which involves, what I consider, civil rights of the individual. We believe in more serious cases this is the law. In fact the Supreme Court has mandated a certain period of time in which a person must be brought to trial and sentenced. But we are saying that with motor vehicle suspensions you have to wait after you are convicted for your sentence for as long as a year or even a year and a half. So my amendment would say that the department has to suspend the license within 6 months after the conviction. That is about what it does, and I hope that everyone will support it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. It is agreed to, Mr. Speaker.

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

Mr. SALOOM. Yes, Mr. Speaker, I wish to stand in opposition to this amendment.

There are many times that when a person loses his driver's license, he could regulate when his suspension would start. If he is a truck driver, he could take it during a time of vacation and he would not be without work. And now if we tell the department and we put it into

the law that they must do it within a period of 6 months, then there is absolutely no leeway for the department to grant them an extension to the time of suspension. I would, therefore, ask the House to reject this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mrs. CRAWFORD and Mr. SALOOM and were as follows:

YEAS—163

Abraham	Geisler	McLane	Scitica
Anderson, J. H.	George	Mebus	Seltzer
Arthurs	Giammarco	Menhorn	Shelhamer
Bellomini	Gillespie	Miller, M. E.	Shelton
Bennett	Gillette	Miller, M. E., Jr.	Shuman
Beren	Gleeson	Milliron	Shupnik
Berlin	Grieco	Miscevich	Sirianni
Berson	Gring	Moehlmann	Smith, E.
Bittle	Hamilton, J. H.	Morris	Smith, L.
Bonetto	Hasay	Mrkonjc	Spencer
Bradley	Haskell	Mullen, M. P.	Stahl
Brandt	Hayes, D. S.	Mullen	Stapleton
Brunner	Hayes, S. E.	Musto	Taddonio
Burns	Hepford	Myers	Taylor
Butera	Hill	Novak	Toll
Caputo	Hopkins	Noye	Trello
Cessar	Hutchinson, W.	O'Donnell	Turner
Cimini	Irvis	O'Keefe	Ustynoski
Cohen	Itkin	Oliver	Valicenti
Cowell	Johnson, J.	Pancoast	Vroon
Crawford	Katz	Parker, H. S.	Wagner
Cumberland	Kelly, A. P.	Perri	Walsh, T. P.
Davies	Kelly, J. B.	Perry	Wansacz
Deverter	Kernick	Pievsky	Wargo
Dicarlo	Kistler	Pitts	Weidner
Dietz	Klingaman	Polite	Westerberg
Dininni	Knepper	Pyles	Whelan
Dori	Kowalyszyn	Ravenstahl	Wilson
Doyle	Kusse	Reed	Wilt, R. W.
Dreibelbis	Laudadio	Renninger	Wilt, W. W.
Eckensberger	Laughlin	Renwick	Wojdak
Engelhart	Lehr	Rhodes	Worriow
Fawcett	Letterman	Richardson	Wright
Fee	Levi	Rieger	Yahner
Fischer	Lincoln	Ritter	Yohn
Fisher	Manderino	Ross	Zearfoss
Flaherty	Mann Miller	Ryan	Zeller
Foster, A.	McCall	Salvatore	Zwickl
Foster, W.	McClatchy	Scheaffer	
Fryer	McCue	Schmitt	Fineman,
Gallagher	McIntyre	Schweder	Speaker
Garzia			

NAYS—23

Cole	Greenfield	Lynch	Prendergast
DeMedio	Halverson	Milanovich	Rappaport
Callen	Hutchinson, A.	O'Brien	Saloom
Geesey	Kolter	O'Connell	Shane
Goodman	LaMarca	Petrarca	Stout
Green	Lederer	Pratt	

NOT VOTING—10

Barber	Gleason	McGraw	Thomas
DiDonato	Hammock	Ruggiero	Zord
Dombrowski	McGinnis		

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

REQUEST TO RECONSIDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I do not have another amendment, but I believe that during the caucus yesterday, the gentleman, Mr. Bonetto, submitted what were assumed to be agreed-to amendments, and one of these he and I have talked about. It is not an agreed-to amendment, and I believe he has agreed to retract or withdraw by whatever procedure the Speaker would recommend for this particular amendment to be withdrawn.

The SPEAKER pro tempore. I would recommend a motion in writing signed by two members to reconsider the vote by which it was passed. We will discuss it about 10 minutes of 6.

Mr. WILSON. We are on our way.

The SPEAKER pro tempore. Are there any further amendments other than the amendment offered by Mr. Pratt to be offered to House bill No. 1817?

I would remind the members that there will be five or six votes to reconsider certain amendments, and on the completion of these amendments today, the bill will be put in the process of reprinting. The only amendments considered tomorrow will be the ones offered by Mr. Pratt, and, upon conclusion and disposition of that, a final vote will be taken tomorrow. No further amendments.

RECONSIDERATION OF VOTE ON HOPKINS AMENDMENTS TO HOUSE BILL No. 1817

Mr. BONETTO moved that the vote by which the Hopkins amendments to HOUSE BILL No. 1817, printer's No. 2873, was agreed to on Tuesday, March 23, 1976, be reconsidered.

Mr. ARTHURS seconded the motion.

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

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

The SPEAKER pro tempore. This is the amendment which permitted notaries public to issue licenses.

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

Mr. BONETTO. Mr. Speaker, I have asked for reconsideration of this particular amendment for several reasons. One is that, as I mentioned to you before, on another issue involving notaries public, there are 40,000 notaries public in Pennsylvania, and to permit each one of them to issue temporary plates would create a chaotic problem for this Commonwealth in furnishing auditors alone just to auditor books. Number two, we do have in the code now presently and in House bill No. 1817 a provision giving the Secretary of Transportation the authority to choose who is to issue temporary plates. I do not believe that it is proper to include or add or make a specific notation in this bill that notaries should so issue plates. There is no other notification in here that any other person or any other group should be given that authority, and I think that we should not allow notaries to do so. For that reason I am asking that this amendment be voted down.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Hopkins, on the reconsideration of his amendment.

Mr. HOPKINS. Mr. Speaker, I disagree with Mr. Bonetto. There is no question in my mind that the notaries public should be allowed to issue temporary plates. They now allow automobile dealers to issue the temporary plates and a person who makes a transaction outside of the jurisdiction of an automobile dealer has a difficult time getting his temporary plates. So I think that the notaries should be allowed.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Beren.

Mr. BEREN. Mr. Speaker, one of the nice things about a reconsideration vote is that it gives you a chance to reflect upon your prior vote. Earlier I voted for this amendment, but upon reconsideration of it, I think it is far wiser to vote in the negative and I will so do.

The SPEAKER pro tempore. The Chair recognizes the distinguished gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Does this amendment provide that your district magistrate also gives out plates now or just the notary?

Mr. BONETTO. Just the notary.

Mr. GARZIA. All right. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, I would like to rise in support of the amendment. Ten years ago, at least since I have been here, we have tried to get this thing through for notaries public. The first success we had was when we got it approved for auto dealers to issue temporary tags to persons who had not bought the car from them. That was a major breakthrough at that time. In any event, then last year we proposed a bill and we passed the same providing that the secretary could designate other persons to issue temporary tags. It provided a bond, a \$10,000 surety bond, a \$55 annual fee, and I know Mr. Ritter, my colleague over there, will agree that we really thought for the first time that we could get a handle on this and get temporary tags back home.

Now I go over to the Department of Transportation almost every day that I am down here, and I really attribute the fact that we now have wide distribution of temporary tags to the fact that there is not as much problem in getting things through the Department of Transportation. I was over there yesterday and today expecting to see backlogs of people waiting in line to get tags. It is not there. I think that the department is to be congratulated, but I also think that the fact that there are temporary tags back home now is the reason for it.

I think it is really foolish to have people go before a notary public and have a title notarized but that they cannot also pick up the temporary tags there. The notary public currently has to send them to an auto dealer or to a fast-tag service or send them down here to Harrisburg to get their tags. Therefore, I would ask support of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, about two years ago, I think that bill passed and it has allowed the secretary to designate certain other agents, and the only other agents that this secretary designated was the AAA motor club. The bill also provided that county treasurers could issue those licenses. The AAA office in my area is not open that many evenings that I know of. Notaries public, in most instances, who are handling these transactions are open in the evening. It is convenient for the public.

I think it is time we told the department we passed the law two years ago and wanted some changes made and they were not made. I think it is time we tell them

now that we want them made and this is the way that we are going to do it. I ask for support of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Pyles.

Mr. PYLES. Mr. Speaker, the fact that the Hopkins amendment is to allow the notaries public to issue temporary permits, I think is a very important one. People coming in, moving in, from out-of-state from some other state like New Jersey are not getting their license plates on time as required by law. They move into our state and are required to get new plates for this state within a 60-day period. At the present time when they apply, particularly during this period of time when we are issuing new tags and new stickers, they cannot abide by the law. I received a letter this week, as a matter of fact, from a new resident in my district who moved in from out-of-state. It seems to me that if we had the notary public who could be authorized to issue a temporary permit, we could satisfy the requirement of the law.

I recommend that we vote in favor of the Hopkins amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs.

Mr. ARTHURS. Mr. Speaker, I want to say just one thing in rebuttal to the last speaker, and that is, the only problems that I have seen in anyone having a time problem over in PennDOT today if they apply on time is because something has to be returned to a notary because they have made a mistake on the papers that they sent in.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. I would just like to call attention to the members that we are going to stagger license plates, and that this amendment would create a tremendous auditing problem for the state and that there would be no benefit. I think that with staggering license plates we are not going to have the problem we have had in the past. I suggest everybody to vote against this amendment.

The SPEAKER pro tempore. The gentleman's point is extremely well taken.

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

The yeas and nays were required by Messrs. HOPKINS and BONETTO and were as follows:

YEAS—90

Abraham	Goodman	Miller, M. E.	Shuman
Bennett	Greenfield	Miller, M. E., Jr.	Smith, E.
Bittle	Grieco	Milliron	Spencer
Burns	Gring	Miscevich	Stahl
Cesar	Halverson	Morris	Taddonto
Cimini	Hamilton, J. H.	Musto	Taylor
Crawford	Hasay	Myers	Trello
Cumberland	Haskell	Novak	Turner
Davies	Hayes, D. S.	Nove	Ustyanski
Dicarlo	Hayes, S. E.	O'Brien	Valicenti
Dietz	Hopkins	O'Connell	Vroon
Eckensberger	Hutchinson, W.	Parker, H. S.	Wagner
Fischer	Katz	Perri	Weidner
Fisher	Kelly, J. B.	Perry	Whelan
Flaherty	Klingaman	Pitts	Wilson
Foster, W.	Knepper	Polite	Wilt, R. W.

Fryer	Kusse	Pyles	Worrlow
Gallen	Lederer	Rieger	Wright
Garzia	Lincoln	Ritter	Yahner
Geesey	Levi	Scheaffer	Zearfoss
Geisler	McClatchy	Scirica	Zeller
George	McCue	Shelhamer	Zwikel
Gillette	McIntyre		

NAYS—95

Anderson, J. H.	Giammarco	McCall	Ross
Arthurs	Gillespie	McGinnis	Ryan
Bellomini	Gleeson	McLane	Saloom
Beren	Green	Mebus	Salvatore
Berlin	Hammock	Menhorn	Schmitt
Berson	Hepford	Milanovich	Schweder
Bonetto	Hill	Moehlmann	Seltzer
Bradley	Hutchinson, A.	Mrkonje	Skane
Brandt	Irvic	Mullen	Shupnik
Brunner	Itkin	Mullen, M. P.	Sirianni
Butera	Johnson, J.	O'Donnell	Smith, L.
Caputo	Kelly, A. P.	O'Keefe	Stapleton
Cohen	Kernick	Oliver	Stout
Cole	Kistler	Pancoast	Toll
Cowell	Kolter	Petrarca	Walsh, T. P.
DeMedio	Kowalyszyn	Pievsky	Wansacz
Deverter	LaMarca	Pratt	Wargo
Dorr	Laudadio	Prendergast	Westerberg
Doyle	Laughlin	Rappaport	Wilt, W. W.
Dreihelbitz	Lehr	Ravenstahl	Wojdak
Englehart	Letterman	Reed	Yohn
Fawcett	Lynch	Renwick	
Fee	Manderino	Rhodes	Fineman, Speaker
Foster, A.	Manmiller	Richardson	
Callagher			

NOT VOTING—11

Barber	Dembrowski	Renninger	Thomas
DiDonato	Gleason	Ruggiero	Zord
Dininni	McGraw	Shelton	

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

RECONSIDERATION OF VOTE ON SALVATORE AMENDMENTS TO HOUSE BILL No. 1817

Mr. BONETTO moved that the vote by which the Salvatore amendments to HOUSE BILL No. 1817, printer's No. 2873, was agreed to on Tuesday, March 23, 1976, be reconsidered.

Mr. ARTHURS seconded the motion.

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

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

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto. For what purpose does the gentleman rise?

Mr. BONETTO. Mr. Speaker, I rise to a point of order. The SPEAKER pro tempore. The gentleman will state it.

Mr. BONETTO. I believe that Mr. Salvatore, after the vote was taken on the amendment, has made a change in the amendment. Am I correct, sir?

Mr. SALVATORE. Mr. Speaker, that is correct, if you will agree to the amendment.

Mr. BONETTO. I am wondering, Mr. Speaker, in view of the fact that he has made a change in the amendment, if we were to defeat the amendment that was passed previously, can Mr. Salvatore then proceed with a new amendment?

The SPEAKER pro tempore. I would suggest that the gentleman from Philadelphia, Mr. Salvatore, offer an amendment to his amendment.

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

Mr. SALVATORE. Mr. Speaker, may I interrogate Mr. Bonetto for a minute.

The SPEAKER pro tempore. You may.

Mr. SALVATORE. Mr. Speaker, as the amendment is presently written, it clearly states that the secretary shall establish requirements relating to the size and type of photographs as well as the time, place and manner of taking photographs and renewals thereof. Now do you not think that by not establishing this time limit, the secretary can say that it can be done every 10 years rather than have us impose a 4-year or a 6-year limit?

Mr. BONETTO. Did you amend it?

Mr. SALVATORE. No. I say to you prior to my offering of the other amendment, accept this amendment as it is presently written and let the secretary decide the time wherein the picture should be renewed or the photograph should be taken over again. I think it would be better if the secretary had this discretion.

You know, you have a Pennsylvania Manual and many of you had your high school pictures in them and you are still carrying them year after year but no one says anything about that. And I recognize all of you.

Mr. BONETTO. Mr. Speaker, we have reconsidered this amendment which was previously voted on. I am in opposition to this amendment in view of the fact that it is costing approximately some \$8 million initially, and, secondly, it would cost approximately \$3 million per year. And in view of that fact, I am opposing this amendment.

Mr. SALVATORE. Mr. Speaker, then can I speak on the amendment?

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Caputo. For what purpose does the gentleman rise?

Mr. CAPUTO. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, as I read this amendment it provides that the department shall establish the type of photograph as well as the size. Now I am just wondering if that would give the secretary the right to ask me to pose with the wig I wore last week or what I have on today or without it.

The SPEAKER pro tempore. Will the gentleman from Philadelphia County, Mr. Salvatore, kindly consent to answer the question as to which wig we will wear whenever we get our picture taken?

Mr. SALVATORE. I am sorry but I did not hear the question.

The SPEAKER pro tempore. The question is, which wig shall we wear when we get the picture taken?

Mr. CAPUTO. Am I allowed to wear my wig or can I wear any one I want?

Mr. SALVATORE. Charlie, you wear the sexy wig.

After listening to the debate, I made some inquiries and just this year the State Police have identification

cards issued to each state policeman. They purchased three Polaroid machines to take the pictures of the state policemen, which means that there are three machines now that are only being used whenever there is a new man accepted into the State Police. There is approximately 15 traffic examination stations in the State of Pennsylvania, some of them are mobile, and I think the total is 77 locations. It is my estimate that 35 or 40 machines could do the job, and I have checked with the State Police. Their machines cost \$1,400 apiece. So if you multiply 40 times \$1,400, it is approximately \$50,000 and that is a far cry from \$8 million dollars.

BILL REPORTED FROM COMMITTEE

HOUSE BILL No. 400

By Mr. SCIRICA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania relating to the Judiciary.

Reported from Committee on Judiciary.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 669

Mr. FRYER presented the report of the Committee of Conference on Senate bill No. 669.

The SPEAKER. The report will be laid over for printing under the rules.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 707

Mr. FRYER presented the report of the Committee of Conference on Senate bill No. 707.

The SPEAKER. The report will be laid over for printing under the rules.

RESOLUTION TO BE INTRODUCED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Misceovich.

Mr. MISCEVICH. Mr. Speaker, being that the Federal Revenue Sharing Program of five years is going to expire shortly, I have prepared a resolution memorializing Congress to extend that period. I think it is essential that this state House make Congress aware of the fact of how important revenue sharing is to this state.

The extended legislation is now before Congress, but it is very imperative that we in Pennsylvania make our position known to Congress. I have, therefore, prepared a resolution, and anybody who wants to sign it, it is up on the front desk for your signature. We would like to have this resolution submitted today. Thank you.

The SPEAKER pro tempore. If the members wish to encourage the gentlemen from Congress to join in our plight, please contact Mr. Misceovich and join in his resolution.

The Chair recognizes the gentleman from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?

Mr. RITTER. Mr. Speaker, I hate to correct my colleague, Mr. Misceovich, but this House has already passed a resolution memorializing Congress to do the very same thing that he is suggesting.

The SPEAKER pro tempore. I believe Mr. Misceovich is aware of the fact that sometimes you have to tell the

Congress of the United States twice before they understand.

Is the time for the time out now expired?

CONSIDERATION OF SALVATORE AMENDMENT RESUMED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, will the gentleman from Philadelphia, Mr. Salvatore, consent to interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Salvatore, submit to interrogation?

Mr. SALVATORE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BONETTO. Mr. Speaker, we have a reconsideration, and I am asking a "no" vote on the amendment.

I have mentioned to you before that the one big reason for opposing it is the cost. We have in the bill now that the department may—they cannot do it any other time they want. I am suggesting that we vote "no" on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Gillespie.

Mr. GILLESPIE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. I think by placing our pictures on a little card it is going to bring us that much closer to George Orwell's "1984", and I do not think it is necessary. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Whelan.

Mr. WHELAN. Mr. Speaker, I rise in support of the amendment, and I think that Mr. Salvatore made a very good point which may have been overlooked.

Presently the State Police have three Polaroid systems that they are using and have used to take 4,000 pictures of their patrolmen. Those cameras are totally inactive as of this minute except for a new policeman coming on the force. Those cameras could be put to use. They estimate that with 40 cameras, which would be a total investment of approximately \$50,000, they would be able to do the job of photographing the drivers of the Commonwealth of Pennsylvania.

I think there are a couple of other points that he did not mention. One, we are presently printing a Liquor Control Board card which could possibly be eliminated with the photograph on the driver's license. In addition, the State Police have assured us this would be a tool that they could fully support and would aid them in performing their job a lot better than they are able to do it now.

Finally, it would keep a number of people who violate the Liquor Control Board laws, not from avoiding this violation, but from passing cards back and forth. A picture would help the proprietor identify that person in question.

I think in view of the fact that the cost on this amendment would approximate \$50,000, it has a much less severe fiscal impact than any \$8 million proposed by Mr. Bonetto, and I feel that this should be mandatory in order to get this picture on our card.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Novak.

Mr. NOVAK. Mr. Speaker, thank you.

Since this bill is going to expend moneys to buy cameras throughout the State of Pennsylvania, does it not require a fiscal note?

The SPEAKER pro tempore. Would the gentleman please repeat his question?

Mr. NOVAK. Does it not require a fiscal note if we are going to start buying cameras or taking pictures throughout the state? Someone is going to administer this thing.

The SPEAKER pro tempore. This amendment has already been considered by the House, and if a fiscal note was required and was not there, it was waived. And we are going to reconsider it anyway.

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

Mr. ITKIN. Mr. Speaker, I would like to ask Mr. Salvatore a question, if I may.

The SPEAKER pro tempore. Will the gentleman, Mr. Salvatore, consent to interrogation?

Mr. SALVATORE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, I would like to know what your rationale is for needing or wishing to have this picture appear on the operator's license.

Mr. SALVATORE. First of all, for identification reasons.

Mr. ITKIN. For what?

Mr. SALVATORE. First of all, we have a lot of check fraud. We have a lot of illegal welfare payments. We have State Police going into Philadelphia trying to apprehend motor vehicle violators and talking to the motor vehicle violator, not knowing that he is the fellow he is supposed to apprehend. But if he had the picture of that person, he would be able to apprehend his victim.

Now on top of that, every time the State Police are sent out on any assignment, the Revenue Department is charged and we have to make payments to the Revenue Department. The Revenue Department has to subsidize the State Police for all the investigations. That would be a savings of money.

All I am saying to you is, for the taverns, the bars, that have problems with teenagers drinking, it is clearly an identification and would stop the false identification that is flourishing throughout the country today.

Mr. ITKIN. Well, Mr. Speaker, let us go on the assumption that somebody does not possess a valid operator's license and therefore cannot use it for identification. Would he be discriminated against in a bar or in a tavern or in some type of credit transaction?

Mr. SALVATORE. If he was asking to cash a check and if he did not have a driver's license with his picture, I would not cash the check.

Mr. ITKIN. So in other words, you are telling us in this House that in order for people to cash checks, they must have a valid operator's license?

Mr. SALVATORE. No; I am not saying that. All I am saying is that it is a safeguard.

A small businessman many times is fleeced of \$10 or \$20 checks, which is a lot of money to him. But if someone came in and had an operator's license with his picture and

he could identify the person, he would take the check knowing he was that person.

Mr. ITKIN. But, Mr. Speaker, what you are saying is that you would cash a check for a person with an operator's license with a picture on it if you could establish that the man or woman who was holding that card is a facsimile of that picture, but you would not cash the check of a person who did not have a valid operator's license in his possession?

What you are saying to me, Mr. Speaker, is that in order to get equality in credit here in this Commonwealth, one must have to possess an operator's license, because if one does not, then he will be denied the opportunity for equality in getting a credit transaction?

Mr. SALVATORE. All I am saying to you is that someone should have clear identification that he is the person who is cashing the check, that it is his check. All we are going to do is protect the taxpayer who is being fleeced by people who are manufacturing illicit cards.

Mr. ITKIN. No. What I think, Mr. Speaker, is that what you are proposing is that the Commonwealth get into the business of providing identification to protect those who are engaging in credit transactions, and I think that goes far beyond the requirement of having an operator's license.

An operator's license should have one purpose. That purpose should be to show proof that one has passed the appropriate examination and is able to drive a car. Now the use of the operator's license has gone far afield. Without authority of this General Assembly, it has been used, as you have indicated, as identification in commerce and trade and business, and the failure to have one many times prohibits one from getting the type of service that he or she is entitled to.

And I tell you this, Mr. Speaker: If you go ahead and are successful in having this picture placed on that license, many, many more people will be denied the equality of getting credit, and it will certainly be a discrimination that will be perpetuated by this General Assembly.

Mr. SALVATORE. Well, I think just the opposite will happen.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. RYAN. I rise in support of the amendment, Mr. Speaker.

I could not agree more with Mr. Salvatore. I put this bill in a couple of years ago myself. I think it is the most sensible thing we can do in this General Assembly, first, for the Motor Vehicle Code. The police, when they stop a man, see that the picture does in fact match the driver of that automobile.

Whether Mr. Itkin likes it or not, the department stores issue credit on a driver's license. Mr. Itkin says that we should not do that with a driver's license, yet this very bill provides that a nondriver can secure a driver's license for identification purposes upon payment of the sum of \$1 whether he has passed a driver's test or not. The state and we, by adopting this bill, say that this license is an instrument used in identification.

There are just so many reasons. Mr. Salvatore makes reference to the tavernowners dealing with kids under the age of 21. You cannot tell the age of a kid every time, and they trade those drivers' licenses back and forth like crazy to go in and buy their six-packs of beer.

I think we are absolutely stupid if we fail to adopt this

amendment of Mr. Salvatore's and I strongly urge its adoption.

The SPEAKER pro tempore. The Chair suggests that the members will decide their own stupidity.

Mr. RYAN. I apologize for that remark, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, first of all, nowhere in this amendment does it talk about the State Police taking the photographs. But even if it did, you have 8,400,000 drivers who need to be photographed. If you are willing to provide the additional money to hire additional State Police to take the place of those who are going to have to be photographers, then I say support the amendment.

But I think it is incredible. When you are talking about 160,000 drivers' licenses that would have to be made by 50 State Police barracks in 1 year, you are talking about over 3,000 a week for each barracks. I think that is incredible and I think that is enough reason to defeat the amendment.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I will yield, but I was just going to suggest that we have heard all the arguments and I do not see much sense in rearguing the point. Why do we not just get to the vote?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker. I will be very brief.

We have heard a great deal of talk about the process of taking these pictures and some figures thrown around. I had a relatively brief experience with this type of equipment at the University of Pittsburgh, because we used it for our dormitory students and as part of the food ticket process there.

We are talking about a real mess. That is the best way I can put it. If there is a rational argument for the Department of Transportation and what-have-you to be issuing identification cards—and I am not sure that there is, and I tend to agree with Mr. Itkin's points and some of the other points that were made—but if there is, let us at least leave it up to the Department of Transportation with the shell language to determine a time schedule and determine a process. When we mandate that they must do it in a certain period of time, I think that we are creating a tremendous headache for the department.

As Mr. Ritter pointed out just a few moments ago, we are talking about something like 96,000 man-hours, assuming that we have approximately 500 of these pictures taken every hour; 96,000 man-hours just to take 6 million pictures. And most of the discussion has been predicated on the fact that the State Police or some bureau of the state would be doing this. We are talking about an awful lot of time and expenditure on the part of the state. We are also talking about, I fear, extremely long lines.

Frankly, the Department of Transportation has enough headaches right now. I do not think that we need to get into another problem with PennDOT or the Bureau of Motor Vehicles where we are really in the business of taking pictures and issuing identification cards. We have enough projects and enough programs that help spread the limited number of highway dollars around that we

have. I do not think we should get into, as Mr. Bonetto has suggested, another \$5- or \$6- or \$7-million project.

Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Arthurs.

Mr. ARTHURS. Thank you, Mr. Speaker.

I think we have seen here by what we have heard this afternoon that we are more interested in this identification being used by banks, stores, bars than we are for the Department of Transportation.

Let me say this: If you go into a bank to get a check cashed, they are not interested in the picture; they are interested in comparing the signatures. If you go into a store to pay a bill or to cash a check, they are interested in the signature, not a picture. If these people are really interested in having identification, having pictures, let the banks pay for them; let the stores pay for them. If the Liquor Control Board is interested in them, let them put out the identification, not the Department of Transportation.

I am saying that with the money we are spending here at this particular time, I am more interested in having my potholes and my streets fixed up than I am in having the police do this. We can go on the signatures that are there. Let us defeat this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Whelan.

Mr. WHELAN. Mr. Speaker, very briefly, on the question of Mr. Ritter, in the first place, the department does not have to go out and issue all these new drivers' licenses in 1976-77. They have the discretion to stagger them on birth dates. We leave that discretion up to the department.

The second thing on Mr. Itkin's point is that the bill already provides that if you pay \$5, you can receive an identification card.

The third thing is that if we do not mandate the department to do this, the chances are, as Mr. Ryan introduced this 2 or 3 years ago, it will never get done. And that is why I think we should mandate it to the department. Thank you.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. SALVATORE and BONETTO and were as follows:

YEAS—94

Anderson, J. H.	Halverson	Mebus	Seltzer
Beren	Hamilton, J. H.	Miller, M. E.	Sirianni
Bittle	Hasay	Miller, M. E., Jr.	Smith, E.
Brandt	Haskell	Moehlmann	Smith, L.
Burns	Hayes, D. S.	Mrkonjc	Spencer
Butera	Hayes, S. E.	Mullen	Stahl
Cessar	Hepford	Musto	Stapleton
Cimini	Hill	Myers	Taddonio
Crawford	Hopkins	Noye	Turner
Cumberland	Katz	O'Connell	Ustynoski
Davies	Kelly, J. B.	O'Keefe	Vroon
Deverter	Kistler	Pancoast	Wagner
Dietz	Klingaman	Parker, H. S.	Wansacz
Dinnini	Knepper	Perri	Weidner
Dorr	Kusse	Pitts	Westerberg
Fawcett	Lederer	Polite	Whelan
Fisher	Lehr	Pyles	Wilson
Foster, W.	Levi	Reed	Wilt, R. W.
Gallen	Lynch	Renninger	Wilt, W. W.
Gelsler	Manmiller	Ryan	Worrlow
Giammarco	McClatchy	Salvatore	Wright
Green	McCue	Scheaffer	Yohn
Grieco	McGinnis	Scirica	Zearfoss
Gring	McIntyre		

NAYS—92

Abraham	Gallagher	McCall	Ross
Arthurs	Garza	McLane	Ruggiero
Bellomini	Geesey	Menhorn	Saloom
Bennett	George	Milanovich	Schmitt
Berlin	Gillespie	Milliron	Schweder
Berson	Gillette	Miscevich	Sbane
Bonetto	Gleason	Morris	Shelhamer
Bradley	Goodman	Mullen, M. P.	Shelton
Brunner	Hammock	Novak	Shuman
Caputo	Hutchinson, A.	O'Brien	Shupnik
Cohen	Hutchinson, W.	O'Donnell	Stout
Cole	Irvia	Oliver	Taylor
Cowell	Itkin	Perry	Toll
DeMedio	Johnson, J.	Petrarca	Trello
Dicarlo	Kelly, A. P.	Pievsky	Valicenti
Doyle	Kernick	Pratt	Walsh, T. P.
Dreibelbis	Kolter	Prendergast	Wargo
Eckensberger	Kowalyszyn	Rappaport	Wojdak
Engelhart	LaMarca	Ravenstahl	Yahner
Fee	Laudadio	Renwick	Zeller
Fischer	Laughlin	Rhodes	Zwick
Flaherty	Letterman	Richardson	
Foster, A.	Lincoln	Rieger	Fineman,
Fryer	Manderno	Ritter	Speaker

NOT VOTING—10

Barber	Dombrowski	Greenfield	Thomas
DiDonato	Gleason	McGraw	Zord

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

RECONSIDERATION OF VOTE ON FISHER AMENDMENT TO HOUSE BILL No. 1817

Mr. RITTER moved that the vote by which the Fisher amendment to House bill No. 1817, printer's No. 2873, was agreed to on Tuesday, March 23, 1976, be reconsidered.

Mr. ZWIKL seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

QUESTION OF INFORMATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett. For what purpose does the gentleman rise?

Mr. BENNETT. I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BENNETT. How am I recorded on that vote on the Salvatore amendment?

The SPEAKER pro tempore. You were recorded in the negative.

Mr. BENNETT. In the negative?

The SPEAKER pro tempore. Yes.

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

Mr. RITTER. Mr. Speaker, the Fisher amendment was offered when there were only a few people in the chamber, and somebody said it was agreed to.

Mr. Speaker, there is going to be a uniform citation form issued by the department to all police departments in terms of traffic violations. The Fisher amendment seeks to add to that uniform form as additional informa-

tion, the number of points, if any, to be assessed by the department upon a plea of guilty or conviction.

Now I just think again that that is putting another burden on our police departments to not only have to cite a motorist for violating the Motor Vehicle Code but at the same time to put down the proper number of points that would be assessed if in fact the person was convicted or if he pleaded guilty. I do not really understand the need for that because, for instance, if you do not stop for a school bus with flashing red lights, you get five points, but you also get an additional 30-day suspension and that would not be put on the citation.

So I think we are adding again, as I said, a burden on our police departments which really is not their function. Their function is to arrest someone who violates a provision of this code. In terms of whether or not points are going to be assessed, it seems to me it would be a matter for the department to determine, and if the gentleman or the lady is that concerned about the number of points, they can inquire with the district magistrate.

But I again ask for defeat of this amendment. I am opposed to putting all of these burdens on our police departments.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. FISHER. Mr. Speaker, this amendment had previously been offered and there were not many people on the floor. The reason for it is that I think one of the problems people run into—particularly if the citation is issued in one end of the state on one of the interstate highways—regardless of how much we are increasing the fines under this code, a lot of people find it much more convenient to just send the money in and plead guilty instead of going back to the scene of the offense. Then under Mrs. Crawford's amendment, some 6 months later they are going to find out that a certain number of points were assessed.

All I am saying by this amendment is that there be a space provided on that form for the police officer, when he writes up a citation, to put in 5 points, 4 points, 3 points. I do not think this is much of a burden. The table is going to be right in the Vehicle Code. The police officers are going to know this as well as they know the other provisions. All it is doing is telling the people what potential liability they are going to be running into as far as assessment of points is concerned. Face it: I am convinced that the people are not concerned about how much they are paying for these tickets. If they are caught and they were speeding, they would be glad to pay it. But it is another question when a lot of points are going to be assessed and they might possibly lose their license somewhere down the line.

So it is a simple procedure, and I would urge the members to approve the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, first, I disagree that all the police officers are going to know what all the points are for all of the violations in this code because that is not their job. Their job is to know when a violation is being committed.

The other point is, suppose he puts down the wrong

number of points. Suppose he puts down a lesser number of points than the violation calls for, or more points. What happens then, Mr. Speaker?

Again I repeat to you that police officers have enough to do. The assessment of points should not be a matter of the policeman's information; it ought to be a matter that the individual can ascertain for himself. I think the amendment should be defeated.

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

The yeas and nays were required by Messrs. FISHER and RITTER and were as follows:

YEAS—102

Abraham	Gillette	Lynch	Salvatore
Anderson, J. H.	Greenfeld	Manmiller	Scheaffer
Beren	Grieco	McClatchy	Scirica
Bittle	Gring	McCue	Seltzer
Brandt	Halverson	McGinnis	Sirianni
Burns	Hamilton, J. H.	Mebus	Smith, E.
Butera	Hasay	Menhorn	Smith, L.
Cassar	Haskell	Miller, M. E.	Spencer
Cimini	Hayes, D. S.	Miller, M. E., Jr.	Stahl
Cohen	Hayes, S. E.	Miscevich	Stapleton
Crawford	Hepford	Moehlnann	Taddonio
Cumberland	Hill	Morris	Trello
Davies	Hopkins	Mrkonjc	Turner
Deverter	Hutchinson, W.	Novak	Ustynoski
Dietz	Itkin	Noye	Valicenti
Dininni	Katz	O'Conne!!	Vroon
Dorr	Kelly, J. B.	Pancoast	Wagner
Fawcett	Kernick	Parker, H. S.	Weidner
Fischer	Kistler	Perri	Wilson
Fisher	Klingaman	Pitts	Wilt, R. W.
Flaherty	Knepper	Polite	Wilt, W. W.
Foster, A.	Kowalshyn	Pyles	Worrlow
Foster, W.	Kusse	Reed	Wright
Gallen	Lederer	Renninger	Yohn
Garzia	Lehr	Ryan	Zearfoss
Geesey	Levi		

NAYS—85

Arthur	Giammarco	Mullen	Schmitt
Bellomini	Gillespie	Mullen, M. P.	Schweder
Bennett	Gleeson	Musto	Shane
Berlin	Goodman	Myers	Shelhamer
Berson	Green	O'Brien	Shelton
Bonetto	Hammock	O'Donnell	Shuman
Bradley	Hutchinson, A.	O'Keefe	Stout
Brunner	Irvis	Oliver	Taylor
Caputo	Johnson, J.	Perry	Toll
Cole	Kelly, A. P.	Petrarca	Walsh, T. P.
Cowell	Kolter	Plevsky	Wansacz
DeMedio	LaMarca	Pratt	Wargo
Dicarlo	Laudadio	Prendergast	Wojdak
Doyle	Laughlin	Rappaport	Yahner
Dreibelbis	Letterman	Ravenstahl	Zeller
Eckensberger	Lincoln	Renwick	Zwick
Engelhart	Manderino	Richardson	Westerberg
Fee	McCall	Rieger	Whelan
Fryer	McIntyre	Ritter	
Gallagher	McLane	Ross	Fineman,
Geisler	Milanovich	Ruggiero	Speaker
George	Milliron	Saloom	

NOT VOTING—9

Barber	Gleason	Rhodes	Thomas
DiDonato	McGraw	Shuprik	Zord
Dombrowski			

So the question was determined in the affirmative and the amendment was agreed to.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Whelan. For what purpose does the gentleman rise?

Mr. WHELAN. I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WHEAN. Mr. Speaker, on the Fisher amendment to House bill No. 1817, I inadvertently voted in the negative. I would like the record to show that I would have voted in the affirmative. Thank you.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

RECONSIDERATION OF VOTE ON BONETTO AMENDMENT TO HOUSE BILL No. 1817

Mr. BONETTO moved that the vote by which the Bonetto amendment was agreed to on Tuesday, March 23, 1975, be reconsidered.

Mr. WILSON seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Allegheny, Mr. Bonetto, who moves that an amendment sponsored by himself to House bill No. 1817 in behalf of Mr. Wilson, which was agreed to by a voice vote, be reconsidered.

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

Mr. BONETTO. Mr. Speaker, in all fairness to Mr. Wilson, who originally had placed an amendment in the bill and it was voted, we did not have a reconsideration, but we did have an amendment to rip out what he had done 2 weeks ago and we inadvertently, unintentionally, slipped it through as an agreed-to amendment and Mr. Wilson found out about it.

So now I am backtracking a little bit and asking in this reconsideration that we remove the amendment that I slipped in this morning.

The SPEAKER pro tempore. Does the gentleman from Bucks, Mr. Wilson, agree?

Mr. WILSON. Certainly.

On the question recurring,

Will the House agree to the amendment?

Amendment was not agreed to.

RECONSIDERATION OF VOTE ON MILLER AMENDMENTS, PART I, TO HOUSE BILL No. 1817

Mr. M. E. MILLER, JR. moved that the vote by which Part I of his amendments to House bill No. 1817, printer's No. 2873, was defeated on Tuesday, March 23, 1976, be reconsidered.

Mr. ZEARFOSS seconded the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to Part I of the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. M. E. MILLER, JR. Thank you, Mr. Speaker.

It is late in the evening. Very briefly, this is only the first part of the habitual-offender amendment for the most serious crimes, those outlined in chapter 37 of the code as it exists now.

I had, incidentally, withdrawn formerly the other two sections of the amendment, as agreed to with the gentleman, Mr. Bennett.

I thank you for considering and reconsidering.

The SPEAKER pro tempore. Would the gentleman tell the Chair whether or not we are voting only on the amendment as divided as we originally did?

Mr. M. E. MILLER, JR. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The Chair wishes to advise the members that we are only voting on the first part of the amendment, which requires a 5-year revocation for three violations of the eight enumerated sections within a 5-year period.

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

Mr. WHELAN. Mr. Speaker, I will wait until after this vote is taken.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Mr. Speaker, we did not even get a chance to say whether we are for or opposed to this amendment. You know, this amendment went down to defeat the first time, and I would like to be able to oppose it again.

The SPEAKER pro tempore. The clerk will strike the vote from the board, and the Chair recognizes the gentleman from Allegheny, who will tell us why we should vote "no."

Mr. BONETTO. Maybe to some people, Mr. Speaker, this amendment may sound as if it is a godsend to violators of the law and to tell those people, we are going to penalize you for 5 years. But, Mr. Speaker, as I said before, for the individual who goes out and habitually violates the law, to end up getting a 5-year suspension—or a 5-year revocation; call it what you want—is an awfully harsh way of doing business.

Sometimes you begin to wonder why people do this, but I think that with the penalties established in the code—whereby a man's license is suspended 5 days for every point; he has his license revoked because of drunken driving; the penalty that we do now have for speeding, for example, is \$35 for 5 miles over the speed limit—I think that we have been sufficiently harsh, if you want to call it that. I think we have done the job that was intended for us to do, and I do not think that this type of amendment should be inserted in the code.

Can you imagine taking a man's driver's license away from him for a period of 5 years, particularly if it is an individual who has to go to work, who has to raise a family or has someone in school? I think what we are really doing here is just going overboard and for that reason I am asking every member to reconsider and vote "no" on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Caputo.

Mr. CAPUTO. Mr. Speaker, I, too, oppose this amendment for some of the reasons enumerated heretofore but mostly because our Criminal Code as well as the Vehicle Code assesses and takes into consideration the gravity of the enumerated offenses that are contained in this amendment.

Now we have established penalties, and a revocation for an additional 5 years seems to me an additional penalty that would be imposed despite the fact that the court may think differently. We elect our judges to determine the seriousness of an offense and to announce a penalty commensurate with the offense. This to me seems like a mandatory sentence which does not come under the discretion of the court or the department which is obligated to keep our highways free. I think it is an imposition on their right as well as the court's. I ask for a "no" vote on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, of course we know it is late in the day and it has been a long day, and I congratulate Mr. Bonetto for what he has done in trying to move this bill. But Mr. Bonetto, Mr. Speaker, speaks of something that is harsh. And I realize that a person should not get up at a microphone and get emotional about these kinds of things, but it is harsh to kill somebody; it is harsh to push drugs; it is harsh to do those other things that we are talking about.

If it is harsh for a man to lose his license for 5 years, then so be it. If we can only stop this drug traffic by this kind of amendment, then I think it ought to be passed. Mr. Speaker, I am in favor of it.

On the question recurring,

Will the House agree to Part I of the M. E. Miller, Jr. amendments?

The yeas and nays were required by Messrs. M. E. MILLER, Jr. and Mr. ZEARFOSS and were as follows:

YEAS—108

Table listing names of members who voted 'YEAS' in two columns: Abraham, Anderson, J. H., Bennett, Bittle, Brandt, Burns, Butera, Cessar, Cimmi, Cole, Cowell, Crawford, Davies, Deverter, Dicarolo, Dietz, Dininni, Dorr, Doyle, Eckensberger, Englehart, Fawcett, Fee, Fischer, Fisher, Flaherty, Foster, A., Foster, W., Gallen, Garzia, Geesey, Gillespie, Gillette, Green, Grieco, Gring, Halverson, Hamilton, J. H., Haskell, Hayes, D. S., Hayes, S. E., Hill, Hopkins, Hutchinson, W., Itkin, Katz, Kelly, J. B., Kernick, Knepper, Kowalshyn, Kusse, Lehr, Levi, Lincoln, Lynch, Manmiller, McCall, McClatchy, McCue, Mebus, Menhorn, Miller, M. E., Miller, M. E., Jr., Milliron, Mochlmann, Morris, Novak, Noye, O'Connell, O'Keefe, Pancoast, Parker, H. S., Perri, Pitts, Polite, Pyles, Reed, Renninger, Ritter, Salvatore, Scheaffer, Seltzer, Shelhamer, Shuman, Sirlanni, Smith, E., Smith, L., Stahl, Stapleton, Taddonio, Taylor, Turner, Ustynoski, Vroon, Wagner, Walsh, T. P., Weidner, Westerberg, Whelan, Wilson, Witt, R. W., Witt, W. W., Worrilow, Wright, Yohn, Zearfoss, Zeller, Zwikel

NAYS—79

Table listing names of members who voted 'NAYS' in two columns: Arthurs, Bellomini, Beren, Berlin, Berson, Hammock, Hasay, Hepford, Hutchinson, A., Irviss, Misceovich, Mrkonic, Mullen, Mullen, M. P., Musto, Ryan, Saloom, Schmitt, Schweder, Scirica

Table listing names of members who were present but did not vote in two columns: Bonetto, Bradley, Brunner, Caputo, Cohen, Cumberland, DeMedio, Dreibeibis, Fryer, Gallagher, Geisler, George, Giammarco, Gleeson, Goodman, Greenfield, Johnson, J., Kelly, A. P., Kistler, Klingaman, Koiter, LaMarca, Laudadio, Laughlin, Lederer, Letterman, Manderino, McGinnis, McIntyre, McLane, Milanovich, Myers, O'Brien, O'Donnell, Oliver, Perry, Petrarca, Pievsky, Pratt, Prendergast, Ravenstahl, Renwick, Richardson, Rieger, Ross, Ruggiero, Shane, Shelton, Shupnik, Spencer, Stout, Toil, Trello, Valicenti, Wansacz, Wargo, Wojdak, Yahner, Fineman, Speaker

NOT VOTING—9

Table listing names of members who did not vote in two columns: Barber, DiDonato, Dombrowski, Gleason, McGraw, Rappaport, Rhodes, Thomas, Zord

So the question was determined in the affirmative and Part I of the M. E. Miller, Jr., amendments was agreed to.

The SPEAKER pro tempore. The Chair would like to state for the record that the only thing the members voted on was the first section of Mr. Miller's amendment, which requires a revocation for three violations of the eight enumerated sections.

RECONSIDERATION OF VOTE ON SECOND TADDONIO AMENDMENT TO HOUSE BILL No. 1817

Mr. TADDONIO moved that the vote by which his second amendment to House bill No. 1817, printer's No. 2873, was defeated on Monday, March 22, 1975, be reconsidered.

Mr. ZELLER seconded the motion.

On the question,

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

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Taddonio.

Mr. TADDONIO. Mr. Speaker, this is the amendment which provided that no conviction can be had under radar unless the recorded speed is 6 miles or more in excess of the legal speed limit. I asked for reconsideration because I believe there was some misunderstanding in the House on part of the ramifications of this. There was some concern as to whether or not Federal highway moneys would be withheld in this regard. I checked with the Federal Highway Administration, and currently all 50 states have certified that they are enforcing the 55-mile-an-hour speed limit, and this has been accepted by the Federal Highway Administration.

Furthermore, I have before me a copy of the Federal Register which deals with the national maximum speed limit, and I will just read an excerpt from it for you to tell you what the spirit of the Federal regulations are.

Several comments objected to what was seen as a Federal assumption that the States could not be trusted to enforce the speed limit. The objection stems from a belief that the proposed requirements for enforcement and speed monitoring data would not be necessary if the Federal gov-

ernment intended to accept the States' certificates of enforcement in good faith.

In proposing the data requirements, the Department acted with the knowledge that the 55 mph enforcement had been diligently pursued by the States in 1974, and with the expectation that these efforts would continue.

And this is important. It says:

Without exception, the States' comments affirmed their intent to maintain enforcement despite adversity.

In other words, the Federal Government is concerned that we are enforcing this 55-mile-an-hour speed limit the same way we enforced the 65-mile-an-hour speed limit, which is exactly what we have done.

The other concern that we have as far as should the Federal Government even desire to do a sanction against us, they would have a difficult time in the way of withdrawing funds. I cite as an example the case of the motorcycle helmet law where the Federal Government tried to withdraw funds from California, Illinois and Utah for not having adequate motorcycle helmet laws, and they were unsuccessful in this attempt.

I ask for an affirmative vote on this amendment that restores the code back to its present provisions which would leave a 6-mile-an-hour leeway on radar.

Thank you.

The SPEAKER pro tempore. Does the gentleman happen to have an extra copy of his amendment to send to the desk since they may have been destroyed?

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

Mr. BONETTO. Mr. Speaker, regardless of what Mr. Taddonio just read when he said that we in Pennsylvania or any other state could go to 6 miles per hour over the speed limit and permit that, we would be somewhat disloyal to what the Federal Government wants.

Everybody is trying to comply with the Federal statute that 55 miles an hour is the speed limit. There is a question of certification of this code, and to do what Mr. Taddonio wants us to do would be a disloyalty to that concept of 55 miles an hour. Now this may be done on local streets but not on the interstate system nor on the limited-access highways.

I ask that this amendment be voted down. Let us comply with the Highway Safety Act of 55 miles an hour and we will be safe. We will not have to worry about whether or not the Federal Government is going to penalize the Commonwealth. It is that easy. And we do not need the grace of 6 miles per hour over the speed limit. If we can comply with that 55 miles an hour, all of us will be better off. So I ask a negative vote on the amendment.

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

The yeas and nays were required by Messrs. TADDONIO and ZELLER and were as follows:

YEAS—101

Anderson, J. H.	Geisler	McCall	Serica
Beren	Goodman	McClatchy	Seltzer
Bittie	Grieco	McCue	Shelhamer
Brandt	Halverson	McGinnis	Shuman
Burns	Hamilton, J. H.	Mebus	Sirianni

Butera	Hasay	Menhorn	Smith, E.
Cessar	Haskell	Miller, M. E.	Smith, L.
Cimini	Hayes, D. S.	Miller, M. E., Jr.	Spencer
Cole	Hayes, S. E.	Miscevich	Stahl
Cowell	Hepford	Moehlnann	Taddonio
Crawford	Hill	Morris	Taylor
Cumberland	Hopkins	Mrkonic	Trello
Davies	Hutchinson, W.	Mullen	Turner
Deverter	Itkin	Novak	Ustynoski
Dietz	Katz	Noye	Vroon
Dininni	Kelly, J. B.	O'Brien	Walsh, T. P.
Dorr	Kernick	O'Connell	Weidner
Eckensberger	Klingaman	Parker, H. S.	Whelan
Englehart	Knepper	Perri	Wilson
Fawcett	Kusse	Pitts	Wilt, R. W.
Fisher	Lehr	Pyles	Wilt, W. W.
Foster, A.	Levi	Renninger	Worrilow
Foster, W.	Lincoln	Ryan	Wright
Fryer	Lynch	Salvatore	Yohn
Gallen	Manmiller	Scheaffer	Zeller
Geesey			

NAYS—85

Abraham	Gillespie	Milliron	Saloom
Arthurs	Gillette	Mullen, M. P.	Schmitt
Bellomini	Gleeson	Musto	Schweder
Bennett	Green	Myers	Shane
Berlin	Greenfield	O'Donnell	Shelton
Berson	Hammock	O'Keefe	Shupnik
Bonetto	Hutchinson, A.	Oliver	Stapleton
Bradley	Irvs	Pancoast	Stout
Brunner	Johnson, J.	Perry	Toll
Caputo	Kelly, A. F.	Petrarca	Valicenti
Cohen	Kistler	Pievsky	Wagner
DeMedio	Kolter	Polite	Wansacz
Dicarlo	Kowalshyn	Pratt	Wargo
Doyle	LaMarca	Prendergast	Westerberg
Dreibelbis	Laudadio	Ravenstahl	Wojdak
Fee	Laughlin	Reed	Yahner
Fischer	Lederer	Renwick	Zearfoss
Flaherty	Letterman	Richardson	Zwinkl
Gallagher	Manderino	Rieger	
Garzia	McIntyre	Ritter	Fineman, Speaker
George	McLane	Ross	
Giannarco	Milanovich	Ruggiero	

NOT VOTING—10

Barber	Gleeson	Rappaport	Thomas
DiDonato	Gring	Rhodes	Zord
Dombrowski	McGraw		

So the question was determined in the affirmative and the amendment was agreed to.

RECONSIDERATION OF VOTE ON
ECKENSBERGER AMENDMENT
TO HOUSE BILL No. 1817

Mr. BONETTO moved that the vote by which the Eckensberger amendment to House bill No. 1817, printer's No. 2873, was agreed to on Tuesday, March 23, 1975, be reconsidered.

Mr. ARTHURS seconded the motion.

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

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

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Allegheny, Mr. Bonetto.

Mr. BONETTO. Once again, Mr. Speaker, we inserted in the code the subject of careless driving. We do have in the code reckless driving. To eliminate the careless-driving part of the code as it is now would mean that any negligence upon the highways of the Commonwealth would be classified as reckless.

If you were apprehended under a reckless-driving charge on the first offense, it is a summary offense, and I think it is a \$200 fine and a 6-month revocation of your

license. On the second offense it is a misdemeanor. But to continue the careless-driving section of the bill, it would mean that you would receive points plus a \$25 fine, and I think it is the proper way of doing it. I suggest that we retain that in the code and vote "no" on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Eckensberger.

Mr. ECKENSBERGER. Mr. Speaker, I ask that all the members support the amendment as they did previously, and I incorporate all the arguments that we gave in support of the amendment earlier by reference and add two additional arguments that were not given.

First, with regard to all of the serious crime that is being committed in the Commonwealth and which is going either unapprehended or undetected or unpunished, it would seem to me that to visit upon the average citizen the potential of being arrested for ordinary negligence does not make sense in this day and age. I think that the police ought to be more concerned with serious crime rather than to have this kind of offense placed in the law as a new crime.

Secondly, this particular crime, if enacted, would provide an abundance of work for lawyers, and if you favor that notion, then you should vote against this amendment. I suggest you vote for it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, again I urge this assembly to not consider ourselves supermen and superwomen and to recognize some of the human frailties and human error that can occur.

We are saying, by adopting only the reckless-driving provision, that everyone is wanton and willful in their action when they violate the code in some manner which requires them to get a ticket under this section. I think there is such a situation of slight negligence, of slight carelessness, human error. I do not think the fine should be \$200; I do not think the fine should be \$500. I think we should be understanding, compassionate, and give our citizens a break when it is of a minor careless nature.

The reckless-driving clause would be a catchall for all the police to put in anyone who they think has made a violation of the code in their judgment, other than those who are enumerated here previously, and I think that we would be foolish to strap the citizens of this Commonwealth with that kind of offense and that kind of penalty when there is a minor careless violation of the code.

Thank you, Mr. Speaker.

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

The yeas and nays were required by Messrs. BONETTO and ECKENSBERGER and were as follows:

YEAS—62

Bittle	Goodman	McIntyre	Schweder
Brandt	Green	McLane	Scrica
Burns	Grieco	Menhorn	Seltzer
Butera	Gring	Moehlmann	Shelhamer
Cimini	Halverson	Morris	Shelton
Cumberland	Hayes, D. S.	Mrkonic	Shuman
Davies	Hepford	Musto	Taylor
Dorr	Hill	Myers	Turner
Doyle	Hopkins	Noye	Ustynoski
Dreibelbis	Hutchinson, W.	O'Brien	Wagner

Eckensberger	Itkin	O'Connell
Englehart	Kernick	Polite
Fisher	Kistler	Renninger
Fryer	Klingaman	Rieger
Garzia	Kusse	Ryan
Gillespie	Levi	

Wansacz
Wilson
Wright
Yohn
Zeller

NAYS—121

Abraham	George	McGinnis	Schmitt
Anderson, J. H.	Giammarco	Mebus	Shane
Arthurs	Gillette	Milanovich	Shupnik
Bellomint	Gleeson	Miller, M. E.	Sirianni
Bennett	Greenfield	Miller, M. E., Jr.	Smith, E.
Beren	Hamilton, J. H.	Milliron	Smith, L.
Berlin	Hasay	Miscevich	Spencer
Berson	Haskell	Mullen	Stapleton
Bonetto	Hayes, S. E.	Mullen, M. P.	Stahl
Bradley	Hutchinson, A.	Novak	Stout
Brunner	Irvis	O'Donnell	Taddonio
Caputo	Johnson, J.	O'Keefe	Toll
Cessar	Katz	Oliver	Trello
Cohen	Kelly, A. P.	Pancoast	Valicenti
Cole	Kelly, J. B.	Parker, H. S.	Vroon
Cowell	Knepper	Perri	Walsh, T. P.
Crawford	Kolter	Perry	Wargo
DeMedio	Kowalyshyn	Petrarca	Weidner
Deverter	LaMarca	Pievsky	Westberg
Dicarlo	Laudadio	Pitts	Whelan
Dietz	Laughlin	Pratt	Wilt, R. W.
Dininni	Lederer	Prendergast	Wilt, W. W.
Fawcett	Lehr	Pyles	Wojdak
Fee	Letterman	Ravenstahl	Worriow
Fischer	Lincoln	Reed	Yahner
Flaherty	Lynch	Renwick	Zearfoss
Foster, A.	Manderino	Ritter	Zwickl
Foster, W.	Manmiller	Ross	
Gallagher	McCall	Saloom	Fineman,
Gallen	McClatchy	Salvatore	Speaker
Geesey	McCus	Scheaffer	

NOT VOTING—13

Barber	Gleason	Rappaport	Ruggiero
DiDonato	Hammock	Rhodes	Thomas
Dombrowaki	McGraw	Richardson	Zord
Geisler			

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

QUESTION OF INFORMATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Wilt. For what purpose does the gentleman rise?

Mr. W. W. WILT. I rise to a question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. W. W. WILT. Will you give us an idea as to about how much longer we will be?

The SPEAKER pro tempore. If everything goes good, about 20 minutes.

Mr. W. W. WILT. Thank you.

RECONSIDERATION OF VOTE ON
SALVATORE AMENDMENT
TO HOUSE BILL No. 1817

Mr. IRVIS moved that the vote by which the Salvatore amendment to House bill No. 1817, printer's No. 2873, was agreed to on Tuesday, March 23, 1975, be reconsidered.

Mr. WOJDAK seconded the motion.

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

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

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?

Mr. RITTER. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. After this second reconsideration, or the first one, does this not require the suspension of the rules?

Even though I voted against the Salvatore amendment, I think this is getting to be ridiculous and I ask that the rules be enforced, and they have to be waived in order to have it reconsidered again.

The SPEAKER pro tempore. Under rule 26 of the rules of the House, "No question defeated shall be twice reconsidered."

This question was not defeated. Therefore, the motion of the gentleman is in order, and we will have one more vote.

The Chair recognizes the gentleman from Lebanon, Mr. Seltzer.

Mr. SELTZER. Mr. Speaker, are you saying that the motion was not defeated twice?

The SPEAKER pro tempore. No; the question was whether or not the amendment would be approved. It was not defeated twice; it was approved twice. Therefore, the motion to reconsider the approval is in order.

I can give it to you again. The question was whether or not the amendment would be approved. The question was approved twice but not defeated twice. The rule, under rule 26, prohibits reconsideration after two defeats, not after two victories. And the motion is in order.

Mr. SELTZER. Mr. Speaker, the question has been defeated on two separate occasions today. The question has been before this House—the House has decided on two separate occasions on the question. This would be the third attempt, Mr. Speaker, to do what has already been twice defeated by this House.

The SPEAKER pro tempore. No. The gentleman is incorrect.

RULING OF CHAIR APPEALED

Mr. SELTZER. I appeal the ruling of the Chair.

The SPEAKER pro tempore. Rule 26 provides that "No question defeated shall be twice reconsidered." The question was whether the amendment would pass. It was not defeated twice; it won twice. Therefore, the motion is in order. However, the gentleman from Lebanon has appealed the ruling of the Chair.

SPEAKER REQUESTED TO PRESIDE

The SPEAKER pro tempore. The Chair requests that the real Speaker come up here and defend my position.

The Chair relinquishes the Chair to the Speaker.

**THE SPEAKER (Herbert Fineman)
IN THE CHAIR****PARLIAMENTARY INQUIRY**

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Zearfoss. For what purpose does the gentleman rise?

Mr. ZEARFOSS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZEARFOSS. Mr. Speaker, give the ruling of the Speaker pro tempore, does this mean that if a vote succeeds, it can be reconsidered ad infinitum without any limitation until the vote fails?

The SPEAKER. As long as the measure is in the physical control of the House, the House may reconsider a vote on final passage.

Mr. ZEARFOSS. As long as it is passed in the affirmative, it can be reconsidered forever.

The SPEAKER. That is correct.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

The SPEAKER. The ruling of the temporary Speaker was an absolutely correct ruling.

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

Mr. SALVATORE. Mr. Speaker, I would like to have a roll-call vote then, with only the members in their seats voting.

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, if that be the case, then I would ask that the roll be kept open and that every member who is within the sound of my voice return to the floor, that the members' offices be called, both Republican and Democratic, so that we can have them all present.

APPEAL OF RULING WITHDRAWN

The SPEAKER. Will the gentleman, Mr. Seltzer, reconsider his request on the appeal since we are voting and the vote will be the same whether we vote on the appeal or vote on the amendment?

Mr. SELTZER. Mr. Speaker, I will yield.

The SPEAKER. The Chair thanks the gentleman.

Now the question recurs, Will the House agree to the amendment offered by the gentleman, Mr. Salvatore?

Mr. SALVATORE. Mr. Speaker, I will bow to the wishes of the Chair. You want to run it now.

I would just like to know, what is the opposite of win?

Mr. IRVIS. Easy—lose.

Mr. SALVATORE. That is what you just did—twice.

The SPEAKER. Does the gentleman desire to run his amendment?

Mr. SALVATORE. Run it.

The SPEAKER. The gentleman, Mr. Salvatore, has offered an amendment.

Only those members in their seats will be permitted to be recorded.

(A roll-call vote was taken.)

VOTE RETAKEN

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I would like the opportunity to challenge some empty seats before you announce the roll call.

The SPEAKER. The clerk will strike the vote from the board.

Let the Chair repeat the previous instructions, that only those members in their seats will be permitted to be recorded.

ROLL CALL CHALLENGES

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I refrained from voting Mr. Butera. I wonder if someone would refrain from voting Mr. Manderino, or I will put Bob on. You know, I do not care.

Now I am going to ask some of my colleagues to give me a hand because I am a little nearsighted here, or farsighted.

Yes, well, you come over here, Amos, and a couple of our guys will go over there, but I just see a bunch of empty seats.

Is Mr. Mullen on the floor of the House and voting? Mr. LaMarca?

Will Mr. Mullen please be removed, Mr. Speaker?

Mr. LaMarca, please, Mr. Speaker?

Mr. Bellomini and Mr. Ruggiero?

The SPEAKER. Oh, there is Mr. Manderino.

Mr. RYAN. Mr. Speaker, would you instruct someone to remove Mr. Mullen's name from the roll call?

The SPEAKER. Will someone remove Mr. Martin Mullen's name from the roll call, please?

Mr. RYAN. Mr. LaMarca, please. Mr. Berson. Mr. Bellomini. And I would ask one of my colleagues from the same county of a different party to stop playing with one of the switches.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster. For what purpose does the gentleman rise?

Mr. A. C. FOSTER. Out of fiscal integrity I have voted against this amendment, but if we do not get an honest count, I am going to go to the affirmative.

The SPEAKER. We are trying to arrive at an honest count, and that is why the Chair has kept this vote open, Mr. Foster.

Mr. RYAN. Mr. Speaker, I have asked about four times for LaMarca, Bellomini, and Berson.

The SPEAKER. Will someone remove Mr. LaMarca's vote from the board, and Mr. Berson's?

Mr. RYAN. And Marty Mullen?

The SPEAKER. Mr. Gallagher, will you be good enough to remove Mr. Mullen's vote from the board, please? Just do me a favor and remove his name from the board.

Mr. RYAN. Mr. LaMarca is still on, I understand.

The SPEAKER. Will someone who is seated next to Mr. LaMarca please remove his name from the board?

Mr. RYAN. Mr. Prendergast, would you be kind enough to remove Mr. LaMarca's name from the board?

Mr. Speaker, this is ridiculous. It really is.

The SPEAKER. Will the gentleman, Mr. Prendergast, please remove Mr. LaMarca's vote?

Mr. RYAN. Would you instruct a page to do it then?

Is Mr. Trello on the floor of the House? Mr. Trello?

The SPEAKER. Is Mr. Trello recorded?

Mr. RYAN. He is.

The SPEAKER. Gentlemen, this is not an exercise that reflects any credit on this House.

I would ask, please, that only those members who are here be recorded and no one else, and that is for both sides of the aisle. Let this question be decided strictly on the basis of the votes of those members who are here.

Mr. RYAN. Mr. Speaker, Mr. Stout.

The SPEAKER. Is Mr. Stout in the hall of the House?

Mr. RYAN. Mr. Speaker, I have challenged Mr. Stout.

The SPEAKER. Will anyone vouch for Mr. Stout's presence at the time the vote was recorded?

Please strike Mr. Stout's vote from the board.

Mr. RYAN. Mr. Shelton. I apologize. That is not bad—1 for 15.

Mr. Lederer and Mr. Greenfield, Mr. Speaker.

I would also ask that the members take their seats. It is getting tough.

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye. For what purpose does the gentleman rise?

Mr. NOYE. Mr. Speaker, this is absolutely ridiculous. I ask for an oral roll-call vote.

The SPEAKER. We are not going to proceed with an oral roll call. The rules of the House provide for an electronic roll call, Mr. Noye.

The Chair recognizes the lady from Susquehanna, Miss Sirianni. For what purpose does the lady rise?

Miss SIRIANNI. Mr. Noye would be worse off with a roll-call vote.

The SPEAKER. You tell him, Carmel.

Miss SIRIANNI. How would we know who was saying "yes" or "no"?

Mr. RYAN. Mr. Speaker, Mr. Martin Mullen is back on. He has been reincarnated.

The SPEAKER. Mr. Ryan, are there any other names you care to challenge?

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. IRVIS and SALVATORE and were as follows:

YEAS—69

Anderson, J. H.	Geesey	Lynch	Scheaffer
Bittle	Grieco	Manmiller	Scirica
Brandt	Halverson	McCue	Saltzer
Cessar	Hamilton, J. H.	McGinnis	Sirianni
Citrini	Hasay	Mebus	Smith, E.
Crawford	Hayes, S. E.	Miller, M. E., Jr.	Smith, L.
Cumberland	Hepford	Moehlmann	Spencer
Davies	Hill	Noye	Taddonio
Deverter	Hopkins	O'Connell	Turner
Dorr	Hutchinson, W.	O'Keefe	Wagner
Dietz	Kelly, J. B.	Pancoast	Weidner
Eckensberger	Kistler	Parker, H. S.	Westerberg
Fawcett	Klingaman	Pitts	Whelan
Fischer	Knepper	Polite	Wilson
Fisher	Kusse	Pyles	Wilt, W. W.
Foster, W.	Lehr	Ryan	Worrlow
Fryer	Levi	Salvatore	Zearfoss
Gallen			

NAYS—77

Abraham	George	Miscevich	Ross
Arthurs	Giammarco	Morris	Saloom
Bennett	Gillespie	Mrkonjc	Schmitt
Berlin	Gillette	Mullen	Shelhamer
Bonetto	Green	Musto	Shelton
Bradley	Hutchinson, A.	Myers	Stapleton
Brunner	Irvis	Novak	Taylor
Caputo	Itkin	O'Brien	Toll
Coben	Johnson, J.	Oliver	Valicenti
Cole	Kelly, A. P.	Perry	Walsh, T. P.
Cowell	Kernick	Petrarca	Wansacz
DeMedio	Laughlin	Pievsky	Wargo
Dicarlo	Letterman	Pratt	Wojdak
Dreibelbis	Lincoln	Prendergast	Yahner
Englehart	Manderino	Ravenstahl	Zeller
Flaherty	McCall	Reed	Zwikel
Foster, A.	McLane	Renwick	
Gallagher	Menhorn	Richardson	Fineman,
Garzia	Milanovich	Rieger	Speaker
Geisler	Milliron	Ritter	

NOT VOTING—50

Barber	Goodman	McGraw	Shuman
Bellomino	Greenfield	McIntyre	Shupnik
Beren	Gring	Miller, M. E.	Stahl
Berson	Hammock	Mullen, M. P.	Stout
Burns	Haskell	O'Donnell	Thomas
Butera	Hayes, D. S.	Ferri	Trello
DiDonato	Katz	Rappaport	Ustynowski
Dininni	Koiter	Renninger	Vroon
Dombrowski	Kowalshyn	Rhodes	Wilt, R. W.
Doyle	LaMarca	Ruggiero	Wright
Fee	Laudadio	Schweder	Yohn
Gleason	Lederer	Shane	Zord
Gleason	McClatchy		

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

The SPEAKER. The Chair wishes to make the observation that we have engaged in a bit of futility because an examination of the earlier vote discloses the fact that the amendment did not carry.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Stout. For what purpose does the gentleman rise?

Mr. STOUT. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. STOUT. Mr. Speaker, I would like to be recorded in the negative on the last vote on the Salvatore amendment to House bill No. 1817.

The SPEAKER. The gentleman's remarks will be noted for the record.

On the question recurring,

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

Bill as amended was agreed to.

Ordered, That the bill as amended be prepared for final passage.

HOUSE BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor and the same being correct, the titles were read:

HOUSE BILL No. 749

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes relating to breach of privacy of telephone communications.

HOUSE BILL No. 826

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the satisfaction of requirement of intent when voluntary intoxication or drugged condition exists.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

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

Mr. BONETTO. Mr. Speaker, that concludes the amendments except one that we are going to be waiting for, for a report on Mr. Pratt's amendment tomorrow morning. Other than that, I do not have any further amendments.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer. For what purpose does the gentleman rise?

Mr. SELTZER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SELTZER. Mr. Speaker, under the Speaker pro tempore's prior ruling, I would then understand that this amendment would again be eligible for offering tomorrow because it has only been once defeated as of now. Am I correct, sir?

The SPEAKER. The Chair would believe that is a correct interpretation.

Mr. SELTZER. Thank you, Mr. Speaker.

BILLS ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **House bill No. 219, printer's No. 1415**, entitled:

An Act prohibiting the right to condemn prime agricultural lands for certain purposes.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1571, printer's No. 2918**, entitled:

An Act amending "The Landlord and Tenant Act of 1951," approved April 6, 1951 (P. L. 69, No. 20), providing for a warranty of habitability to be deemed a part of every written or parol license, lease or rental agreement and establishing standards for minimum living conditions to be provided by licensors and landlords.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 1643, printer's No. 2919**, entitled:

An Act providing for emergency medical personnel; employment of emergency medical personnel and emergency communications in coal mines.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

Agreeable to order,

The House proceeded to second consideration of **House bill No. 2124, printer's No. 2753**, entitled:

An Act amending the act of August 5, 1932 (Sp. Sess. P. L. 45, No. 45), entitled, as amended, "An act empowering cities of the first class to levy, assess and collect or to provide for the levying, assessment and collection of certain additional taxes for general revenue purposes; ***," further providing for the rate of taxation on certain individuals.

And said bill having been considered the second time and agreed to,

Ordered, to be transcribed for third consideration.

BILLS AND RESOLUTIONS NOT CALLED UP

The SPEAKER. Remaining bills and resolutions on today's calendar are not called up.

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

Mr. ZEARFOSS. Mr. Speaker, I had remarks that I wanted to make tonight, but because of the hour I would like to be called on tomorrow at some early time.

The SPEAKER. The Chair thanks the gentleman.

WELCOMES

The SPEAKER. The Chair is pleased to welcome a group of third grade students from the Rutherford Elementary School. They are here as the guests of the gentleman, Mr. Dininni.

There is also a group of eighth grade students from St. Ignatius Loyola School in Whitfield, Pennsylvania, with Sister Patricia, their teacher. They are here as the guests of the gentleman, Mr. Davies from Berks.

The Chair welcomes a tour group from the Hanover, Pennsylvania, YWCA—Young Women's Christian Association. This group is here as the guest of the gentleman from York, Mr. Dorr and Mr. Foster.

The Chair is pleased to announce at this time the presence of Mr. and Mrs. Ellis Phillips from Northumberland County. They are the guests of Messrs. Shelhamer and Wagner.

The Chair is also pleased to announce the presence of Magistrate Ronald Swank, the guest of Mr. Hasay.

At this time the Chair would pause for a moment to recognize visitors who are students at Fleetwood High School, which is in my own Berks County. They are

here with their teacher, Mr. Dennis Krauss, and they are the guests of the gentleman from Berks, Mr. Fryer.

At this time, gentlemen, the Chair would deliberate and recognize 18 fourth grade students from Alburdis Elementary School in Lehigh County. The students are here with their teacher, Ms. Romaine Burnhouser. They are the guests of the gentleman from Lehigh, Mr. Zeller.

I would also at this time take pleasure in announcing the presence of the daughter of one of our more distinguished Representatives, Mr. Turner. His lovely daughter, who is a neighbor of mine, Debbie Shearer, is here.

There are students here from Lehigh Parkway School in Allentown, accompanied by their teacher, Mr. Edward Smith. They are the guests of the Lehigh County delegation.

While we are waiting, the Chair would like to recognize the presence in the hall of the House of the very distinguished county commissioner from Allegheny County, a former member of the House of Representatives of Pennsylvania and former chairman of the Committee on Conservation, Mr. Tom Forester.

ADJOURNMENT

Mr. GIAMMARCO moved that this House do now adjourn until Wednesday, March 24, 1976, at 9:30 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 6:52 p.m., e.s.t.) the House adjourned.