

# Legislative Journal

WEDNESDAY, JULY 13, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 60

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

### PRAYER

REVEREND MATTHEW DALY, pastor of St. Lawrence's Church, Albion, Pennsylvania, guest chaplain and guest of the gentleman from Erie, Mr. Hayes, offered the following prayer:

Let us call upon God, our eternal Father.

Almighty Father, in this new day of deliberation, we call upon You for Your all-wise guidance and direction. We recognize that we have no power of our own. It all comes from You as You delegate it to us. Let us handle this power of governing with humility and prudence, therefore, as we direct ourselves to the vital concerns of our fellowmen. Let us recognize that our legislation affects not inanimate images but human lives who wait for us to respond to their needs.

I, in my role as one of Your chosen ministers, and these men, as elected representatives of the people, share awesome responsibilities.

In these days of debate over budgets and taxation, let us be acutely aware that facts and figures are not the ultimate goal, but human lives, some of which are destitute or at least in great need, some are hopelessly hospitalized, some physically helpless or mentally deficient, some representative of the most dire needs of complicated man. Let these men of government respond today and without delay so that the affairs of state can continue with progress and the dignity of man can be upheld with honor. Let not personal pride or undue aspiration hinder humanity's interests. Let Your scales of justice be adequately balanced so that our legislators' decisions will be mightily guided by Your arm of power and Your superabundance of love. With sincerity and urgency we pray. Amen.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, July 12, 1977, will be postponed until printed.

### GUEST CHAPLAIN'S FAMILY WELCOMED

The SPEAKER. The Chair is honored today to be able to present to the members of the House of Representatives not just Father Matthew Daly but the parents of Father Matthew Daly, who are here as the guests of the gentleman from Erie and here as the guests of the members of the House of Representatives.

Will Mr. and Mrs. Daly please rise?

We thank you very, very much for sending us your son. We are honored to have you here as our guests. We hope you will enjoy your visit.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker advises all those within hearing of his voice that he is about to take up the master roll call. The members are advised to report immediately to the floor of the House.

Those members physically present will proceed to vote.

The following roll call was recorded:

#### YEAS—196

Abraham	Gamble	Manmiller	Scheaffer
Anderson	Garzia	McCall	Schmitt
Armstrong	Gatski	McClatchy	Schweder
Arthurs	Geesey	McGinnis	Scirica
Barber	Geisler	McIntyre	Seltzer
Bellomini	George, C.	McLane	Shuman
Bennett	George, M.	Mebus	Shupnik
Berlin	Giammarco	Meluskey	Sirianni
Bittinger	Gillette	Milanovich	Smith, E.
Bittle	Gleeson	Miller	Smith, L.
Borski	Goebel	Milliron	Spencer
Brandt	Goodman	Miscevich	Spitz
Brown	Gray	Moehlmann	Stairs
Brunner	Greenfield	Morris	Stapleton
Burd	Greenleaf	Mowery	Stewart
Burns	Grieco	Mrkonic	Suban
Butera	Halverson	Mullen, M. P.	Sweet
Caltagirone	Hamilton	Mullen, M. M.	Taddonio
Caputo	Harper	Musto	Taylor, E.
Cassidy	Hasay	Novak	Taylor, F.
Cessar	Haskell	Noye	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, B.	Thomas
Cimini	Hayes, S. E.	O'Brien, D.	Trello
Cohen	Helfrick	O'Connell	Valicenti
Cole	Hoeffel	O'Keefe	Vroon
Cowell	Honaman	Oliver	Wagner
Davies	Hopkins	Pancoast	Wansacz
DeMedio	Hutchinson, A.	Parker	Wargo
DeVerter	Hutchinson, W.	Petrarca	Wass
DeWeese	Itkin	Piccola	Weidner
DiCarlo	Johnson	Pievsky	Wenger
Dietz	Jones	Pitts	White
Diminni	Katz	Polite	Wiggins
Dombrowski	Kelly	Pott	Williams
Donatucci	Kernick	Pratt	Wilson
Dorr	Klingaman	Prendergast	Wilt
Doyle	Knepper	Pyles	Wise
Duffy	Kolter	Rappaport	Wright, D.
Dumas	Kowalshyn	Ravenstahl	Wright, J. L.
Englehart	Laughlin	Reed	Yahner
Fee	Lehr	Renwick	Yohn
Fischer, R. R.	Letterman	Rhodes	Zearfoss
Fisher, D. M.	Levi	Richardson	Zeller
Flaherty	Lincoln	Rieger	Zitterman

Foster, A.	Livengood	Ritter	Zord
Foster, W.	Logue	Ruggiero	Zwikl
Freind	Lynch	Ryan	
Fryer	Mackowski	Salvatore	Irvis,
Gallagher	Madigan	Scanlon	Speaker
Gallen	Manderino		

NAYS—0

NOT VOTING—4

Beloff	Berson	O'Donnell	Shelton
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The SPEAKER. One hundred ninety-six members having indicated their presence, a master roll is established.

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE**

The clerk of the Senate returned **HOUSE BILL NO. 207**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

**SENATE MESSAGE**

**AMENDED SENATE BILL CONCURRED IN**

The clerk of the Senate informed that the Senate has concurred in House amendments to **SENATE BILL NO. 871**.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I do not have any requests for leaves of absence today.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority caucus chairman.

Mr. S. E. HAYES. We have no requests for leaves, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**COMMITTEE CHAIRMEN'S REPORTS PRESENTED**

The SPEAKER. The Chair now calls upon all committee chairmen to submit the reports of attendance and votes for their committee meetings held last week. The Chair urges all committee chairmen to send those reports for the week of July 5 immediately to the desk.

**CALENDAR**

**STATE GOVERNMENT BILL ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **House bill No. 751, printer's No. 1729**, entitled:

An Act amending the "Civil Service Act" approved August 5, 1941 (P. L. 752, No. 286), further providing for the holding of examinations.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. GREENFIELD offered the following amendment:

Amend Sec. 1 (Sec. 503.1), page 2, line 4, by striking out "in" and inserting for

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

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

Mr. GREENFIELD. Mr. Speaker, this amendment is to take care of a situation brought to our attention by Representative DiCarlo.

What it does is, it changes the word "in," meaning that the examinations will be given in a particular region where job vacancies exist, to the word "for" the region where only certain jobs exist. The examination will be given throughout the 14 civil service regional districts so that anyone can take the examination, but there will be the understanding that the jobs are only available in that particular location which is defined. I urge a positive vote.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, I support the Greenfield amendment and would support final passage of the bill.

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

The following roll call was recorded:

YEAS—191

Abraham	Gallen	Mackowski	Scheaffer
Anderson	Gamble	Madigan	Schmitt
Armstrong	Garzia	Manderino	Schweder
Arthurs	Gatski	Manmiller	Scirica
Barber	Geesey	McCall	Seltzer
Bellomini	Geisler	McIntyre	Shuman
Bennett	George, C.	McLane	Shupnik
Berlin	George, M.	Mebus	Sirianni
Berson	Giammarco	Meluskey	Smith, L.
Bittinger	Gillette	Milanovich	Spencer
Bittle	Gleeson	Miller	Spitz
Borski	Goebel	Milliron	Stairs
Brandt	Goodman	Miscevich	Stapleton
Brown	Gray	Moehlmann	Stewart
Brunner	Greenfield	Morris	Stuban
Burd	Greenleaf	Mowery	Sweet
Burns	Grieco	Mrkonic	Taddonio
Butera	Halverson	Mullen, M. P.	Taylor, E.
Caltagirone	Hamilton	Mullen, M. M.	Taylor, F.
Caputo	Harper	Musto	Tenaglio
Cassidy	Hasay	Novak	Thomas
Cessar	Haskell	Noye	Trello
Cianciulli	Hayes, D. S.	O'Brien, B.	Valicenti
Cimini	Hayes, S. E.	O'Brien, D.	Vroon
Cohen	Helfrick	O'Connell	Wagner
Cole	Hoefel	O'Keefe	Wansacz
Cowell	Honaman	Oliver	Wargo
Davies	Hopkins	Pancoast	Wass
DeMedio	Hutchinson, A.	Parker	Weidner
DeVertter	Hutchinson, W.	Petrarca	Wenger
DeWeese	Itkin	Piccola	White
DiCarlo	Johnson	Pievsky	Wiggins
Dietz	Jones	Pitts	Williams
Dininni	Katz	Polite	Wilson

Dombrowski	Kelly	Pott	Wilt
Dorr	Kernick	Pratt	Wise
Doyle	Klingaman	Prendergast	Wright, D.
Duffy	Knepper	Pyles	Wright, J. L.
Dumas	Kolter	Ravenstahl	Yahner
Englehart	Kowalyshyn	Reed	Yohn
Fee	Laughlin	Renwick	Zearfoss
Fischer, R. R.	Lehr	Richardson	Zeller
Fisher, D. M.	Letterman	Rieger	Zitterman
Flaherty	Levi	Ritter	Zord
Foster, A.	Lincoln	Ruggiero	Zwinkl
Foster, W.	Livengood	Ryan	Irvis,
Freind	Logue	Salvatore	Speaker
Fryer	Lynch	Scanlon	
Gallagher			

NAYS—0

NOT VOTING—9

Beloff	McGinnis	Rappaport	Shelton
Donatucci	O'Donnell	Rhodes	Smith, E.
McClatchy			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the roll call will now be taken.

YEAS—194

Abraham	Gallagher	Mackowski	Scheaffer
Anderson	Gallen	Madigan	Schmitt
Armstrong	Gamble	Manderino	Schweder
Arthurs	Garzia	Manmiller	Scirica
Barber	Gatski	McCall	Seltzer
Bellomini	Geesey	McClatchy	Shuman
Bennett	Geisler	McGinnis	Shupnik
Berlin	George, C.	McIntyre	Sirianni
Berson	George, M.	McLane	Smith, E.
Bittinger	Giammarco	Mebus	Smith, L.
Bittle	Gillette	Meluskey	Spencer
Borski	Gleeson	Milanovich	Spitz
Brandt	Goebel	Miller	Stairs
Brown	Goodman	Milliron	Stapleton
Brunner	Gray	Miscevich	Stewart
Burd	Greenfield	Moehlmann	Stuban
Burns	Greenleaf	Morris	Sweet
Butera	Grieco	Mowery	Taddonio
Caltagirone	Halverson	Mrkonic	Taylor, E.
Caputo	Hamilton	Mullen, M. P.	Taylor, F.
Cassidy	Harper	Mullen, M. M.	Tenaglio
Cessar	Hasay	Musto	Thomas
Cianciulli	Haskell	Novak	Trello
Cimini	Hayes, D. S.	Noye	Valicenti
Cohen	Hayes, S. E.	O'Brien, B.	Vroon
Cole	Helfrick	O'Brien, D.	Wagner
Cowell	Hoeffel	O'Connell	Wansacz
Davies	Honaman	O'Keefe	Wargo
DeMedio	Hopkins	Pancoast	Wass
DeVerter	Hutchinson, A.	Parker	Weidner
DeWeese	Hutchinson, W.	Petrarca	Wenger
DiCarlo	Itkin	Piccola	White

Dietz	Johnson	Pievsky	Wiggins
Dininni	Jones	Pitts	Williams
Dombrowski	Katz	Polite	Wilson
Donatucci	Kelly	Pott	Wilt
Dorr	Kernick	Pratt	Wise
Doyle	Klingaman	Prendergast	Wright, D.
Duffy	Knepper	Pyles	Wright, J. L.
Dumas	Kolter	Ravenstahl	Yahner
Englehart	Kowalyshyn	Reed	Yohn
Fee	Laughlin	Renwick	Zearfoss
Fischer, R. R.	Lehr	Richardson	Zeller
Fisher, D. M.	Letterman	Rieger	Zitterman
Flaherty	Levi	Ritter	Zord
Foster, A.	Lincoln	Ruggiero	Zwinkl
Foster, W.	Livengood	Ryan	Irvis,
Freind	Logue	Salvatore	Speaker
Fryer	Lynch	Scanlon	

NAYS—0

NOT VOTING—6

Beloff	Oliver	Rhodes	Shelton
O'Donnell	Rappaport		

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

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

LABOR RELATIONS BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 711, printer's No. 791**, entitled:

An Act amending "The Pennsylvania Workmen's Compensation Act" further providing for certain provisions relating to the employe's choice of practitioner of the healing arts.

On the question,

Will the House agree to the bill on third consideration?

Mr. LAUGHLIN offered the following amendments:

Amend Sec. 1 (Sec. 306), page 2, lines 3 and 6, by striking out the bracket before " unless" in line 3 and after "designated" in line 6

Amend Sec. 1 (Sec. 306), page 2, line 6, by inserting after "designated/." If a list of designated physicians is provided, the employe shall be required to visit one of the five physicians so designated for a period of seven days from the date of the first visit or treatment by said physician. Subsequent treatment may be provided by any physician and such treatment shall be paid for by the employer.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I am told that this is an agreed-to amendment between the sponsor and the—Mr. Speaker, maybe I ought to check with the Republican side.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, would the gentleman explain his amendment? We may be able to agree to it if he would

explain it, Mr. Speaker.

The SPEAKER. Would the gentleman, Mr. Laughlin, briefly explain the amendment he is offering?

Mr. LAUGHLIN. Yes, Mr. Speaker.

What this amendment requires is that if a designated list of physicians is supplied for an employe to make a selection from for visitation for medical treatment after an incident or an accident within a plant or an occasion of an accident, he must then submit to 7 days of treatment after that initial visit to the physician.

I believe it has been agreed to by the industry and the people who sponsored the bill originally.

On the question recurring,

Will the House agree to the amendments?

Amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the roll call will now be taken.

YEAS—148

Abraham	Garzia	Lynch	Ritter
Barber	Gatski	Mackowski	Ruggiero
Bellomini	Geesey	Madigan	Salvatore
Beloff	Geisler	Manderino	Scanlon
Bennett	George, C.	Manmiller	Schmitt
Berlin	Giammarco	McCall	Scirica
Berson	Gillette	McClatchy	Shupnik
Bittinger	Gleeson	McGinnis	Smith, L.
Borski	Goebel	McIntyre	Spencer
Brown	Goodman	McLane	Stairs
Brunner	Gray	Meluskey	Stapleton
Burd	Greenfield	Milanovich	Stewart
Butera	Greenleaf	Miscevich	Stuban
Caputo	Grieco	Morris	Sweet
Cassidy	Halverson	Mrkonic	Taddonio
Cessar	Harper	Mullen, M. P.	Taylor, F.
Cianciulli	Hasay	Mullen, M. M.	Tenaglio
Cohen	Haskell	Musto	Thomas
Cole	Hayes, D. S.	Novak	Trello
Cowell	Helfrick	Noye	Valicenti
DeMedio	Hopkins	O'Brien, B.	Wagner
DeVerter	Hutchinson, A.	O'Brien, D.	Wansacz
DeWeese	Itkin	O'Keefe	Wargo
DiCarlo	Johnson	Oliver	Wass
Dininni	Jones	Pancoast	Wiggins
Dombrowski	Katz	Petrarca	Williams
Donatucci	Kelly	Pievsky	Wilson
Doyle	Kernick	Polite	Wise
Duffy	Klingaman	Pratt	Wright, D.
Dumas	Knepper	Prendergast	Yahner
Englehart	Kolter	Pyles	Yohn
Fee	Kowalyszyn	Ravenstahl	Zeller
Fischer, R. R.	Laughlin	Reed	Zitterman
Fisher, D. M.	Letterman	Renwick	Zwinkl
Flaherty	Levi	Rhodes	
Fryer	Lincoln	Richardson	
Gallagher	Livengood	Rieger	Irvis,
Gamble	Logue		Speaker

NAYS—45

Anderson	Freind	Moehlmann	Shuman
Armstrong	Gallen	Mowery	Sirianni
Arthurs	George, M.	O'Connell	Smith, E.
Bittle	Hamilton	Parker	Spitz
Brandt	Hayes, S. E.	Piccola	Taylor, E.
Burns	Hoefel	Pitts	Vroon
Caltagirone	Honaman	Pott	Weidner
Davies	Lehr	Ryan	Wilt
Dietz	Mebus	Scheaffer	Wright, J. L.
Dorr	Miller	Schweder	Zearfoss
Foster, A.	Milliron	Seltzer	Zord
Foster, W.			

NOT VOTING—7

Cimini	O'Donnell	Shelton	White
Hutchinson, W.	Rappaport	Wenger	

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

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. WASS. Mr. Speaker, on the last vote I thought I was voting on the amendment. I would like to be recorded as voting in the negative on HB 711.

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

The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, on HB 711, my switch was locked. I would like to be recorded as voting "no."

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

The Chair recognizes the gentleman from Lycoming, Mr. Cimini. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. CIMINI. Mr. Speaker, had I been in my seat, I would have voted in the affirmative on HB 711, PN 791.

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

HB 656 PASSED OVER TEMPORARILY

The SPEAKER. Does the gentleman, Mr. Pyles, have amendments to HB 656?

Mr. PYLES. Mr. Speaker, I rise to ask that HB 656 be held over temporarily until Mr. Zearfoss' amendments can be properly addressed.

The SPEAKER. The Chair will pass over temporarily HB 656, PN 1724, and advises the members that there are two sets of amendments to be offered, one by Mr. Trello and one by Mr. Zearfoss.

Will the gentleman from Allegheny, Mr. Trello, please prepare a motion for reconsideration of the vote by which HB 656 passed third consideration so that we may legally accept amendments thereto?

Without objection, the Chair turns to page 7.

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE**

The clerk of the Senate returned **HOUSE BILL NO. 449**, with the information that the Senate has passed the same with the following amendments in which concurrence of the House of Representatives is required:

Amend Title, page 1, line 5, by inserting at the beginning of the line "adding a definition of 'cash,'" line 6, by striking out after "supplies," the word "and" and by inserting after "rights" the following: "and providing for the recovery of certain costs."

Amend Bill, page 1, by inserting after line 9 the following:  
Section 1. Section 3, act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," is amended by adding a definition to read:

Section 3. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

\* \* \*

"Cash" shall include, when used in regard to bond requirements, certificates of deposit.

Amend Bill, page 1, line 19, by striking out after "Section" the number "1" and inserting in lieu thereof "2" and by striking out after "act" all the remainder of said line; page 2, line 1, by striking out all of said line; line 2, by striking out at the beginning of the line "and Reclamation Act."

Amend Bill, page 2, lines 4 through 9, by striking out all of said lines and inserting immediately thereafter the following:

(f) Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply. If any operator shall fail to comply with this provision, the Secretary may issue such orders to the operator as are necessary to assure compliance.

Amend Bill, page 2, lines 25 through 30 by striking out all of said lines; page 3, lines 1 through 9, by striking out all of said lines and inserting immediately thereafter the following:

(h) If the Secretary finds (I) that immediate replacement of an affected water supply used for potable or domestic needs is required to protect health and safety, and (II) that the operator has appealed or failed to comply with an order issued pursuant to paragraph (f), the secretary may, in his discretion, restore or replace the affected water supply with an alternative source of water utilizing moneys from the Surface Mining Conservation and Reclamation Fund. The Secretary shall recover the costs of restoration or replacement, including costs incurred for design and construction of facilities, from the responsible operator or operators. Any such costs recovered shall be deposited in the fund.

Amend Bill, page 3, line 22, by striking out after "Section" and number "2" and inserting in lieu thereof "3"

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

Mr. GREENFIELD. Mr. Speaker, I request that the House do concur in the amendments made by the Senate to HB 449?

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

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

Mr. HALVERSON. I do not recall caucusing on this. Can somebody give us an explanation of what changes were made?

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, we did caucus on this Senate amendment. It includes in the definition of "cash," certificates of deposit, and also there is some technical language dealing with Department of Environmental Resources' enforcement of this proposed statute. We did caucus on it, and I urge concurrence in the Senate amendments.

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

Agreeable to the provisions of the constitution, the following roll call was recorded:

YEAS—193

Abraham	Gamble	Manderino	Scanlon
Anderson	Garzia	Manmiller	Scheaffer
Armstrong	Gatski	McCall	Schmitt
Arthurs	Geesey	McClatchy	Schweder
Bellomini	Geisler	McGinnis	Scirica
Bennett	George, C.	McIntyre	Shuman
Berlin	George, M.	McLane	Shupnik
Berson	Giammarco	Mebus	Sirianni
Bittinger	Gillette	Meluskey	Smith, E.
Bittle	Gleeson	Milanovich	Smith, L.
Borski	Goebel	Miller	Spencer
Brandt	Goodman	Milliron	Spitz
Brown	Gray	Miscevich	Stairs
Brunner	Greenfield	Moehlmann	Stapleton
Burd	Greenleaf	Morris	Stewart
Burns	Grieco	Mowery	Suban
Butera	Halverson	Mrkonic	Sweet
Caltagirone	Hamilton	Mullen, M. P.	Taddonio
Caputo	Harper	Mullen, M. M.	Taylor, E.
Cassidy	Hasay	Musto	Taylor, F.
Cessar	Haskell	Novak	Tenaglio
Cianciulli	Hayes, D. S.	Noye	Thomas
Cimini	Hayes, S. E.	O'Brien, B.	Trello
Cohen	Helfrick	O'Brien, D.	Valicenti
Cole	Hoeffel	O'Connell	Vroon
Cowell	Honaman	O'Keefe	Wagner
Davies	Hopkins	Oliver	Wansacz
DeMedio	Hutchinson, A.	Pancoast	Wargo
DeVerter	Hutchinson, W.	Parker	Wass
DeWeese	Itkin	Petrarca	Weidner
DiCarlo	Johnson	Piccola	Wenger
Dietz	Jones	Pievsky	White
Dininni	Katz	Pitts	Wiggins
Dombrowski	Kelly	Polite	Williams
Donatucci	Kernick	Pott	Wilson
Dorr	Klingaman	Pratt	Wilt
Doyle	Knepper	Prendergast	Wright, D.
Duffy	Kolter	Pyles	Wright, J. L.
Englehart	Kowalshyn	Rappaport	Yahner
Fee	Laughlin	Ravenstahl	Yohn
Fischer, R. R.	Lehr	Reed	Zearfoss
Fisher, D. M.	Letterman	Renwick	Zeller
Flaherty	Levi	Rhodes	Zitterman
Foster, A.	Lincoln	Richardson	Zord

Foster, W.	Livengood	Rieger	Zwinkl
Freind	Logue	Ritter	
Fryer	Lynch	Ruggiero	Irvis,
Gallagher	Mackowski	Ryan	Speaker
Gallen	Madigan	Salvatore	

NAYS—0

NOT VOTING—7

Barber	Dumas	Seltzer	Wise
Beloff	O'Donnell	Shelton	

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

Ordered, That the clerk inform the Senate accordingly.

**QUESTION OF PERSONAL PRIVILEGE**

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Wise. For what purpose does the lady rise?

Mrs. WISE. I rise to a question of personal privilege.

The SPEAKER. The lady will state it.

Mrs. WISE. Mr. Speaker, my button was apparently stuck. Would you record me in the affirmative on concurrence in Senate amendments to HB 449?

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

**HR 110 CALLED UP**

The SPEAKER. Without objection, the Chair now turns to page 9, HR 110, PN 1509.

For the information of the members, this resolution is marked on the Speaker's calendar as not having been caucused on and it may be so marked on your calendars.

For the information of the members, this resolution simply authorizes the Speaker to appoint a committee to receive officially the records of the Gleason Committee, which at the present time are in limbo and there is no official recipient for those records.

Are there any questions on the resolution?

**RESOLUTION ADOPTED**

Mr. KLINGAMAN called up **HOUSE RESOLUTION NO. 110.**

Speaker appoint bipartisan committee receive subpoenaed records pursuant to HR 98 of 1973.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Abraham	Gallen	Manmiller	Scheaffer
Anderson	Gamble	McCall	Schmitt
Armstrong	Garzia	McClatchy	Schweder
Arthurs	Gatski	McGinnis	Scirica
Barber	Geesey	McIntyre	Seltzer
Bellomini	Geisler	McLane	Shuman

Bennett	George, C.	Mebus	Shupnik
Berlin	George, M.	Meluskey	Sirianni
Berson	Giammarco	Milanovich	Smith, E.
Bittinger	Gillette	Miller	Smith, L.
Bittle	Gleeson	Milliron	Spencer
Borski	Goebel	Miscevich	Spitz
Brandt	Goodman	Moehlmann	Stairs
Brown	Gray	Morris	Stapleton
Brunner	Greenfield	Mowery	Stewart
Burd	Greenleaf	Mrkonic	Stuban
Burns	Grieco	Mullen, M. P.	Sweet
Butera	Halverson	Mullen, M. M.	Taddonio
Caltagirone	Hamilton	Musto	Taylor, E.
Caputo	Harper	Novak	Taylor, F.
Cassidy	Hasay	Noye	Tenaglio
Cessar	Haskell	O'Brien, B.	Thomas
Cianciulli	Hayes, D. S.	O'Brien, D.	Trello
Cimini	Hayes, S. E.	O'Connell	Valicenti
Cohen	Helfrick	O'Keefe	Vroon
Cole	Hoefel	Oliver	Wagner
Cowell	Honaman	Pancoast	Wansacz
Davies	Hopkins	Parker	Wargo
DeMedio	Hutchinson, A.	Petrarca	Wass
DeVerter	Hutchinson, W.	Piccola	Weidner
DeWeese	Itkin	Pievsky	Wenger
DiCarlo	Johnson	Pitts	White
Dietz	Jones	Polite	Wiggins
Dininni	Katz	Pott	Williams
Dombrowski	Kelly	Pratt	Wilson
Donatucci	Kernick	Prendergast	Wilt
Dorr	Klingaman	Pyles	Wise
Doyle	Knepper	Rappaport	Wright, D.
Duffy	Kolter	Ravenstahl	Wright, J. L.
Dumas	Kowalshyn	Reed	Yahner
Englehart	Laughlin	Renwick	Yohn
Fee	Lehr	Rhodes	Zearfoss
Fischer, R. R.	Levi	Richardson	Zeller
Fisher, D. M.	Lincoln	Rieger	Zitterman
Flaherty	Livengood	Ritter	Zord
Foster, A.	Logue	Ruggiero	Zwinkl
Foster, W.	Lynch	Ryan	
Freind	Mackowski	Salvatore	Irvis,
Fryer	Madigan	Scanlon	Speaker
Gallagher	Manderino		

NAYS—0

NOT VOTING—4

Beloff	Letterman	O'Donnell	Shelton
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The question was determined in the affirmative and the resolution was adopted.

**STATE GOVERNMENT BILL ON FINAL PASSAGE**

Agreeable on order,  
The House proceeded to the consideration on final passage of **House bill No. 656, printer's No. 1724, entitled:**

An Act amending the "Pennsylvania Election Code" approved June 3, 1937 (P. L. 1333, No. 320), requiring the home address at the time of application for an absentee ballot of persons in the military service and requiring additional information to be included on expense accounts.

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

The question is, Shall the bill pass finally?

**RECONSIDERATION OF VOTE ON HB 656**

Mr. TRELLO moved that the vote by which HB 656, PN

1724, was agreed to on third consideration on Tuesday, July 6, 1977, be reconsidered.

Mr. ABRAHAM seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

Abraham	Gallagher	Manmiller	Scheaffer
Anderson	Gallen	McCall	Schmitt
Armstrong	Gamble	McClatchy	Schweder
Arthurs	Garzia	McGinnis	Scirica
Barber	Gatski	McIntyre	Seltzer
Bellomini	Geesey	McLane	Shuman
Bennett	Geisler	Mebus	Shupnik
Berlin	George, C.	Meluskey	Sirianni
Berson	George, M.	Milanovich	Smith, E.
Bittinger	Giammarco	Miller	Smith, L.
Bittle	Gillette	Milliron	Spencer
Borski	Gleeson	Miscevich	Spitz
Brandt	Goebel	Morris	Stairs
Brown	Goodman	Mowery	Stapleton
Brunner	Gray	Mrkonic	Stewart
Burd	Greenleaf	Mullen, M. P.	Stuban
Burns	Grieco	Mullen, M. M.	Sweet
Butera	Halverson	Musto	Taddonio
Caltagirone	Hamilton	Novak	Taylor, E.
Caputo	Harper	Noye	Taylor, F.
Cassidy	Haskell	O'Brien, B.	Tenaglio
Cessar	Hayes, D. S.	O'Brien, D.	Thomas
Cianciulli	Hayes, S. E.	O'Connell	Trello
Cimini	Helfrick	O'Keefe	Valicenti
Cohen	Hoefel	Oliver	Vroon
Cole	Honaman	Pancoast	Wagner
Cowell	Hopkins	Parker	Wansacz
Davies	Hutchinson, A.	Petrarca	Wargo
DeMedio	Hutchinson, W.	Piccola	Wass
DeVerter	Itkin	Pievsky	Weidner
DeWeese	Johnson	Pitts	Wenger
DiCarlo	Jones	Polite	White
Dietz	Katz	Pott	Wiggins
Dininni	Kelly	Pratt	Williams
Dombrowski	Kernick	Prendergast	Wilson
Donatucci	Klingaman	Pyles	Wilt
Dorr	Knepper	Rappaport	Wright, D.
Doyle	Kolter	Ravenstahl	Wright, J. L.
Duffy	Kowalyshyn	Reed	Yahner
Dumas	Laughlin	Renwick	Yohn
Englehart	Lehr	Rhodes	Zearfoss
Fee	Letterman	Richardson	Zeller
Fischer, R. R.	Levi	Rieger	Zitterman
Fisher, D. M.	Lincoln	Ritter	Zord
Flaherty	Livengood	Ruggiero	Zwinkl
Foster, A.	Logue	Ryan	
Foster, W.	Lynch	Salvatore	Irvis,
Freind	Mackowski	Scanlon	Speaker
Fryer	Madigan		

NAYS—2

Hasay	Wise
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NOT VOTING—6

Beloff	Manderino	O'Donnell	Shelton
Greenfield	Moehlmann		

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

On the question recurring,

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

Mr. TRELLO offered the following amendments:

Amend Title, page 1, line 11, by inserting after "elections," providing for certain compatible offices.

Amend Bill, page 1, by inserting between lines 19 and 20

Section 1. The act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," is amended by adding a section to read:

Section 808.2. Compatible Offices.—Any constable or any employe of a common pleas court or a district justice may be an officer of any political body or political party, and may hold the office of a county, State or National committee of any political party, and may run for and hold any elective office, and may participate in any election day activities.

Amend Sec. 1, page 1, line 20, by striking out "1" and inserting 2

Amend Sec. 1, page 1, line 20, by striking out "ACT OF JUNE 3," and inserting of the act,

Amend Sec. 1, page 1, lines 21 and 22, by striking out all of line 21 and "CODE," in line 22

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting 3

Amend Sec. 3, page 4, line 12, by striking out "3" and inserting 4

On the question,

Will the House agree to the amendments?

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

Mr. TRELLO. Mr. Speaker, this is a very simple amendment. From some of the remarks I heard about the person who drafted it, it would have to be a simple amendment.

Anyway, this refers to court-related employes. I think the recent decision is making second-class citizens out of them, tip-staffs and court-related employes. It simply allows them to hold public office and run for public office.

I have a number of school directors and councilmen and commissioners in my district who do a great service to their communities and local government. I think they should be allowed to maintain that position and to run for office. I encourage everybody to support the amendment.

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

Mr. GOEBEL. Mr. Speaker, I would like to speak against this amendment.

I think the intent of keeping these people out of the jobs in the courts is so that justice may act freely without being hampered by the little political jobs, the township commissioners, the school board directors and the other jobs where they hold down these little side political jobs but yet work for the courts. I think it is not a good idea to let them do this.

If we let the law alone right now, it will prohibit people from working within the court system who would perhaps hamper justice by serving on these political entities. I think it is a good law the way it is. We should leave it as it is. We should kill this Trello amendment.

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

Mr. TRELLO. Mr. Speaker, I did not hear what Representa-

tive Goebel said, but I am sure whatever he said had an awful lot of merit to it.

In the last primary election in Allegheny County, we had four judges who ran for reelection who were appointed by the Governor. They are also court-related employes. At the present time they are allowed to run for reelection for their job, and I think it is only fair that people who work for judges be allowed to run for reelection for the jobs that they maintain currently.

I know some of the local councilmen who reside in my district do a great service to the community without pay, and the tip-staff job is just a means of supporting their family. I do not think they should be classified as second-class citizens. They should be allowed to run for public office. I encourage everyone to support the amendment.

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

Mr. HOEFFEL. Mr. Speaker, I rise in opposition to the amendment. Mr. Trello is proposing a very major step, I believe, here. I am not sure that the bill we are considering, HB 656, is really the proper vehicle for that. My bill, as you all know, addresses itself to contributors to political campaigns and the filing of expense accounts. I do not believe that such a major step as Mr. Trello is contemplating should be added to my bill.

POINT OF ORDER ON GERMANENESS

Mr. HOEFFEL. I would question, Mr. Speaker, whether the amendment is germane, and I so move.

The SPEAKER. The gentleman, Mr. Hoeffel, has raised a point of order on germaneness. The gentleman has moved that it is his belief that the amendment offered by Mr. Trello to HB 656 is not germane.

The question of germaneness is a question to be decided by a vote on the floor. Debate is strictly limited to: Is the amendment germane?

The Chair recognizes the minority whip.

Mr. RYAN. Would the gentleman, Mr. Hoeffel, stand for interrogation on the question?

The SPEAKER. The gentleman, Mr. Hoeffel, indicates that he will stand for interrogation. The gentleman, Mr. Ryan, may proceed.

Mr. RYAN. Will the gentleman advise us if the amendment is an amendment to the Election Code?

Mr. HOEFFEL. Well, the amendment is drawn to the Election Code.

Mr. RYAN. Do you think that whether an employe of any governmental body may or may not participate in elections is a proper subject for the Election Code?

Mr. HOEFFEL. I am not sure, Mr. Speaker. I do not think it is a proper subject for my bill.

Mr. RYAN. We are talking about the Election Code now, not your bill. Can you think of any other place where one might place such a prohibition if not in the Election Code?

Mr. HOEFFEL. I will have to leave that up to the lawyers, Mr. Speaker.

Mr. RYAN. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan. The gentleman may proceed.

Mr. RYAN. For Mr. Trello to accomplish what he seeks to accomplish, the only place he can do that, in my judgment, is in the Election Code.

For it to be considered not germane is to leave the subject matter of his amendment in limbo because the prohibition that was set down by the courts was that their employes were not allowed to participate in the election process. That certainly is in the Election Code area, and to suggest that it is not germane makes no sense whatsoever to me. I would urge that the members find that this is germane.

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

Mr. TRELLO. Mr. Speaker, I would have to say that this is germane also because my amendment refers also to the same section of the current election law that this bill refers to. So if this is not germane, then the whole bill is not germane to the Election Code.

The SPEAKER. The question is on the point of order raised by the gentleman, Mr. Hoeffel. The question is: Is the amendment offered by Mr. Trello germane?

Those believing it to be germane will vote in the affirmative; those believing it to be nongermane will vote in the negative.

On the question,

Will the House agree to the germaneness of the amendments?

The following roll call was recorded:

YEAS—178

Abraham	Fryer	Madigan	Salvatore
Anderson	Gallagher	Manderino	Scanlon
Armstrong	Gallen	Manmiller	Scheaffer
Arthurs	Gamble	McCall	Schmitt
Barber	Gatski	McClatchy	Schweder
Bellomini	Geesey	McIntyre	Scirica
Bennett	Geisler	McLane	Seltzer
Berlin	George, C.	Mebus	Shuman
Berson	Giammarco	Meluskey	Shupnik
Bittinger	Gillette	Milanovich	Sirianni
Bittle	Gleeson	Miller	Smith, E.
Borski	Goodman	Milliron	Smith, L.
Brandt	Gray	Miscevich	Spencer
Brown	Greenfield	Moehlmann	Spitz
Brunner	Greenleaf	Morris	Stairs
Burd	Grieco	Mowery	Stewart
Burns	Halverson	Mrkonic	Stuban
Butera	Harper	Mullen, M. P.	Sweet
Caltagirone	Haskell	Mullen, M. M.	Taddonio
Caputo	Hayes, D. S.	Musto	Taylor, E.
Cessar	Hayes, S. E.	Novak	Taylor, F.
Cianciulli	Helfrick	Noye	Tenaglio
Cimini	Honaman	O'Brien, B.	Thomas
Cohen	Hopkins	O'Connell	Trello
Cole	Hutchinson, A.	Oliver	Valicenti
Cowell	Hutchinson, W.	Pancoast	Vroon
Davies	Itkin	Parker	Wansacz
DeMedio	Johnson	Petrarca	Wargo
DeVerter	Jones	Piccola	Wass
DiCarlo	Katz	Pievsky	Weidner
Dietz	Kelly	Pitts	Wenger
Dininni	Kernick	Polite	Wilson
Dombrowski	Klingaman	Pott	Wilt
Donatucci	Knepper	Pratt	Wright, D.
Dorr	Kolter	Prendergast	Wright, J. L.



Duffy	Kowalyshyn	Pyles	Yahner
Dumas	Laughlin	Rappaport	Yohn
Englehart	Lehr	Ravenstahl	Zearfoss
Fee	Letterman	Reed	Zeller
Fischer, R. R.	Levi	Renwick	Zitterman
Fisher, D. M.	Lincoln	Rhodes	Zord
Flaherty	Livengood	Rieger	Zwinkl
Foster, A.	Logue	Ritter	
Foster, W.	Lynch	Ruggiero	Irvis,
Freind	Mackowski	Ryan	Speaker

NAYS—17

Cassidy	Goebel	O'Brien, D.	Wagner
DeWeese	Hamilton	O'Keefe	White
Doyle	Hasay	Richardson	Williams
Garzia	Hoefel	Stapleton	Wise
George, M.			

NOT VOTING—5

Beloff	O'Donnell	Shelton	Wiggins
McGinnis			

The question was determined in the affirmative and the amendments were declared germane.

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

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

Mr. HOEFFEL. Mr. Speaker, I repeat my opposition to the amendment. I think it is a very major step that we are contemplating here and, because of its gravity, it should be considered on its own in a separate piece of legislation. I ask for the defeat of the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I am in favor of this amendment, and that may be a controversial position when I get back home, but the fact remains that, in my opinion—and I think Mr. Trello used the expression—a lot of these people who work for the court system are turned into second-class citizens because of the earlier rulings of the court that no employe of the court may participate in political activities.

Mr. Speaker, I think perhaps this was designed to prevent any impropriety with the courts. But to carry it to its logical extension, it would have the legislative branch or any employe of the legislative branch prohibited from participating in the political process and perhaps even the executive branch. I do not believe that that is good. I do not believe that anyone should be prohibited from engaging in the political process and for that reason I am in favor of it.

I think that we went too far when we prohibited judges and district judges from being political, because they have to run for office again anyway. We are fooling ourselves. But so be it as to those officeholders, themselves. But in summary, however, I see no good reason why an employe of the court system cannot participate in the political process.

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

Mr. D. M. FISHER. Thank you, Mr. Speaker.

I also rise in support of the Trello amendment. I recognize

Mr. Hoffel's position that his bill is an important piece of legislation, but the Trello amendment is also a very important piece of legislation, in my mind.

It is about time that we in the General Assembly start telling our Supreme Court that we make election laws. We are the ones who decide who can run for office and what kind of compatible jobs these people who run for office can hold. I believe it is completely ridiculous that the Supreme Court should hand down a law that says, not state employes but basically county employes and people such as constables cannot either continue to hold their job or cannot continue to hold their elected office, while we have many school directors who are serving for no salary who happen to work to feed their families by holding a job with the court system.

Let us vote for the Trello amendment and let us tell the Supreme Court once and for all to keep its nose out of legislative policy.

Thank you.

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

Mr. MORRIS. Mr. Speaker, Mr. Fisher is kind of a hard act to follow. He said just about everything I wanted to say.

I want to refer, however, particularly to constables. These people are elected officials. They are not really court employes, but the court has been treating them as such; in fact, as peons. A number of us have been trying to help the constables in their difficulties with the administrative arm of the Supreme Court. Here is a darn good chance to do something, so I urge support of this amendment.

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

Mr. WILLIAMS. Mr. Speaker, I would like to interrogate either Mr. Ryan or Mr. Trello, one or the other.

The SPEAKER. The gentleman, Mr. Ryan, indicates he will stand for interrogation. The gentleman from Philadelphia may proceed.

Mr. WILLIAMS. Mr. Speaker, from the thrust of your remarks, do you consider that the judges should be able to hold political office in a political party and "politick" in the normal political way in partisan politics?

Mr. RYAN. No. I recognize that under the Trello amendment judges are excluded from it. I thought, however, and I said it parenthetically, Mr. Speaker, that we prohibit the judges from participating in the political process. I am not suggesting that a judge should be permitted to be a committeeman or a national committeeman. I am glad I have an opportunity to correct that impression if I gave it. What I was thinking of particularly when I was thinking of the judges was that right now many judges are afraid to even go to a political meeting for fear that they are in violation of the canon which requires them not to participate in government and not to participate in the election process.

There are other things—and I do not know that this is germane, but there are other things—that bother me about this, Mr. Speaker.

Mr. WILLIAMS. That is a long answer to a short question.

Mr. RYAN. Okay. I am getting as bad as you. Go ahead.

Mr. WILLIAMS. So you do agree that there is a distinction between the "politicking" allowed by the executive and the legislative branches of government as compared to the judicial branch? You recognize that there is a meritorious basis for distinction?

Mr. RYAN. I am not so sure that I heard you, Mr. Speaker. I heard part of what you said. Would you repeat it, please?

Mr. WILLIAMS. Mr. Speaker, from your answer, I am suggesting that you recognize a distinction between the executive and legislative "politicking" allowed—those branches—as compared to not allowing that "politicking" by judges or the judicial branch. Would that be fairly accurate?

Mr. RYAN. I recognize that such a distinction exists. I am troubled, however, by the extent to which they have carried it. For instance, 3 years ago in our county a man who was a district justice wanted to run for district attorney. He was prohibited from doing that without giving up his minor judiciary post. I do not think that was right in that case, for instance, where we would permit that same man as a district justice to campaign and run for judge in a court of common pleas. He is running for an elective office.

If a judge wanted to run for auditor general, he would be prohibited, yet he could run for the Supreme Court. I think there are certain inconsistencies there. I am willing to recognize that they cannot all be cured with the Trello amendment.

When you drop it down a notch to the employes of the court system, I fail to find the same distinction that I find with the judiciary itself.

Mr. WILLIAMS. I might say that I agree with the middle part of your remarks and not the latter.

Thank you very much, Mr. Speaker.

The SPEAKER. Does the gentleman wish to make a statement on the amendment?

Mr. WILLIAMS. Yes, I do.

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

Mr. WILLIAMS. Mr. Speaker, I think that there is a very sensitive area that this amendment touches. I think the distinction should be clearly understood. I think that Mr. Ryan pointed it out. I absolutely agree with him that a judge or any other officer should be able to run as a candidate for an office that he selects to be a candidate for. I do strongly agree that those areas of the law ought to be corrected in fairness.

But if we are talking about the judicial branch, historically we have recognized that the judicial branch must be fair and impartial, otherwise the faith that our citizens have in the judicial disposition of cases and justice would be tainted. I think that Mr. Ryan recognized that in his remarks.

Now what this amendment suggests is that on the one hand a judge cannot engage in partisan politics or be an officer of a political organization, and so forth and so on, and that is correct, but his tipstaff and the employes who work with and surround him cannot. In fact, that says to me that those employes of that court can in fact be the boss of the person who is supposed to run that court, because, indeed, in many ways the person who is the judge is going to be subject to being elected by those very people.

Most important, most important is the fact that if a person goes before the bar of a court and expects a fair and just disposition of his case, his claim, or his charge, the people who have everything to do with handling the procedure and the disposition of that matter are the very employes whom we are talking about. Not only must we have in fact the procedures of fairness but we must have the appearance of that.

Mr. Speaker, Mr. Trello's amendment seeks to permit court employes, who handle people's cases which should be fairly handled, to engage in partisan politics. I do not see by any stretch that we should have those persons engaged in partisan, political politics or intraparty politics the same as though we recognize the distinction of a judge who is in the same position.

Mr. Speaker, I think there are some merits to the idea of reforming the restrictions on judges and other people so that they can run as candidates for certain offices when they so choose. But this amendment here seeks to allow court employes to be officers of political parties and in that way become a part of that partisan machinery, and no court or subcourt ought to be able to be the whim or the pursuit of the Republican or Democratic Party or even an intraparty kind of situation.

Mr. Speaker, I strongly urge the members to recognize the impact of this amendment on the integrity of the judicial process in this state and in our counties.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Mr. Speaker, would the minority whip answer some interrogation?

The SPEAKER. The gentleman, Mr. Ryan, indicates he will stand for interrogation. The gentleman, Mr. O'Keefe, may proceed.

Mr. RYAN. I do not understand, Mr. Speaker, why I am subjected to interrogation. I am not the sponsor, but I will be glad to stand for interrogation.

Mr. O'KEEFE. I believe, sir, that you spoke in favor of the amendment and I had some questions I wanted to ask you. If you do not want to answer them, it is fine with me.

Mr. RYAN. No, no, no, no. I was just pointing out that I was not one of the sponsors.

Mr. O'KEEFE. Okay. You said that you thought it would be controversial back home. Did you make that statement?

Mr. RYAN. Yes, yes.

Mr. O'KEEFE. Could you tell me how many elected judges of the court of common pleas are of a different party from yours?

Mr. RYAN. None today, and I would hope none in the foreseeable future.

Mr. O'KEEFE. That is fine, so I mean it cannot be that controversial. Do you believe that—

Mr. RYAN. Oh, yes, it is.

Mr. O'KEEFE. How about a policeman? How about a police captain? Should they be able to become a ward leader or a committee person?

Mr. RYAN. I do not believe that is before us, Mr. Speaker.

Mr. O'KEEFE. I just wanted to get the whole concept of the county.

Mr. RYAN. I honestly have not thought that out. I think there may be a distinction between a law-enforcement officer and a court employe. Right now it is my recollection of the Election Code—and I have not studied it; this is off the top of my head—that no police officer or law-enforcement officer in uniform may be or appear around the polling places on election day, for fear of intimidation, I suppose. So I would have to think that one out, Mr. Speaker.

Mr. O'KEEFE. Thank you.

Mr. Speaker, may I make a statement on the amendment?

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

Mr. O'KEEFE. I believe that anybody who actually believes that this amendment is going to be better and is not going to put the judges back into politics, where they can put people in a condition of being subject to them, is wrong. I think the amendment is bad because it is doing things we have tried to get away from in cleaning up our elective system and I would hope that people would vote "no."

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

Mr. A. K. HUTCHINSON. I am for the Trello amendment, and I have one observation: Who said the judges are not in politics? I have not seen one yet who is not in politics.

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

Mr. TRELLO. Earlier in some of Mr. Williams comments, he stated that some of the court-related employes, because of their political activities, might be able to influence the judge one way or the other. I do not know if he exactly meant it that way, but that is the way I interpreted it. But if that would happen, indeed it would certainly be a tragedy in our courts.

I have been around the courthouse for 10 years working down there. I have seen these tipstuffs and court-related employes and I also know the judges. Let me tell you, there is nobody who rules that roost but the judge. This bill does not do a darn thing that has not been happening for the last 200 years as far as court employes are concerned.

All I want them to do is continue to hold their offices that they ran for and continue to give them the right that everybody else has to run for political office. I urge everybody to vote for the amendment.

Thank you.

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

Mr. ZELLER. Mr. Speaker, I would like to bring a point out for the benefit of the members. We have given judges, school board directors, justices of the peace, and who knows whom so much latitude, filing on both sides, anyway they want to run, upside down, inside out, all kinds of ways. Here we have little old tipstuffs and people who really have been placed in the position of second-class citizens, and we have put the judges and school directors up with the ultra, ultra, ultra-high-ranking individuals. I cannot see why people cannot see through this.

I want my good friend, Matt Ryan, to know that I am with you, Matt, most of the time, old buddy. So we are going to get this one through.

The SPEAKER. Does the gentleman, Mr. Ryan, wish to be recognized.

Mr. RYAN. Is it too late to change my position, Mr. Speaker?

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

Mr. GARZIA. Mr. Speaker, I oppose this amendment. I think this will be the first time in my life I ever agreed with a judge, Judge Barbieri—I think he is from Philadelphia—when he handed down that decision. I think it was one of the greatest decisions he ever made in his life. It took a lot of the JP's and court employes strictly out of politics. These people had to work on election day, sell tickets for campaigns for different political parties. I am not going to mention what political party in Delaware County, but it is the opposite party.

I think we ought to honor Judge Barbieri's decision of taking the courts out of politics. I am from the old-fashioned school, you know. Bring back the good old days. I think this is one amendment that should be defeated.

Thank you.

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

Mr. ABRAHAM. Thank you, Mr. Speaker.

I am standing here amazed at Mr. Garzia and a couple of the boys who served in local government saying that the great decision that the judge made is going to keep the tipstuffs out of politics. That is a joke in itself. All it basically says is that they cannot run for office and legally they cannot go out and "politick," but I think that we from local government all know differently. The boys are going to be doing their thing in their own way, come hell or high water. So let us give those boys a chance to serve in the local offices who have dedicated 15 or 20 years of their lives to school-director positions that pay nothing and council positions in local government that have taken up a lot of time, and sometimes there is a small monetary gain there but generally it is almost for nothing. I think again, as Mr. Trello said, we are making second-class citizens out of those court tipstuffs. Basically, if the judge is sitting there and has to run countywise and has to enlist the one little councilman or mayor from some small borough and depend on him for winning an election, he is in pretty bad shape.

Thank you, Mr. Speaker.

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

Mr. WILLIAMS. Mr. Speaker, I just wanted to clarify one point. I hate to oppose the axis of Mr. Zeller and Mr. Ryan. It is rather an awesome axis to oppose. I just want to clarify the remarks that Mr. Trello attributed to me.

The thrust of my remarks was not that the court personnel would necessarily influence the decision of the judge by improperly talking to the judge. I was not addressing myself to that point. I want it to be absolutely clear that the handling and the processing of cases in court depends largely, if not in the majority of instances, on the court personnel. When your case gets called, the judge depends completely on the court personnel for all of the information that is before him. So I just wanted to clarify that my remarks were not in the area of influ-

encing the judge. I was not talking about that area.

But anybody who would suggest that the court personnel has little or nothing to do with what happens in a court procedure and the rendition of fair justice is talking about Alice in Wonderland, because it just happens that way. And those of you who have been in and out of courts either representing clients or your constituents know that.

I just wanted to clarify that point, Mr. Speaker. You did misunderstand the thrust of my remarks on that point.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—150

Abraham	Gamble	Manmiller	Scheaffer
Anderson	Gatski	McCall	Schmitt
Armstrong	Geisler	McClatchy	Schweder
Arthurs	George, C.	McGinnis	Seltzer
Bellomini	George, M.	McIntyre	Shupnik
Bennett	Gleeson	McLane	Sirianni
Berlin	Goodman	Meluskey	Smith, E.
Bittinger	Greenfield	Milanovich	Smith, L.
Bittle	Greenleaf	Miller	Spencer
Brandt	Grieco	Miscevich	Spitz
Brown	Halverson	Moehlmann	Stairs
Brunner	Harper	Morris	Stewart
Burd	Hasay	Mowery	Sweet
Burns	Haskell	Mrkonic	Taddonio
Caltagirone	Hayes, D. S.	Mullen, M. P.	Taylor, E.
Caputo	Hayes, S. E.	Mullen, M. M.	Thomas
Cessar	Helfrick	Musto	Trello
Cimini	Honaman	Novak	Valicenti
Cole	Hopkins	Noye	Vroon
Cowell	Hutchinson, A.	O'Brien, B.	Wansacz
DeMedio	Hutchinson, W.	Oliver	Wargo
DeVerter	Itkin	Pancoast	Wass
DiCarlo	Johnson	Parker	Weidner
Dietz	Jones	Petrarca	Wenger
Dininni	Kelly	Piccola	Wilson
Dombrowski	Klingaman	Pievsky	Wilt
Dorr	Knepper	Pitts	Wright, D.
Duffy	Kolter	Polite	Wright, J. L.
Englehart	Laughlin	Pratt	Yahner
Fee	Lehr	Prendergast	Yohn
Fisher, D. M.	Letterman	Pyles	Zearfoss
Flaherty	Levi	Ravenstahl	Zeller
Foster, A.	Livengood	Renwick	Zitterman
Foster, W.	Logue	Rhodes	Zord
Freind	Lynch	Rieger	Zwinkl
Fryer	Mackowski	Ritter	
Gallagher	Madigan	Ruggiero	Irvis,
Gallen	Manderino	Ryan	Speaker

NAYS—46

Barber	Garzia	Mebus	Scirica
Borski	Geesey	Milliron	Shuman
Butera	Giammarco	O'Brien, D.	Stapleton
Cassidy	Gillette	O'Connell	Stuban
Cianciulli	Goebel	O'Keefe	Taylor, F.
Cohen	Gray	Pott	Tenaglio
Davies	Hamilton	Rappaport	Wagner
DeWeese	Hoefel	Reed	White
Donatucci	Katz	Richardson	Wiggins
Doyle	Kernick	Salvatore	Williams
Dumas	Kowalshyn	Scanlon	Wise
Fischer, R. R.	Lincoln		

NOT VOTING—4

Beloff	Berson	O'Donnell	Shelton
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The question was determined in the affirmative and the amendments were agreed to.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. MILANOVICH. Mr. Speaker, on the Trello amendment to HB 656, I wish to be recorded as voting in the affirmative.

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?

Mr. ZEARFOSS offered the following amendments:

Amend Sec. 2 (Sec. 1607), page 3, line 6, by removing the comma after "name" and inserting immediately thereafter and

Amend Sec. 2 (Sec. 1607), page 3, lines 6 and 7, by striking out "and, if applicable, occupation and employer"

Amend Sec. 2 (Sec. 1607), page 3, lines 9 to 11, by striking out "Where the contribution is from a" in line 9, all of line 10, and "shall be set forth." in line 11

On the question,

Will the House agree to the amendments?

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

Mr. ZEARFOSS. Mr. Speaker, this amendment is the one that is labeled "New No. 1"—"A-1640."

The amendment is not quite like my original amendment that was inserted into the bill a couple of weeks ago. It does the same thing, but the language has been cleaned up a little bit to do it better.

Essentially, this amendment takes out the requirement of reporting occupation and employer along with name and address. Name and address would remain and be the only requirement for identification of the donor of a political campaign contribution, but there would be no more requirement for the reporting of occupation and employer if this amendment passes.

I would just like to point out what I think is the unfairness of requiring that occupation and employer be reported in campaign contributions. I would like to quote from a June 17 letter I got from Pennsylvania Common Cause:

Many citizens contribute money solely because they believe in the philosophy of the candidate, but others contribute because they expect legislation favorable to their occupation, company or professional group.

That is the reason Common Cause is pushing for the defeat of this amendment.

I would like to point out to you that there are other factors that could be reported that would make just as much sense to report as occupation and employer. How about sex, for instance? Would it not be interesting to know the sex of campaign contributors, if they are contributing to the campaign of

a woman, for instance. Would it not be nice to know if these contributors were women? Maybe you can tell that from the name but not always. I have a constituent who is a Shirley, and I do not think you would know whether that is a man or a woman.

How about age? We have very militant senior citizens' groups. Would it not be interesting to know what the ages of the contributors are? Are they people who are expecting legislation from their favorite candidate which would benefit their age group?

What about race or religion? Most importantly, perhaps, what about political party? Are these contributors from the opposite political party and what ax do they have to grind if they are?

You could ask the same question about national origin. And one of the more recent areas, how about sexual preference? I think it would be interesting to know on a campaign contribution what the sexual preference of the donor is. Is he looking for special legislation from his favorite candidate?

I am only listing these factors to show you the unfairness of picking out occupation or employer. There are other factors that are just as relevant and perhaps should be included in the reporting requirements. I say if they are not included, we should not include occupation or employer. I ask for your support of this amendment.

Thank you, Mr. Speaker.

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

Mr. HOEFFEL. Mr. Speaker, I rise in opposition to the Zearfoss amendment. I think that I have addressed myself to this before on the floor, and I do not want to belabor the point.

I believe it is very crucial though that any campaign contributor list include the occupation and employer of the people who are contributing to a campaign. It is important for us to have that information, I believe, because if we are going to have campaign reporting at all, if we are going to require any information to be listed for campaign contributors, I think it is quite important that we have not just their full name and home address but also their source of occupation and their employer.

If many of the contributors to a political candidate all have the same occupation, I think that is of some interest to the public and of some interest to his opponent. If all the contributors or many of the contributors to a political candidate are employed in the same firm, that is of interest. I think that those people might be looking for some kind of special treatment from that candidate. They might not be looking for it, but I think the information should be available.

Now the argument that Mr. Zearfoss uses and the absurdities that he is willing to go to to make his point, I think are not really that valid. I believe it is important to have this basic information available that describes to a reasonable degree and identifies the people who are contributing to campaigns. I believe that it is important that the public has access to this information.

The first time we debated this amendment Mr. Zearfoss said that he viewed his amendment as something that would make the job of the press a little more difficult. He felt that the press,

if they wanted this information, ought to look it up on their own. And, that is an interesting point of view, but I think that is a bad reason to support his amendment.

I believe we ought to focus here on the weakness of our current election law and we ought to take some very firm steps to improve that law to require a complete identification of contributors and not be misled by extreme arguments that really do not strike to the heart of the matter.

There is no question that the Zearfoss amendment would strike at the very heart of my bill. I think it should be recognized by the members that a "yes" vote for the Zearfoss amendment really does destroy what we are trying to do here today, that is, to make our election law meaningful and to bring it into some conformity with the Federal law that is working well at the Federal level. I believe it is a step we ought to take.

Now I said last week during debate on this bill that some of the amendments that were offered were making what I consider a good bill perfect. Well, I think the Zearfoss amendment is designed to make a good bill mediocre. And being the strong advocate that I am for goodness over mediocrity, I think we ought to let the bill the way it is now. So I urge a "no" vote on the Zearfoss amendment.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, if any sociologists want to ask my advice on which member of the legislature you ought to consult on doing a sociological study of the motivations of the campaign contributors, I would strongly recommend Mr. Zearfoss. I think Mr. Zearfoss' suggestions would make it a very interesting sociological study. However, the purpose of this bill is not to do sociological studies of the motivations of campaign contributors, but to set forth on the public record the economic interest of campaign contributors. I do not think there is anything sinister about having that revealed and I do not think there is anything frivolous about having that revealed. I think it would be very worthwhile for the public to know what economic interests support candidates and, beyond that, I think it is very worthwhile for candidates to get some idea of the diversity of economic interests that are in their district.

I think many people just contribute to candidates on the basis of party affiliation and friendship, and the candidates really have no way of knowing how they are affected by legislation that affects a broad spectrum of people.

I think this legislation would be a long step forward, both towards avoiding conflicts of interests and towards giving the General Assembly and the public a much better understanding of the diversity of economic interests which exists in this Commonwealth. I urge opposition to the Zearfoss amendment.

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

Mr. GARZIA. Yes, Mr. Speaker, may I interrogate Mr. Hoeffel, please?

The SPEAKER. The gentleman, Mr. Hoeffel, indicates he will stand for interrogation. The gentleman, Mr. Garzia, may proceed.

Mr. GARZIA. Mr. Speaker, if I have a neighbor who happens to work for the CIA and he decides to give me a \$100 donation, must he report that he works for the CIA if he is an undercover agent?

Mr. HOEFFEL. Mr. Speaker, I am not sure you would want to take a contribution from the CIA.

Mr. GARZIA. Why not?

Mr. HOEFFEL. If his employer is somebody who, for national security reasons, he would be able to give out to anybody who asks who his employer is, then my bill would not require him to disclose it, Mr. Speaker. If this is something that he cannot put down on other applications that he does and other paperwork he must fill out, he would not have to list it.

So, I think if he were really a good agent, Mr. Speaker, he would have a good cover story anyway to protect himself.

Mr. GARZIA. Mr. Speaker, if I happen to have a brother, which I do not, who is a member of the CIA, but if he was and he wants to donate money to my campaign fund, how will he list that donation to me? Would he say, Tony Garzia, my brother, or Tony Garzia, an employe of the CIA? Your bill says he must state his employer.

Mr. HOEFFEL. Mr. Speaker, he would list whatever he lists when he has to list that employer on any other application. If for national security reasons he cannot list the CIA, then he will put down what he puts down on other paperwork that he has to fill out, whatever it might be. He might put Federal Government; he might put Defense Department; he might put double agent.

Mr. GARZIA. Okay, but, Mr. Speaker, your bill says occupation. I will give you another example. What about a neighbor who wants to donate to my campaign and who happens to be an undercover detective in one of the local municipalities on a drug case? What does he put, I am an undercover cop with a certain borough or what? How would he fill it out or how would I fill out his name and occupation if he is an undercover agent?

Mr. HOEFFEL. You can fill it out anyway he would normally fill it out, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Berlin. For what purpose does the gentleman interrupt the interesting dialogue that is going on on the floor?

Mr. BERLIN. Mr. Speaker, would Mr. Hoeffel yield for a moment?

The SPEAKER. Do you think you can do better?

Mr. BERLIN. I hope so, Mr. Speaker.

The SPEAKER. You better believe you will not.

Mr. BERLIN. In just one sentence.

The SPEAKER. Would you like to ask another question of Mr. Berlin, Mr. Garzia? The Chair would be delighted to hear the question.

Mr. GARZIA. I would like to ask Mr. Berlin the same question. What if his own brother was a member of the CIA or an undercover detective doing a drug investigation and he wants to donate to your campaign fund?

Mr. BERLIN. Mr. Speaker, one of the basic principles of being an undercover policeman or an undercover agent or a covert operative in the intelligence community is that if you have a cover story, it includes some kind of an employment

agency so that you do not have to reveal. It is very embarrassing to go around with a long beard and dark glasses, wearing a sign on your back saying that you are an agent for the CIA. So the point that you make is not germane. It is too hypothetical, Mr. Speaker.

Mr. GARZIA. Mr. Speaker, Mr. Speaker—

The SPEAKER. Mr. Garzia, will you wait until he gets his laughs? Then we will get yours in? All right, you may now proceed.

Mr. GARZIA. I think he wants that agent to lie when he fills out—

The SPEAKER. Oh, Mr. Garzia.

Mr. GARZIA. The impression I am getting—

The SPEAKER. Is the gentleman from Delaware insinuating officially that an agent of the CIA would lie?

Mr. GARZIA. Wait a minute now. No, I am not saying that the agent—

The SPEAKER. The Chair apologizes.

Mr. GARZIA. I am saying that a candidate, when he fills out those papers, will be lying. He is not putting the man's occupation down.

Mr. BERLIN. That is not true.

Mr. GARZIA. It is not true?

Mr. BERLIN. If you are required to become a field operative or a covert operative with a cover story, the means by which you are paid are such that you would be technically working for some other operation. You would not receive a check that says you are being paid by the CIA or the police department. There are ways of doing that.

The point that you are making is not valid, because if you are in that kind of a situation, all of these nuances are taken care of and compensated for. So if you have some others that I have not heard before, you might make your point with that, but not in terms of being an undercover agent.

James Bond did not announce that he was being paid by his, you know.

The SPEAKER. Will the gentleman yield? The Chair wants to hear all of this.

Mr. GARZIA. Mr. Speaker, I think Mr. Berlin misses the point. It is not the agent who has to fill out the papers. It is the candidate. He is the one who has to fill out Joe Smith and whatever his occupation is.

The SPEAKER. Who rises now to intervene?

The Chair recognizes the gentleman, Mr. Hoeffel, who yielded the floor would like to get it back and get back into the act. The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Speaker. I would like to point out to Mr. Garzia that the contributor is the individual who furnishes the information concerning his home address and full name and occupation and employer, and he is responsible for his accuracy. So if, Mr. Speaker, your neighbor who is the CIA agent gives you a contribution and gives you the wrong information, you are not liable for that. He is liable under the terms of my bill.

Mr. GARZIA. Well, Mr. Speaker, in that case then, next year if I decide to run for reelection and I make out my returns, if

somebody gives me \$100, I could put Joe Smith, a bricklayer, knowing full well that is not Joe Smith, the bricklayer. Then I will be lying and I am subject to penalty?

Mr. HOEFFEL. Mr. Speaker, you would put down the information that the contributor provided to you in writing.

Mr. GARZIA. Mr. Speaker, he mentioned something in writing. I do not see that in the bill in anyway that a guy has to put it in writing what his name and address and occupation is. Usually it is by word of mouth. Why in writing?

Mr. HOEFFEL. This was the provision of the Cohen amendment that we agreed to several weeks ago, and they say that the information concerning occupation and employer and so on shall be furnished to such political committee by the written statement of the contributor who shall be responsible for his accuracy.

This is identical to the provisions of the Federal law that require this information to be provided to candidates in writing.

Mr. GARZIA. Mr. Speaker, may I ask another question?

The SPEAKER. The gentleman may proceed.

Mr. GARZIA. If someone sends me a check and lists his name and address and no occupation, do I send the check and the letter back to him and say, send me back your occupation? Is that the way I would do it?

Mr. HOEFFEL. You might want to keep the check, but you would—

Mr. GARZIA. Do not make me dishonest now. I am trying to be honest.

Mr. HOEFFEL. —ask him to provide the information of his occupation and employer. That is correct.

Mr. GARZIA. Now, if I receive that letter and the check and I just put down what I think his occupation is, can I get away with it?

Mr. HOEFFEL. If you have every reason to believe that you know what his occupation and employer is, then you can put that down.

Now, the bill says that this information shall be provided through the written statement of the contributor who is responsible for his accuracy. So you can put down, if you care to, his occupation and employer, based on your knowledge of his situation, and if that is accurate, then there is no problem. But if that is not accurate, then you are responsible because you do not have it in his written statement. But if it is provided in a written statement by the contributor, then he is responsible for his accuracy.

Mr. GARZIA. Thank you, Mr. Speaker.

Mr. Speaker, if this thing would become law, candidates from both parties will find ways of getting around this bill. I can think of a dozen ways right now. What you do is make the person running for a political office just a little bit sneakier than people think they are.

I hope we adopt the Zearfoss amendment on HB 65—

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

Mr. A. C. FOSTER. Mr. Speaker, will Mr. Hoeffel consent to a brief interrogation?

Mr. HOEFFEL. Yes, Mr. Speaker.

Mr. A. C. FOSTER. Mr. Speaker, I recognize what you are

trying to do here, to make it clear from where a contribution comes. And, I am all in favor of disclosure and reporting, but do you not think that in many instances, the information you request here would be misleading?

Mr. HOEFFEL. Would be misleading, Mr. Speaker?

Mr. A. C. FOSTER. Misleading, yes.

Mr. HOEFFEL. No, I do not.

Mr. A. C. FOSTER. Mr. Speaker, an example, take the mythical company of Pollution, Incorporated. Let us say that the candidate gets a contribution from someone working at that company. And, immediately it appears on the candidate's contribution list as coming with the employe's name and then the company's name, and the interpretation of that to anyone who looks at it is, well, this candidate is supported by Pollution, Incorporated, when actually the contributor may loathe the corporate policy of the company that he works for. Maybe the very reason he is contributing to the candidate is to do something about that posture. Do you not think that is a very real situation, Mr. Speaker?

Mr. HOEFFEL. Well, Mr. Speaker, I think that the corporate names of the employers of contributors could be, in some cases, misleading. But I believe most of us receive quite a few contributions when we run. Some of us receive several hundred contributions, and if several hundred contributors are listed and their employers are listed on the report, if there is one from Pollution Control, or your mythical company, or any other company with a misleading name, I do not think that is going to cause any great hardship to the political candidate. However, if half of the contributions are from one company, I think that is of some interest, and I think that is why we need the provisions of my bill and why we should defeat the Zearfoss amendment.

Mr. A. C. FOSTER. Mr. Speaker, I understand that situation, but suppose you live in an area that is dominated by one employer, and, inevitably, a large proportion of your contributions will come in that way.

Mr. HOEFFEL. Well, what is wrong with that? What is wrong with that information being listed on the report? There is nothing wrong—

Mr. A. C. FOSTER. No.

Mr. HOEFFEL. —with many contributions coming from the same company. I am not saying that is unethical or wrong. I am just saying it ought to be listed and it ought to be public knowledge. I see no problem with an individual who is running for office in a company town or in an area where one company predominates, if many of his contributors are from that company and it is listed on his report. There is no problem with that.

Mr. A. C. FOSTER. Mr. Speaker, suppose in your area one of the utility companies come through with a substantial increase in the same year that you were running for election and you receive many contributions from people employed by that utility, would you want those contributions to appear on your list with the name of the utility inserted?

Mr. HOEFFEL. Again, I see no problem with that, Mr. Speaker. I am not frightened by the prospects that the public might view the employers of my contributors and therefore jump to all sorts of conclusions and penalize me at the polls

because some of my contributors might be employed by a utility company that has just raised their rates. I think you are taking your argument too far. I think you are stretching it quite a bit.

Mr. A. C. FOSTER. Mr. Speaker, I would like to make a brief statement.

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

Mr. A. C. FOSTER. Mr. Speaker, I applaud what the gentleman, Mr. Hoeffel, is trying to do here. I believe in disclosure but I sincerely believe that listing the employer in this fashion will bring about less clarity rather than more clarity to the issue.

As to Mr. Zearfoss' initial amendment, I have no objection to listing occupation, but I do not think that employer should be listed. I would support either of the two Zearfoss amendments.

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

Mr. PYLES. Thank you, Mr. Speaker.

I would like to bring to the attention of my colleagues that last week I proposed an amendment to this bill which would add union affiliation to identify more closely an association that the contributor may have. And my colleagues, probably rightly so, determined that amendment to be fallacious and voted it down. Now I see the same type of thought behind requiring the word "employer." Why should we give credit to an employer by showing so many of his people contributing to a candidate when really these people were contributing because of an association or an organization they belonged to that happened to be part of that employer's operation?

Those are the people who should have gotten credit, not the employer. I believe that the word employer, the naming of that employer, is *not necessary*, as you folks determined last week that the union affiliation is not necessary. I recommend to my colleagues that they vote in favor of the Zearfoss amendment.

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

Mr. VROON. Mr. Speaker, may I interrogate the author, please?

The SPEAKER. The gentleman, Mr. Hoeffel, indicates he will stand for interrogation.

The gentleman, Mr. Vroon, may proceed.

Mr. VROON. Mr. Speaker, what are you really getting at here? What are you trying to find out by requiring these things? Repeat it once more just so I can get it straight in my own mind, would you please?

Mr. HOEFFEL. Certainly, Mr. Speaker. I believe it is important for the public to know the source of contributions to political candidates. That is the purpose we have in campaign reporting in the first place, and our current law requires only the name of the contributor to be listed and the amount and the date. I think that is insufficient.

So my bill would require, along with the amount and date of contributions to be listed, the first and last name, home address, occupation and employer of the contributor. And I simply feel that that is worthwhile information; it is vital information; it is information that ought to be listed. It gives

the public some idea from where a candidate is receiving his financial support.

Mr. VROON. Is it not true that one of your primary objectives here is to try to detect those gifts which are, in effect, given in a disguised manner by a special interest?

Mr. HOEFFEL. Not really, Mr. Speaker. There are certainly many contributions like that in the political process, but I am not trying to zero in on any one kind of unethical contribution. I am not leading some kind of crusade here to clean up government. I just feel that the information ought to be available, and the public can judge for itself. I do not want to say that, and I am not saying that a lot of contributions from one company is wrong, or a lot of contributions from one occupation or line of work is wrong. I am just saying that information ought to be made public and be made available easily to the public.

Mr. VROON. Mr. Speaker, do you really think that this bill is going to accomplish that?

Mr. HOEFFEL. I certainly do.

Mr. VROON. Would you admit, Mr. Speaker, that if somebody wanted to really carry on a campaign and raise a lot of money—suppose corporation X wanted to raise a lot of money—for a special candidate they wanted to support and because they are a corporation, naturally they cannot give to that cause, to that candidate. So they persuade all kinds of executives to give in their own name. Now with this kind of a requirement, do you think for a moment they are going to allow their contributions to be given in their name to a candidate? Do you think for a moment that they would?

Mr. HOEFFEL. Well, Mr. Speaker, if this particular effort that you are describing, this mythical effort, is designed to hide contributions, is designed not to be totally open about where the money is coming from, then my bill would make it much more difficult for that kind of a hiding operation to occur, and it ought to be more difficult for that kind of activity to occur.

If the executives of that particular company are unwilling to have their names listed on a campaign report, there must be something wrong with their contributions. I mean if they were giving because they supported that candidate, there would be no problem and they would have no objection to the information being provided. But if this is actually corporation money or if a labor union is involved and it is labor money, if there is something wrong with the contribution in the first place, then my bill would make it more difficult for the money to be laundered and hidden and the political process to be subverted.

Mr. VROON. Mr. Speaker, right to that point, do you think it is very difficult for them to turn around and give their contributions to an organization like PEG or any one of the numerous packs, be they political packs of unions or corporations? Do you think that is more difficult? I think it is easier.

Mr. HOEFFEL. Oh, I think that is fine and there is a real place in our political process for packs, and we have made them legal and they should be. There is nothing wrong with that. And my bill would also require that the report that any pack were to file would also include this information on their contributors. So we would be able to see quite clearly where that particular pack is getting its money. There is nothing wrong with having that information available and there is



nothing wrong with your particular corporation officials that we are discussing here giving their money directly to a pack that they support.

Mr. VROON. And do you not admit that that is very easy, Mr. Speaker, to give more numerous contributions of under \$50 to achieve the purpose?

Mr. HOEFFEL. Well, that is an old argument, Mr. Speaker. The wisdom of this House has been to keep that cutoff level at \$50, and everything underneath that will not have to be listed on reports in this detail that I propose. We fought that battle already.

Mr. VROON. Mr. Speaker, I finished my interrogation and I would like to make a few remarks.

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

Mr. VROON. I think it is quite apparent from the interrogation which we just undertook that this bill really will not accomplish anything significant by requiring the employer's name and the occupation. There are numerous ways to get around this requirement. I do not think that we are going to achieve anything worthwhile at all by this. Therefore, I think Mr. Zearfoss' amendment is very much to the point.

All we are going to do is try to make it more difficult for us as candidates to file our report. What are we going to have to do? We are going to have to ferret out that information that he so foolishly requires in this particular bill.

I think this is an imposition on us. It is not going to do any good for the public; it is not going to do any good for the election process; but it is going to hurt us and only us.

I strongly urge, therefore, that we support the Zearfoss amendment and give ourselves a much needed break.

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Mr. Speaker, I rise to support the Zearfoss amendment.

I think I know what you are getting at in your bill, Mr. Speaker, but I think that you are penalizing many people who make honest contributions and making it very difficult, I think, especially for those contributors who work for an individual or a small firm whose political affiliation is different from the people with whom they work. I think this would make it very difficult for those people engaged in the political process.

#### QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman. For what purpose does the lady rise?

Mrs. HONAMAN. I rise to a question of personal privilege.

The SPEAKER. The lady will state it.

Mrs. HONAMAN. Last month I voted for the Zearfoss amendment, and I think Mr. Zearfoss referred this morning to Common Cause. As a result of my vote, I, along with about 53 other people were torn up and down the paper in an editorial for our actions. I told the group I did not consider a laundry list of opinion polls as a solemn campaign promise and I also reminded them that a wise man changes his mind and a fool never.

I felt this was intimidation and, Mr. Speaker, I will not be intimidated, and I will vote for the Zearfoss amendment.

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

Mr. RAPPAPORT. Mr. Speaker, I would like to address myself to two points on the Zearfoss amendment. One is the free-speech aspects of it.

The Supreme Court of the United States has held that a campaign contribution is part of the right of free speech guaranteed by the First Amendment to the Constitution. I give you two examples: Number one, the employe of a major corporation, under the Federal election law, major corporations must report the contributions given by their officers. Assume for a moment I cast a vote up here that that corporation did not like one bit, and yet this executive in the company happens to think I am a good Representative and he gives me a contribution and maybe a sizable one. If he knew that the company he was employed by has to be put down on my campaign report, he would be inhibited from giving me that contribution, and you are denying that person his free speech.

Number two, perhaps I cast a vote here that a union does not particularly like, and a member of that union wants to give me a contribution and on there it has to be employer. And he puts down, although he is an hourly employe, the employer's name, General Motors, and he is making \$4.50 an hour there. Number one, it may be unfair to General Motors; number two, it may spot him for his union to take reprisals. And it can happen; let us not be naive.

Number three—I have three examples—if the officials of my particular municipality do not like me very much, they will go over my list of campaign contributors and see what their affiliations are and pretty soon their affiliations have inspectors crawling out of their ears, from cracks in the sidewalks and everything else. We know about those tactics in the big cities. For the benefit of Mr. Zearfoss, they go back to the bad old days under the Republican machine. I am not saying they do not still continue. For all I know, they may very well, because I am not too privy to what goes on in the city all these days in Philadelphia.

I give these three examples. There is another factor: An organization can decide they do not like me, and put 200 people into my district on election day to work against me or for me, and that contribution of time and labor and effort is not reported anyplace. Yet, in a legislative campaign, as we well know, that can be much more important than a \$500 contribution. And I say that knowing that one person has contributed more than 50 percent of my campaign contribution everytime I have run, and that person is me.

Therefore, whether this amendment passes or not, it really does not affect me that much. What I am saying is, it will affect a lot of sincere people who will be inhibited from exercising their right of free speech.

Thank you, Mr. Speaker.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in support of the Zearfoss amendment.

My name is William Hutchinson and I live at R. D. 2, Schuylkill Haven, and what we are seeking here is to disclose and iden-

tify who has contributed to a campaign. The best way to identify anyone and the fair way to identify anyone is by his or her name and address.

I may also be a lawyer; I may also be a State Representative; I may be affiliated with a particular church; I may be a member of any numbers of groups, but as soon as I am asked to single out one individual group to which I belong and note that on the report, there is an inherent unfairness and an inherent association that goes with it which may be completely misleading.

My contributors are people. They live in a community; they have names and they have addresses; and the other people of that community know who they are, and if they do not know who they are, they can readily find it out.

I want to be identified; I am for disclosure; but I think I can be adequately and fairly identified only by my name and address.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

Mr. O'KEEFE. Thank you, Mr. Speaker. Very briefly, I rise against the amendment and for Mr. Hoeffel's bill the way it is.

Presently, under the Federal election law, there has been no great problems in the Congressional candidates employing, and all Mr. Hoeffel's bill does is bring us in compliance with, the Federal law which also has to list occupations. They do not have any problems, and I do not know why we should. Thank you.

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

Mr. ZEARFOSS. Mr. Speaker, one final word: To those members the distinguished lady from Lancaster referred to who received a program from Common Cause, because you may have made one statement on a questionnaire and voted differently the first time this amendment came up, I would just say that you can always pay attention to the debate on the floor of the House and you can always be changed because of that debate, and I would like to suggest that maybe those of you who did vote with me the last time this amendment came up and who were swayed by the debate, I hope you are swayed by the debate this time.

I think it makes a lot of sense and I think if you tell Common Cause that you did not have the full picture when you answered their questionnaire, but now you have the full picture and you think it is very unfair for them to expect that occupation and employer will be listed, I think that would be a sufficient response to them.

Now the final point I would like to make is that you have a desire here on Mr. Hoeffel's part to get to the economic background of the contributors to a campaign. That is what he is after, in addition to the identification, which can be accomplished easily by name and address. He wants to know something about the economic background of those people.

I am suggesting to you that merely reporting an occupation or an employer does not even begin to get to that issue. How about including income, for instance, which would be a relevant factor, it seems to me, much more relevant than occupation? There are a lot of poor lawyers. On the other hand, there are a

lot who make a pretty good living at it. I think the income level perhaps is even more relevant than occupation.

You also have securities and investments. How about the person who is not employed at all in any occupation but has substantial holdings in large corporations and does not have to report that? He may make a contribution to you because he is expecting favorable legislation for his corporation. But you are not going to find that out by reporting occupation and employer.

Occupation and employer hits at the little guy, the guy who would be intimidated by having to disclose that, the guy who would be inhibited from making the contribution if it is disclosed. The information is available for those who want to seek it out, but you do not have to put it on the public record.

I would suggest that you vote for my amendment. Make a strong Election Code, make a disclosure based on name and address, which will disclose and identify who has contributed to anybody's campaign, but let it go at that.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—114

Anderson	Garzia	McGinnis	Salvatore
Armstrong	Gatski	McIntyre	Scanlon
Arthurs	George, M.	McLane	Scheaffer
Barber	Giammarco	Milanovich	Schweder
Bennett	Grieco	Miscevich	Seltzer
Bittinger	Halverson	Moehlmann	Shupnik
Bittle	Hamilton	Mrkonic	Sirianni
Brandt	Hayes, D. S.	Mullen, M. M.	Smith, E.
Brunner	Hayes, S. E.	Novak	Smith, L.
Burd	Helfrick	Noye	Spencer
Cessar	Honaman	O'Brien, D.	Stairs
Cianciulli	Hopkins	O'Connell	Stuban
Cimini	Hutchinson, W.	Oliver	Taddonio
Cole	Johnson	Pancoast	Taylor, E.
DeMedio	Jones	Piccola	Thomas
DeVerter	Katz	Pievsky	Trello
DeWeese	Kelly	Pitts	Valicenti
Dietz	Klingaman	Polite	Vroon
Dininni	Knepper	Pott	Wagner
Donatucci	Lehr	Pratt	Wargo
Dorr	Letterman	Prendergast	Weidner
Duffy	Levi	Pyles	Wenger
Dumas	Livengood	Rappaport	Williams
Englehart	Lynch	Ravenstahl	Wright, D.
Fee	Mackowski	Rhodes	Zearfoss
Foster, A.	Madigan	Rieger	Zeller
Foster, W.	Manmiller	Ritter	Zitterman
Gallen	McCall	Ryan	Zwikl
Gamble	McClatchy		

NAYS—82

Abraham	Fryer	Laughlin	Shuman
Bellomini	Gallagher	Lincoln	Spitz
Berlin	Geesey	Logue	Stapleton
Berson	Geisler	Mebus	Stewart
Borski	George, C.	Meluskey	Sweet
Brown	Gillette	Miller	Taylor, F.
Burns	Gleeson	Milliron	Tenaglio
Butera	Goebel	Morris	Wansacz
Caltagirone	Goodman	Mowery	Wass
Caputo	Gray	Mullen, M. P.	White

Cassidy	Greenfield	Musto	Wiggins
Cohen	Greenleaf	O'Brien, B.	Wilson
Cowell	Harper	O'Keefe	Wilt
Davies	Hasay	Parker	Wise
DiCarlo	Haskell	Petrarca	Wright, J. L.
Dombrowski	Hoeffel	Reed	Yahner
Doyle	Hutchinson, A.	Renwick	Yohn
Fischer, R. R.	Itkin	Richardson	Zord
Fisher, D. M.	Kernick	Ruggiero	
Flaherty	Kolter	Schmitt	Irvis,
Freind	Kowalyszyn	Scirica	Speaker

NOT VOTING—4

Beloff	Manderino	O'Donnell	Shelton
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The question was determined in the affirmative and the amendments were agreed to.

**QUESTION OF PERSONAL PRIVILEGE**

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

Mr. D. S. HAYES. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. D. S. HAYES. On the Zearfoss amendment to HB 656, I meant to vote in the negative.

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

**AMENDMENTS DEFERRED**

Mr. ZEARFOSS. Mr. Speaker, I am not offering amendment No. 2.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Hoeffel, have amendments?

Mr. HOEFFEL. Yes, I do, Mr. Speaker.

The SPEAKER. The gentleman would be advised that the Chair is not going to take up any further amendments on this bill until this afternoon.

The gentleman, Mr. Greenfield, will be offering amendments this afternoon. The gentleman, Mr. Hoeffel, will be recognized to offer amendments this afternoon.

**MISS PENNSYLVANIA AMERICAN INDIAN PRESENTED**

The SPEAKER. The Chair at this time is delighted to permit the gentleman from Mercer, Mr. Bennett, to take the microphone to make a presentation to the members in the hall of the House. The Chair presents the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Thank you, Mr. Speaker.

My colleagues in the House, for some time in years past, you have heard me express my love and my concern for the American Indian.

We were privileged earlier this week to have met two outstanding young ladies who were presented in the hall of the House, Miss Pennsylvania and Miss Ebony Pennsylvania.

The young lady who I am about to present to you is indeed and has been crowned Miss Pennsylvania American Indian. She is presently working this week as a page in the House of Representatives, and we felt it would be an honor for her—and it is an honor for me—to present to you Miss Hope Jean Tonpahhote from Quakertown, Pennsylvania, who is a Kiowa Mayan

Indian, an American Indian from Quakertown, Pennsylvania.

For some 300 years there have been languages. Previous to that, Mr. Speaker, there were 300 different languages of Indian people in this country. Because of all of these different languages, the American Indian performed in sign language. Hope will accompany her mother who will sing "God Bless America" for you and Hope will interpret that song in Indian sign language. Before her mother sings "God Bless America," she will sign to you an Indian story about the United States. This is their way of showing their affection and their love and their patriotism for the greatest land on the earth.

It is with a great deal of pleasure on my part and honor that I present to the House of Representatives, Miss Hope Jean Tonpahhote.

(A musical program was presented.)

The SPEAKER. The Chair thanks the lady; the Chair thanks her daughter.

The Chair would like it to go into the record that what we have witnessed this week is a presentation of three young women, each gifted, each beautiful, each intelligent; one with her origins in the northern latitudes of Europe; one with her origins in the southern latitudes of Africa, and one with her origins in the North American continent. This symbolizes the woods of William Penn and the dream that William Penn had, the dream which makes this state greater than any other state and this Commonwealth more meaningful than any other, the dream that all people of all races and all origins and all religions could live together and work together in peace with one another.

You have seen that symbolized here this week. May the message be recorded and be remembered.

**ANNOUNCEMENTS**

The SPEAKER. Without objection, this House will now stand in recess until 1 p.m. The purpose of the recess will be for lunch and there will be a caucus called, or perhaps the Chair had better recognize the gentleman, Mr. Greenfield, to hear his recommendations.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I would like to suggest to all the members of the Democratic Party Caucus to report to the majority caucus room for a caucus immediately upon the call of the recess.

**STATE GOVERNMENT COMMITTEE MEETING**

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

Mr. GEISLER. Mr. Speaker, the meeting of the State Government Committee that was recessed this morning at 9:30 will resume immediately upon the call of the recess, in room 115A.

The SPEAKER. Does the gentleman, Mr. Greenfield, anticipate that the recess, up until 1 o'clock will be sufficient or should the Chair declare a recess until 1:30?

Mr. GREENFIELD. I would suggest 1:30, Mr. Speaker.  
The SPEAKER. The Chair so declares the recess until 1:30.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. There will be a Republican caucus immediately upon the call of the recess. If all members report to the caucus immediately, we will be able to conclude our business very shortly and the members can go to lunch.

### RESOLUTION REPORTED FROM COMMITTEE

**SR 210** (Concurrent) (Amended) By Mr. SCHMITT

That the Public Utility Commission be granted a delay of six months for reporting its findings to the General Assembly, such report to be issued on or before December 16, 1977.

Consumer Affairs.

### BILL REPORTED AND REREFERRED TO COMMITTEE

**HB 1409, PN 1676** By Mr. SCHMITT

An Act amending the act of December 27, 1951 (P. L. 1793, No. 475) referred to as the Liquefied Petroleum Gas Act," providing for certain definitions and further regulating registration certificates.

Reported from Committee on Consumer Affairs.

Rereferred to Committee on Mines and Energy Management.

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 1487** By Messrs. BERLIN, RENWICK, BRANDT, HOEFFEL, E. H. SMITH, MANDERINO, RYAN, ARTHURS, Mrs. KELLY, Messrs. RAPPAPORT, GREENFIELD, GALLAGHER, McCALL, GOODMAN, DOYLE, SHUPNIK, PARKER, A. K. HUTCHINSON, SCHWEDER, Mrs. KERNICK, Messrs. BENNETT, STAPLETON, B. F. O'BRIEN, PRENDERGAST, COLE, TENAGLIO, MOEHLMANN, BURNS, J. L. WRIGHT, WEIDNER, PRATT, FEE, TAYLOR, Mrs. WISE, Messrs. MILLIRON, CASSIDY, LIVENGOOD, CALTAGIRONE, D. R. WRIGHT, DeWEESE, LOGUE, M. M. MULLEN, DONATUCCI, CIMINI, DeMEDIO, SHUMAN, SWEET, MORRIS, HOPKINS, ZWIKL, ZORD, COWELL, D. M. O'BRIEN, NOYE, GARZIA, KOLTER, GLEESON, BURD, GEESEY, D. S. HAYES, LETTERMAN, LYNCH, POTT, Mrs. TAYLOR, Messrs. GAMBLE, KLINGAMAN, R. R. FISCHER, FREIND, VALICENTI, WHITE, WILLIAMS, ZELLER, RITTER, SCHMITT, Mrs. GILLETTE, Messrs. ITKIN, REED,

DAVIES, DININNI, MANMILLER, LINCOLN, LEVI, STUBAN, OLIVER, DiCARLO, WAGNER, DUMAS, RUGGIERO, RHODES, GRAY, ZITTERMAN, NOVAK, MISCEVICH, ABRAHAM, TRELLO, WANSACZ, CESSAR, WASS, DIETZ, KATZ, BROWN, RAVENSTAHL, DUFFY, JOHNSON, MRKONIC, McLANE, TADDONIO, SALVATORE, MADIGAN, VROON, PICCOLA, PITTS, GREENLEAF, ARMSTRONG, PYLES, MELUSKEY and LAUGHLIN

An Act providing for the termination of all agencies, boards, commissions, committees, departments and similar units of State Government that have not been created by statutes enacted by the General Assembly; establishing a committee to oversee the termination and providing a limited time period for the continuation of certain agencies, boards, commissions, committees, departments and similar units of State Government.

Referred to Committee on State Government.

**No. 1488** By Mr. HALVERSON

An Act amending the "Hazardous Substances Transportation Act," approved November 9, 1965 (P. L. 657, No. 323), providing for the minimum age for drivers.

Referred to Committee on Transportation.

**No. 1489** By Messrs. WAGNER, NOYE, GALLAGHER, HASKELL, ZEARFOSS, FREIND, GRIECO, REED, WENGER, DOYLE and MADIGAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for riders on pedalcycles.

Referred to Committee on Transportation.

### RECESS

The SPEAKER. Without objection, this House is now declared in recess until 1:30 p.m.

### AFTER RECESS

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

### HB 656 PASSED OVER TEMPORARILY

The SPEAKER. HB 656, PN 1724, will go over temporarily, pending the arrival of Mr. Hoeffel and Mr. Fisher who have amendments to offer thereunto.

### BILL REPORTED FROM COMMITTEE

**HB 552, PN 1775** (Amended) By Mr. ITKIN

An Act providing for the regulation for energy conservation purposes of the construction of buildings, the establishment of a Building Energy Conservation Committee, appeals and for penalties.

Mines and Energy Management.

## CONSIDERATION OF HB 656 RESUMED

On the question recurring,

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

Mr. HOFFEL offered the following amendment:

Amend Sec. 1 (Sec. 1607), page 2, line 12, by inserting after "ADDRESS" and, if applicable, occupation

On the question,

Will the House agree to the amendment?

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

Mr. HOFFEL. As the members know, the Zearfoss amendment that was adopted several moments ago removed from my bill the language calling for the designation of occupation and employer for contributors to political campaigns.

I would now offer an amendment to reinsert into my bill the requirement for the occupation of a contributor to be reported.

## PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. I do not have a copy of that amendment that is being offered, but just from what I understand, it seems to me that what he is suggesting is to simply rip out the Zearfoss amendment. Is that correct?

Mr. HOFFEL. No, not at all, Mr. Speaker.

The Zearfoss amendment took out of the bill the language calling for occupation and employer. I want to reinsert the language calling for occupation to be listed, not employer.

Mr. RYAN. I am sorry.

The SPEAKER. The gentleman, Mr. Hoeffel, may proceed.

Mr. HOFFEL. What I am attempting to do here, quite frankly, is to regain some of the ground I lost.

I think if we are going to improve our Election Code, we need to do more than simply add the requirement that home address be listed on our election returns.

The Zearfoss amendment, which was adopted, has amended my bill so that now only full name and home address be listed for contributors. Now that is a step in the right direction over current law, but I do not think it is enough of a step.

I would like to replace in my bill the language calling for the occupation of the contributor to be listed as well.

I think our election law, as currently written, is terribly weak. We need to make it stronger, and my bill, as it is in its current form, I do not believe goes far enough. I am simply trying to regain half of what I lost when the Zearfoss amendment was adopted. I ask for a "yes" vote on the amendment.

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

Mr. ZEARFOSS. Mr. Speaker, I rise, by popular request, to oppose this amendment.

It seems to me, Mr. Speaker, that the House spoke earlier today on this subject. Once you go beyond name and address,

there is no criterion for where you stop. It seems to me to single out occupation as the only additional information to be listed on a candidate's list of contributors is unfair and unwise. It does not give you the information you really want, and it just is pernicious in the sense that it discourages contributions from people who do not want to disclose their occupations. If there is a legitimate interest in the occupation of a contributor, the information will be disclosed that will enable the person who wants to find out the occupation to find out. They have the name and address, and from there they can get any other information about that contributor they want.

It does not seem to me that it is necessary to add occupation on that listing of contributors, and I would request a "no" vote.

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

Mr. HOFFEL. I disagree with Mr. Zearfoss' comments quite strongly. I believe that what I am trying to do is merely give the public some opportunity, a clearer opportunity to see the source of campaign contributions. There is nothing dangerous in what I am trying to do. In fact, the nominating petitions that every one of us has to file when we file for election contains the occupation of everybody who signs those nominating petitions.

If we require it on nominating petitions, I see no reason why we should not require it on the campaign expense accounts which we file.

It is not a dangerous amendment that I am offering. It is not harmful to ask for the occupation of a contributor to be listed. It is a step in the right direction toward clearing up a great deficiency in our Election Code.

The issue here on my amendment is not what Common Cause might think about it. It is not what any outside force may say or may not say or whatever you may or may not have said on your questionnaires when you ran for office. The question here is whether or not we are going to improve our Election Code.

I think we have debated this bill at great length; I think we are quite aware of the issue that is before us, and I do not think there is any way Mr. Zearfoss or anyone else can hide the fact that our election law is deficient and that my bill, in its current state, does not go far enough to improve that law.

There is nothing pernicious, as Mr. Zearfoss has said, about asking for the occupation of a contributor to be listed. If it is good enough for our nominating petitions, it should be good enough for our election reports. I ask for a "yes" vote on my amendment.

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

Mr. COHEN. On our nominating petitions when we file for nonresident poll watchers—something that I do and I think almost every member of this House does—we also have to put down the occupation of the nonresident poll watcher. That does not cause any problem. The public has a record of what the occupations of our nonresident poll watchers are. I see no reason why we cannot have the same information on campaign contributors.

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

Mr. YOHN. Mr. Speaker, I, too, rise in support of the amendment. We have spent a lot of time debating this bill. In reality, it is an extremely small, small step forward in reforming our Election Code. I think we should take this step enthusiastically and hope that it will lead to better reform at a later date.

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

The following roll call was recorded:

YEAS—92

Abraham	Freind	Lynch	Schweder
Bellomini	Fryer	Madigan	Scirica
Berlin	Gallagher	Manmiller	Shuman
Borski	Gallen	McCall	Spitz
Brown	Geesey	Mebus	Stapleton
Brunner	Geisler	Meluskey	Sweet
Burd	George, C.	Miller	Taddonio
Burns	Gillette	Milliron	Taylor, F.
Butera	Goebel	Morris	Tenaglio
Caltagirone	Goodman	Mowery	Valicenti
Cassidy	Gray	Musto	Wagner
Cessar	Greenfield	Novak	Wass
Cohen	Greenleaf	O'Brien, B.	Weidner
Cowell	Harper	O'Keefe	Wilson
Davies	Hasay	Petrarca	Wilt
DeMedio	Haskell	Pott	Wise
DeWeese	Hayes, D. S.	Pratt	Wright, J. L.
DiCarlo	Hoeffel	Rappaport	Yahner
Dombrowski	Itkin	Reed	Yohn
Doyle	Kernick	Renwick	Zord
Duffy	Kolter	Ruggiero	
Fischer, R. R.	Kowalysghyn	Scheaffer	Irvis,
Fisher, D. M.	Laughlin	Schmitt	Speaker
Flaherty	Lincoln		

NAYS—97

Anderson	Gleeson	McIntyre	Seltzer
Armstrong	Grieco	McLane	Shupnik
Arthurs	Halverson	Miscevich	Sirianni
Beloff	Hamilton	Moehlmann	Smith, E.
Bennett	Hayes, S. E.	Mrkonic	Smith, L.
Bittinger	Helfrick	Mullen, M. M.	Spencer
Bittle	Honaman	Noye	Stairs
Brandt	Hopkins	O'Brien, D.	Stewart
Caputo	Hutchinson, A.	O'Connell	Stuban
Cianciulli	Hutchinson, W.	Oliver	Taylor, E.
Cimini	Johnson	Pancoast	Thomas
Cole	Jones	Parker	Trello
DeVertter	Katz	Piccola	Vroon
Dietz	Kelly	Pitts	Wansacz
Dininni	Klingaman	Polite	Wargo
Donatucci	Knepper	Prendergast	Wenger
Dorr	Lehr	Pyles	White
Fee	Letterman	Ravenstahl	Wiggins
Foster, A.	Levi	Rhodes	Williams
Foster, W.	Livengood	Rieger	Wright, D.
Gamble	Logue	Ritter	Zearfoss
Garzia	Mackowski	Ryan	Zeller
Gatski	McClatchy	Salvatore	Zitterman
George, M.	McGinnis	Scanlon	Zwikl
Giammarco			

NOT VOTING—11

Barber	Engiehart	Mullen, M. P.	Richardson
Berson	Manderino	O'Donnell	Shelton
Dumas	Milanovich	Pievsky	

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

QUESTIONS OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. MILANOVICH. Mr. Speaker, on the Hoeffel amendment to HB 656, I wish to be recorded as voting "nay."

The SPEAKER. The gentleman's remarks will be noted for the record.

The Chair recognizes the gentleman from Cambria, Mr. Stewart. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. STEWART. Mr. Speaker, I wish to be recorded as voting in the affirmative on the Hoeffel amendment to HB 656.

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

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

Mr. GREENFIELD offered the following amendments:

Amend Title, page 1, line 11, by inserting after "elections," providing for certain compatible offices;

Amend Bill, page 1, by inserting between lines 19 and 20 Section 1. The act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," is amended by adding a section to read:

Section 808.2. Compatible Offices.—Any constable or any employe of a common pleas court, the Municipal Court of Philadelphia, the Traffic Court of Philadelphia or a district justice may be an officer of any political body or political party, and may hold the office of a county, State or National committee of any political party, and may run for and hold any elective office, and may participate in any election day activities.

Amend Sec. 1, page 1, line 20, by striking out "1" and inserting 2

Amend Sec. 1, page 1, line 20, by striking out " , ACT OF JUNE 3." and inserting of the act,

Amend Sec. 1, page 1, lines 21 and 22, by striking out all of line 21 and "CODE," in line 22

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting 3

Amend Sec. 3, page 4, line 12, by striking out "3" and inserting 4

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

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, this amendment merely adds to the Trello amendment "the Municipal Court of Philadelphia, the Traffic Court of Philadelphia", which was omitted in that particular amendment which passed this House this morning.

I understand that the sponsor of the bill has agreed to the amendment.

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

The following roll call was recorded:

YEAS—115

Abraham	Geesey	Mebus	Shupnik
Anderson	Geisler	Meluskey	Smith, E.
Arthurs	George, C.	Milliron	Spencer
Bellomini	George, M.	Miscevich	Spitz
Bennett	Goodman	Morris	Stairs
Berlin	Greenfield	Mrkonic	Stewart
Berson	Greenleaf	Mullen, M. P.	Sweet
Bittinger	Halverson	Mullen, M. M.	Taddonio
Brunner	Harper	Musto	Taylor, F.
Burd	Haskell	Novak	Tenaglio
Caltagirone	Hayes, D. S.	O'Brien, B.	Trello
Caputo	Hoeffel	O'Keefe	Valicenti
Cassidy	Hutchinson, A.	Pancoast	Vroon
Cessar	Itkin	Parker	Wagner
Cole	Knepper	Petrarca	Wansacz
Cowell	Kolter	Piccola	Wargo
DeMedio	Laughlin	Pievsky	Wiggins
DiCarlo	Lehr	Polite	Wilt
Dombrowski	Letterman	Pratt	Wise
Doyle	Livengood	Prendergast	Wright, D.
Duffy	Logue	Pyles	Yahner
Englehart	Lynch	Ravenstahl	Zearfoss
Fee	Mackowski	Renwick	Zeller
Fisher, D. M.	Manmiller	Rhodes	Zitterman
Flaherty	McCall	Ritter	Zord
Freind	McClatchy	Ryan	Zwinkl
Fryer	McGinnis	Schmitt	
Gallagher	McIntyre	Schweder	Irvis,
Gamble	McLane	Scirica	Speaker
Gatski			

NAYS—73

Armstrong	Foster, W.	Kelly	Ruggiero
Bittle	Gallen	Kernick	Salvatore
Borski	Garzia	Klingaman	Scanlon
Brandt	Giammarco	Kowalyszyn	Scheaffer
Brown	Gillette	Levi	Shuman
Burns	Goebel	Lincoln	Sirianni
Butera	Gray	Madigan	Smith, L.
Cianciulli	Grieco	Miller	Stapleton
Cimini	Hamilton	Moehlmann	Stuban
Cohen	Hasay	Mowery	Taylor, E.
Davies	Hayes, S. E.	Noye	Thomas
DeVerter	Helfrick	O'Brien, D.	Wass
DeWeese	Honaman	O'Connell	Weidner
Dietz	Hopkins	Pitts	Wenger
Dininni	Hutchinson, W.	Pott	White
Donatucci	Johnson	Rappaport	Wilson
Dorr	Jones	Reed	Wright, J. L.
Fischer, R. R.	Katz	Rieger	Yohn
Foster, A.			

NOT VOTING—12

Barber	Gleeson	O'Donnell	Seltzer
Beloff	Manderino	Oliver	Shelton
Dumas	Milanovich	Richardson	Williams

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

QUESTIONS OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe. For what purpose does the gentleman rise?

Mr. O'KEEFE. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. O'KEEFE. Mr. Speaker, on the vote on the Greenfield amendment to HB 656, I pushed my switch in the wrong direction. I would like to be recorded as voting in the negative.

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

The Chair recognizes the minority whip.

Mr. RYAN. The comment speaks for itself.

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

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

The SPEAKER. The gentleman will state it.

Mr. MILANOVICH. Mr. Speaker, on the Greenfield amendment to HB 656, I wish to be recorded as voting in the affirmative.

The SPEAKER. The gentleman's remarks will be noted for the record.

COMMENT ON VOTE

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I just wanted to make a casual observation. One of my friends from the county earlier was making comment about my supporting this Trello amendment. I see that sometime in the interval he, too, has seen the light and the fact that the amendment is worthwhile.

The SPEAKER. The Chair thanks the gentleman for the keenness of his observation.

RECONSIDERATION OF VOTE  
ON HOFFFEL AMENDMENT TO HB 656

Mr. HOFFFEL moved that the vote by which his amendment to HB 656 was defeated on this day be reconsidered.

Mr. STAPLETON seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—87

Abraham	Foster, A.	Laughlin	Shuman
Bellomini	Freind	Lincoln	Stapleton
Bennett	Fryer	McCall	Stewart
Berlin	Gallagher	McLane	Stuban
Berson	Garzia	Mebus	Sweet
Borski	Geesey	Meluskey	Taylor, F.
Brown	Geisler	Milanovich	Tenaglio
Burd	George, C.	Milliron	Valicenti
Burns	George, M.	Morris	Wagner
Caltagirone	Gillette	Mullen, M. P.	Wansacz
Cassidy	Goebel	Musto	Wargo
Cessar	Goodman	Novak	Wass
Cohen	Greenfield	O'Brien, B.	Wiggins
Cole	Greenleaf	O'Keefe	Wilt
Cowell	Harper	Petrarca	Wise
Davies	Haskell	Pievsky	Wright, J. L.
DeWeese	Hayes, D. S.	Pratt	Yohn
DiCarlo	Hoeffel	Reed	Zitterman
Dombrowski	Hutchinson, A.	Ruggiero	Zord
Doyle	Itkin	Schmitt	
Duffy	Kernick	Schweder	Irvis,
Fisher, D. M.	Kowalyszyn	Scirica	Speaker
Flaherty			

NAYS—104

Anderson	Grieco	McGinnis	Ryan
Armstrong	Halverson	McIntyre	Salvatore
Arthurs	Hamilton	Miller	Scanlon
Bittinger	Hasay	Miscevich	Scheaffer
Bittle	Hayes, S. E.	Moehlmann	Seltzer
Brandt	Helfrick	Mowery	Shupnik
Brunner	Honaman	Mrkonic	Sirianni
Butera	Hopkins	Mullen, M. M.	Smith, E.
Caputo	Hutchinson, W.	Noye	Smith, L.
Cianciulli	Johnson	O'Brien, D.	Spencer
Cimini	Jones	O'Connell	Spitz
DeMedio	Katz	Oliver	Stairs
DeVerter	Kelly	Pancoast	Taddonio
Dietz	Klingaman	Parker	Taylor, E.
Dininni	Knepper	Piccola	Thomas
Donatucci	Kolter	Pitts	Trello
Dorr	Lehr	Polite	Vroon
Englehart	Letterman	Pott	Weidner
Fee	Levi	Prendergast	Wenger
Fischer, R. R.	Livengood	Pyles	White
Foster, W.	Logue	Rappaport	Wilson
Gallen	Lynch	Ravenstahl	Wright, D.
Gamble	Mackowski	Renwick	Yahner
Gatski	Madigan	Rhodes	Zearfoss
Giammarco	Manmiller	Rieger	Zeller
Gray	McClatchy	Ritter	Zwikl

NOT VOTING—9

Barber	Gleeson	O'Donnell	Shelton
Beloff	Manderino	Richardson	Williams
Dumas			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the roll call will now be taken.

YEAS—190

Abraham	Gallen	Mackowski	Scheaffer
Anderson	Gamble	Madigan	Schmitt
Armstrong	Garzia	Manmiller	Schweder
Arthurs	Gatski	McCall	Scirica
Bellomini	Geesey	McClatchy	Seltzer
Bennett	Geisler	McGinnis	Shuman
Berlin	George, C.	McIntyre	Shupnik
Berson	George, M.	McLane	Sirianni
Bittinger	Giammarco	Mebus	Smith, E.
Bittle	Gillette	Meluskey	Smith, L.
Borski	Gleeson	Milanovich	Spencer
Brandt	Goebel	Miller	Spitz
Brown	Goodman	Milliron	Stairs
Brunner	Gray	Miscevich	Stapleton
Burd	Greenfield	Moehlmann	Stewart
Burns	Greenleaf	Morris	Suban
Butera	Grieco	Mowery	Sweet
Caltagirone	Halverson	Mrkonic	Taddonio
Caputo	Hamilton	Mullen, M. P.	Taylor, E.
Cassidy	Harper	Mullen, M. M.	Taylor, F.
Cessar	Hasay	Musto	Tenaglio
Cianciulli	Haskell	Novak	Thomas

Cimini	Hayes, D. S.	Noye	Trello
Cohen	Hayes, S. E.	O'Brien, B.	Valicenti
Cole	Helfrick	O'Brien, D.	Vroon
Cowell	Hoeffel	O'Keefe	Wagner
Davies	Honaman	Pancoast	Wansacz
DeMedio	Hopkins	Parker	Wargo
DeVerter	Hutchinson, A.	Petrarca	Wass
DeWeese	Hutchinson, W.	Piccola	Weidner
DiCarlo	Itkin	Pievsky	Wenger
Dietz	Johnson	Pitts	White
Dininni	Jones	Polite	Wiggins
Dombrowski	Katz	Pott	Wilson
Donatucci	Kelly	Pratt	Wilt
Dorr	Kernick	Prendergast	Wise
Doyle	Klingaman	Pyles	Wright, D.
Duffy	Knepper	Rappaport	Wright, J. L.
Englehart	Kolter	Ravenstahl	Yahner
Fee	Kowalyshyn	Reed	Yohn
Fischer, R. R.	Laughlin	Renwick	Zearfoss
Fisher, D. M.	Lehr	Rhodes	Zeller
Flaherty	Letterman	Rieger	Zitterman
Foster, A.	Levi	Ritter	Zord
Foster, W.	Lincoln	Ruggiero	Zwikl
Freind	Livengood	Ryan	
Fryer	Logue	Salvatore	Irvis,
Gallagher	Lynch	Scanlon	Speaker

NAYS—1

O'Connell

NOT VOTING—9

Barber	Manderino	Oliver	Shelton
Beloff	O'Donnell	Richardson	Williams
Dumas			

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

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, I would like to be recorded as voting in the affirmative on HB 656.

The SPEAKER. The gentleman's remarks will be spread upon the record. We will check to see if the gentleman was voted in the affirmative.

BILL REPORTED AND REREFERRED TO COMMITTEE

HB 694, PN 774

By Mr. GEISLER

An Act designating a certain bridge known as the East Rochester-Monaca Toll Bridge in Beaver County as the "Michael Baker Jr. Memorial Bridge."

Reported from Committee on State Government.

Rereferred to Committee on Transportation.



**BILL REREPORTED FROM COMMITTEE**

**HB 988, PN 1580**

By Mr. GEISLER

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the Pennsylvania Harness Racing Law, further providing for the disposition of pari-mutuel pools.

Rereported to Committee on State Government.

**SB 236 REMOVED FROM TABLE**

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

Mr. YOHN. Mr. Speaker, I move that SB 236 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The bill is removed from the table.

**BUSINESS AND COMMERCE BILL ON FINAL PASSAGE**

Agreeable to order,

The House proceeded to the consideration on final passage of **House bill No. 949, printer's No. 1601**, entitled:

An Act amending the "Business Corporation Law" approved May 5, 1933 (P. L. 364, No. 106), further providing for the approval of a plan of merger or consolidation for certain domestic corporations.

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

The question is, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the roll call will now be taken.

**YEAS—129**

Abraham	Gallagher	Manderino	Scheaffer
Armstrong	Gamble	McCall	Schmitt
Arthurs	Garzia	McGinnis	Schweder
Bellomini	Gatski	McIntyre	Shuman
Bennett	Geesey	McLane	Shupnik
Berlin	Geisler	Meluskey	Spencer
Berson	George, C.	Milanovich	Stairs
Bittinger	George, M.	Milliron	Stapleton
Borski	Giammarco	Miscevich	Stewart
Brown	Gillette	Morris	Stuban
Brunner	Goodman	Mrkonic	Sweet
Burns	Gray	Mullen, M. P.	Taddonio
Butera	Greenfield	Mullen, M. M.	Taylor, F.
Caltagirone	Greenleaf	Musto	Tenaglio
Caputo	Grieco	Novak	Trello
Cassidy	Halverson	Noye	Valicenti
Cessar	Harper	O'Brien, B.	Wansacz
Cianciulli	Hayes, D. S.	O'Connell	Wargo
Cimini	Hoeffel	O'Keefe	White
Cohen	Hutchinson, A.	Oliver	Wiggins
Cole	Itkin	Pievsky	Williams
Cowell	Johnson	Pratt	Wilson
DeMedio	Jones	Prendergast	Wise
DeWeese	Kelly	Pyles	Wright, D.
DiCarlo	Kernick	Rappaport	Wright, J. L.
Dombrowski	Kolter	Ravenstahl	Yahner
Donatucci	Kowalyshyn	Reed	Zeller
Doyle	Laughlin	Renwick	Zitterman
Duffy	Lehr	Rhodes	Zwikel

Englehart	Letterman	Rieger	Irvis, Speaker
Fee	Lincoln	Ritter	
Flaherty	Livengood	Ruggiero	
Fryer	Logue	Scanlon	

**NAYS—62**

Anderson	Hasay	Mebus	Sirianni
Bittle	Haskell	Miller	Smith, E.
Burd	Hayes, S. E.	Moehlmann	Smith, L.
Davies	Helfrick	Mowery	Spitz
DeVerter	Honaman	O'Brien, D.	Taylor, E.
Dietz	Hopkins	Pancoast	Thomas
Dininni	Hutchinson, W.	Parker	Vroon
Dorr	Katz	Piccola	Wagner
Fischer, R. R.	Klingaman	Pitts	Wass
Fisher, D. M.	Knepper	Polite	Weidner
Foster, A.	Levi	Pott	Wenger
Foster, W.	Lynch	Ryan	Wilt
Freind	Mackowski	Salvatore	Yohn
Gallen	Madigan	Scirica	Zearfoss
Goebel	Manmiller	Seltzer	Zord
Hamilton	McClatchy		

**NOT VOTING—9**

Barber	Dumas	O'Donnell	Richardson
Beloff	Gleeson	Petrarca	Shelton
Brandt			

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

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

**APPROPRIATION BILLS ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 701, printer's No. 1069**, entitled:

An Act making an appropriation from the Public School Employee's Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal period July 1, 1977 to June 30, 1978 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1977.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the roll call will now be taken.

**YEAS—186**

Abraham	Gamble	Manmiller	Schmitt
Anderson	Garzia	McCall	Schweder
Armstrong	Gatski	McClatchy	Scirica
Arthurs	Geesey	McGinnis	Seltzer
Bellomini	Geisler	McLane	Shuman
Bennett	George, C.	Mebus	Shupnik
Berlin	George, M.	Meluskey	Sirianni
Berson	Giammarco	Milanovich	Smith, E.
Bittinger	Gillette	Miller	Smith, L.

Bittle	Goebel	Milliron	Spencer
Borski	Goodman	Miscevich	Spitz
Brandt	Gray	Moehlmann	Stairs
Brown	Greenfield	Morris	Stapleton
Brunner	Greenleaf	Mrkonic	Stewart
Burd	Grieco	Mullen, M. P.	Stuban
Burns	Halverson	Mullen, M. M.	Sweet
Butera	Hamilton	Musto	Taddonio
Caltagirone	Harper	Novak	Taylor, E.
Caputo	Hasay	Noye	Taylor, F.
Cassidy	Haskell	O'Brien, B.	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, D.	Thomas
Cimini	Hayes, S. E.	O'Connell	Trello
Cohen	Helfrick	O'Keefe	Valicenti
Cole	Hoeffel	Oliver	Vroon
Cowell	Honaman	Pancoast	Wagner
Davies	Hopkins	Parker	Wansacz
DeMedio	Hutchinson, A.	Petrarca	Wargo
DeVerter	Hutchinson, W.	Piccola	Wass
DeWeese	Itkin	Pievsky	Weidner
DiCarlo	Jones	Pitts	Wenger
Dietz	Katz	Polite	Wiggins
Dininni	Kelly	Pott	Williams
Dombrowski	Kernick	Pratt	Wilson
Dorr	Klingaman	Prendergast	Wilt
Doyle	Knepper	Pyles	Wise
Duffy	Kolter	Rappaport	Wright, D.
Englehart	Kowalshyn	Ravenstahl	Wright, J. L.
Fee	Laughlin	Reed	Yahner
Fischer, R. R.	Lehr	Renwick	Yohn
Fisher, D. M.	Letterman	Rhodes	Zearfoss
Flaherty	Levi	Rieger	Zeller
Foster, A.	Lincoln	Ritter	Zitterman
Foster, W.	Livengood	Ruggiero	Zord
Freind	Logue	Ryan	Zwilk
Fryer	Lynch	Salvatore	
Gallagher	Mackowski	Scanlon	Irvis,
Gallen	Madigan	Scheaffer	Speaker

NAYS—1

Mowery

NOT VOTING—13

Barber	Dumas	Manderino	Richardson
Beloff	Gleeson	McIntyre	Shelton
Cessar	Johnson	O'Donnell	White
Donatucci			

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same without amendment.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 927, printer's No. 1130, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal period July 1, 1977 to June 30, 1978 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1977.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three dif-

ferent days and agreed to and is now on final passage.

The question is, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the roll call will now be taken.

YEAS—188

Abraham	Gallagher	Manmiller	Schmitt
Anderson	Gallen	McCall	Schweder
Armstrong	Gamble	McClatchy	Scirica
Arthurs	Garzia	McGinnis	Seltzer
Barber	Gatski	McLane	Shuman
Bellomini	Geesey	Mebus	Shupnik
Bennett	Geisler	Meluskey	Sirianni
Berlin	George, C.	Milanovich	Smith, E.
Berson	George, M.	Miller	Smith, L.
Bittinger	Giammarco	Milliron	Spencer
Bittle	Gillette	Miscevich	Spitz
Borski	Goebel	Moehlmann	Stairs
Brandt	Goodman	Morris	Stapleton
Brown	Gray	Mrkonic	Stewart
Brunner	Greenfield	Mullen, M. P.	Stuban
Burd	Greenleaf	Mullen, M. M.	Sweet
Burns	Grieco	Musto	Taddonio
Butera	Halverson	Novak	Taylor, E.
Caltagirone	Hamilton	Noye	Taylor, F.
Caputo	Harper	O'Brien, B.	Tenaglio
Cassidy	Hasay	O'Brien, D.	Thomas
Cianciulli	Haskell	O'Connell	Trello
Cimini	Hayes, D. S.	O'Keefe	Valicenti
Cohen	Hayes, S. E.	Oliver	Vroon
Cole	Helfrick	Pancoast	Wagner
Cowell	Hoeffel	Parker	Wansacz
Davies	Honaman	Petrarca	Wargo
DeMedio	Hopkins	Piccola	Wass
DeVerter	Hutchinson, A.	Pievsky	Weidner
DeWeese	Hutchinson, W.	Pitts	Wenger
DiCarlo	Itkin	Polite	White
Dietz	Johnson	Pott	Wiggins
Dininni	Jones	Pratt	Williams
Dombrowski	Katz	Prendergast	Wilson
Donatucci	Kelly	Pyles	Wilt
Dorr	Kernick	Rappaport	Wise
Doyle	Klingaman	Ravenstahl	Wright, D.
Duffy	Knepper	Reed	Wright, J. L.
Dumas	Kolter	Renwick	Yahner
Englehart	Kowalshyn	Rhodes	Yohn
Fee	Laughlin	Rieger	Zearfoss
Fischer, R. R.	Lehr	Ritter	Zeller
Fisher, D. M.	Letterman	Ruggiero	Zord
Flaherty	Levi	Ryan	Zwilk
Foster, A.	Livengood	Salvatore	
Foster, W.	Logue	Scanlon	Irvis,
Freind	Lynch	Scheaffer	Speaker
Fryer	Madigan		

NAYS—2

Mackowski Mowery

NOT VOTING—10

Beloff	Lincoln	O'Donnell	Shelton
Cessar	Manderino	Richardson	Zitterman
Gleeson	McIntyre		

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same without amendment.

## JUDICIARY BILL ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 757, printer's No. 1154**, entitled:

An Act amending the act of December 6, 1972 (P. L. 1464, No. 333), entitled "An act relating to the care guidance control trial placement and commitment of delinquent and deprived children" further defining "child" "delinquent act" and "deprived child" further defining certain words changing certain references from "deprived" to "dependent" further providing for informal adjustment and consent decrees further regulating detention and shelter care and imposing certain duties on counties and the Department of Public Welfare further providing for transfers making related changes and making certain repeals and providing an appropriation.

On the question,

Will the House agree to the bill on third consideration?

Mr. MORRIS offered the following amendments:

Amend Title, page 1, line 16 by removing the comma after "TRANSFERS" and inserting and for the disclosure of certain records,

Amend Sec. 1, page 2, line 23 by striking out "AND" and inserting a comma

Amend Sec. 1, page 2, line 23 by removing the comma after "32" and inserting and 38

Amend Bill, page 21, by inserting between lines 18 and 19 Section 38. Law Enforcement Records.—(a) Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 28, the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public except as provided in subsection (b); but inspection of the records and files is permitted by:

(1) The court having the child before it in any proceeding;

(2) Counsel for a party to the proceeding;

(3) The officers of institutions or agencies to whom the child is committed;

(4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and

(5) A court in which he is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him.

(b) (1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public except if the child is fourteen or more years of age at the time of the alleged conduct and if:

(i) the child has been adjudicated delinquent by a court as a result of an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm; or

(ii) a petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.

(2) If the child's conduct meets the requirements for disclosure as set forth in paragraph (1), then the court or law en-

forcement agency, as the case may be, shall disclose the name of the child and the nature of the conduct in question.

On the question,

Will the House agree to the amendments?

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

Mr. MORRIS. Mr. Speaker, what this amendment does is to introduce into this bill an amendment similar to some of the amendments that were attempted to be introduced in HB 1 regarding publication of names of juvenile offenders involved in serious offenses.

I will read the offenses so that those in the House who may not want to read them for themselves can get the included offenses here. They are very serious matters: Rape, kidnapping, murder, robbery, arson, burglary and other acts involving the use of or threat of serious bodily harm.

This amendment is being offered on behalf of myself and Representatives Fryer, Yohn, Pitts and Pancoast. We believe that when a young person commits offenses of this serious nature that the public has the right to know who they are. If you have a kid like this operating in your neighborhood, I think you ought to know about it. That is about the sum and substance of the thing.

I might add that if it is a first offense, the name is only allowed to be given out after the finding by the court; that is to say, a finding what would amount to guilty in an ordinary criminal case. If the individual is a repeater, it can be given out when charged.

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

Mr. WILLIAMS. Mr. Speaker, I would like to have a copy of the amendment so I can read it. I do not have it with this pile of stuff on my desk.

The SPEAKER. Will the clerk please make certain that the gentleman, Mr. Williams, has a copy of the amendment?

Mr. WILLIAMS. Mr. Speaker, I now have a copy of the amendment.

The SPEAKER. The Chair thanks the gentleman, and the gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, I would like to request if Mr. Morris would consent to interrogation.

The SPEAKER. The gentleman, Mr. Morris, indicates he will stand for interrogation. The gentleman, Mr. Williams, may proceed.

Mr. WILLIAMS. Mr. Speaker, I have not had a chance to read this amendment but may I ask you, is this the same amendment, in essence, that we debated on the House floor some weeks ago as an amendment to HB 1?

Mr. MORRIS. It is similar. I am not sure it is exactly the same, because I cannot remember the exact contents of those amendments. There was more than one at the time.

Mr. WILLIAMS. Mr. Speaker, if my recollection is correct—and I believe now that I have a section here—this would require the publication of the names of certain youths if a petition filed against them contains certain charges. Is that in essence what it does?

Mr. MORRIS. That is correct, but only if it is the second offense.

Mr. WILLIAMS. Pardon me?

Mr. MORRIS. Only if it is the second or a further repeated offense of one of these crimes.

Mr. WILLIAMS. Where is that contained? In what section is that?

Mr. MORRIS. Little (ii).

Mr. WILLIAMS. Pardon me?

Mr. MORRIS. Little (ii), "a petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include the elements of rape, kidnapping, . . ." et cetera. This is, however, for a later offense.

Mr. WILLIAMS. That is in (ii); (b) (ii), is that correct?

Mr. MORRIS. Yes, I think so. Let me read it again.

Mr. WILLIAMS. It is the idea that if a petition alleges a charge which contains the elements of a charge for which the person had been convicted previously, publication of their names would be required. Is that correct?

Mr. MORRIS. Yes, if requested by the newspapers or what not.

Mr. WILLIAMS. Mr. Speaker, where it says if it includes elements of certain charges, elements of rape, elements of kidnapping, elements of murder, elements of arson, burglary, and so forth and so on, could you tell me what it means when it says elements of that?

Mr. MORRIS. I think what that refers to, Mr. Speaker, is that if a youth is not charged with a crime under the juvenile procedures, they are charged as being a juvenile delinquent, but they may have committed a burglary, for example, or an arson. So the word "element" in here is supposed to refer to the actual offense had they been of age and would have then been charged with the crime in question.

Mr. WILLIAMS. Mr. Speaker, if a youth were charged with, in the same petition, rape and statutory rape with regard to the same child and were found guilty, I assume that his guilt would be of delinquency? Is that correct? In other words, he would be found guilty of delinquency?

Mr. MORRIS. Yes, I think that is correct.

Mr. WILLIAMS. Okay. Mr. Speaker, if in that case it was the finding or the thought of the judge that the youth was guilty, say, of statutory rape but not forcible rape, how could you tell whether or not the element of rape is one that he had been previously convicted of if the adjudication would be one of delinquency and not an adjudication of rape as opposed to statutory rape?

Mr. MORRIS. I suppose the records are available, are they not now?

Mr. WILLIAMS. I am suggesting that the adjudication is basically the only thing that counts, and if that adjudication in the same petition would be one of delinquency, although a judge would find and not believe that he was guilty of forcible rape but would find that he was guilty of statutory rape, that the adjudication would be one of delinquency and not one specifying rape or statutory rape.

I will give you another example. Let us suppose that a youth

was charged with burglary and in fact was found delinquent but not found guilty of burglary technically, but might have been found guilty of trespassing or something of that nature. The adjudication would still be one of delinquency and would not necessarily have included the element of burglary. What would prevail in that instance, Mr. Speaker?

Mr. MORRIS. Mr. Speaker, Mr. Williams is speaking from a much larger experience in this area of procedure than I am. I have only tried one delinquency case in my life—and that, of course, was as defense counsel. Perhaps Mr. Yohn can enlighten the questioner better than I can.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment somewhat for the same reasons I opposed it before. I just want to reemphasize and restate that at least in Philadelphia County—I do not know about other counties—where the processing of the charges against juveniles is by petitions drafted by lawyers and sometimes by administrators and sometimes by police—and in many, many cases you find a series of charges, five or six, many of which do not later on get adjudicated or proved—the actual processing of the charges is not in any way whatsoever deliberate and thorough, Mr. Speaker, from my experience in Philadelphia County. I do not know, again, about other counties.

This particular amendment, Mr. Speaker, seeks, in my judgment, basically to convict the defendant—in this case a youth—before he is even adjudicated. It says that whatever the petition says, written by some clerk or lawyer, whatever he says, automatically the public is to believe that in fact that youth committed these charges. It does not say after delinquency, after an adjudication, and so forth and so on.

The concept, Mr. Speaker, whereby we have, in our legislative wisdom, separated children from the rest of us in terms of how we handle that, I think has a lot of merit to it, and that means to say, Mr. Speaker, that those legal and judicial processes are set up, hopefully, to help those children. It seems to me that before a child even has a trial, to publicize this would do two very basic things. First of all, it would in many cases misrepresent the guilt or innocence of a youth of tender years. The second thing it may very well do, and what scares me the most, is that youngsters, in a growing teenage area, like everybody else want status, and the more you put those names in the papers for whatever reason, it gives that artificial status in those artificial growing years. It would not help a community. It would not help a neighborhood. Indeed, it would do much to destroy that young man or woman. And so for the very purpose that the sponsors of this amendment want, that is, for a general knowledge and therefore a general protection of society, it would have indeed the opposite effect. It seems to me it would fester upon the status-seeking teenagers, those who are disruptive and those who are constructive, and in the same breath it would seek to cut down those innocent youths who may be arrested and who may be charged who have not yet had the opportunity to present their defenses and to come out of court.

I do not know whether or not this amendment calls for the adjudication of innocence after they are held in court, but in most cases when people are found innocent, they are not printed. In this instance we are talking about a young man or a

young woman who by the stroke of a pen will have his life affected, his reputation affected, and in many cases unjustly.

Mr. Speaker, I would urge the House to give serious and reflective thought to what this amendment may do and to also recognize over the years what the force of our legislative wisdom already has told us with regard to children, and that is, that our thrust ought to be even more so to help them than to take a capricious step that might irresponsibly destroy them.

Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, I did not hear everything that Mr. Williams said, but I believe that he was bringing in the issue of statutory rape. I would point out to the gentleman that it is my understanding, after having the matter checked, that statutory rape involves a situation where a male 18 years of age or over is involved with a female. Therefore, statutory rape would not be involved in a juvenile proceeding since the perpetrator would be over 18 years of age.

I would urge the support of this amendment. When these amendments were considered some weeks ago, there were two major objections. One objection was that at that time one of the proposals gave the discretion to the district attorney as to whether or not the name should be released. The reason for putting that in was to try to take care of the possibility that perhaps in some situations the DA would feel the names should not be released. A number of objections were raised to that proposal because it was felt that there might be then some favoritism granted in that people who had connections of one sort or another could reach the DA and get his concurrence not to release the names. I think those objections had some merit, and for that reason that portion of the prior amendment was taken out. It is now not in the discretion of the district attorney; it is a situation where the names shall be released when the particular crimes are involved.

The second major objection to the amendments that were considered by this House previously was that it involved not only felonies but also misdemeanors and that the juvenile's name would appear in the newspaper in many situations where he had been charged with a relatively minor crime. That has also been taken out. So this provision now only applies to major felonies; not even all felonies, just major felonies.

I think that these two restrictions have immeasurably improved the proposals that were before the House previously and meet most of the objections that were raised at that time. It was a consensus effort by the five of us who are cosponsors of the amendment. We sat down after the prior debate, took into consideration everything that was said in caucuses and on the floor that day, and tried to arrive at a consensus as to what the best way would be to attack this problem.

The problem is twofold. One is that by publishing names, I think most of us feel that that will be a deterrent to this rising juvenile crime that every area in the state is affected by. Secondly, we feel that the public has a right to know. When someone in your area has committed a crime of this major magnitude, the public has the right to know that that type of thing is

going on in their neighborhood and who the perpetrator of it was.

I think because of those two things, this amendment is a good proposal. We have tightened up the language considerably from that which was presented before and I think have met most of the legitimate objections. There will, of course, be some difference in philosophy on this type of thing, but I think the amendment is now much more tightly drawn and I would urge your support of the same.

Thank you.

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

Mr. CAPUTO. Mr. Speaker, I would like to interrogate either Mr. Yohn or Mr. Morris, and since Mr. Morris indicates that Mr. Yohn has more experience, I would prefer Mr. Yohn.

Mr. YOHN. I do not know how much more experience I have, but I would be happy to try to answer your questions.

The SPEAKER. The gentleman, Mr. Yohn, indicates that he will stand for interrogation. The gentleman from Allegheny may proceed.

Mr. CAPUTO. Thank you.

Mr. Speaker, I recognize the improvements in this amendment as outlined by Mr. Yohn, but I would like to question him on that part of the amendment marked "(b) (ii)." Do you have a copy of the amendment?

Mr. YOHN. Yes, I do have a copy.

Mr. CAPUTO. That particular part of the amendment would allow publication of the names and disclosure to the public of the names if a petition is filed alleging delinquency by a law-enforcement agency, alleging that the child committed one of the more serious crimes, the crimes outlined in the amendment, and providing also he had been previously adjudged delinquent by a court as a result of a previous infraction of this particular law? Is that correct?

Mr. YOHN. That is correct.

Mr. CAPUTO. Mr. Speaker, you would not say that an allegation arises to the force of an indictment, would you?

Mr. YOHN. No. You are absolutely correct on that. However, if a person is an adult, the commission of any crime is immediately public information and so, as soon as a person is 18 years of age, any crime that they are alleged as having committed is immediately public information.

Mr. CAPUTO. I agree with that.

Mr. YOHN. This situation here is an attempt to compromise between that and the complete nondisclosure. As you see in the first section there, the first offense of this serious nature—it does not involve anything involving the misdemeanors or lesser felonies—would not be disclosed until there has been a full adjudication of delinquency. However, if there has been an adjudication of delinquency for robbery, rape, or whatever, then in that situation that person, if he is again accused of this type of crime on a separate occasion on the second time around, then it is open to the public at the time of the allegation by the law-enforcement agency.

Mr. CAPUTO. I understand that part. My question is, Mr. Speaker, that an allegation is a mere accusation. Is that correct?

Mr. YOHN. Yes. It is an accusation by the law-enforcement agency, the police officer, that they feel that this person has perpetrated a crime which they accuse him of, and it would have to be one of these major felonies.

Mr. CAPUTO. Right, but an allegation can occur before there is even a preliminary hearing or a hearing in connection with the accusation. Is that correct?

Mr. YOHN. The allegation is by a police officer, right, and, obviously, any hearing that takes place takes place after the allegation is made, just as it does in any crime.

Mr. CAPUTO. Right, but under this amendment the publicity—that is, the release of the name of the accused to the public—could precede any hearing or adjudication on the crime itself. Is that correct?

Mr. YOHN. On the second offense involving a major crime, that is correct, that the publication would be made that a person is charged with this offense; not that they are convicted of it but that they have been charged with this offense.

Mr. CAPUTO. All right. Thank you very much.

Mr. YOHN. Thank you.

Mr. CAPUTO. Mr. Speaker, I recognize the fact that this amendment is much better than the one that was offered a couple of weeks ago which dealt with misdemeanors and less serious offenses, but I think that the particular section (b) (ii) should also be eliminated from the amendment.

I recognize the fact that before any juvenile is subject to the publication of his name for one of the alleged offenses, he must first of all be 14 years of age and must have been previously adjudicated a delinquent involved in one of the specific offenses mentioned in this act. However, my objection to the publication of a child's or a youthful person's name in connection with a serious felony arises out of the fact that I do not believe anyone is guilty until they have had a hearing and have been adjudicated guilty. Yet I recognize that the mere accusation, if publicized, in the light of the public, his friends, his neighbors, his acquaintances, convicts him before there is even an adjudication of the crime for which he stands charged.

In this House, Mr. Speaker, earlier in this session, in an effort to remove the then-Speaker who had been indicted, the majority of this House held that an indictment was not sufficient proof of the allegations against him, even though there was an indictment that was passed on by a Federal grand jury. We held it was merely an accusation; it was not proof of guilt; and, therefore, no punitive measures should be applied to the then-Speaker. We have held this on many, many occasions, Mr. Speaker, as one of the rights under a free society.

I argue right now that this particular part of this amendment, while I recognize the good qualities of the rest of the amendment, is carrying that out further. We are saying that a boy 14 years of age or a girl 14 years of age, who had been in trouble before, is automatically adjudged guilty and they are permitted to publicize that in the newspapers because of those two factors — their age and the fact that they were once adjudicated as a delinquent for participating in or perpetrating certain crimes.

#### QUESTION OF PERSONAL PRIVILEGE

Mr. CAPUTO. Under question of personal privilege at this

time, Mr. Speaker, I have been accused in the public press often in the last couple of months. I would like to say that in one case just a couple of weeks ago, it was indicated in one of the newspapers and on all the television stations in my area, in the newspapers in my area as well as those in Harrisburg and Philadelphia and other places, that I was being investigated on a charge of participation in a liquor warehouse matter in Lebanon County. I am lucky I know where Lebanon County is. I do not know anybody who lives there except perhaps Jack Seltzer. I tried to follow it up. I called all three United States Attorneys in each district of Pennsylvania, and finishing up last Friday, all three of them — Mr. Griffith in Pittsburgh, Mr. Marston in Philadelphia, and Mr. Cottone in the middle district — informed me and told me—and I told them I am giving it to the press and I expect a publication to be made soon—that there is no investigation going on where I am concerned in connection with any warehouses in Lebanon County. But yet I have been convicted of that. People back home in Pittsburgh are asking me how much money did I make out of getting that warehouse. I object to that kind of publicity before proof is provided, and I would urge the defeat of this particular part of this amendment. I would favor the amendment if it could be divided to eliminate (b) (ii) and I would ask the Chair at this time if the amendment is divisible.

The SPEAKER. The query by the gentleman is whether or not the amendment offered by Mr. Morris is divisible by separating from the rest of the amendment (b) (1) (ii), which begins with the words "a petition alleging delinquency" and ends with the words "elements of one of such crimes." The Chair will take time to read that carefully before giving an answer as to whether or not in the opinion of the Chair it is divisible at that point.

It is the opinion of the Chair that the question is not so divisible, the reason being that for a question to be divisible, in the opinion of the Chair, each separate element of that question must be able to stand on its own. If, for example, Mr. Caputo, the House were to adopt all of the other language except (ii), that language is capable of standing on its own. But if the House were not to adopt the other language, thus leaving only (ii) as separate language, that language would be meaningless, would have no reference point, could not stand on its own. Therefore, because it does not meet the test, the Chair's opinion is that this question is not divisible as specified.

Mr. CAPUTO. Thank you, Mr. Speaker. I will abide by the ruling of the Chair and ask for the defeat of the amendment for that reason.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise in support of the Morris amendment. A few weeks ago when we were considering HB 1, I offered an amendment which would have reduced the age of criminal responsibility to the age of 16 in the Commonwealth of Pennsylvania. This amendment, I believe, offered by Mr. Morris, will go at least partway toward reducing some of the problems we have with juvenile crime in this Commonwealth.

Anyone who thinks that the problem of juvenile crime is not

as serious as some of us may think, I recommend that they read the July 11 edition of Time Magazine, in which the cover story on youth crime devotes several pages to this problem. Time Magazine, as you all know, is not a basket of conservatism.

I would like to give you just several sentences from that article which indicates the problem that we have with juvenile crime in the United States. This is Time Magazine speaking: "The juvenile-justice system, a sieve—"

#### POINT OF ORDER

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

Mr. WILLIAMS. I rise to a point of order on the comments of the gentleman.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. My point of order, Mr. Speaker, is that the comments of the gentleman appear to be on the whole question of youth crime, which is not at issue, instead of on the amendment, which is the question of whether or not these things should be publicized.

The SPEAKER. The Chair thanks the gentleman for his point of order. The gentleman, Mr. Piccola, will please restrict himself strictly to the discussion of the amendment before the House.

The gentleman may proceed.

Mr. PICCOLA. My remarks, Mr. Speaker, are directed in this area because I believe the amendment is directed toward curbing juvenile crime, and I believe that is the intent of the sponsors.

The SPEAKER. The gentleman may proceed.

Mr. PICCOLA. Thank you, Mr. Speaker.

This, again, is Time Magazine: "The juvenile-justice system, a sieve through which most of these kids—"

#### POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, the amendment deals with publication of names, not with juvenile crime. He is reading a dissertation from Time Magazine on juvenile delinquency or juvenile crime. I do not think it is pertinent to the amendment.

The SPEAKER. Would the gentleman, Mr. Piccola, advise the Chair as to what line or what paragraph in the amendment the gentleman is addressing his remarks to?

Mr. PICCOLA. I am addressing my remarks, Mr. Speaker, to the entire intent and purpose of the amendment, which is to publish the names of juvenile offenders, the intent of which, in my eyes, is to act as a deterrent to juvenile crime.

The SPEAKER. Is it the gentleman's contention that reading an article of Time Magazine is conducive to the learning on this matter before this House?

Mr. PICCOLA. It is my belief that juvenile crime is a problem not only in Pennsylvania but in the Nation. I think the words of Time Magazine are relevant on this point, Mr. Speaker.

The SPEAKER. The gentleman will proceed, and the Chair will pay strict attention to the gentleman's comments.

Mr. PICCOLA. Mr. Speaker, since this appears to be sensitive to some members, I will refrain from that and offer a copy of this article for the record. But, Mr. Speaker, I think that this Assembly had better sit up and take notice of the problem of juvenile crime in this Commonwealth. The people who are victimized by these thugs are the elderly, and they are demanding protection and they are looking to this legislature for that protection, and I think this amendment will be one small step toward giving them that protection. I urge the adoption of the amendment.

#### ARTICLE SUBMITTED FOR THE RECORD

The SPEAKER. The Chair thanks the gentleman, Mr. Piccola, and suggests that he send the article to the desk for inclusion in the record.

Mr. PICCOLA presented the following article for the Legislative Journal:

The juvenile-justice system, a sieve through which most of these kids come and go with neither punishment nor rehabilitation, has become a big part of the problem.

Phoenix Director King feels that no violent juvenile should be released until he appreciates the enormity of what he has done.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Bittinger.

Mr. BITTINGER. Thank you.

I also rise in support of this amendment. I realize that we have to treat the juveniles in a special way, but it seems over the recent years that lawmakers, both here in Pennsylvania and elsewhere across the Nation, and our courts have bent over backwards to protect the dangerous and have kind of forgotten about the innocent victims. I think it is time that we recognize the fact that the average member of the public has a right to know who the dangerous members of society are. That I believe is what this amendment intends to do and I request your support for it.

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

Mr. RHODES. Thank you, Mr. Speaker.

I rise in opposition to the amendment for a number of reasons. First of all, I would like to call to the House's attention that we adopted HB 1 a few weeks ago by a vote of 189-6. We turned down all these kinds of amendments overwhelmingly because we felt they did not really deserve to be in this omnibus provision of the Juvenile Act.

I would like to remind the members that what this amendment does basically is exactly what the Representative from Dauphin County attempted to do the last time we debated the Juvenile Act and what he alleged a few minutes ago, which is to attempt to reduce the juvenile age piecemeal. I remind the members that we have a specific juvenile age in this state for a real reason, and in the last debate on HB 1, we overwhelmingly rejected any reduction in that juvenile age.

I would also like to remind the members that we have a procedure for transferring juveniles of any age down to 10 who commit any of these crimes and who is beyond redemption. I

would refer the membership to a recent report of the Subcommittee on Crime and Corrections on transfer to adult court, which points out that in every county of the Commonwealth there is growing transfer of juveniles from juvenile court to adult court for precisely the purposes that are attempted to be achieved through this amendment.

Also, Mr. Speaker, I would like to emphasize the point that Representative Caputo attempted to make by dividing the question which was parliamentarily prohibited. In effect, if we adopt this amendment, we would create a situation where a child arrested for a crime—and you know, Mr. Speaker, once you are known to the law-enforcement agencies as someone who has been convicted in the past, adjudicated delinquent, you are on their list, and it is not impossible for persons who are not finally adjudicated delinquent for these acts—to be picked up again and so charged. What we are creating is a situation here where a person could be charged in public, and because the proceedings of the juvenile court are in secret, for good reason, the public would never know whether they were convicted or found innocent. Mr. Speaker, that is a very serious problem. If we are trying to do something about the juvenile problem in this Commonwealth, this amendment does not help that problem in the Commonwealth. As Representative Kernick in the last debate, as I recall, on HB 1 very clearly pointed out, all this amendment would do would be to encourage those hard-core kids, who get a thrill out of seeing their name in the paper, to get a bigger thrill, and those kids, who we want to help and rehabilitate and try to get going in the right direction through our juvenile law in Pennsylvania, would be hurt by this amendment.

By the way, I would like to point out to the members that that article in Time Magazine talks about all the northeastern states as being in terrible shape in terms of their juvenile law and never once mentions Pennsylvania because we are known around the country as a state that is moving in the right direction.

Finally, Mr. Speaker, I would like to point out this, and I hope the members will pay careful attention to this: Why is SB 757 before you today in relation to this amendment and the other amendment? SB 757 is before you today because the Senate has HB 1, and the leadership of the Senate has made it clear to us that they will not move on HB 1 for some reasons that have nothing to do with the merits of the bill. I need not go into those details; it has to do with some personal problems in the leadership of the Senate. I apologize for that; I am sorry for that; but I cannot do anything about that. We are trying to move SB 757 as close as we can to what the Senate will agree to when sent back to the Senate, so we can meet the August 1 deadline with the 2 weeks we have left in this session and avoid losing over \$6½ million in Federal funds for juvenile justice, community treatment, and other kinds of juvenile programs in Pennsylvania, over half of which we have already received.

I have had extensive meetings with the Senate committee that worked on HB 1, Mr. Speaker. An amendment very similar to this amendment was overwhelmingly defeated in committee. This amendment has been considered by the full Senate and they rejected it. In my opinion, Mr. Speaker—

The SPEAKER. Will the gentleman yield?

#### POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. YOHN. Is the gentleman speaking on the amendment?

The SPEAKER. It is the opinion of the Chair that the gentleman probably has strayed into the merits of the bill rather than specifically on the amendment, and the gentleman is advised to adhere strictly to the question before the House, which is, shall the House adopt the amendment offered by the gentleman from Chester, Mr. Morris? The gentleman may proceed.

Mr. RHODES. Thank you, Mr. Speaker.

I understand there is a special problem in certain areas of the Commonwealth with certain newspapers that have taken up this issue embodied in this amendment as a personal crusade. I would like again to state, in my opinion, Mr. Speaker, as one of the persons who worked very hard in this juvenile area trying to pass this omnibus bill for 5 years, if you enact this amendment, especially since we could not divide it, we will force SB 757 into conference and we may not meet this August 1 deadline. Therefore, I ask you to vote this amendment down, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Williams, to speak for the second time on this question.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would ask if Mr. Morris or one of the other prime sponsors of the amendment would consent to interrogation.

Mr. MORRIS. Certainly.

The SPEAKER. The gentleman, Mr. Morris, indicates he will stand for interrogation. The gentleman, Mr. Williams, may proceed.

Mr. WILLIAMS. Mr. Speaker, by publicizing the names of these young people, precisely what is it designed to accomplish?

Mr. MORRIS. What it is designed to accomplish, Mr. Speaker, is, among other things, to inform the people of the neighborhood where crimes of this kind take place as to who is responsible for them.

Mr. WILLIAMS. Once the neighborhood or the community is informed of the name of the person who has been accused, how in any way does that help anybody? What help would it bring to victims or potential victims or anybody? What is the positive result of that disclosure?

Mr. MORRIS. I would say it has several positive results. One of them would be that people can be on the watch for the individual in the future. Another one would be a deterrent factor, which I recognize that you do not necessarily agree with, to keep juveniles from getting themselves involved in these very serious offenses, including the juvenile in question in the future.

Mr. WILLIAMS. Mr. Speaker, I assume that your judgement that it might be a deterrent is not based on any scientific study



of any kind. I would assume that. Is that correct?

Mr. MORRIS. Yes, that is essentially correct; it is not based on any scientific, sociological study.

Mr. WILLIAMS. Mr. Speaker, one final question: Already we do have the permission to publicize the names of adults who commit crimes and who are charged with crimes, and yet one of the largest complaints that we have with regard to crime is repeaters, many of whom have been publicized in the papers numerous times. Would you agree with the fact that publicizing the names of adults who can be publicized and who are repeaters has not in any way deterred them from a life of crime?

Mr. MORRIS. Mr. Speaker, I cannot either agree or disagree with that. I am not a professor of criminology or anything of that kind. This seems like a commonsense approach, however.

Mr. WILLIAMS. Mr. Speaker, I did not get all of your answer, but I will not repeat it as such but maybe I will ask it this way: Is there anything in the publication of adult crimes and adult accusations that has prevented people from repeating offenses that you are aware of?

Mr. MORRIS. I would say in some instances that has probably occurred.

Mr. WILLIAMS. Do you know of any?

Mr. MORRIS. No; I do not know of any offhand, because I have no personal knowledge of any individual whose name was published in connection with a crime who gave up their life of crime thereafter. But there certainly are people who do just that.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. SPEAKER, one final comment: The argument for this amendment, Mr. Speaker, seems to generally guess that if we publicize the names of these young people, it might in some way deter crime. I say that that is hogwash, based on the adult situation, based on wishful thinking. No one is going to go around and check out the person who has committed a murder or rape and try to personally prevent them.

The other heavy comment that has been made, Mr. Speaker, to advance this proposition was that we should do something for the innocent victim; that we should do something about the growing juvenile crime. I absolutely agree, Mr. Speaker, and it seems to me that it is irresponsible for a legislative body to take the subject of young people and to say we will do something for the victim by publicizing the name of the juvenile and act as though we have done something to stem that rising crime rate and to act as though we have done something to help those juveniles live a constructive life.

I also agree with the public indictment of us as officials failing to do much of anything creative and direct to protect elderly citizens. They came to us a few months ago and had public hearings on crime and abuses against them, and they asked us if we would give them some help in crime compensation, because the procedures in that are difficult if not impossible for senior citizens.

It seems as though we always miss the boat, and we characterize our efforts as we should help the innocent victims of crimes—and that is so—and it sounds very good. But we are not doing it here, and we should not say so.

The SPEAKER. Will the gentleman yield?

#### POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. PICCOLA. I believe the gentleman is not confining his remarks to the amendment.

The SPEAKER. The gentleman, Mr. Piccola, is correct. The gentleman, Mr. Williams, is straying beyond the purview of the amendment. The gentleman will adhere to the amendment and conclude his remarks on the amendment. The gentleman may proceed.

Mr. WILLIAMS. I am sorry, Mr. Speaker. I was trying to respond to the remarks that were already made, and also to the result of the interrogation by Mr. Morris which said that the amendment seeks to be deterrent. Mr. Speaker, if I might, if the deterrent is the basis of this particular amendment, I was merely trying to give argument contrary to that. However, I will end by saying, Mr. Speaker, again that the body of law by which we treat juveniles is not accidental; it is not incidental. It is based on the theory, it is based on the hope, it is based on experience that adults and responsible government bodies and agencies should help young people in a constructive way. The opposite side of that is that we should do something direct and creative and responsible about crime.

This amendment, Mr. Speaker, seems to get us off the hook by saying that we will accuse in the newspapers, we will accuse publicly, someone who is alleged to have committed a crime. Let me just say that I personally remember several cases in which I participated in which young people and older people were accused of serious crimes. Not only was it a matter of not guilty, but it was a matter of proving to law-enforcement people — district attorney and police and those who process the complaint — that not only were they wrong but they failed to do their job to find people who were available and who did commit those crimes that were involved.

It is an easy thing for us to sit up here and say that merely because someone may have been delinquent because they went into a house to steal a screwdriver and therefore might be guilty of burglary, but once they are on the books, it is a fact that many local authorities put them back on the books. What you are saying on the one hand is, if they committed a mistake one time and they get in the hands of the law the second time, they could not defend themselves against that. I think that is wrong; I think it is inconsistent; I think it is irresponsible.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Morris, to speak for the second time on this issue.

Mr. MORRIS. Mr. Speaker, I think we have got this horse pretty well beaten at the moment, but I would like to make one short comment, mainly in response to my learned friend here from Pittsburgh, the learned counsel, Representative Caputo. I think that we are dealing here with something which is of fundamental importance in the rights of people in general. I will

explain what I mean.

Mr. Caputo makes mention of the newspaper publicity which is attendant upon anybody who is an adult and is arrested and charged on the police blotter with some crime. What this amendment seeks to do—and Mr. Caputo seemed to have somewhat missed this point, which was mentioned by Mr. Yohn—is simply this: It in effect treats youths over the age of 14 as if they were adults in a very limited way and it will allow their names to be published on a mere accusation, just as if they were adults and just as so often happens with adults who are charged with crimes.

This is not a very wild or unusual thing. Whether we like it or not, the news media publishes this type of material all the time, and I think rightfully so, because it is based on the public's right to know. That is one of the things that makes our democracy work. Regardless of the redemptive or nonredemptive effect of having your name in the newspaper, and so on, there is a definite public purpose to be served by this, and I will merely close by pointing that out.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Bittinger, to speak for the second time on this issue.

Mr. BITTINGER. Thank you, sir.

Listening to my colleague from Philadelphia, Mr. Williams, I am sorry that we are not here today to debate the underfunding and the failures of our criminal justice system, but we are not.

The same arguments that I have heard opposing the disclosure of the names of dangerous juveniles I have heard before in calling for an end to the disclosure of adult criminal names. The argument still does not convince me. The public does have a right to know who is dangerous, regardless of the age, and I think it is time we begin to understand that.

Man has proven over the years, in the brief time that he has been on this earth—at least the brief time that he has recorded his own history—that he seldom learns from history. Presumably this is an intelligent body. Representatives Rhodes noted that we defeated a move along this line last week, and he is right.

The SPEAKER. Will the gentleman yield?

This presumably intelligent body was making so much noise that presumably it did not even hear the compliment.

The gentleman may proceed. Would you like to repeat that for the record?

Mr. BITTINGER. I simply said that man has proven over the years that he normally does not learn from history. This is a presumably intelligent body, and even though, as Representative Rhodes pointed out, we defeated a move along this line last week, that is absolutely no excuse for not learning from history, the history of the past several years; it is no excuse for making the same mistake twice. I again urge your support of this amendment.

Thank you.

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

Mr. PITTS. Thank you, Mr. Speaker.

I rise in support of this amendment and to make a few re-

marks. Previously Representative Rhodes said that the amendments that were offered a few weeks ago were overwhelmingly rejected. I would remind the gentleman that one of the amendments received 70 votes. The one that was similar to this received 93 votes. That does not appear to be overwhelmingly rejected.

I think in this amendment Representative Morris has tightened the language somewhat. He has specified the felonies, and in the section to which Representative Caputo objected, which strikes at the repeat offender, the wording concerning the misdemeanor has been taken out. So I think the amendment has been drafted to tighten up the language.

Juvenile crime is a very severe problem in this Commonwealth, and I think the public has a right to know; the parents of other juveniles have a right to know; the victims of these crimes have a right to know. I suggest that we adopt the amendment.

Thank you, Mr. Speaker.

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

Mr. SCIRICA. Thank you, Mr. Speaker.

I oppose this amendment. The only reason for a juvenile act in law is to distinguish between juveniles and adult offenders. An amendment of this kind goes to the very heart of the reason for a juvenile act, an act that will differentiate between juvenile and adult offenders.

If in fact juveniles do commit heinous crimes or are so dangerous that their names ought to be put in the newspapers, then they should not be treated as juveniles, and the district attorneys should petition to have those cases transferred into adult courts and they should be treated as adults. But in the event that does not occur, then we ought to treat them as juveniles, as immature human beings, and the confidentiality provisions of those acts I think have well served the people of this state. Therefore, I oppose the amendment.

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

Mr. WHITE. Mr. Speaker, briefly, I think that, as with a football pass, there are three things that could happen with this amendment, and two of them are bad.

First of all, the two things that are bad that could result with passage of this amendment and subsequent passage of the bill will be, one, that any juvenile who is in fact innocent of any wrongdoing on the second go-around is presumed guilty by his peer group, by his community. The second thing that possibly could happen with passage of this amendment and the subsequent passage of the bill would be that this would become an impetus possibly for some young people to go out and to commit other types of crimes.

Representative Bittinger pointed out that the public has the right to know who is dangerous and who is not. I would suggest that it is not a matter of who is dangerous but who we want to think is dangerous and thus presume guilty.

In terms of history, I think we can reflect back on the situation in many towns and cities throughout this Commonwealth when the problem was not so much violent juvenile crime but

was the problem of graffiti. I do not know about some of the other hometowns, but in our town, in Philadelphia, there was a great deal of publicity given to the individuals who insisted upon exercising this type of creativity by writing and painting on walls and in the subways and things of that nature. There was a fierce public outcry at the fact that these individuals were being publicized in newspapers and on TV and on the radio for their actions. It did not lead to an end to graffiti, but what it did was serve as an impetus for more young people who were crying for attention to go out and commit such a heinous act.

Finally, Mr. Speaker, I do urge my fellow members of this House to oppose this amendment. Representative Scirica is absolutely correct; if it is necessary for us to presume someone dangerous, then they should not be treated as a juvenile but the district attorney should file a petition to have them tried as an adult. I concur with that remark, that comment, 100 percent, and I would ask my colleagues to vote "no" on this amendment.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, my original feelings on publicly naming youths came about in line with the thinking at one time of Mr. Williams, Mr. White, and a few more who have spoken out.

As a mayor of a community and working in the Lehigh Valley, there was a citizens' group that was formed from all walks of life and they came up with the idea that two things would happen if we were to publicly name youth offenders. One was that the first offender would be branded to society, and society is cruel. Secondly, for the habitual offender, all you would do is boost his ego and the individual would just go out and do more of it, because to his peers he is a big deal now; he is the bully of the block, he is a top cat.

Now, we have found that this thinking is wrong. It is not good. Parents know this and have taken advantage of it. Their children know it, since even in school they are told about their students' rights. They are told about how they are armed with students' rights. The parents have no rights at all; the police have no rights; nobody has any rights anymore but the kids. Ask the Department of Education over here; they will tell you. Ask some of the people involved in law enforcement; they will tell you.

Now we have the migration problem. Let me tell you what happened in 1970 when the Governor's Justice Commission investigated juvenile crime in the city of Philadelphia where 43 youngsters under the age 18 were killing each other. I was there. I mentioned before in this House in the debate on HB 1 about people who locked their doors and prayed for morning, and these are facts of life — people molesting their own. Now they are fearful; they are afraid; they are scared to death. They want something done.

This migration problem has taken place now. Some of these folks have moved out into other communities. I say this no matter what race it is. I am not picking on anybody. It is everybody. Every group has its problems. Most of the kids that I dealt with were white kids who moved into the borough of Em-

maus from big cities, where they have been getting away with it. They said they are going to get out with these hick cops, where we can get around them because they will not be able to apprehend us. We know the tricks.

Well, being a little ghetto boy from the city of Chicago—I was raised rougher than probably half of them and even some of the guys who have talked—I knew the tricks because I was involved. With the law-enforcement officers we had and working with that department, we were able to catch those birds. We got them. We got them. They found out we were not the hicks that they thought we were.

#### POINT OF ORDER

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

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

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, I believe Mr. Zeller's remarks are a little bit far afield of the amendment. I would request that the Chair ask the gentleman—

The SPEAKER. The Chair agrees with the gentleman from Philadelphia.

Will the gentleman from Lehigh please constrict his remarks to the amendment at hand and not wander far afield?

The Chair understands the difficulties and the Chair already understands the gentleman's protest that others have violated the rule, but the Chair would ask that the gentleman abide by the rule as best he can. The gentleman may proceed.

Mr. ZELLER. I respect the Chair, but I really did not know I violated anything. I am serious about it. As a matter of fact, when it hurts some of these people, they start talking about violations. That is one way to stop it—

Mr. WILLIAMS. Mr. Speaker—

Mr. ZELLER.—because when you are rolling along and they get up and they challenge you, they want to stop your train of thought. You see, that is the whole idea of the whole game. And I will stay here—

The SPEAKER. Will the gentleman yield?

For what purpose does the gentleman, Mr. Williams rise?

Mr. WILLIAMS. Mr. Speaker, I rise for a point of personal privilege to ask the Chair if he would strike the reference and characterization by the gentleman as to "these people." I do not know what he is talking about, but I think we are all Representatives here and we should be referred to as such so we do not have a misunderstanding as to his characterization.

The SPEAKER. The Chair will take under advisement the gentleman's request and will ask the Official Reporter to give a transcript to the Chair of the remarks of the gentleman from Lehigh and, after the Chair has studied the record, the Chair will make a judgment.

The gentleman from Lehigh may continue.

Mr. ZELLER. Mr. Speaker, since my reference to these people was questioned, I refer to every member of the House as "these people." Does that help Mr. Williams any?

It is very difficult for me to understand how Representatives Rhodes and Williams can stand here and try to tell us how terrible it would be to adopt the Morris amendment on disclosing

the names of juvenile offenders.

When Representative Williams interrogated Representative Morris as to the effects the amendment would have on correcting the crime wave by youths, he failed to realize that by naming these youths the entire neighborhood will know who these people are, because there are only two things that will get the parents. One is when you hit their pocketbook, and the other one is when you let all the neighbors know what their kids are doing. And that is what it is all about. So, I wanted to remind Mr. Williams that that is what I should have heard over here, but we did not hear it.

I do not know where Representative Rhodes is obtaining his information as to the State of Pennsylvania. Now, I might be wandering on this one—and you correct me, Mr. Speaker—as to the only state that is moving in the right direction as to juvenile legislation. He must have heard this from the gentleman who has been trying to get this bill through. They brought him from Massachusetts; they chased him out. They chased him out of Illinois. So I do not know whom they are getting this information from. They are certainly not getting it from the records of Pennsylvania.

As a matter of fact, I support the Morris amendment. It is about time we get on with the order of the day. And that young man over here who talked about Time Magazine, I wish everybody in this House read that article.

The SPEAKER. The young man over there is Representative Piccola. He is from Dauphin County and he is going to submit for the record the copy of the Time Magazine article. We will have it printed for the edification of all members.

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

Mr. PANCOAST. Mr. Speaker, I rise in support of this amendment. I think one point that perhaps we have failed to take into consideration sufficiently with respect to this amendment is the parent of the child. When we debated this particular issue last time, I pointed to the value, I thought, of the amendment at that time of increasing parental responsibility.

The Representative from Philadelphia, Mr. Williams, has said it is one of our jobs here in the General Assembly to help young people in a constructive way. I think that this amendment, if adopted, will help young people in a constructive way by increasing, I believe, parental responsibility. Maybe we will have fewer delinquent children, Mr. Speaker, and I think the publicity may lead to that end. I believe in this way we would be helping our younger people.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—151

Abraham	Gamble	McGinnis	Schmitt
Anderson	Garzia	McLane	Seltzer
Armstrong	Geesey	Mebus	Shuman
Arthurs	Geisler	Meluskey	Shupnik
Bellomini	George, C.	Milanovich	Sirianni
Bennett	Giammarco	Miller	Smith, E.

Berlin	Goebel	Miscevich	Spencer
Bittinger	Goodman	Moehlmann	Spitz
Bittle	Greenleaf	Morris	Stapleton
Brandt	Grieco	Mowery	Stewart
Brunner	Halverson	Mrkonic	Stuban
Burd	Hamilton	Mullen, M. P.	Sweet
Burns	Hasay	Mullen, M. M.	Taddonio
Butera	Haskell	Musto	Taylor, E.
Caltagirone	Hayes, D. S.	Noye	Taylor, F.
Cessar	Hayes, S. E.	O'Brien, B.	Tenaglio
Cimini	Helfrick	O'Brien, D.	Thomas
Cohen	Honaman	O'Connell	Trello
Cole	Hopkins	O'Keefe	Valicenti
Cowell	Hutchinson, A.	Pancoast	Vroon
Davies	Hutchinson, W.	Parker	Wagner
DeMedio	Katz	Petrarca	Wansacz
DeWeese	Klingaman	Piccola	Wargo
Dietz	Knepper	Pievsky	Wass
Diminni	Kolter	Pitts	Weidner
Dombrowski	Kowalshyn	Polite	Wenger
Dorr	Laughlin	Pott	Wilson
Doyle	Lehr	Pratt	Wilt
Duffy	Letterman	Pyles	Wright, D.
Englehart	Levi	Ravenstahl	Wright, J. L.
Fee	Lincoln	Reed	Yahner
Fischer, R. R.	Livengood	Renwick	Yohn
Fisher, D. M.	Lynch	Ritter	Zearfoss
Foster, A.	Mackowski	Ruggiero	Zeller
Foster, W.	Madigan	Ryan	Zitterman
Freind	Manmiller	Salvatore	Zord
Fryer	McCall	Scanlon	Zwilk
Gallen	McClatchy	Scheaffer	

NAYS—39

Barber	Gatski	Kernick	Schweder
Borski	George, M.	Logue	Scirica
Brown	Gillette	McIntyre	Stairs
Caputo	Gleeson	Milliron	White
Cassidy	Gray	Oliver	Wiggins
Cianciulli	Greenfield	Prendergast	Williams
DiCarlo	Harper	Rappaport	Wise
Donatucci	Hoeffel	Rhodes	
Dumas	Itkin	Richardson	Irvis,
Flaherty	Jones	Rieger	Speaker
Gallagher			

NOT VOTING—10

Beloff	Johnson	Novak	Shelton
Berson	Kelly	O'Donnell	Smith, L.
DeVertter	Manderino		

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

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. NOYE. Mr. Speaker, earlier today I spoke with the Speaker concerning what time we were going to get out of here this evening. This is my fourth wedding anniversary, and of the first three, I spent two of them here on the floor of the House. I hope we can get out early enough so that all of us can go out and celebrate tonight.

Thank you, Mr. Speaker.

The SPEAKER. You are welcome.

**SCHEDULE ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair takes this opportunity to announce in all seriousness what the Chair is going to do for those members who are trying to keep a record of where we are going. On page 6, SB 405, was to be called up, but that will be passed over.

I understand that we are still on SB 757. I am simply trying to give the members the notation so you know approximately when we will finish.

On page 7, we will be calling up SB 804. There will be an amendment offered to that bill by Mr. Garzia.

On page 8, for concurrence, HB 631 and, on page 3, HB 1171, and there are approximately 21 or 22 amendments to be offered by 14 different members.

However, we shall conclude today's session no later than 6 p.m. It does not occur to the Chair that it makes any sense for us to stay here until 7, 8 or 9 o'clock when we are certainly going to be here tomorrow and perhaps tomorrow and tomorrow, as it creeps in its petty pace from day to day until the last syllables are recorded in time.

On the question,

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

Mr. RHODES offered the following amendments:

**AMENDMENTS TO SENATE BILL NO. 757**

Printer's No. 1154

Amend Sec. 1 (Sec. 14), page 8, line 2 by inserting after "WELFARE" in good faith

Amend Sec. 1 (Sec. 18), page 12, line 6 by inserting after "DETENTION," or shelter care

Amend Sec. 1 (Sec. 18), page 12, line 9 by inserting after "DETENTION" or shelter care

Amend Sec. 1 (Sec. 18), page 12, line 9 by inserting after "DETAINED" or kept in shelter care

Amend Sec. 1 (Sec. 25), page 16, lines 16 and 17 by striking out "NOT LESS THAN THE STATE'S MINIMUM WAGE." and inserting commensurate with the local wage scale for similar services.

Amend Sec. 1 (Sec. 26), page 17, line 13 by striking out "THREE MONTHS AFTER" and inserting After

Amend Sec. 3, page 21, line 25 by striking out "14." and inserting 14.1

On the question,

Will the House agree to the amendments?

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

Mr. RHODES. Mr. Speaker, this is an omnibus amendment to SB 757 that basically brings the bill into compliance with the Senate version of HB 1 and it is an agreed-to amendment, Mr. Speaker.

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

Mr. SCIRICA. Mr. Speaker, I support this amendment and ask for all my colleagues to vote in favor of it.

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

Mr. ZELLER. Mr. Speaker, I would like to have either Mr. Rhodes or Mr. Scirica explain just how wonderful this amendment is.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Rhodes. Will the gentleman give a brief explanation of his amendment.

Mr. RHODES. The amendment is marked Rhodes-Scirica II. The first five lines of the amendment refer to the sections of the act which speak to where a delinquent is held. The original version of HB 1, which was the original version of SB 757 as reported from Judiciary Committee, failed to note that delinquents are also held in shelter care. So there are four places where we add the words held in "detention, or shelter care" to cover wherever they are. That is really a clerical change.

Then the Senate objected to our language that we put into SB 757 governing the kind of restitution and fines and costs that can be charged to a delinquent. Our language referred to the fact that a juvenile could only be forced to do work and be compensated at the state's minimum wage. The Senate objected to that language, and the language which we have inserted into the bill is the language which they say they can live with. Instead of stating pay at the minimum wage, we say that this juvenile should be paid "commensurate with the local wage scale for similar services."

As to our language which we put into HB 1 that said the transfer provisions from various facilities begin after 3 months, the Senate said they did not want that. They wanted us to put it in that the transfer provisions can begin whenever the juvenile is in the facility, because they must obtain the approval of the judge to effect the transfer. They amended that language out of HB 1. So we used their language and put it back into SB 757, again to reduce an area of conflict between the House and the Senate.

Finally, on the last amendment of the bill: Originally HB 1 in the section where we refer to the appropriation, which is section 3, page 21, line 25, we applied the \$1.5 million generally to section 14. The Senate felt that we should be more specific because section 14 covers lots of things and that we should specifically relate it to regional detention facilities, and that is what section 14.1 is. They asked us to make it more specific, and so that is what the amendment does. It refers that appropriation to section 14.1.

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

Mr. SPITZ. Mr. Speaker, would the gentleman, Mr. Rhodes, submit to a brief interrogation?

The SPEAKER. Will the gentleman, Mr. Rhodes, submit to a brief interrogation?

Mr. RHODES. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. SPITZ. Mr. Speaker, could you explain to us what the apparently satisfactory-to-the-Senate language "commensurate with the local wage scale" means?

Mr. RHODES. Actually, this is an amendment, Mr. Speaker,

which the Pennsylvania Association of County Commissioners got the Senate to agree to. The Association of County Commissioners felt that our language about minimum wage was too rigid. In certain areas of the Commonwealth, the minimum wage is higher than prevailing wages, and so they felt they could live with this. The County Commissioners said they could live with this language and not with the other, and so the Senate agreed to that, and we are trying to agree to the Senate so there will not be that many areas of conflict between what we are sending them in their SB 757 and HB 1.

Mr. SPITZ. Mr. Speaker, would the prevailing wage that you speak of be the federally accepted prevailing wages for the Philadelphia area and the Pittsburgh area?

Mr. RHODES. No, of the county that is involved, Mr. Speaker.

Mr. SPITZ. Well, Mr. Speaker, would you tell me where there is listed any prevailing wage scale for any other county areas?

Mr. RHODES. Apparently, the county commissioners felt that there is such provisions in each county. It is their amendment, Mr. Speaker; they are the ones who wanted this language, and the Senate agreed to it, and we are trying to agree to that.

Mr. SPITZ. Mr. Speaker, I am aware of no prevailing wages in any of the 57 counties of this Commonwealth with the exception of the Federal guidelines on prevailing wages in the two city areas, and I am concerned that the county commissioners, who may have well intended this amendment, and the Senate, who may have also well intended it, may be creating a monster.

#### REQUEST TO DIVIDE

Mr. SPITZ. I would ask, Mr. Speaker, if this amendment is divisible and if it is divisible by deleting that section on page 16, lines 16 and 17, and totally striking out that language.

Mr. RHODES. Mr. Speaker, I would like to point out in reply to the—

The SPEAKER. Will the gentleman yield?

There is a question before the Speaker. The House will be at ease.

The gentleman, Mr. Spitz has requested an opinion of the chair as to whether or not the gentleman's, Mr. Rhodes', amendment is divisible by striking out certain language and, of course, the obvious answer to that is that no question is divisible by striking out. Striking out is a matter of deletion and a matter of deletion is a matter for amendment.

But the Chair would assume that the gentleman's question is: Is the amendment divisible by drawing a line after the words "Amend Sec. 1 (Sec. 18), page 12, line 9 by inserting after "DETAINED" or kept in shelter care". Drawing a line there and encircling the words "Amend Sec. 1 (Sec. 25), page 16, lines 16 and 17 by striking out "NOT LESS THAN THE STATE'S MINIMUM WAGE." And that would leave two separate amendments, is that correct?

Mr. SPITZ. It is correct, Mr. Speaker. So that I am clear on it, it is my intention that the proposed division delete, if it is divisible, the words "commensurate with the local wage scale for similar services." Or to clarify that, Mr. Speaker, that they are voted on separately with that provision being voted separately.

#### AMENDMENT'S DIVISIBLE

The SPEAKER. It is the Chair's opinion that the question as requested is so divisible. That would permit the House to decide on two separate wordings, two separate amendments, each one of which could stand or fail on its own. The question is so divisible.

The Chair recognizes the gentleman from Allegheny, Mr. Rhodes. For what purpose does the gentleman rise?

Mr. RHODES. I wanted to make an inquiry to the gentleman as to exactly what he wanted to amend.

The SPEAKER. Will the gentleman, Mr. Spitz, stand for interrogation?

Mr. SPITZ. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Spitz, will stand for interrogation. The gentleman, Mr. Rhodes, may proceed.

Mr. RHODES. Mr. Speaker, is it your intention to make the amendment that starts "Sec. 1 (Sec. 25), page 16," down to the word "services." one amendment, and the rest of the amendment another amendment?

Mr. SPITZ. Yes, Mr. Speaker.

Mr. RHODES. Is that the understanding, Mr. Speaker?

The SPEAKER. That was the statement of the Chair and that was the statement to which the gentleman, Mr. Spitz, agreed, yes.

Mr. RHODES. Thank you, Mr. Speaker.

Mr. SPITZ. Mr. Speaker, I would then move that the amendment be divided.

The SPEAKER. The question of whether or not an amendment shall be divided is a question to be decided by a vote of this House.

Mr. RHODES. Mr. Speaker, there is no objection to it being divided. Is there a need to put it to the House?

The SPEAKER. Does the gentleman, Mr. Rhodes, who is the sponsor of the amendment, state to the floor of the House that he has no objection to the question being divided?

Mr. RHODES. No, Mr. Speaker.

The SPEAKER. Is there other objection to the division?

Does the gentleman from Lehigh, Mr. Zeller, have an objection to the division as stated by the Chair?

Mr. ZELLER. Mr. Speaker, I object to the division for other reasons. I feel what it is going to do is stand a chance to, then, pass the amendment.

The SPEAKER. The gentleman does not have to state his reasons for objection. If there is an objection then, of course, the House must make the decision by a vote.

The Chair places before the House the following question: Shall the Rhodes amendment be divided so that the following words are omitted from the first division, "Amend Sec. 1 (Sec. 25), page 16, lines 16 and 17 by striking out 'NOT LESS THAN THE STATE'S MINIMUM WAGE.' and inserting 'commensurate with the local wage scale for similar services.'"

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—177

Abraham	Gatski	McCall	Scanlon
Anderson	Geisler	McClatchy	Scheaffer
Armstrong	George, C.	McGinnis	Schmitt
Bellomini	George, M.	McIntyre	Schweder
Bennett	Giammarco	McLane	Scirica
Berlin	Gillette	Mebus	Seltzer
Bittinger	Gleeson	Meluskey	Shuman
Borski	Goebel	Milanovich	Shupnik
Brandt	Goodman	Miller	Sirianni
Brown	Gray	Milliron	Smith, E.
Brunner	Greenfield	Miscevich	Smith, L.
Burd	Greenleaf	Moehlmann	Spencer
Burns	Morris	Grieco	Spitz
Butera	Halverson	Mowery	Stairs
Caltagirone	Hamilton	Mrkonic	Stapleton
Caputo	Harper	Mullen, M. P.	Stewart
Cassidy	Hasay	Mullen, M. M.	Stuban
Cessar	Haskell	Musto	Taddonio
Cianciulli	Hayes, D. S.	Novak	Taylor, E.
Cimini	Hayes, S. E.	Noye	Taylor, F.
Cole	Helfrick	O'Brien, B.	Tenaglio
Cowell	Hoeffel	O'Brien, D.	Thomas
Davies	Honaman	O'Connell	Trello
DeMedio	Hopkins	O'Keefe	Valicenti
DeVerter	Hutchinson, A.	Oliver	Vroon
DiCarlo	Hutchinson, W.	Pancoast	Wagner
Dietz	Itkin	Parker	Wansacz
Dininni	Katz	Petrarca	Wargo
Dombrowski	Kelly	Piccola	Wass
Dorr	Kernick	Pitts	Weidner
Doyle	Klingaman	Polite	Wenger
Duffy	Knepper	Pott	Wilson
Englehart	Kolter	Pratt	Wilt
Fee	Kowalyshyn	Prendergast	Wise
Fischer, R. R.	Laughlin	Pyles	Wright, D.
Fisher, D. M.	Lehr	Rappaport	Wright, J. L.
Flaherty	Letterman	Ravenstahl	Yahner
Foster, A.	Levi	Reed	Yohn
Foster, W.	Lincoln	Renwick	Zearfoss
Freind	Livengood	Rhodes	Zitterman
Fryer	Logue	Rieger	Zwikl
Gallagher	Lynch	Ritter	
Gallen	Mackowski	Ruggiero	Irvis,
Gamble	Madigan	Ryan	Speaker
Garzia	Manmiller	Salvatore	

NAYS—13

Barber	Geesey	Richardson	Williams
Cohen	Johnson	White	Zeller
DeWeese	Jones	Wiggins	Zord

NOT VOTING—10

Arthurs	Bittle	O'Donnell	Shelton
Beloff	Donatucci	Pievsky	Sweet
Berson	Manderino		

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

The SPEAKER. The amendment currently before the House begins with the words "Amend Sec. 1 (Sec. 14), page 8, line 2 by inserting after 'WELFARE' " and ends with the words "Amend Sec. 3, page 21, line 25 by striking out '14.' and inserting 14.1". We are omitting the words "Amend Sec. 1 (Sec. 25)," down through "commensurate with the local wage scale for similar services." Those words are omitted.

On the question,  
Will the House agree to Part I of the Rhodes amendments?

The following roll call was recorded:

YEAS—192

Abraham	Gamble	Manmiller	Scheaffer
Anderson	Garzia	McCall	Schmitt
Armstrong	Gatski	McClatchy	Schweder
Arthurs	Geesey	McGinnis	Scirica
Barber	Geisler	McIntyre	Seltzer
Bellomini	George, C.	McLane	Shupnik
Bennett	George, M.	Mebus	Sirianni
Berlin	Giammarco	Meluskey	Smith, E.
Bittinger	Gillette	Milanovich	Smith, L.
Bittle	Gleeson	Miller	Spencer
Borski	Goebel	Milliron	Spitz
Brandt	Goodman	Miscevich	Stairs
Brown	Gray	Moehlmann	Stapleton
Brunner	Greenfield	Morris	Stewart
Burd	Greenleaf	Mowery	Stuban
Burns	Grieco	Mrkonic	Sweet
Butera	Halverson	Mullen, M. P.	Taddonio
Caltagirone	Hamilton	Mullen, M. M.	Taylor, E.
Caputo	Harper	Musto	Taylor, F.
Cassidy	Hasay	Novak	Tenaglio
Cianciulli	Haskell	Noye	Thomas
Cimini	Hayes, D. S.	O'Brien, B.	Trello
Cohen	Hayes, S. E.	O'Brien, D.	Valicenti
Cole	Helfrick	O'Connell	Vroon
Cowell	Hoeffel	O'Keefe	Wagner
Davies	Honaman	Oliver	Wansacz
DeMedio	Hopkins	Pancoast	Wargo
DeVerter	Hutchinson, A.	Petrarca	Wass
DeWeese	Hutchinson, W.	Piccola	Weidner
DiCarlo	Itkin	Pievsky	Wenger
Dietz	Johnson	Pitts	White
Dininni	Jones	Polite	Wiggins
Dombrowski	Katz	Pott	Williams
Donatucci	Kelly	Pratt	Wilson
Dorr	Kernick	Prendergast	Wilt
Doyle	Klingaman	Pyles	Wise
Duffy	Knepper	Rappaport	Wright, D.
Dumas	Kolter	Ravenstahl	Wright, J. L.
Englehart	Kowalyshyn	Reed	Yahner
Fee	Laughlin	Renwick	Yohn
Fischer, R. R.	Lehr	Rhodes	Zearfoss
Fisher, D. M.	Letterman	Richardson	Zeller
Flaherty	Levi	Rieger	Zitterman
Foster, A.	Lincoln	Ritter	Zord
Foster, W.	Livengood	Ruggiero	Zwikl
Freind	Logue	Ryan	
Fryer	Lynch	Salvatore	Irvis,
Gallagher	Mackowski	Scanlon	Speaker
Gallen	Madigan		

NAYS—0

NOT VOTING—8

Beloff	Cessar	O'Donnell	Shelton
Berson	Manderino	Parker	Shuman

The question was determined in the affirmative and Part I of the Rhodes amendments was agreed to.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. ZELLER. Mr. Speaker, I certainly did not understand—and I am sorry, and it is not your fault. I guess I was not listening properly but I did not understand—the first part of that move. Meaning this, I did not know. I thought we were voting on his amendment, and I want to be recorded in the

negative on the first section of the Rhodes amendment. I am just wondering how many other people realize what they really were voting for, because, in effect, this bill is getting into the same situation as HB 1, and that is not what the judges want.

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

On the question,

Will the House agree to Part II of the Rhodes amendments?

The SPEAKER. The second part of the divided amendment begins with the words "Amend Sec. 1 (Sec. 25), page 16" and ends with the words "commensurate with the local wage scale for similar services." That amendment is now before the House.

The Chair recognizes the gentleman from Delaware, Mr. Spitz, on this amendment.

Mr. SPITZ. Mr. Speaker, I would urge a negative vote on this amendment. I think the original intention was that the juveniles who were detained or were on probation and working, had, as a condition of probation, to pay some type of restoration to a victim so he may be compensated in some reasonable amount. And I think that was the original purpose of inserting the state's minimum wage. I think that was a good purpose. I think the amendment as it reads now would inadvertently lead to the possibility that these juveniles, while detained or under probationary supervision, would be receiving, possibly, an exorbitant amount of wages commensurate with the prevailing scale, exceeding perhaps \$10 an hour. I do not think that was anyone's intention but I think it is possible under this language. I would urge a negative vote on this portion.

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

Mr. RHODES. I will yield to Mr. Vroon to comment on the same thing.

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

Mr. VROON. Thank you, Mr. Speaker.

I believe you also mentioned something else in this connection, Mr. Speaker, and I would like to repeat that and, if I am incorrect, please interrupt me. I think that you said that the county commissioners organization requested this change because in some instances the prevailing wage might be lower than the minimum wage and consequently they felt they might be overpaying some of these people.

Mr. RHODES. May I respond to that, Mr. Speaker?

The SPEAKER. The gentleman may respond to the interrogation.

Mr. RHODES. Mr. Speaker, I think I misspoke myself. The county commissioners did not use the language "prevailing wage," and I slipped into that inadvertently on the floor.

The language they wanted is exactly the language that is in the amendment, which is "local wage scale". Their view was that that gave them more flexibility in terms of what was intended to be the local wage scale for similar works. For example, most of this work is work for the city or work for the county.

You were talking about the juveniles who are going to be or-

dered to do work for the city or county as part of their rehabilitation once they have committed an offense, and the counties felt that since there may be some problem with the state's minimum wage being applied statewide, they would rather have a local standard than a statewide standard. Their view was that language that said "commensurate with the local wage" gave them that local standard, and that is why the Senate went along with that language and that is why I have offered it today. I have really no personal connection to that. It is just what the County Commissioners Association said they wanted.

Mr. VROON. Thank you, Mr. Speaker.

Now may I make a few remarks?

The SPEAKER. The Chair recognizes the gentleman, Mr. Vroon. The gentleman may proceed.

Mr. VROON. Mr. Speaker, I would still oppose this amendment on the basis of the fact that, for one thing, I surely do not believe that any of these young people should be paid less than the minimum wage. I think we ought to have that floor, that minimum wage floor, and that will shortly be \$2.65 an hour. Now if it should be less than that minimum wage, I certainly would object and I would want it to be at least that.

On the other hand, if the local wage scale is much higher than the minimum wage, then we revert to what is paid to an ordinary individual making his livelihood doing that kind of work, and I do not think that is quite fair to those people if that kind of work is done by these youths and who would be getting the same kind of wages that they get for making a living. So I would think it is more than fair to revert to the minimum wage and leave that language in there the way it was. I urge the defeat of this amendment.

On the question recurring,

Will the House agree to Part II of the Rhodes amendments?

The following roll call was recorded:

YEAS—12

Barber	Greenleaf	Rhodes	White
Bittinger	Honaman	Schweder	Williams
Dumas	Kolter	Scirica	Yohn

NAYS—178

Abraham	Gallen	Manmiller	Scanlon
Anderson	Gamble	McCall	Scheaffer
Armstrong	Garzia	McClatchy	Schmitt
Arthurs	Gatski	McGinnis	Seltzer
Bellomini	Geesey	McIntyre	Shuman
Bennett	Geisler	McLane	Shupnik
Berlin	George, C.	Mebus	Sirianni
Bittle	George, M.	Meluskey	Smith, E.
Borski	Giammarco	Milanovich	Smith, L.
Brandt	Gillette	Miller	Spencer
Brown	Gleeson	Milliron	Spitz
Brunner	Goebel	Miscevich	Stairs
Burd	Goodman	Moehlmann	Stapleton
Burns	Gray	Morris	Stewart
Butera	Greenfield	Mowery	Stuban
Caltagirone	Grieco	Mrkonic	Sweet
Caputo	Halverson	Mullen, M. P.	Taddonio
Cassidy	Hamilton	Mullen, M. M.	Taylor, E.
Cessar	Harper	Musto	Taylor, F.
Cianciulli	Hasay	Novak	Tenaglio



Cimini	Haskell	Noye	Thomas
Cohen	Hayes, D. S.	O'Brien, B.	Trello
Cowell	Hayes, S. E.	O'Brien, D.	Valicenti
Davies	Hoeffel	O'Connell	Vroon
DeMedio	Hopkins	O'Keefe	Wagner
DeVerter	Hutchinson, W.	Oliver	Wansacz
DeWeese	Itkin	Pancoast	Wargo
DiCarlo	Johnson	Petrarca	Wass
Dietz	Jones	Piccola	Weidner
Dininni	Katz	Pitts	Wenger
Dombrowski	Kelly	Polite	Wiggins
Donatucci	Kernick	Pott	Wilson
Dorr	Klingaman	Pratt	Wilt
Doyle	Knepper	Prendergast	Wise
Duffy	Kowalshyn	Pyles	Wright, D.
Englehart	Laughlin	Rappaport	Wright, J. L.
Fee	Lehr	Ravenstahl	Yahner
Fischer, R. R.	Letterman	Reed	Zearfoss
Fisher, D. M.	Levi	Renwick	Zeller
Flaherty	Lincaln	Richardson	Zitterman
Foster, A.	Livengood	Rieger	Zord
Foster, W.	Logue	Ritter	Zwikl
Freind	Lynch	Ruggiero	
Fryer	Mackowski	Ryan	Irvis,
Gallagher	Madigan	Salvatore	Speaker

NOT VOTING—10

Beloff	Helfrick	O'Donnell	Pievsky
Berson	Hutchinson, A.	Parker	Shelton
Cole	Manderino		

The question was determined in the negative and Part II of the Rhodes amendments was not agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

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

Mr. REED. Mr. Speaker, I will yield to Mr. Rhodes for a moment.

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

Mr. RHODES. Mr. Speaker, I just want to point out to the membership that the bill now is basically HB 1 except for the change that was put in about disclosure. I hope that does not cause the Senate to nonconcur; it might very well cause the Senate to nonconcur.

The reason we are sending this bill to the Senate is because, again, the leadership of the Senate has said that they, for personal reasons, will not move HB 1.

For the information of the membership because I do not want you to vote on something you do not know about, there is one change to SB 757 from HB 1 which is substantial. The Senate did not change HB 1 in this way, but the spokesman for the juvenile court judges, who has been participating in negotiations, made it very clear the judges wanted more time for the implementation of the prohibition on children being held in county jail. So we have added 6 months to our original 2-year period of time, which we were reluctant to do but we felt, in

order to insure concurrence, we would do that. That is the only other major change in SB 757. It is now 2½ years as opposed to 2 years for the time when the prohibition takes place for kids being held in jail. I urge a "yes" vote on final passage, Mr. Speaker. Thank you, Mr. Speaker.

The gentleman from Dauphin, Mr. Reed, is recognized and may proceed.

Mr. REED. Thank you, Mr. Speaker.

I have a number of questions which I would like to pose to Mr. Rhodes since he is most familiar with this bill.

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

Mr. RHODES. Yes, Mr. Speaker.

The SPEAKER. The gentleman indicates that he will. The gentleman from Dauphin may proceed.

Mr. REED. Mr. Speaker, there are a number of things which come to my mind, and I preface my inquiry with this footnote, and that is to say that I have absolutely no difficulty accepting the premise that juveniles should not be incarcerated in prisons with adults and that we absolutely must have alternate means of dealing with juveniles other than simply locking them up. But there are a number of things which also confront me as a legislator in Dauphin County with regard to the juvenile justice system. I am not so sure that SB 757, as it is presently written and amended, is going to do an awful lot of good in Dauphin County. It may even further hamstring us in several respects. I want to be clear on that point, so my questions are, first, I notice that in the analysis of SB 757 there is a requirement that the juvenile court must use only the minimum amount of incarceration if and when confinement is necessary. What is the rationale behind that? I have an analysis in front of me that makes that specific reference. What is the rationale behind that?

Mr. RHODES. I think—I am not positive, Mr. Speaker, but I think—that refers to the section—

Mr. REED. Where it requires a periodic redetermination of the status of the case?

Mr. RHODES. No, I do not think that is what it refers to. I think it refers to the language—I am trying to find it—in the section which encourages the court to use certain considerations in their adjudication when they finally commit a child. It has a sequence of what the court is encouraged to use in terms of minimum level of incarceration. All that is as advice to the court. The court can ignore that. I am trying to find the exact language, Mr. Speaker.

Mr. REED. Well, I think in some respects you have answered my question on that point.

In here there is a section in the bill that mandates that an offense be considered a felony before a child can be transferred into adult criminal court. Now, of course, that is referring to the charge that is presently before the court. What does a juvenile—

Mr. RHODES. Excuse me. Mr. Speaker, can I interrupt?

Mr. REED. Yes.

Mr. RHODES. The language I was referring to is on page 15, under "COMMITTING" a child to an institution or program,

foster care, youth development center, or whatever. Under "DISPOSITION OF DEPENDENT CHILD" it says:

In selecting from the alternatives set forth in this section, the court shall follow the general principal that the disposition imposed should provide the means through which the provisions of this act are executed and enforced consistent with section 1 and when confinement is necessary, the court shall impose the minimum amount of confinement that is consistent with the protection of the public and the rehabilitation needs of the child.

Mr. REED. Does that, therefore, prohibit the term "indefinite sentence"?

Mr. RHODES. No.

Mr. REED. Well, if you have to set forth a minimum amount of time, you could not sentence a juvenile to New Castle, for example, for an indeterminate amount of time?

Mr. RHODES. No, no, no. This does not speak to sentencing and whether or not there should be a minimum versus a maximum. This is the amount of time the child is committed to confinement and the quality of the confinement.

The SPEAKER. Will the gentleman from Allegheny yield to the gentleman, Mr. Scirica?

Mr. RHODES. Yes, Mr. Speaker.

Mr. SCIRICA. Thank you, Mr. Speaker.

Mr. Speaker, this is the identical language to that contained in the sentencing code that covers all the adult offenders, and it is intended to be a guideline to the courts and to operate in the same way that the language in the sentencing code operates.

Mr. REED. All right. Thank you. I have several additional inquiries as well.

I notice in the bill that there is a mandate that the only way a juvenile can be bound over to the adult court is if the charge presently before the juvenile is a felony. My question is a leading one in the sense that we have situations where juveniles are charged with felonies and dealt with as juveniles, say, at the age of 15, and has another felony or several at the age of 16. By the time he or she winds up being 17 years of age, already having accumulated quite a record, they wind up being charged with, say, a series of misdemeanors, and, in the judgment of the court and anyone familiar with the case, that individual really ought to be bound over to adult court, but that person cannot be bound over to adult court because the charges presently pending are misdemeanors. In other words, as the bill is presently written, that would, in fact, prevent binding over to adult court that juvenile in those circumstances. Is that correct?

Mr. RHODES. Yes, Mr. Speaker. The intention of that was due to the fact that in the state, in our review of adult transfer in the Commonwealth, that, generally speaking, is not the way transfer works when it is a problem in terms of misdemeanors. What we found were instances where first offenders committing misdemeanors were automatically transferred to adult court for all kinds of reasons, some of which were administrative. And that is why we imposed this felony prohibition which makes sure that only the most serious offenders are transferred

to adult court, which I think is the intention of the Juvenile Act.

Mr. REED. An additional question: With regard to the requirement on an institution if it wishes to transfer a juvenile to a more secure facility. I will give you the for instance of New Castle. I accompanied Representative Ralph Pratt to New Castle last year. We had a public hearing there and I had occasion to visit the facility. There are different divisions to that rather large facility. Several of the structures are classified as "secure" and others are classified as "nonsecure" and somewhere inbetween. Would this bill require the officials at New Castle, if they receive a child into the less secure area and they wanted to transfer him into the secure area because of his conduct within the institution, according to the way I see the bill, to have a hearing for an internal transfer, or are you talking about from institution to institution?

Mr. RHODES. The secure section at New Castle is a separate facility from the New Castle facility, and as the bill is drawn, if the judge objects to the transfer to a more secure facility, there has to be a hearing; that is, a hearing held by the judge, the sentencing judge, yes.

Mr. REED. I do not think so. I think you are referring to the section with regard to whether the institution wishes to transfer a child to a more secure facility and where it requires that there has to be a hearing in front of the juvenile judge. If they require a transfer to a less secure facility, then they simply notify the judge, and then, if he has an objection, there is a hearing.

Mr. RHODES. If the institution seeks to transfer to a more secure facility, the child must have a hearing before the committing court, which is the judge who sentenced him.

Mr. REED. In other words, in Dauphin County Court, if we sent a juvenile to New Castle and he was sent to the nonsecure area and because of misconduct there or an attempt at escape or a beating, or whatever, they wanted to put him in the secure facility the day after that incident occurred, they would have to have a hearing in Dauphin County first? You have answered my question. The answer is, yes, you would because it is considered a separate facility, the secure section, and I think that is ridiculous. I think it is extremely time consuming and quite a constraining regulation in law.

Mr. RHODES. I would like to point out, Mr. Speaker, that you are trying to confuse the section on "TRANSFER." You well know, Mr. Speaker, that every youth development center in the Commonwealth has a secure section in the line cottages. You well know that every YDC in this state has at least five beds which are absolutely secure, and if there is an emergency situation where a child is acting up or there is some problem, they can be put in those secure beds without any problem of awaiting a hearing. If it is necessary to be permanently transferred because their behavior is not just momentary but there is a need for that kid to be taken to the secure facility at New Castle, to the one in Cornwells Heights or to the new ones they are remodeling or constructing, there is absolutely no problem in holding a hearing because that is a permanent commitment, and it was felt that it would be necessary that there should be a court hearing for a permanent change of confinement.

Mr. REED. I understand the "permanent" reference. I am saying that in an emergency—

Mr. RHODES. A transfer is permanent, Mr. Speaker.

Mr. REED. I understand that, but in an emergency situation you are saying—

Mr. RHODES. Every facility in the state—

Mr. REED. Can I finish the question first, Mr. Speaker? You are saying, in the case of an emergency situation, there is nothing in this act that would prohibit the emergency assignment of that juvenile to the secure area, and then if they wish it to be a permanent assignment—

Mr. RHODES. Not for secure separate facilities, Mr. Speaker. In other words, the facility at New Castle is separate from the other facilities. The facility at Cornwells Heights is separate. The act prohibits you from transferring someone permanently into that facility. Every YDC, including, as you well know, the one at New Castle—the line cottages at New Castle—have secure beds for emergencies just as you point out, just as Cornwells Heights has, just as the other YDC's have, Loysville has. They have a few beds set aside for emergencies just like the one you referred to, and if there is a situation which requires emergency confinement, they can, within their own ordinary procedures, so confine a juvenile. You know that.

Mr. REED. Well, if I knew it, I would not ask you, Mr. Speaker. I am not in the habit of wasting the time of the House asking questions to which I already know the answer. You are saying, in final conclusion on that point, that the permanent assignment would require a hearing in Dauphin County in the case of the Dauphin County juvenile?

Mr. RHODES. Yes, Mr. Speaker.

Mr. REED. I have an additional question. It has to do with pages 2 and 3 of SB 757. It says that the juvenile may request that the court continue jurisdiction over his case if he is involved in a course of instruction past the age of 18, but in no case shall it go past the age of 21. I do not differ with that, incidentally, either philosophically or otherwise. My only question is—and this is really for the purpose of making a record here on the floor—if that person, still under the jurisdiction of the juvenile court, were to commit a crime at the age of 18, 19, 20 or 21, would that person be tried as an adult or as a juvenile as a result of this section? Would that change his status as an adult?

Mr. RHODES. Mr. Speaker, when they hit that 18th birthday, they are an adult under Commonwealth law and they get charged with adult offenses. This only refers to whether a person was in an instruction program, you know, a high school program, an equalization program or a college program. The court wanted to make clear that payment of that program would stop at some point, not all the way into the 20's, but at 21, and that is why we adopted this amendment.

Mr. REED. All right. I have no problem with that section.

Page 7, line 17, the reference to "NOT MORE THAN FIVE DAYS," and that is the period of time from the effective date of this act to December 31, 1979. It requires that if a juvenile is located in a jail—and that is an adverse circumstance and I recognize that and accept it as such—that the individual should be kept separate from the adults, and I think that is also wise,

but it says here, "... SHALL BE DETAINED UNDER SUCH CIRCUMSTANCES FOR NOT MORE THAN FIVE DAYS." The way that is written, do I understand that on the fifth day that person gets automatically released?

Mr. RHODES. Mr. Speaker, were that to be the case, I would be a happy man. This is current law, and under current law very seldom on that sixth day does that kid get out of jail. I am very sorry to say that of the three kids who burned the desks in the incident at Williamsport, two of them have been held for 60 days. There is no way to enforce our law, I am sorry to say. It is the law now, five days, but it is not enforced, I am sorry to say.

Mr. REED. I think that concludes my inquiries, Mr. Speaker. I have just one or two additional comments.

The SPEAKER. The Chair recognizes the gentleman. The gentleman may proceed.

Mr. REED. Some of the other points that I think need to be made about SB 757 have to do not with questions, because I understand the language of the bill, but have to do with the awarding of special powers to the Department of Public Welfare in several respects. It provides that after 1979 they shall have the power, of course, to issue regulations and establish detention homes. I do not particularly differ with the idea of having regionalized detention homes for the counties that do not have them on an individual basis, but I do have problems with the Department of Public Welfare being the one that sets forth the regulations, because that gives them—and there is no restriction as to their power in this bill—a special kind of power to mitigate or to eliminate on occasion the right of the juvenile court to place a penalty upon a serious juvenile offender who gets located in a secure setting. We have made it clear in this legislation and in other acts that we have passed in the House and Senate that we do not want the status offender or the non-serious juvenile offender located in a secure setting. And I really do not have any philosophical or other differences with that. My problem is that the Department of Public Welfare is being given the authority to supersede the juvenile court and the right to supersede virtually everyone in the Commonwealth because of the power being given them in this particular piece of legislation.

It establishes various mandates, procedures and certain deadlines that, in my judgment, may be difficult to meet in various counties. My county is not exceptionally large. It is a medium-size county, the county of Dauphin. We are not particularly overburdened at this point with expenses with regard to our newly established juvenile detention facility, but I can see difficulties where the other counties that are using our facility, as well as our own, would have, for example, the capacity filled to its fullest and it would be difficult to meet procedures or deadlines set forth in this act and it would cause the immediate release of persons into the community who otherwise should not be there.

Furthermore the bill does not take into consideration the different problems of backlogging in the case of juvenile court, the backlogging that occurs in the case of municipal police, particularly in cities like Harrisburg or Philadelphia or Altoona, or whatever, in the handling of juvenile cases. There is no provi-

sion set forth in there whereby they can find relief through exemption from certain deadlines for having hearings or filing petitions or properly adjudicating the case. I do not think the kids should be warehoused, even serious violators. I think we should be doing something with them. I would not throw away the key on any kid in this state.

I do think that there are a number of provisions in this bill which are going to considerably restrain law-enforcement officials, our district attorneys or those assistant district attorneys assigned to juvenile cases, in many respects. There are many aspects of the bill that are very desirable as well, and I do not quibble with many parts of this piece of legislation, but in some areas I think that we are going too far. My own vote is going to be in the negative, with some reluctance, frankly, because there is a lot of good in this bill but there are a lot of areas that need to be cleared up. My vote in the negative is for the purpose, if the majority of the members also saw fit to vote in the negative, not to kill the bill but rather to therefore defeat it in its present form, and we would have approximately a week or so before the August 1 deadline to work out some new language in here to meet some of the needs that I have cited, and then bring it back up for an affirmative vote at that time.

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

Mr. ARTHURS. Mr. Speaker, I wonder if Representative Rhodes would consent to interrogation.

The SPEAKER. The gentleman, Mr. Rhodes, indicates he will stand for interrogation. The gentleman, Mr. Arthurs, may proceed.

Mr. ARTHURS. Mr. Speaker, when we sent HB 1 to the Senate, there had been an amendment placed in there that removed some of the costs from the counties and placed them upon the state. I believe the counties were only to assume 10 percent. Can you show me in this bill where that is located? I have not been able to find that. The only finances, by the way, that I can find—

Mr. RHODES. Mr. Speaker, I would like to read the section. Section 3, page 21, line 26: ". . . NO COUNTY SHALL BE REQUIRED TO PAY MORE THAN TEN PERCENT OF THE COSTS OF OPERATING NEW SHELTER CARE PROGRAMS REQUIRED TO IMPLEMENT THE RECLASSIFICATION PROVIDED FOR IN SECTION 2(4) (VI), PROVIDED THAT THE COUNTY: . . ." and it goes on. It is the amendment we adopted in the discussion of HB 1.

Mr. ARTHURS. All right. Then you can assure us, and maybe you said this before, that all language that was in HB 1 as it went to the Senate is included, nothing added or deleted?

Mr. RHODES. Except, Mr. Speaker, the amendments that went in today; the amendment that Representative Yohn, Representative Morris, et cetera, put in, the amendments that Representative Scirica and I put in; and the fact that in response to Representative Reed's comments, we added 6 more months to the time in which the prohibitions on the use of jail apply precisely because the counties asked for more time.

Mr. ARTHURS. All right. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from

Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, over the weekend—well, last Friday, as a matter of fact—at the Governor's Justice Commission meeting in Wilkes-Barre, I talked to several juvenile court judges from the northern tier. I can give you their names. They did not agree with HB 1; they agreed partly with SB 757. If they had to live with any bill, they would live with SB 757 as it came from the Senate. Now SB 757 is HB 1, in effect. I cannot support it.

Similar programs like those in HB 1, which is now SB 757, have been tried in many other states and they have failed miserably. As was said earlier, we do not learn by history. I think Mr. Bittinger brought it out. In effect, this bill is a so-called Senator Birch Bayh bill, the runaway child bill. Parents will now have absolutely no control over their children. If the child does not like the parents' discipline, they head for a runaway home, your neighborhood shelter center. He or she will be taken care of. What we are doing constantly is turning our children over to the government. I said that on HB 1 and I say that on this one right here. I would like to see it defeated. I was hoping that somehow we could get it back to a conference committee and get SB 757 back in its original form, which we probably can live with in some respects, but by HB 1, which it now is, well, you are turning your children over to the government. You want a bureaucracy. The big bureaucracy is getting bigger and bigger and bigger, and your children are being used as pawns. This is what it really is. You as parents and your constituents as parents have absolutely no control over your children.

You talk about bringing about juvenile correction. Absolutely not. Your children are going to be raised by somebody else. I do not like what I see and my children being raised by somebody else.

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

Mr. SCIRICA. Thank you, Mr. Speaker.

Mr. Reed raised some objections to this bill that I think should be answered. The first objection was that the Department of Public Welfare would have the power to issue regulations over detention homes and that we would be ceding unwarranted power to that department. The fact is that the Department of Public Welfare now has the power to issue regulations and approve all detention homes in the Commonwealth. This bill will not change it in any degree whatsoever. It does give the Department of Public Welfare authority to facilitate the construction of regional detention facilities that will be the alternative to the use of jails for juveniles within a deadline of 2½ years after we have made an appropriation of \$1.5 million in this bill and after we get the Federal money that has been promised. We use the Department of Welfare for this specific purpose at the request of the juvenile court judges who were afraid the counties would not do it. But in no other way is the power or authority of the Department of Public Welfare increased. As a matter of fact, the overall intent of the bill and application of the bill will decrease the power of the Department of Public Welfare and increase the power of the juvenile

court judges. You will notice near the end of the bill there is a repealer section in the Public Welfare Code which takes away the power of the Department of Welfare to transfer children in and out of institutions for whatever reason they want. That power is being denied to them and it is being given back to the court, where I think the responsibility must lie.

With respect to the question of unreasonable deadlines on the use of detention facilities as alternatives for county jails, we have extended the time period so that the counties will now have 2½ years in order to meet this objective. That seems to be well enough time for the counties to be able to do this.

The third objection dealt with unreasonable deadlines in connection with court hearings. As a matter of fact, what we did was to extend the deadline that was causing the juvenile courts the most trouble, and that was the standard that said that when a child is held in detention, the adjudicatory hearing must be held within 10 days. The courts pointed out to us that sometimes the victims or other witnesses, especially if they have been beaten up, are unavailable or perhaps unavailable for some other reason, and it is unreasonable to force them to release somebody from detention when, in fact, they may have committed a serious crime. So we extended that period another 10 days if the judge so decides. So instead of constricting, we have actually expanded that area that caused the juvenile courts the most trouble.

We have debated this bill at some length. The bill is essentially the same bill that passed this House of Representatives a few weeks ago. There are some improvements in it with the Senate version. But the overall effect of it, I think, is to do greater justice to the juveniles in this state and to reassert once again the authority of the juvenile courts over the Department of Public Welfare in this area.

On the question recurring,  
Shall the bill pass finally?

Agreeable to the provision of the Constitution, the following roll call was recorded:

YEAS—179

Abraham	Gallen	Manmiller	Schweder
Anderson	Gamble	McCall	Scirica
Armstrong	Garzia	McClatchy	Seltzer
Arthurs	Gatski	McGinnis	Shupnik
Bellomini	Geisler	McLane	Sirianni
Bennett	George, C.	Mebus	Smith, E.
Berlin	George, M.	Meluskey	Smith, L.
Berson	Gillette	Milanovich	Spencer
Bittinger	Gleeson	Miller	Spitz
Bittle	Goebel	Milliron	Stairs
Borski	Goodman	Miscevich	Stapleton
Brandt	Gray	Moehlmann	Stewart
Brown	Greenfield	Morris	Stuban
Brunner	Greenleaf	Mrkonic	Sweet
Burd	Grieco	Mullen, M. P.	Taddonio
Burns	Halverson	Mullen, M. M.	Taylor, E.
Butera	Hamilton	Musto	Taylor, F.
Caltagirone	Harper	Novak	Tenaglio
Caputo	Hasay	Noye	Thomas
Cassidy	Haskell	O'Brien, B.	Trello
Cessar	Hayes, D. S.	O'Brien, D.	Valicenti
Cianciulli	Hayes, S. E.	O'Connell	Vroon
Cimini	Helfrick	O'Keefe	Wagner

Cohen	Hoeffel	Oliver	Wansacz
Cole	Honaman	Pancoast	Wargo
Cowell	Hopkins	Parker	Wass
DeMedio	Hutchinson, A.	Petrarca	Weidner
DeVerter	Hutchinson, W.	Piccola	Wenger
DeWeese	Itkin	Pitts	White
DiCarlo	Katz	Polite	Wiggins
Dietz	Kelly	Pott	Williams
Dininni	Kernick	Pratt	Wilson
Donatucci	Klingaman	Prendergast	Wilt
Dorr	Knepper	Pyles	Wise
Doyle	Kolter	Rappaport	Wright, D.
Duffy	Laughlin	Ravenstahl	Wright, J. L.
Englehart	Lehr	Renwick	Yahner
Fee	Levi	Rhodes	Yohn
Fischer, R. R.	Lincoln	Richardson	Zearfoss
Fisher, D. M.	Livengood	Rieger	Zitterman
Flaherty	Logue	Ritter	Zord
Foster, A.	Lynch	Ryan	Zwinkl
Foster, W.	Mackowski	Salvatore	
Freind	Madigan	Scanlon	Irvis,
Fryer	Manderino	Schmitt	Speaker
Gallagher			

NAYS—11

Dombrowski	Kowalshyn	Reed	Shuman
Geesey	Letterman	Ruggiero	Zeller
Giammarco	Mowery	Scheaffer	

NOT VOTING—10

Barber	Dumas	McIntyre	Pievsky
Beloff	Johnson	O'Donnell	Shelton
Davies	Jones		

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same with amendment in which concurrence of the Senate is requested.

SB 405 PASSED OVER

The SPEAKER. On page 6, SB 405, which was passed over temporarily, is passed over for today. The Chair advises the members that the gentleman, Mr. Lincoln, is preparing amendments, so you should mark your calendars accordingly. Those amendments to SB 405 will be ready for tomorrow.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate returned HOUSE BILL NO. 631, with the information that the Senate has passed the same with the following amendments in which concurrence of the House of Representatives is requested:

Amend Bill, page 8, lines 26 through 30, by striking out all of said lines; page 7, lines 1 through 30, by striking out all of said lines; page 8, lines 1 through 30, by striking out all of said lines; page 9, lines 1 through 4, by striking out all of said lines; line 5, by striking out after "Section" the number "9" and inserting in lieu thereof "8"

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

Mr. BENNETT requested that the House do concur in the Senate amendments.

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

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—190

Abraham	Gallen	Mackowski	Scanlon
Anderson	Gamble	Madigan	Scheaffer
Armstrong	Garzia	Manmiller	Schmitt
Arthurs	Gatski	McCall	Schweder
Bellomini	Geesey	McClatchy	Scirica
Bennett	Geisler	McGinnis	Seltzer
Berlin	George, C.	McIntyre	Shuman
Berson	George, M.	McLane	Shupnik
Bittinger	Giammarco	Mebus	Sirianni
Bittle	Gillette	Meluskey	Smith, E.
Borski	Gleeson	Milanovich	Smith, L.
Brandt	Goebel	Miller	Spencer
Brown	Goodman	Milliron	Spitz
Brunner	Gray	Miscevich	Stairs
Burd	Greenfield	Moehlmann	Stapleton
Burns	Greenleaf	Morris	Stewart
Butera	Grieco	Mowery	Stuban
Caltagirone	Halverson	Mrkonic	Sweet
Caputo	Hamilton	Mullen, M. P.	Taddonio
Cassidy	Harper	Mullen, M. M.	Taylor, E.
Cessar	Hasay	Musto	Taylor, F.
Cianciulli	Haskell	Novak	Tenaglio
Cimini	Hayes, D. S.	Noye	Thomas
Cohen	Hayes, S. E.	O'Brien, B.	Trello
Cole	Helfrick	O'Brien, D.	Valentici
Cowell	Hoeffel	O'Connell	Vroon
Davies	Honaman	O'Keefe	Wagner
DeMedio	Hopkins	Oliver	Wansacz
DeVerte	Hutchinson, A.	Pancoast	Wargo
DeWeese	Hutchinson, W.	Parker	Wass
DiCarlo	Itkin	Petrarca	Weidner
Dietz	Johnson	Piccola	Wenger
Dininni	Jones	Pitts	Wiggins
Dombrowski	Katz	Polite	Wilson
Donatucci	Kelly	Pott	Wilt
Dorr	Kernick	Pratt	Wise
Doyle	Klingaman	Pyles	Wright, D.
Duffy	Knepper	Rappaport	Wright, J. L.
Englehart	Kolter	Ravenstahl	Yahner
Fee	Kowalyshyn	Reed	Yohn
Fischer, R. R.	Laughlin	Renwick	Zearfoss
Fisher, D. M.	Lehr	Rhodes	Zeller
Flaherty	Letterman	Richardson	Zitterman
Foster, A.	Levi	Rieger	Zord
Foster, W.	Lincoln	Ritter	Zwilk
Freind	Livengood	Ruggiero	
Fryer	Logue	Ryan	Irvis,
Gallagher	Lynch	Salvatore	Speaker

NAYS—0

NOT VOTING—10

Barber	Manderino	Prendergast	White
Beloff	O'Donnell	Shelton	Williams
Dumas	Pievsky		

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

Ordered, That the clerk inform the Senate accordingly.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER)  
IN THE CHAIR

The SPEAKER. At this time the Chair turns the gavel over temporarily to the gentleman from Berks, Mr. Fryer.

TRANSPORTATION BILL ON THIRD CONSIDERATION

Agreeable to order,  
The House proceeded to third consideration of **House bill No. 1171, printer's No. 1534**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes making omnibus changes.

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

The SPEAKER pro tempore. The Chair, at this time, recognizes the gentleman from Erie, Mr. Bellomini. For what purpose does the gentleman rise?

Mr. BELLOMINI. Just to make a few comments before we start on the amendments, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and will proceed.

Mr. BELLOMINI. Mr. Speaker, before I begin the discussion of HB 1171, PN 1534, and the amendments to the Motor Vehicle Code, I personally would like to thank the members of the Transportation Committee, the majority and the minority staff, and especially thank the minority chairman, Representative Dininni.

Now, our intention today, Mr. Speaker, is to introduce the noncontroversial amendments in order so that we may proceed in the most expedient fashion possible.

Thank you. Let us proceed with the amendments.

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

Mr. BITTINGER. Mr. Speaker, since there is a large number of amendments to this bill, could I suggest that as we had done with some previous bills, they give the identification number on the amendment that we are discussing, please.

The SPEAKER pro tempore. The gentleman has a good suggestion, and the Chair will follow that suggestion.

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

Mr. BELLOMINI offered the following amendments:

Amend Sec. 1, page 2, line 10 by striking out "6305(a)," and inserting 6305,

Amend Sec. 1 (Sec. 6305), page 104, line 29 by inserting a bracket before "unless"

Amend Sec. 1 (Sec. 6305), page 105, line 3 by inserting a bracket after "officer"

Amend Sec. 1 (Sec. 6305), page 105, line 3 by striking out "or"

Amend Sec. 1 (Sec. 6305), page 105, line 7 by striking out all of said line and inserting

(b) Procedure upon payment by mail.—If the defendant mails the amount of the fine prescribed in subsection (a), the defendant shall indicate on an accompanying form whether the payment constitutes a fine based on a plea of guilty or a bond for a hearing based on a plea of not guilty. If the plea is not guilty, the police officer shall notify the issuing authority by

telephone and the issuing authority shall schedule a hearing for the following day (excluding Saturdays, Sundays and legal holidays), unless the defendant requests a continuance, in which case a hearing shall be scheduled to accommodate the defendant, the police officer and the issuing authority.

(c) Form of payment.—The amount of the fine and costs may be paid [in cash,] by personal or other check, credit card or guaranteed arrest bond, except that the Court Administrator of Pennsylvania may enlarge or restrict the types of payment which may be made by mail.

(d) Receipt for payment.—The police officer shall give the defendant a receipt for the payment, a copy of which shall be mailed with the payment and a copy retained by the police officer.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. This is amendment A-1721, that is offered by the gentleman from Erie, Mr. Bellomini.

The Chair, at this time, recognizes the gentleman from Erie, Mr. Bellomini, for an explanation of the amendment.

Mr. BELLOMINI. What this amendment does is strike out the word "cash."

I am going to turn it over to Representative Dininni because of that reason.

The SPEAKER pro tempore. The gentleman from Erie yields to the gentleman from Dauphin, Mr. Dininni. The Chair recognizes the gentleman.

Mr. DININNI. Mr. Speaker, I rise in support of this amendment. I would just like to tell the members a little situation that I know of that was called to my attention by one of our members. A trucker was fined and all that he had with him was cash, so the process was, he had to take the \$1,500, that is what it amounted to, put it into an envelope and stick it in the mail. To me, I think that this is ridiculous, operating with cash. We have many other procedures to follow, and I highly recommend this amendment.

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

Mr. ARTHURS. Mr. Speaker, may I interrogate Mr. Dininni?

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. The gentleman, Mr. Arthurs, will proceed.

Mr. ARTHURS. Mr. Speaker, you are saying that cash is not allowed to be used?

Mr. DININNI. I am not saying it. The sponsor—

Mr. ARTHURS. In this amendment?

Mr. DININNI. Mr. Bellomini is saying that, yes. I only—

Mr. ARTHURS. All right. Then may I interrogate Mr. Bellomini.

Mr. BELLOMINI. Go ahead.

Mr. ARTHURS. Are you saying that cash cannot be used to pay a fine?

Mr. BELLOMINI. That is right. On the spot, now. We are talking about on the spot to the officer at the time of the arrest.

Mr. ARTHURS. All right. What if this happens on a Sunday? How is that man going to make a payment?

Mr. BELLOMINI. The closest district justice, if he does not have a money order or a check available in his possession, triple A bail bond.

Mr. ARTHURS. Now, wait. There are many people, and all district justices do not have a money order.

Mr. BELLOMINI. Well, if you go to the district justice, you can pay cash.

We are talking about on-the-spot citation, putting the money in an envelope and putting it into the nearest mailbox.

Mr. Dininni just pointed out to you that a trucker, an individual, was fined approximately \$1,500 and had to place it in an envelope and put it into the nearest mailbox.

Mr. ARTHURS. All right. But do you not think that in a case like that that man could have gone to a district justice and asked to do this?

Mr. BELLOMINI. Well, we are going to do it for everybody?

Mr. ARTHURS. All right. Now say I have a small fine and this might take one of our policemen off the Pennsylvania Turnpike, Route 80 or any of our main arteries, just to take somebody for a \$15 or a \$20 fine who might be willing to put this in. This is something that I have been fighting about with the department over there, and we are going to have to go through it again. We just make it absolutely ridiculous for people to pay, and I do not think that this is a good amendment.

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

Mr. BELLOMINI. Mr. Speaker, at the present time I think that this is a very vital amendment, but in the near future we are going to have the reciprocity feature in the laws of the surrounding states. There is approximately eight states now that are in agreement.

We probably will not run into this problem in the future, but at the present time, just in case something like this happens, I think that the mailbox in the district justice's office is just about the same miles that you have to go to in order to pay this fine. I would appreciate a "yes" vote on this amendment.

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

Mr. ARTHURS. Mr. Speaker, I do not like the way that we are making it hard for people to make payments to the State of Pennsylvania. Everybody is taking for granted that everybody has a checking account, and this is not the case. Everybody has to pay extra money when they buy money orders and this type of thing, and I just do not believe in this particular kind of an amendment and I would ask for a "no" vote.

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

Mr. BELLOMINI. Mr. Speaker, if you read the amendment, it only pertains to the out-of-state drivers, not the local.

Mr. ARTHURS. Now that makes it that much worse. Cash is much better than an out-of-state check, perhaps. How do you know that a check is good?

Mr. BELLOMINI. A check is a guy's bond. It is a bill of sale.

Mr. ARTHURS. That still does not mean anything. I have always learned that a bird in a hand is worth two in the bush.

Mr. BELLOMINI. That is in Butler.

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

Mr. RITTER. Mr. Speaker, I rise to support the amendment. I think that it is a good amendment. I think that Mr. Dininni's example of the trucker who had to pay \$1,500 is important. I think that when you start fooling around with cash and police officers, you put that policeman into a very compromising position. I think that the acceptance of a check or a credit card or a bond is a lot more acceptable than the handing of cash to a police officer to pay a fine or cost. I support the amendment, Mr. Speaker, and I ask that it be adopted.

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

The following roll call was recorded:

YEAS—184

Abraham	Garzia	McGinnis	Scheaffer
Anderson	Geesey	McIntyre	Schmitt
Armstrong	Geisler	McLane	Schweder
Bellomini	George, C.	Mebus	Scirica
Bennett	Giammarco	Meluskey	Seltzer
Berlin	Gillette	Milanovich	Shuman
Bittinger	Gleeson	Miller	Shupnik
Bittle	Goebel	Milliron	Sirianni
Borski	Goodman	Miscevich	Smith, E.
Brandt	Gray	Moehlmann	Smith, L.
Brown	Greenfield	Morris	Spencer
Brunner	Greenleaf	Mowery	Spitz
Burd	Grieco	Mrkonic	Stairs
Burns	Halverson	Mullen, M. P.	Stapleton
Butera	Hamilton	Mullen, M. M.	Stewart
Caltagirone	Harper	Musto	Stuban
Caputo	Haskell	Novak	Sweet
Cassidy	Hayes, D. S.	Noye	Taylor, E.
Cessar	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cianciulli	Helfrick	O'Brien, D.	Tenaglio
Cimini	Hoeffel	O'Connell	Thomas
Cohen	Honaman	O'Keefe	Trello
Cole	Hopkins	Oliver	Valicenti
Cowell	Hutchinson, A.	Pancoast	Vroon
Davies	Hutchinson, W.	Parker	Wagner
DeMedio	Johnson	Petrarca	Wansacz
DeVerter	Jones	Piccola	Wargo
DeWeese	Katz	Pievsky	Wass
DiCarlo	Kelly	Pitts	Weidner
Dietz	Kernick	Polite	Wenger
Dininni	Klingaman	Pott	White
Dombrowski	Knepper	Pratt	Wiggins
Donatucci	Kolter	Prendergast	Wilson
Doyle	Kowalshyn	Pyles	Wilt
Duffy	Laughlin	Rappaport	Wise
Englehart	Letterman	Ravenstahl	Wright, D.
Fee	Levi	Reed	Wright, J. L.
Fischer, R. R.	Lincoln	Renwick	Yahner
Fisher, D. M.	Livengood	Rhodes	Yohn
Flaherty	Logue	Richardson	Zearfoss
Foster, A.	Lynch	Rieger	Zeller
Foster, W.	Mackowski	Ritter	Zord
Freind	Madigan	Ruggiero	Zwilk
Fryer	Manderino	Ryan	
Gallagher	Manmiller	Salvatore	Irvis,
Gallen	McCall	Scanlon	Speaker
Gamble	McClatchy		

NAYS—6

Arthurs	George, M.	Itkin	Taddonio
Dorr	Hasay		

NOT VOTING—10

Barber	Dumas	O'Donnell	Williams
Beloff	Gatski	Shelton	Zitterman
Berson	Lehr		

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

The SPEAKER pro tempore. The Chair, at this time, recognizes the gentleman from Erie, Mr. Bellomini, who offers the following amendment that the clerk will read.

Mr. BELLOMINI. Mr. Speaker, I am also offering these amendments on behalf of the Speaker pro tempore right now.

The SPEAKER pro tempore. A most meritorious amendment.

On the question,

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

Mr. BELLOMINI offered the following amendments:

Amend Sec. 1, page 2, line 7, by inserting after "4727(a)," 4728,

Amend Bill, page 91, by inserting between lines 21 and 22 § 4728. Display of certificate of inspection.

The appropriate certificate of inspection shall be affixed to the vehicle as specified in regulations adopted by the department. The fee for the certificate of inspection shall be prominently printed on each certificate.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The amendment is identified by the number A-1708.

The Chair, at this time, recognizes the gentleman from Erie, Mr. Bellomini, for an explanation of the amendment.

Mr. BELLOMINI. It simply states that the fee from the certificate of inspection shall be prominently printed on each certificate. In the past we have always had it, and this makes it law.

Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Abraham	Gallen	Mackowski	Ryan
Anderson	Gamble	Madigan	Salvatore
Armstrong	Garzia	Manmiller	Scanlon
Arthurs	Geesey	McCall	Scheaffer
Bellomini	Geisler	McClatchy	Schmitt
Bennett	George, C.	McGinnis	Schweder
Berlin	George, M.	McIntyre	Scirica
Berson	Giammarco	McLane	Seltzer
Bittinger	Gillette	Mebus	Shuman
Bittle	Gleeson	Meluskey	Shupnik
Borski	Goebel	Milanovich	Sirianni
Brandt	Goodman	Miller	Smith, E.
Brown	Gray	Milliron	Smith, L.
Brunner	Greenfield	Miscevich	Spencer
Burd	Greenleaf	Moehlmann	Spitz



Burns	Grieco	Morris	Stairs
Butera	Halverson	Mowery	Stapleton
Caltagirone	Hamilton	Mrkonic	Stewart
Caputo	Harper	Mullen, M. P.	Sweet
Cassidy	Hasay	Mullen, M. M.	Taddonio
Cessar	Haskell	Musto	Taylor, E.
Cianciulli	Hayes, D. S.	Novak	Taylor, F.
Cimini	Hayes, S. E.	Noye	Tenaglio
Cohen	Helfrick	O'Brien, B.	Thomas
Cole	Hoeffel	O'Brien, D.	Trello
Cowell	Honaman	O'Connell	Valicenti
Davies	Honkins	O'Keefe	Vron
DeMedio	Hutchinson, A.	Oliver	Wagner
DeVerter	Hutchinson, W.	Pancoast	Wansacz
DeWeese	Itkin	Parker	Wargo
DiCarlo	Johnson	Petrarca	Wass
Dietz	Jones	Piccola	Weidner
Dininni	Katz	Pitts	Wenger
Dombrowski	Kelly	Polite	White
Donatucci	Kernick	Pott	Wiggins
Dorr	Klingaman	Pratt	Wilson
Doyle	Knepper	Prendergast	Wilt
Duffy	Kolter	Pyles	Wise
Englehart	Kowalshyn	Rappaport	Wright, D.
Fee	Laughlin	Ravenstahl	Wright, J. L.
Fischer, R. R.	Lehr	Reed	Yahner
Fisher, D. M.	Letterman	Renwick	Yohn
Flaherty	Levi	Rhodes	Zearfoss
Foster, A.	Lincoln	Richardson	Zeller
Foster, W.	Livengood	Rieger	Zitterman
Freind	Logue	Ritter	Zord
Fryer	Lynch	Ruggiero	Zwikl
Gallagher			

NAYS—0

NOT VOTING—11

Barber	Manderino	Shelton	Irvis,
Beloff	O'Donnell	Stuban	Speaker
Dumas	Pievsky	Williams	
Gatski			

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. BENNETT offered the following amendments:

Amend Sec. 1, page 2, line 17, by inserting after "1538(e)," 1541(d),

Amend Sec. 1 (Sec. 1541), page 46, by inserting between lines 16 and 17

(d) Revocation under prior law.—The Secretary of Transportation shall immediately review the files of the Department of Transportation relating to the revocation of drivers' licenses for violations of section 1037, act of April 29, 1959 (P. L. 58, No. 32), known as "The Vehicle Code," and shall notify each individual whose license was revoked that the period of revocation shall be for a period of six months only and that such person, upon receipt of the notification, shall be entitled to reapply for a new driver's license.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair, at this time, recognizes the gentleman from Mercer, Mr. Bennett.

The Chair will recognize the following members in order so that they may have their amendments prepared: Mr. Dietz, Mr. Dininni, Mr. Fisher and Mr. Halverson.

The amendment is identified by the number A-962.

The Chair recognizes the gentleman.

Mr. BENNETT. Thank you, Mr. Speaker.

I think that I would like to start by calling this the fairness amendment.

The members of this body will recall that under the previous Vehicle Code, a person on a first offense who was convicted of a DWI — driving while intoxicated — charge received a 1-year revocation. Under the new Motor Vehicle Code, a person under a first offense receives a revocation of 6 months.

What my amendment attempts to do, Mr. Speaker, is to state that any person who has received, under the previous law, a 1-year revocation should serve at least 6 months, but no more than that.

What I am saying, Mr. Speaker, is that under the amendment, the Secretary of Transportation shall review the files of those persons who have had their licenses revoked. Any person who has served more than 6 months may then apply for a new license.

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. DININNI offered the following amendment:

Amend Sec. 1 (Sec. 1953), page 60, line 16, by removing the period after "\$5" and inserting except that no fee shall be charged pursuant to this section when a fee is also charged pursuant to section 1952 (relating to certificate of title).

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Dininni, for explanation of his amendment numbered A-1548.

Mr. DININNI. Mr. Speaker, this is a very simple amendment. Presently in the bill, it would cost you \$5 for a title and \$5 for an encumbrance. They are two separate fees. What I am doing is where there is a title being issued such as for a new car, used car, when it is sent in and the encumbrance is put on it at the same time, there is one fee, \$5.

The SPEAKER pro tempore. The Chair understands that this amendment has been agreed to.

The Chair recognizes the gentleman from Beaver, Mr. Laughlin. For what purpose does the gentleman rise?

Mr. LAUGHLIN. Mr. Speaker, I would like to know what kind of an effect this particular amendment would have on the funds of the department, the incoming finances of the department.

The SPEAKER pro tempore. Will the gentleman, Mr. Dininni, stand for interrogation?

Mr. DININNI. Yes.

The SPEAKER pro tempore. The gentleman is in order and will proceed.

Mr. LAUGHLIN. Mr. Speaker, the income of the Department of Transportation has been severely hurt by numerous projects that have been added to their work over the years, as well as increased costs. What I am wondering is, what kind of an effect is your amendment going to have on the income of that particular section?

Mr. DININNI. I do not think that it will have any effect whatsoever.

Mr. LAUGHLIN. When you say that there is a \$5 present charge included on both of the transactions and you say that you are going to reduce that to one single \$5 charge, it would seem that there would be a minus situation for the department of at least \$5.

Mr. DININNI. No. We are referring to HB 1171, and I am amending that section. So they do not have that revenue right at the present time. HB 1171 would grant them that.

Mr. LAUGHLIN. Well, then I would say that your amendment would have an effect on the bill and the overall income of the bill and it should have some kind of a fiscal impact?

Mr. BELLOMINI. Mr. Speaker, yes.

The SPEAKER pro tempore. Will the gentleman yield?

The Chair recognizes the gentleman from Erie, Mr. Bellomini. Did the gentleman wish to be recognized?

Mr. BELLOMINI. No. I will turn it over to Mr. Dininni. I think that he has a proper answer.

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

Mr. DININNI. I was not following that last one. I was talking to my—

The SPEAKER pro tempore. Would the gentleman, Mr. Laughlin, kindly repeat the question to the gentleman?

Mr. LAUGHLIN. Mr. Speaker, as the bill is presently structured there would be a \$5 cost for both transactions. Is that correct?

Mr. DININNI. Yes, that is right.

Mr. LAUGHLIN. So by removing this portion that you are talking about in your amendment, you are effectively removing a portion of the income of the bill?

Mr. DININNI. Well, if you put it that way, yes.

Mr. LAUGHLIN. What I would like to know, sir, is, what kind of a financial impact that is going to have on the overall income of the bill?

Mr. DININNI. I could not answer that question.

Mr. LAUGHLIN. Well, then, Mr. Speaker, I would ask the membership of the House to vote against this amendment and defeat it, because if we are going to take away anything that might be coming to the department by this legislation, I think that we would be doing the wrong thing in view of the terrible situation that the Transportation Department is in right now.

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

Mr. RITTER. Mr. Speaker, first of all, there is nothing in 1171 which deals with what Mr. Dininni is attempting to

amend, but what really happened with the department when we passed the fee bill last year, we said in the fee bill that a price for a title would be \$5 and that any encumbrance recorded after the title was issued would be another \$5.

What Mr. Wilson, the Secretary of Transportation, did was to interpret that to mean when the title is issued initially and an encumbrance is recorded, that he was going to charge \$5 for both the issuance of the title and the issuance of the encumbrance, and that was not the intent of this legislature. When he was called about it and asked would he rescind that rule, he said, no, our interpretation is that it is a double fee.

I tell you, Mr. Speaker, that that is a rip off. That is a rip off of the public in this Commonwealth. We did not intend to do that. What Mr. Dininni's amendment seeks to do is to tell Mr. Wilson, in no uncertain terms, that we did not intend to do that. I think it is a very good amendment and I think that we ought to adopt it.

The SPEAKER pro tempore. Does the gentleman, Mr. Dininni, wish to be recognized?

Mr. DININNI. No. Just ask all the members to vote "yes" on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman for the second time, the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I do not question Mr. Ritter's interpretation of what he believes that the legislation is trying to do. However, I believe that Mr. Wilson has interpreted it correctly and that the department is in much need of finances. For us to take away even \$5 for each of the transactions involved would result in a significant amount of money. I do not believe that we should be taking anything away from the Department of Transportation at this time. Thank you.

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

Mr. BELLOMINI. Mr. Speaker, I have to agree with Representative Ritter's statement and I think that this is a good amendment. I wish that everybody on this side of the aisle would vote for it. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—183

Abraham	Gamble	Manderino	Salvatore
Anderson	Garzia	Manmiller	Scanlon
Armstrong	Gatski	McCall	Scheaffer
Arthurs	Geesey	McClatchy	Schmitt
Bellomini	Geisler	McGinnis	Schweder
Bennett	George, C.	McIntyre	Scirica
Berlin	George, M.	McLane	Seltzer
Berson	Giammarco	Mebus	Shuman
Bittinger	Gillette	Meluskey	Shupnik
Bittle	Gleeson	Milanovich	Sirianni
Borski	Goebel	Miller	Smith, E.
Brandt	Goodman	Milliron	Smith, L.
Brown	Gray	Miscevich	Spencer
Brunner	Greenfield	Moehlmann	Spitz
Burd	Greenleaf	Morris	Stairs
Burns	Grieco	Mowery	Stapleton

Butera	Halverson	Mrkonic	Stewart
Caltagirone	Hamilton	Mullen, M. P.	Stuban
Cassidy	Harper	Mullen, M. M.	Sweet
Cessar	Hasay	Musto	Taddonio
Cianciulli	Haskell	Novak	Taylor, E.
Cimini	Hayes, D. S.	Noye	Taylor, F.
Cole	Hayes, S. E.	O'Brien, B.	Tenaglio
Cowell	Helfrick	O'Brien, D.	Thomas
Davies	Honaman	O'Connell	Trello
DeMedio	Hopkins	O'Keefe	Valicenti
DeVerter	Hutchinson, A.	Oliver	Vroon
DeWeese	Hutchinson, W.	Pancoast	Wagner
DiCarlo	Johnson	Parker	Wansacz
Dietz	Jones	Petrarca	Wargo
Dininni	Katz	Piccola	Wass
Dombrowski	Kelly	Pievsky	Weidner
Donatucci	Kernick	Pitts	Wenger
Dorr	Klingaman	Polite	Wiggins
Doyle	Knepper	Pott	Wilson
Duffy	Kolter	Pratt	Wilt
Englehart	Kowalshyn	Prendergast	Wright, D.
Fee	Lehr	Rappaport	Wright, J. L.
Fischer, R. R.	Letterman	Ravenstahl	Yahner
Fisher, D. M.	Levi	Reed	Yohn
Flaherty	Lincoln	Renwick	Zearfoss
Foster, A.	Livengood	Rhodes	Zeller
Foster, W.	Logue	Rieger	Zwinkl
Freind	Lynch	Ritter	
Fryer	Mackowski	Ruggiero	Irvis,
Gallagher	Madigan	Ryan	Speaker
Gallen			

NAYS—7

Caputo	Itkin	Richardson	Zord
Cohen	Laughlin	Zitterman	

NOT VOTING—10

Barber	Hoeffel	Shelton	Williams
Beloff	O'Donnell	White	Wise
Dumas	Pyles		

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. ANDERSON offered the following amendments:

Amend Sec. 1, page 2, line 7, by inserting after "4704(a)," 4726,

Amend Bill, page 91, by inserting between lines 14 and 15 § 4726. Certification of mechanics.

No mechanic shall conduct motor vehicle inspections at an official inspection station unless certified as to training, qualifications and competence by the department according to department regulations: Provided, however, That a person who is in possession of a valid motor vehicle operator's license, other than a motorcycle operator's license, shall not be required to have a school bus operator's license as a prerequisite to being certified to inspect school buses. The provisions of this title or regulations adopted thereunder shall not be construed or applied in a manner which would preclude or impair the right of a person who is a resident of another state, and who is in possession of a valid driver's license issued by such state, to be certified to conduct motor vehicle inspections at an official inspection station in this Commonwealth. No official inspection station appointment shall be issued or renewed unless a certified official inspection mechanic is there employed.

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

The SPEAKER pro tempore. The Chair, at this time, recognizes the gentleman from York, Mr. Anderson, for an explanation of his amendment numbered A-1676.

Mr. ANDERSON. Mr. Speaker, I believe that the amendment is agreed to. Am I correct?

The SPEAKER pro tempore. Will the House agree to the amendment? Will the gentleman offer an explanation? A member has requested an explanation of the amendment, sir.

Mr. ANDERSON. According to a letter that was sent out to the inspection station, it has been interpreted that an inspection mechanic would need to have a school bus operator's license in order to inspect a school bus. For that reason this amendment was put in so that a garage mechanic does not have to have a school bus operator's license merely to inspect a school bus. This takes care of that problem.

On the question recurring,  
Will the House agree to the amendments?  
Amendments were agreed to.

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, I have no objections to the routine adoption of amendments when they are agreed to. However, they are agreed to on the part of maybe one man on this side and one man on that side. I think that every one should be explained.

The SPEAKER pro tempore. The gentleman's point is well taken.

The Chair had asked, are the amendments agreed to? There was no response, but in the future, the Chair will conduct a roll call on the individual amendment.

Mr. CAPUTO. I am not concerned about the roll call. I will go along with the members. I would like to know what I am going along with. I figure that it should be explained.

The SPEAKER pro tempore. The gentleman is certainly in order, and the Chair will heed the advice of the gentleman.

Mr. BELLOMINI. Mr. Speaker, I believe that thus far all the amendments were explained.

On the question recurring,

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

Mr. D. M. FISHER offered the following amendment:

Amend Sec. 1 (Sec. 1302), page 14 by inserting between lines 21 and 22

(c) Registration by certain residents in another state.—

(1) No person who is a resident of the Commonwealth or, who is a resident of more than one state, including the Commonwealth and has declared himself to be a Commonwealth resident, shall register a passenger vehicle in another state and

subsequently operate such passenger vehicle in the Commonwealth on a regular basis.

(2) Any person violating the provisions of this subsection shall be guilty of a summary offense and shall pay a mandatory fine of \$500.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair, at this time, recognizes the gentleman from Allegheny, Mr. D. M. Fisher, for purposes of explanation of the proposed amendment.

Mr. D. M. FISHER. Thank you, Mr. Speaker.

What my amendment proposes to do is to provide a stiffer penalty for a resident of the Commonwealth who registers a vehicle in another state and then continues to operate such vehicle in the Commonwealth.

I can only speak from my end of the state as far as this problem is concerned, but on the western border of the State is the State of Ohio, and when the new registration period began late this winter and this spring, it appeared that there were a lot of people obtaining Ohio license plates. It appears that this practice has been going on, actually, for a number of years.

One of the reasons that this has been going on, one of the reasons it, perhaps, will become more frequent, is that in Ohio a plate can be obtained by merely getting a post office box, and in the registering of that vehicle in the State of Ohio, there is no requirement of mandatory insurance.

What we have are people who are circumventing the Pennsylvania law. We are losing the \$24 registration fee. They are driving in the Commonwealth of Pennsylvania without the insurance that our no-fault insurance law requires.

So what my amendment does is it imposes on a person who violates this section, section 1302, a mandatory penalty of \$500. Now the reason I have made this penalty so stiff is this, it seems to me that there is only one way in which we can force this provision and that is through our local police. I know that in my area the local police who tour the township and the borough, after they see a car with Ohio plates or some other state plates there every day for a period of 30, 40, 50 days and they realize that the fine is \$500, quite frankly they are going to be bounty hunters, but if that is the only way that we can enforce it, fine. Local government, under the Vehicle Code split of the fines, will get \$250.

I know that in my area when a couple of people get socked with this fine, I think that they are going to realize that the Commonwealth means business and they are going to come and register their car in Pennsylvania. I urge you to adopt this very simple amendment.

Thank you.

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

Mr. CAPUTO. Mr. Speaker, would the gentleman, Mr. D. M. Fisher, agree to a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will.

The gentleman, Mr. Caputo, will proceed.

Mr. CAPUTO. Mr. Speaker, I do not have a copy of this

amendment. I am just wondering, how long would an out-of-town person be permitted to carry this license plate; I mean an out-of-state person who came into the state?

Mr. D. M. FISHER. Mr. Speaker, I believe that that is not in the amendment, but I believe the current law in the code, in the new Motor Vehicle Code, is that you have to register your car within 30 days.

Mr. CAPUTO. All right. Thank you.

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

Mr. BELLOMINI. Mr. Speaker, I would like to interrogate the gentleman.

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. The gentleman, Mr. Bellomini, will continue.

Mr. BELLOMINI. I would probably agree with this amendment, Mr. Speaker, but I find it very hard to define the enforcement part of this amendment in the Vehicle Code.

I think that this amendment should be placed in bill form and put into the penal code. Would the gentleman object to that? I would support him if he would put it into the penal code.

Mr. D. M. FISHER. Mr. Speaker, I am not quite sure what you are referring to. I think that certainly penalty provisions are contained within the Vehicle Code and this is no more than saying that the penalty provision is not a discretionary provision. It is a mandatory provision. I think, certainly, that the Vehicle Code is the proper vehicle for this bill or for this amendment.

Mr. BELLOMINI. Well, you are only allowed to have the license plates for 30 days. Is that correct?

Mr. D. M. FISHER. That is what the current law is.

Mr. BELLOMINI. That is right. If that is correct, what would stop anybody from being a resident of another state or taking up residence in another state, on which I do not know the interpretation of the law in another state, but in our Commonwealth it is only 30 days. Why should we not put it into the Vehicle Code, administer a piece of legislation like this in the Vehicle Code? Why should we not put it into the penal code?

Mr. D. M. FISHER. Mr. Speaker, I think that in answer to your questions, there is already language in the Vehicle Code, I believe in section 1302, which I am attempting to amend which specifies when at least for registration purposes an individual becomes a resident.

We also have laws, case laws, as to when a person is a resident of this Commonwealth. I am not really changing residency requirements any. I am specifying that for purposes of the Vehicle Code and for purposes of licensing your vehicle, this is what must be followed, and if you do not follow it, this is the penalty.

Mr. BELLOMINI. What I am trying to say, Mr. Speaker, is the fact that it is already in our Vehicle Code. The problem that we have is the enforcement problem. I do not think that it should be in the Vehicle Code. I think it should be placed in the penal code subject to a fine such as you put in this amendment.

Mr. D. M. FISHER. Mr. Speaker, I understand what you are saying, but I must respectfully disagree with you. I think that the Vehicle Code is the place. I say that it is an enforcement

problem, but without specifically amending the Vehicle Code providing what the penalty will be, I do not see how we are going to get effective enforcement and pick up the revenues that are due to the Commonwealth. That is all.

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

Mr. CAPUTO. Mr. Speaker, I would like to point out for the benefit of the chairman of the Transportation Committee that in Pennsylvania there are people who have seaside homes outside the State which is their summer residence or mountain homes outside the State and they register their cars in that state to avoid paying the tax on their car when they are living in Philadelphia, for example, where they live for 10 months of the year and avoid the necessity for complying with the insurance requirements of our code. For that reason, I think that Mr. Fisher's point is well taken. We have other penal provisions in the code for violations of the code. I do not see that it would be out of place in the Vehicle Code.

The SPEAKER pro tempore. Does the gentleman, Mr. Bellomini, wish to be recognized?

Mr. BELLOMINI. I would like to come back and say that the fact is—

Mr. CAPUTO. Incidentally, Mr. Speaker, if you read his amendment it says, no person who is a resident of the Commonwealth can do this. It is restricted to people who are residents in the Commonwealth of Pennsylvania.

Mr. BELLOMINI. All right.

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

Mr. MCGINNIS. Mr. Speaker, would the author of this amendment submit to interrogation?

The SPEAKER pro tempore. Would Mr. D. M. Fisher stand for interrogation? He indicates that he will. The gentleman from Montgomery will continue.

Mr. MCGINNIS. Mr. Speaker, apparently what you are talking about right now is putting a stiff fine on a law that already exists in the State of Pennsylvania. Is that correct?

Mr. D. M. FISHER. That is correct, Mr. Speaker.

Mr. MCGINNIS. Are you going to fine Hertz and Avis at every airport and every bus stop in the State of Pennsylvania, that have New York plates or Connecticut plates that are in this state possibly for 6 months?

Mr. D. M. FISHER. Mr. Speaker, the amendment as it is drafted, at least in my opinion and that of a person from Legislative Reference who drafted it, was intended not to cover that situation because it refers to a person who is a resident of the Commonwealth and as in the situation of leased cars which are incorporated in other states and registered in those other states, they would not come within the purview of this particular amendment.

Mr. MCGINNIS. Would you consider as a lawyer that my corporation is any different than the Hertz corporation?

Mr. D. M. FISHER. Mr. Speaker, I am not quite sure how to answer that question.

Mr. MCGINNIS. Well, I have 20 cars based in south Jersey right now with Pennsylvania plates on them, and if you start to

fine companies \$500 for every New York car that is in Pennsylvania that is driven by a Pennsylvania salesman who pays taxes in Pennsylvania, they will get New York salesmen to come to Pennsylvania and they will not have resident salesmen.

I am saying that there are cars in Pennsylvania carrying New York tags, Ohio tags and Jersey tags that are owned by corporations in Ohio, New York and Pennsylvania but the salesman is a resident of this state. If you fine those corporations \$500 for every car, I think that that is ridiculous. You have to treat them the same as Hertz.

Mr. D. M. FISHER. Mr. Speaker, in answer to that question, I do not believe that my amendment would require those people to be fined.

Mr. MCGINNIS. Well, you just said that we already have the law on the books but you wanted the cops to go after the \$500.

Mr. D. M. FISHER. No. Mr. Speaker, I am talking strictly of Pennsylvania residents who—

Mr. MCGINNIS. I am talking about Pennsylvania residents who work for the Union Carbide Corporation and drive cars with New York plates. Now, what are you going to do?

Mr. D. M. FISHER. The car, in that situation, would be owned by a New York corporation and it would not be covered by the amendment. The person could continue to drive it with the New York plates.

Mr. MCGINNIS. Your interpretation is that by putting the \$500 fine in you are only going to fine a Pennsylvanian who lives here and is going to another state and registering the car; no corporate cars?

Mr. D. M. FISHER. That is correct, Mr. Speaker.

Mr. MCGINNIS. Well, you have Pennsylvania corporations that—

The SPEAKER pro tempore. The gentleman, Mr. McGinnis, is in order and may proceed.

Mr. MCGINNIS. How about Delaware corporations?

Mr. D. M. FISHER. A Delaware corporation, Mr. Speaker, would not be a resident of the Commonwealth, and, therefore, a car owned by a Delaware corporation would, under this amendment, not come under the penalty.

Mr. MCGINNIS. The reason I am asking these questions, Mr. Speaker, is it is obviously like one of the other amendments here where the Department of Transportation interprets what we do.

Mr. D. M. FISHER. Right.

Mr. MCGINNIS. I know that you are after the deadbeat who uses Ohio plates and Ohio lawyers, but I am afraid that they will get into the corporation deal where I think it will hurt Pennsylvania. That is all that I have to say, Mr. Speaker.

Thank you.

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

Mr. BELLOMINI. Mr. Speaker, I am going to rise and oppose this amendment, not that I am against the intent of the cost of the fine. It is because I feel as though the reciprocity ruling could come into effect in the future, and the fact is that if we pass this amendment in our Vehicle Code, we are putting some of our residents of the Commonwealth in a precarious position.

Now, if a resident of Pennsylvania should take up a summer

home in New Jersey, we will say, where we do not have reciprocity at the time for 60 days, that means that he will have to turn around and get a license in New Jersey because he is there more than 30 days. I can see the fine on this amendment enforced but I cannot see the reasoning behind the amendment. I would ask the members on both sides of the House, to oppose this amendment. Thank you.

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

Mr. SPITZ. Mr. Speaker, to interrogate the sponsor of the amendment if he will stand for a brief question or two.

The SPEAKER pro tempore. The gentleman, Mr. D. M. Fisher, indicates that he will stand for interrogation. The gentleman, Mr. Spitz, will proceed.

Mr. SPITZ. Mr. Speaker, would I be correct that in addition to those individuals who intentionally flaunt our requirement by using a registration in another state, as an example was given about a seashore home they may own in New Jersey or a home out of state, that your amendment would also apply to those individuals who legitimately move into our state or transfer into our state but simply do not act within the 30-day time period and, therefore, they are caught with an out-of-state license even though they have moved into the state more than 30 days? Would it also catch the individual who unintentionally violated your provision?

Mr. D. M. FISHER. Mr. Speaker, the amendment would clearly apply to that individual. However, I am not sure. I believe the current law allows a person who moves into the state 60 days to comply with the provision.

Mr. SPITZ. Thirty days.

Mr. D. M. FISHER. Mr. Speaker, I know of instances in the eastern end of the state where individuals do circumvent our requirement and are costing our state money because they use Jersey registrations. I believe that the action of these people is intentional; it is to the detriment of the Commonwealth and I agree with Mr. Fisher's intention that we should do something about them. However, I think that this is a criminal penalty that also catches the unintentional violator who is simply lazy or derelict in registering.

I would oppose the amendment as it is drafted because I think that we are going to catch some innocent people in the trap, and it is too much of a fine to pay for simply being lazy about complying with our requirement.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—100

Abraham	Freind	Letterman	Schweder
Armstrong	Fryer	Levi	Scirica
Arthurs	Gallagher	Lincoln	Seltzer
Berlin	Gallen	Logue	Shupnik
Bittle	Geisler	Madigan	Smith, E.
Borski	George, M.	McClatchy	Sweet
Brandt	Goebel	McLane	Taddonio
Brown	Gray	Meluskey	Taylor, E.
Burd	Greenleaf	Milanovich	Trello

Burns	Grieco	Mowery	Vroon
Butera	Halverson	Mrkonic	Wagner
Caltagirone	Hamilton	O'Brien, D.	Wansacz
Caputo	Haskell	Pancoast	Wargo
Cessar	Hayes, D. S.	Parker	Wass
Cimini	Hayes, S. E.	Pitts	Weidner
Cowell	Honaman	Polite	Wenger
Davies	Hopkins	Pott	Wilson
DeWeese	Hutchinson, A.	Pyles	Wilt
DiCarlo	Itkin	Ravenstahl	Wise
Dietz	Katz	Reed	Wright, J. L.
Dombrowski	Kernick	Rhodes	Zearfoss
Duffy	Knepper	Ritter	Zeller
Fischer, R. R.	Kolter	Ruggiero	Zitterman
Fisher, D. M.	Kowalshyn	Ryan	Zord
Flaherty	Laughlin	Scheaffer	Zwikl

NAYS—92

Anderson	Giammarco	Milliron	Schmitt
Bellomini	Gillette	Miscevich	Shuman
Bennett	Goodman	Moehmann	Sirianni
Bittinger	Greenfield	Morris	Smith, L.
Brunner	Harper	Mullen, M. P.	Spencer
Cassidy	Hasay	Mullen, M. M.	Spitz
Cianciulli	Helfrick	Musto	Stairs
Cohen	Hoeffel	Novak	Stapleton
Cole	Hutchinson, W.	Noye	Stewart
DeMedio	Johnson	O'Brien, B.	Stuban
DeVerter	Jones	O'Connell	Taylor, F.
Dininni	Kelly	O'Keefe	Tenaglio
Donatucci	Klingaman	Oliver	Thomas
Dorr	Lehr	Petrarca	Valicenti
Doyle	Livengood	Piccola	White
Engiehart	Lynch	Pievsky	Wiggins
Fee	Mackowski	Pratt	Williams
Foster, A.	Manderino	Prendergast	Wright, D.
Foster, W.	Manmiller	Rappaport	Yahner
Gamble	McCall	Renwick	Yohn
Garzia	McGinnis	Rieger	
Gatski	McIntyre	Salvatore	Irvis,
Geesey	Mebus	Scanlon	Speaker
George, C.	Miller		

NOT VOTING—8

Barber	Berson	Gleeson	Richardson
Beloff	Dumas	O'Donnell	Shelton

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. HALVERSON offered the following amendments:

Amend Sec. 1, page 2, line 6 by inserting after "4524(d)," 4525

Amend Bill, page 86, by inserting between lines 18 and 19 § 4525. Tire equipment and traction surfaces.

(a) General rule.—No vehicle shall be operated on the highway unless the vehicle is equipped with tires of a type, size and construction approved by the department for the vehicle and unless the tires are in a safe operating condition as determined in accordance with regulations of the department.

(b) Vehicles not equipped with pneumatic tires.—It is unlawful for any person to operate or move, or cause or permit to be moved, in contact with any highway any vehicle equipped with traction or road contact surfaces other than pneumatic tires unless of a type, size and construction permitted by regulations of the department and unless the movement is made under specific conditions allowed by regulations of the department.

(c) Tire studs.—[No vehicle having tires containing studs shall be driven on any highway.] Tires in which ice grips or tire studs of wear resisting material have been installed which provide resiliency upon contact with the road and which have projections not exceeding two thirty-seconds of an inch beyond the tread of the traction surface of the tire shall be permitted between November 1 of each year and April 30 of the following year. The Governor may by executive order extend the time tires with ice grips or tire studs may be used when highway conditions are such that such tires would be a safety factor in traveling Commonwealth highways. Firefighting, fire emergency and police vehicles may use tires with ice grips or tire studs during any time of the year. The use of tires with ice grips or tire studs contrary to the provisions of this subsection shall be unlawful.

(d) Tire chains.—Tires chains may be temporarily used on vehicles during periods of snow and ice emergency if they are in conformance with regulations promulgated by the department.

(e) Penalty.—

(1) Any person violating the provisions of subsection (c) shall be guilty of a summary offense and upon conviction thereof, shall be sentenced to pay a fine as indicated in paragraph (2) and in default of payment thereof, shall undergo imprisonment for not more than 30 days.

(2) Fines for violation of subsection (c) shall be determined from the following chart based on the period of unauthorized use:

May 1 to May 31	\$35
June 1 to June 30	45
July 1 to July 31	55
August 1 to August 31	55
September 1 to September 30	55
October 1 to October 31	55
November 1 to April 30	10

Amend Sec. 5, page 118, line 21 by striking out "Section 2(h)," and inserting Subsections (d) and (h) of section 2,

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. Thank you, Mr. Speaker.

This is amendment number A1614. You may have two copies of it. The one you should identify with has the names of Halverson and Joe Petrarca as sponsors. For that matter, I imagine all the other sponsors of HB 519, which the House of Representatives passed earlier this session, probably will join with us in sponsorship of it.

What this does is allow studded tires to be used in Pennsylvania after May 1, 1978 or in the winter season, I should say, of 1978-79, because as you know our current law prohibits the use of studded tires during the spring, summer and fall seasons.

We feel, those of us particularly in northern and western Pennsylvania, that studded tires are good for the safety of all the motorists of this Commonwealth. We feel also that the new studded tires do very minimal damage and for all the good they do, we feel it is very worthwhile.

If you think of all the things that can cause damage to the highways, I think the salt that we use on the highways and the use by heavy trucks do far more damage.

I would certainly ask for the support of all the members of the House of Representatives. Thank you very much.

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

Mr. BELLOMINI. It is an agreed-to amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—136

Abraham	Gallen	Lincoln	Rieger
Arthurs	Gamble	Logue	Salvatore
Bellomini	Garzia	Lynch	Scheaffer
Bennett	Gatski	Mackowski	Scirica
Berlin	Geisler	Madigan	Seltzer
Bittinger	George, C.	Manderino	Shuman
Bittle	Giammarco	McCall	Shupnik
Brunner	Gleeson	McGinnis	Sirianni
Burd	Goebel	McIntyre	Smith, E.
Burns	Goodman	Milanovich	Smith, L.
Caltagirone	Greenfield	Miller	Spencer
Caputo	Greenleaf	Milliron	Stairs
Cassidy	Grieco	Miscevich	Stewart
Cessar	Halverson	Morris	Stuban
Cianciulli	Hamilton	Mrkonc	Taddonio
Cimini	Harper	Mullen, M. P.	Taylor, E.
Cohen	Hasay	Mullen, M. M.	Taylor, F.
Davies	Haskell	Musto	Tenaglio
DeMedio	Hayes, D. S.	Novak	Thomas
DeVerter	Hayes, S. E.	O'Brien, B.	Trello
DeWeese	Helfrick	O'Brien, D.	Valicenti
DiCarlo	Honaman	O'Connell	Vroon
Dietz	Hopkins	O'Keefe	Wagner
Dininni	Hutchinson, A.	Oliver	Wansacz
Dombrowski	Hutchinson, W.	Parker	Wargo
Donatucci	Itkin	Pievsky	Weidner
Doyle	Johnson	Pitts	Wiggins
Duffy	Jones	Polite	Wilson
Englehart	Katz	Pott	Wilt
Fee	Kelly	Pratt	Wright, D.
Fischer, R. R.	Klingaman	Rappaport	Wright, J. L.
Flaherty	Knepper	Ravenstahl	Yahner
Foster, W.	Kolter	Renwick	Zearfoss
Gallagher	Levi	Rhodes	Zord

NAYS—52

Anderson	Geesey	McLane	Ryan
Armstrong	George, M.	Mebus	Schmitt
Borski	Gillette	Meluskey	Schweder
Brandt	Gray	Moehlmann	Spitz
Brown	Hoeffel	Mowery	Stapleton
Butera	Kernick	Noye	Sweet
Cole	Kowalshyn	Pancoast	Wass
Cowell	Laughlin	Piccola	Wenger
Dorr	Lehr	Prendergast	Wise
Fisher, D. M.	Letterman	Pyles	Yohn
Foster, A.	Livengood	Reed	Zeller
Freind	Manmiller	Ritter	Zitterman
Fryer	McClatchy	Ruggiero	Zwikel

NOT VOTING—12

Barber	O'Donnell	Shelton	Irvis,
Beloff	Petrarca	White	Speaker
Berson	Richardson	Williams	
Dumas	Scanlon		

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

**QUESTION OF PERSONAL PRIVILEGE**

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. PETRARCA. My switch was inoperative. I would like to be recorded in the affirmative on the first Halverson amendment to HB 1171.

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

On the question recurring,

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

Mr. HALVERSON offered the following amendments:

Amend Sec. 1, page 1, line 18, by inserting after "(c)," 1911, Amend Bill, page 56, by inserting between lines 24 and 25 § 1911. Annual registration fees.

(a) General rule.—An annual fee for the registration of vehicles as provided in Chapter 13 (relating to the registration of vehicles) shall be charged by the department as provided in this title.

(b) Department to establish certain fees.—If a vehicle to be registered is of a type not specifically provided for by this title and is otherwise eligible for registration, the department shall determine the most appropriate fee or fee schedule for the vehicle or type of vehicle based on such factors as design and intended use.

(c) Registration after beginning of registration year.—

(1) When registration is applied for after the beginning of the seventh month of the registration year but before the beginning of the tenth month of the registration year, the fee for registration of a vehicle shall be one-half the annual fee.

(2) When the registration is applied for after the beginning of the tenth month of the registration year, the fee for registration of a vehicle shall be one-fourth the annual fee.

(3) The provisions of this subsection shall apply only until such time as the department shall implement a staggered registration system.

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, under the bill which we passed last year, the new code, we took away the quarter and half fees.

Now for those of you who are unfamiliar with the way vehicles are licensed, we used to provide that if you registered a vehicle in the 7th month of the license year, you could purchase that license for half fee. If you purchased a license in the 10th

month or the beginning of the 10th month of the license year, you could purchase that license for a quarter fee.

When we passed the code last year, those provisions were removed, so that today if you go to buy a license in the 7th month of the license year, you will pay full fee.

This amendment would change it back to the former way. Now one of the other provisions of this, as you know, in the new code which we passed last year, is that it provides for a staggered system for registration which PennDot will implement at some time in the future.

This amendment also says that once the staggered system is initiated, the quarter and half fees would no longer be used.

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 offered the following amendments:

Amend Sec. 1 (Sec. 1110), page 8, line 17 by inserting a comma after "tracing"

Amend Sec. 1 (Sec. 1110), page 8, lines 17 and 18 by striking out "or photograph,"

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. This is a little more complicated amendment, Mr. Speaker.

In HB 1171, we provide for the first time a new method of obtaining tracings of serial numbers. For those who are unfamiliar, when you bring a car in from out of state or if it is a new motor vehicle, you must obtain a tracing, a physical tracing, with pencil and paper of the serial number or, in lieu thereof, the department formally would accept a verification by either a dealer or an official inspection station of that number. In HB 1171, we provide that a photograph of that number may also be used. We also say in HB 1171, on page 8, for those of you who are following, that where it is impossible to secure a legible tracing or photograph . . . the verification of another authorized person would be accepted.

I, for one, like the idea of having a photograph. But the way the bill reads currently, it says that if you cannot obtain a tracing, then you have to take a photograph.

This would change it to allow for the photograph. In other words, it would allow for three things: A tracing, a photograph or a certification by the official inspection station.

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

Mr. BELLOMINI. I would like to say this to the Representative, it is already in HB 1171. You are not changing anything with this amendment. Show me your change.

Mr. HALVERSON. Okay, on line 17 of page 8, Mr. Speaker, it says ". . . where it is impossible to secure a legible tracing or photograph".



Mr. BELLOMINI. Right.  
Mr. HALVERSON. Then you would accept the certification, right?

Mr. BELLOMINI. That is how your amendment reads, also.  
Mr. HALVERSON. No; my amendment strikes out "or photograph" there.

Mr. BELLOMINI. In other words, you want to go with just tracing and a certification and no photograph?

Mr. HALVERSON. What I want to do, Mr. Speaker, is allow for the photograph. The way I read the bill as it is now, if a tracing is not available, you are going to require the photograph.

Mr. BELLOMINI. Are you interpreting—  
Mr. Speaker, may I interrogate the gentleman?  
The SPEAKER pro tempore. Will the gentleman from Somerset, Mr. Halverson, stand for interrogation?

Mr. HALVERSON. Yes, Mr. Speaker.  
The SPEAKER pro tempore. The gentleman may proceed.

Mr. BELLOMINI. Are you interpreting that the fact is that if you do not have a tracing then a photograph is necessary?

Mr. HALVERSON. Right, because there is no "or" between "photograph" and "the verification".

Mr. BELLOMINI. The word "or" is in HB 1711 right there now, Mr. Speaker.

Mr. HALVERSON. It says "legible tracing" or "photograph". And if what you are saying is correct, it should then say "or verification."

Mr. BELLOMINI. Then with your amendment change on page 8, in line 17, you want the "or" inserted after photographs?

Mr. HALVERSON. That is not what my amendment does. My amendment simply strikes out "or photograph" in that instance. But I would have no objection to inserting "or" in there if it would suit you better.

Mr. BELLOMINI. It does not mean you have to hand in both; just one is necessary?

Mr. HALVERSON. Just one.  
Mr. BELLOMINI. Right, I see you want "or verification."

All right, we will accept that amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—190

Abraham	Gallen	Manmiller	Scanlon
Anderson	Gamble	McCall	Scheaffer
Armstrong	Garzia	McClatchy	Schmitt
Arthurs	Gatski	McGinnis	Schweder
Bellomini	Geesey	McIntyre	Scirica
Bennett	Geisler	McLane	Seltzer
Berlin	George, C.	Mebus	Shuman
Berson	George, M.	Meluskey	Shupnik
Bittinger	Giammarco	Milanovich	Sirianni
Bittle	Gillette	Miller	Smith, E.
Borski	Gleeson	Milliron	Smith, L.
Brandt	Goebel	Miscevich	Spencer
Brown	Goodman	Moehlmann	Spitz
Brunner	Gray	Morris	Stairs
Burd	Greenfield	Mowery	Stapleton

Burns	Greenleaf	Mrkonic	Stewart
Butera	Grieco	Mullen, M. P.	Stuban
Caltagirone	Halverson	Mullen, M. M.	Sweet
Caputo	Hamilton	Musto	Taddonio
Cassidy	Harper	Novak	Taylor, E.
Cessar	Hasay	Noye	Taylor, F.
Cianciulli	Haskell	O'Brien, B.	Tenaglio
Cimini	Hayes, D. S.	O'Brien, D.	Thomas
Cohen	Hayes, S. E.	O'Connell	Trello
Cole	Helfrick	O'Keefe	Valicenti
Cowell	Hoeffel	Oliver	Vroon
Davies	Honaman	Pancoast	Wagner
DeMedio	Hopkins	Parker	Wansacz
DeVerter	Hutchinson, A.	Petrarca	Wargo
DeWeese	Hutchinson, W.	Piccola	Wass
DiCarlo	Itkin	Pievsky	Weidner
Dietz	Katz	Pitts	Wenger
Dininni	Kelly	Polite	Wiggins
Dombrowski	Kernick	Pott	Wilson
Donatucci	Klingaman	Pratt	Wilt
Dorr	Knepper	Prendergast	Wise
Doyle	Kolter	Pyles	Wright, D.
Duffy	Kowalshyn	Rappaport	Wright, J. L.
Englehart	Laughlin	Ravenstahl	Yahner
Fee	Lehr	Reed	Yohn
Fischer, R. R.	Letterman	Renwick	Zearfoss
Fisher, D. M.	Levi	Rhodes	Zeller
Flaherty	Lincoln	Richardson	Zitterman
Foster, A.	Livengood	Rieger	Zord
Foster, W.	Logue	Ritter	Zwikl
Freind	Lynch	Ruggiero	
Fryer	Mackowski	Ryan	Irvis,
Gallagher	Manderino	Salvatore	Speaker

NAYS—0

NOT VOTING—10

Barber	Johnson	O'Donnell	White
Beloff	Jones	Shelton	Williams
Dumas	Madigan		

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. HALVERSON offered the following amendment:

Amend Sec. 1 (Sec. 6122), page 104, line 8, by inserting after "cases." All maintenance costs for said traffic control signals shall be borne by the local authorities.

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

The SPEAKER pro tempore. The amendment is identified by the number A987.

The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. I am offering this amendment on behalf of Representative Ben Wilson. It is the Wilson amendment.

On page 104 of the bill, we provide in that section as to how the cost for erection of traffic signals or other control signals will be paid or who shall pay the cost.

Nothing is stated in there about what the amendment addresses itself to. The amendment simply says that all maintenance costs for said traffic control signals shall be borne by the

local authority.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Bellomini.

Mr. BELLOMINI. This is an agreed-to amendment, sir.

On the question recurring,

Will the House agree to the amendment?

On the question recurring,

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

Amend Sec. 1, page 2, line 7, by inserting after "4704(a)," 4721, 4723,

Amend Bill, page 91, by inserting between lines 14 and 15

§ 4721. Appointment of official inspection stations.

(a) Stations inspecting all vehicles.—For the purpose of establishing a system of official inspection stations, the department shall issue certificates of appointment to privately owned facilities within this Commonwealth that comply with the requirements of this chapter and regulations adopted by the department. The department shall issue instructions and all necessary forms to such facilities. Official inspection stations are authorized to inspect vehicles and issue official certificates of inspection.

(b) Stations limited to trailers.—For the purpose of authorizing official inspection stations limited to the inspection of trailers and recreational trailers, the department shall issue certificates of appointment to privately owned facilities within this Commonwealth that comply with the requirements of this chapter and regulations adopted by the department. The department shall issue instructions and all necessary forms to such facilities. Such stations are authorized to inspect only trailers and recreational trailers and issue official certificates of inspection.

§ 4723. Certificate of appointment for inspecting fleet vehicles.

(a) Certificates of appointment.—The department may issue a certificate of appointment under the provisions of this chapter to any person who owns or leases 15 or more vehicles and who meets the requirements of this chapter and regulations adopted by the department. The certificate of appointment may authorize inspection of only those vehicles owned or leased by such person.

(b) Location of inspection.—The inspection of fleet vehicles may be made at any location within the Commonwealth by persons holding a certificate of appointment under this section.

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Abraham	Gamble	Madigan	Scheaffer
Anderson	Garzia	Manderino	Schmitt
Armstrong	Gatski	Manmiller	Schweder
Arthurs	Geesey	McCall	Scirica
Bellomini	Geisler	McClatchy	Seltzer
Bennett	George, C.	McIntyre	Shuman
Berlin	George, M.	McLane	Shupnik
Berson	Giammarco	Mebus	Sirianni
Bittinger	Gillette	Meluskey	Smith, E.
Bittle	Gleeson	Milanovich	Smith, L.
Borski	Goebel	Miller	Spencer
Brandt	Goodman	Milliron	Spitz
Brown	Gray	Miscevich	Stairs
Brunner	Greenfield	Moehlmann	Stapleton

Burd	Greenleaf	Morris	Stewart
Burns	Grieco	Mowery	Stuban
Butera	Halverson	Mrkonic	Sweet
Caltagirone	Hamilton	Mullen, M. P.	Taddonio
Caputo	Harper	Mullen, M. M.	Taylor, E.
Cassidy	Hasay	Musto	Taylor, F.
Cessar	Haskell	Novak	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, B.	Thomas
Cimini	Hayes, S. E.	O'Brien, D.	Trello
Cohen	Helfrick	O'Connell	Valicenti
Cole	Hoeffel	O'Keefe	Vroon
Cowell	Honaman	Oliver	Wagner
Davies	Hopkins	Parker	Wansacz
DeMedio	Hutchinson, A.	Petrarca	Wargo
DeVerter	Hutchinson, W.	Piccola	Wass
DeWeese	Itkin	Pievsky	Weidner
DiCarlo	Jones	Pitts	Wenger
Dietz	Katz	Pott	Wiggins
Dininni	Kelly	Pratt	Wilson
Donatucci	Kernick	Prendergast	Wilt
Dorr	Klingaman	Pyles	Wise
Doyle	Knepper	Rappaport	Wright, D.
Duffy	Kolter	Ravenstahl	Wright, J. L.
Englehart	Kowalshyn	Reed	Yahner
Fee	Laughlin	Renwick	Yohn
Fischer, R. R.	Lehr	Rhodes	Zearfoss
Fisher, D. M.	Letterman	Richardson	Zeller
Flaherty	Levi	Rieger	Zitterman
Foster, A.	Lincoln	Ritter	Zord
Foster, W.	Livengood	Ruggiero	Zwikl
Freind	Logue	Ryan	
Fryer	Lynch	Salvatore	Irvis,
Gallagher	Mackowski	Scanlon	Speaker
Gallen			

NAYS—4

McGinnis	Noye	Pancoast	Polite
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NOT VOTING—9

Barber	Dumas	O'Donnell	White
Beloff	Johnson	Shelton	Williams
Dombrowski			

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

The SPEAKER. The amendment is identified by A1624.

The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, this is also another one of Mr. Wilson's amendments. On the top it is also the Wilson #2 amendment.

What he seeks to do by this amendment would be to allow for the appointment by the Department of Transportation of an official inspection station solely to inspect trailers, both trailers and recreational trailers. That is the content of the amendment. I believe it is agreed to.

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

Mr. DiCARLO. On the amendment, Mr. Speaker, would the gentleman, Mr. Halverson, consent to a brief interrogation?

The SPEAKER pro tempore. Will the gentleman stand for interrogation?

Mr. HALVERSON. Yes.

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. DiCarlo, will proceed.

Mr. DiCARLO. It is my understanding, Mr. Speaker, under present law that any inspection station in the Commonwealth of Pennsylvania can now inspect these recreational boat trailers. Your amendment will do what?

Mr. HALVERSON. It is my understanding, Mr. Speaker, that this would allow an inspection station to be appointed solely to inspect trailers and recreational trailers.

Maybe Representative Milliron might be able to shed some light on it, also.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Possibly I could answer Mr. DiCarlo's question. I was going to offer a similar amendment. Before the new Vehicle Code, Mr. Speaker, boat trailers did not have to be inspected. Under the new Vehicle Code, a small boat trailer requires an inspection sticker. This in the past is a relatively easy thing to do. There are approximately nine or 10 points that have to be checked on a trailer. However, with the way the code is written now, for a boat dealer or a boat salesman to be able to inspect these campers or these small trailers, he would have to have all the equipment of a normal automobile inspection station, lifts and things that have absolutely no correlation to inspecting an automobile and a trailer.

When I discussed this with the Department of Transportation to ask them if we could set up a special inspection procedure for trailers separate from automobiles, they said that would be fine but we could not work out the language. So what we have done is to say that they recognize that there are two different things that can be done and they will come up with guidelines to allow boat trailers to be inspected by a separate station than automobile inspection stations.

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

Mr. DiCARLO. Mr. Speaker, presently automobile inspection stations can inspect boat trailers?

Mr. MILLIRON. Right.

Mr. DiCARLO. If this amendment goes into effect, are you saying that automobile inspection dealers will not be able to inspect?

Mr. MILLIRON. They will be able to do the same inspection, okay? But they will not need the same amount of equipment on their premises as they need for automobiles.

Mr. DiCARLO. You are twisting it around.

Mr. MILLIRON. Not intentionally. It is aimed at helping those small boat sales places to be able to inspect the trailers when they sell them rather than sending them down the street to an automobile garage or a truck inspection station. It will not affect current automobile inspection stations in any way, shape or form.

Mr. DiCARLO. All right. Automobile inspection garages will still be able to inspect the small boat trailers?

Mr. MILLIRON. Yes, they will, Mr. Speaker.

Mr. DiCARLO. They will not be jeopardized. So what you are doing is setting up another place where they can be done?

Mr. MILLIRON. Yes.

Mr. DiCARLO. Okay, fine.

Mr. MILLIRON. Basically like at the Raystown Lake, for instance, in our area, there is a boat marina there that has been inspecting trailers for years. Under the new Vehicle Code, he would have to send all of the trailers out somewhere else because he just could not really build an automobile inspection station there which would be required under the new code.

Mr. DiCARLO. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. May I interrogate Mr. Milliron, please?

The SPEAKER pro tempore. Will the gentleman, Mr. Milliron, stand for interrogation?

Mr. MILLIRON. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman, Mr. George, may proceed.

Mr. GEORGE. Mr. Speaker, does this amendment just say trailers or does it say specifically boat trailers? Does it say trailers or does it say boat trailers?

Mr. MILLIRON. Reading the amendment over, Mr. Speaker, it says just trailers and recreational trailers. It does not specify boat trailers, although that is one of the things that it is intended to cover, Mr. Speaker.

Mr. GEORGE. Mr. Speaker, how many classes of inspection stations are there right now under the current code?

Mr. MILLIRON. I would not have the faintest idea, Mr. Speaker.

Mr. GEORGE. May I interrogate Mr. Halverson, Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Halverson, indicates that he will stand for interrogation. The gentleman, Mr. George, will proceed.

Mr. GEORGE. Mr. Speaker, how many types of inspection stations are available today under the current code of 1959?

Mr. HALVERSON. As far as I know, there is only one, but I—

Mr. GEORGE. Can you tell me how long a station or building must be to inspect anything over a boat trailer.

Mr. HALVERSON. I am sorry, I did not understand your question, Mr. Speaker.

Mr. GEORGE. Can you tell me how large the premise or how large the property must be to be able to be classified as a general inspection station? I said general, not motorcycle and not just automobile, but anything — general.

Mr. HALVERSON. I think the gentleman knows, but I believe, as I recall, it is a two-bay garage.

Mr. GEORGE. Well, that is just not absolutely so. It happens to be that you need 65 feet either inside or outside, in combination.

Now, I believe that the amendment is a good amendment if it would specify what type of trailer, but what I am saying to you is, if the department over there wants an amendment in and then they are going to make their own rules and they have investments today and I see a further amendment saying that you are going to allow anybody with 15 vehicles to inspect anywhere, then what we are going to do is tear down the safety of what inspection is made for.

Then when my colleague, Mr. Milliron, says that he was assured, then I would like to see that in writing because I was never assured of anything by the Department of Transportation.

(Statement stricken.)

The SPEAKER pro tempore. The gentleman is an extremely forceful speaker. Would he please direct his remarks to the Chair?

Mr. GEORGE. Yes, I certainly would. May I interrogate Mr. Bellomini?

The SPEAKER pro tempore. The one remark there that was made, in the opinion of the Chair, should be stricken. I am certain that Mr. George would be the first to propose such a move because surely it was said in jest, and the remarks will be so stricken.

Mr. GEORGE. Thank you, Mr. Speaker.

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

Mr. A. K. HUTCHINSON. I was going to ask you to censor Mr. George for the remarks he made against that gentleman.

The SPEAKER pro tempore. The Chair advises the gentleman that any censoring will be done by the Speaker of the House, not the Chair.

The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. I want all of those within range of my voice to know that I respect both Mr. Milliron and Mr. Halverson. And though each and every one of us might be an expert in many fields, unfortunately I am not an expert in any field. I am just a jack-of-all-trades-and-master-of-none sort of an individual. But I also know that I believe Mr. Milliron is legitimate and his integrity is of the highest. It is the Department of Transportation.

The SPEAKER pro tempore. The Chair thanks the gentleman for his astute observation. Could the gentleman, therefore, proceed with the desired interrogation?

Mr. GEORGE. Will the gentleman from Erie, Mr. Bellomini, stand for interrogation?

The SPEAKER pro tempore. Will the gentleman from Erie, Mr. Bellomini, stand for interrogation?

The gentleman indicates he will. The gentleman, Mr. George, may proceed.

Mr. GEORGE. On a nonpersonal note, why would you state that you agree to such an amendment as this that will actually cause havoc among the existing legitimate inspection stations in Pennsylvania today? They must, in every fashion, in every manner, come under the scrutiny of traffic safety as far as sizing, as far as equipment and all this type, and to stand there and say . . . I agree to an amendment that is not specific in any manner. It just says, trailer.

Mr. BELLOMINI. Mr. Speaker, there is a very simple answer: Because of the new requirements in the code.

Had I known I am dealing with an expert in inspections such as you are, Mr. Speaker—

Mr. GEORGE. Mr. Speaker, had you asked me, I would have

told you I am an expert.

Mr. BELLOMINI. Not of trailers.

But I will say this, Mr. Speaker, in the recreational areas, we do have a problem. If we resort just to the area of an inspection station having only the right to inspect trailers, then we are reverting back to the recreational areas where they sell these boats in the marinas, especially in the Erie County area, and then we are causing our constituents to take these boats and travel a great distance in order to get their trailers inspected in order to get their boats into the lakes.

Mr. GEORGE. Mr. Speaker, may I say something to you, sir? If a legitimate automobile dealer is not licensed by Traffic Safety to inspect mobilehomes, house trailers, pull trailers, that is a hardship at this time on a legitimate dealer because he can inspect the automobile but not inspect the trailer. I agree to this. I agree with the principle of the amendment, but I cannot agree if the amendment is going to go in and not be doctored up and if we are going to allow Traffic Safety to impose another one of their demands. If the amendment was specific and said boat trailers, I would say we have amendments that I believe are fair.

We are going from the 1,750 pounds to 3,000 pounds. But this amendment is defective.

Mr. BELLOMINI. Recreational trailers inspections are listed in HB 1171, Mr. Speaker. We do not want to get into detail because, like you say, you do not trust the department. Actually it is listed here in HB 1171 now, so what we are trying to do is to define on page 5 of HB 1171. Look at that Mr. George, page 5. It defines the recreational vehicle inspection.

Go ahead, Mr. Speaker.

Mr. GEORGE. "A vehicular type unit primarily designed as temporary living quarters for recreation, camping or travel use which either has its own motive power or is drawn by another vehicle" which under that provision could be a unit of 180 6-inch wheelbase.

Mr. BELLOMINI. I do not see that.

Mr. GEORGE. But that is a fact. That is an absolute fact.

Mr. BELLOMINI. That is your comment to that, though?

Mr. GEORGE. No, but that is an absolute fact.

Mr. BELLOMINI. So?

Mr. GEORGE. So what we are saying now is then that we are not dealing with a small popup camper or a boat trailer by using an amendment that just says trailers. I would agree with an amendment that would say any size trailer below a certain amount and then establish that or if the department could assure me. I am not trying to cause havoc. I am just saying that there are many inspections stations that have applied for general purpose station. There will be a need for inspection stations in the very near future, but it must be more definitive than just to say trailer.

Mr. BELLOMINI. Presently, Mr. Speaker, we do not have trailers that are being inspected under 3,000 pounds, am I correct?

Mr. GEORGE. That is absolutely so.

Mr. BELLOMINI. Am I correct?

Mr. GEORGE. That is absolutely so.

Mr. BELLOMINI. We do not have laws pertaining to the fact

that if a car is 26 feet or 28 feet or 30 feet, right?

Mr. GEORGE. Yes, we do.

Mr. BELLOMINI. No, we do not. Not under the inspection rule. Am I right, Mr. Speaker?

Mr. GEORGE. Yes, we do.

Mr. BELLOMINI. No, we do not, sir.

Mr. GEORGE. Yes, we do. We say that if we are pulling a car and a trailer and they are hooked up, you must have 65 feet to inspect it. You can inspect it individually.

Mr. BELLOMINI. It does not.

Well, I think this is a very good amendment and I wish both sides of the aisle would approve this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. I am sorry that I became so emotional but I believe that I am representing the interest of a lot of legitimate people who have spent thousands of dollars to put an establishment up. I am not against anybody else getting in business. I think it is wonderful. I think we should have additional facilities. But it has just been my contention that the amendment was meant well, but it was not definitive. I apologize to those whom I may have offended, but I do not apologize to the people whom I am trying to protect because I absolutely believe I am right. I would urge a "no" vote.

The SPEAKER pro tempore. The Chair has on many occasions been aware of the capabilities and abilities of the gentleman, Mr. George.

The Chair at this time recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Thank you, Mr. Speaker.

Just a quick note: First of all, Mr. Speaker, never before did we have to have these trailers inspected; and they are not just for boats; it is for like a snowmobile or these popup camper trailers but they did not need an inspection before. So we are not taking business away from a current automobile inspection station.

Secondly, this will not forbid anybody to take it to a current automobile inspection station. It is a very serious problem in our recreational areas in Pennsylvania where dealers had sold these smaller boats and these trailers and now they have to have an inspection sticker on them and they want to be able to inspect them there on the premises.

I do feel it is a good amendment. I ask for the support of the members. And I am afraid any time I stand up, my good friend from Clearfield wants to interrogate me. There are no hard feelings there.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, just to sum up: I also respect the opinions of Mr. George. I do not really feel that this amendment is going to hurt anybody. In fact, if you accept my last amendment, very few will feel it because we are still allowing all inspection stations to inspect trailers. This does not just set up an exclusive franchise for the inspection of trailers. Every-

body will be allowed to inspect, but we simply say in this amendment that we would establish a new class and they would only have to have the necessary equipment to inspect trailers. It would be prohibited from inspecting cars and trucks and buses. So I would ask for an affirmative vote.

Thank you.

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

Mr. LETTERMAN. Mr. Speaker, I would like to interrogate Mr. Bellomini, please.

The SPEAKER pro tempore. The gentleman, Mr. Bellomini, indicates that he will. The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, there has been a few statements made here that kind of confuse me, and I would like to know the answers to them. Are you saying that we are now going to start inspecting all trailers no matter what their weight limit is?

Mr. BELLOMINI. No.

Mr. LETTERMAN. What is the cutoff?

Mr. BELLOMINI. Three thousand pounds.

Mr. LETTERMAN. That is fine. Another question: Is there something in there that says if a person owns 15 trailers of his own that he can apply for his own inspection station?

Mr. BELLOMINI. Anybody can apply for an inspection station, sir, regardless of how many you own.

Mr. LETTERMAN. If a truck has five or six trailers and he desires to inspect his own, could he apply for one?

Mr. BELLOMINI. Anybody can.

Mr. LETTERMAN. Has that been the law?

Mr. BELLOMINI. As long as you meet the requirements of an inspection station, anyone can apply for certification of inspection.

Mr. LETTERMAN. That part of it has not changed?

Mr. BELLOMINI. None.

Mr. LETTERMAN. Okay. Thank you.

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

Mr. DiCARLO. Mr. Speaker, I wonder if the gentleman, Mr. George, would submit to a brief interrogation.

The SPEAKER pro tempore. Would the gentleman, Mr. George, stand for interrogation?

Mr. GEORGE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. DiCarlo, may proceed.

Mr. DiCARLO. The concern that I had in the original amendment was because of the small recreational boating trailers up in Erie and we were having a problem having adequate facilities to inspect them. Looking at the amendment and trying to pick out the discussion you had with Representative Bellomini, is it your understanding that if this amendment goes through and there is a thing such as a tractor trailer, that the passage of this amendment would allow the Department of Transportation just to issue a certificate for anybody to inspect a tractor trailer?

Mr. GEORGE. No, Mr. Speaker. When we say trailers, it is so

broad. For instance, if it would be a 30-foot mobilehome and you established an inspection station just to inspect those trailers, that individual towing it behind his automobile or pickup would then just have to go to another establishment to have that truck or that car inspected. Mr. Milliron was completely right. He said that the equipment would not be needed that you would need for a general inspection station. He is absolutely right. But you are not really providing a service for the people unless you would be more definitive and say any trailer under so many pounds or not needing so many inches of brakes, or so on and so forth. What you are doing is, when that man comes in, for instance, with a Winnebago, that man, who is going to be licensed as just a trailer inspector, then is going to have to have the same equipment as a general inspection station.

So that is somewhat facetious, the wording of the amendment. I say that it is a good amendment if it would have been definitive. You are basically going to chase that man out to another place to get that car or truck inspected, if in fact they come up at the same time. So you are really not gaining anything, Mr. Speaker.

Mr. DiCARLO. Let us go back on the issue. Let us take a large trailer and let us use the example of a tractor trailer that they pull. Present inspection laws state very specifically what kind of equipment has to be set up, what the size of the facility is, what the inspection guidelines are for that size vehicle, is that right?

Mr. GEORGE. That is right.

Mr. DiCARLO. If this amendment passes, being as vague as you say it is, would it give the Department of Transportation a right, perhaps, to just anybody who gets an approval from the department to inspect trailers, since it says trailer and recreational trailer? Would they, theoretically, be entitled to take one of these huge things, inspect them?

Mr. GEORGE. No.

Mr. DiCARLO. No?

Mr. GEORGE. No. I did not say that. If the department would set up the specific guidelines and if the amendment just said trailer of recreational use up to so many pounds, then the equipment that would be on the premise would differ, the size of the building would differ, the size of the lot would differ, under the rules and regulations.

I am not concerned because they would not be able to take a tractor trailer in there; they would not have the sizing. My only argument with the amendment is we are establishing another type of inspection, which might be all right, but, by the same token, there are many people who have gone to general inspection stations and they can do this right now.

The same thing applied some years ago with motorcycle inspection. What you are doing is making the man who inspects it more responsible for it than the man who sold it used, because a man buys it used and there is no inspection station and he runs up the street and some guy sticks a sticker, and the guy goes down the road and bang. I do not think that that is—

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Bellomini, rise?

Mr. BELLOMINI. Mr. Speaker, just to clarify some remarks

that Representative George just made recently.

The SPEAKER pro tempore. Would the gentleman care to wait until the interrogation has been completed?

Mr. DiCARLO. Mr. Speaker. I would like to hear Mr. George's conclusions and then I will gladly yield the floor.

Mr. GEORGE. As I said, Mr. Speaker, my only question with the amendment is that it should have been more definitive if the department is going to establish another type of inspection criteria, another class. They have four classes right now. You can inspect motorcycles, you can inspect trailers, you can inspect automobiles, or you can inspect the big trailers. Or you can be a general inspector by which you are allowed to inspect all but motorcycles.

The problem is today, under the inspection, that I believe the department over there comes up with a lot of rules and regulations. For instance, they say that before you can inspect any type of vehicle, you must be a licensed operator. If, in fact, something should happen that you should lose your license, that individual is losing his livelihood because he can no longer be a certified inspection mechanic. The only thing in Pennsylvania where a man's job is up against his trade, and that is exactly what happened.

Now a man cannot inspect a motorcycle who can have 40 years experience if he does not have a motorcycle license. What are we going to do, get a man to get a trailers license? I do not understand it, sir.

Mr. DiCARLO. Thank you, Mr. Speaker.

#### PARLIAMENTARY INQUIRY

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

Mr. MILLIRON. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILLIRON. Mr. Speaker, if the wording was changed in the amendment to read more definitively on the word "trailer," would the gentleman from Clearfield, Mr. George, withdraw his objections?

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

Mr. GEORGE. Indeed I would.

Mr. MILLIRON. And also, Mr. Speaker, am I correct in assuming that we are not going to finish the amendments today if we are going to break at 6 o'clock?

The SPEAKER pro tempore. At this point in time that would be a fairly safe assumption, sir.

Mr. MILLIRON. Since this is not my amendment, could I ask the Chair if he could lay it on the table and we will tie up the language, because we are getting into debate here and we are just dragging it on and on.

#### AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Would the gentleman, Mr. Halverson, care to withdraw the amendment at this time for possible review for tomorrow?

Mr. HALVERSON. That will be fine.

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

Mr. HALVERSON offered the following amendments:

Amend Sec. 1 (Sec. 4702), page 88, line 14 by inserting after "shall" not

Amend Sec. 1 (Sec. 4702), page 88, line 15 by striking out "annual" and inserting semiannual

Amend Sec. 1 (Sec. 4702), page 88, line 16 by striking out "Recreational trailers" and inserting Trailers

Amend Sec. 1 (Sec. 4702), page 88, line 17 by striking out "or excess of 1,750 pounds." and inserting less than 3,000 pounds.

Amend Sec. 1 (Sec. 4703), page 89, line 21 by striking out "1,750" and inserting 3,000

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

The SPEAKER pro tempore. Without objection, the previous Wilson amendment is withdrawn.

The Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, this is another amendment offered by Mr. Wilson, identified as A1696.

Under the new Vehicle Code which took effect July 1, 1977, it requires, for the first time, inspection of trailers which weigh more than 1,000 pounds curb weight. Prior to that, trailers which themselves did not weigh more than 1,000 pounds were exempt from the inspection. So in the current bill, HB 1171, it was changed to provide that trailers with gross weight of 1,750 pounds would come under annual inspection.

The reason for proposing the amendment, was, that, first of all, as far as I know, there are no trailers in Pennsylvania licensed at 1,750 or anything less than 3,000 pounds. In other words, if you have a small trailer the Department automatically registers that as 3,000 pounds. So this amendment here inserts 3,000 pounds in place of 1,750 pounds. Secondly, it returns it to the former method whereby trailers with less than 3,000 pounds gross weight would not have to be inspected.

I ask for support of the amendment.

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

The following roll call was recorded:

YEAS—175

Abraham	Gallagher	Manmiller	Salvatore
Anderson	Gallen	McCall	Scheaffer
Armstrong	Gamble	McClatchy	Schmitt
Arthurs	Garzia	McGinnis	Schweder
Bellomini	Gatski	McIntyre	Scirica
Bennett	Geesey	McLane	Seltzer
Berlin	Geisler	Mebus	Shuman
Berson	George, C.	Meluskey	Shupnik
Bittinger	George, M.	Milanovich	Sirianni
Bittle	Gillette	Miller	Smith, E.
Borski	Gleeson	Milliron	Smith, L.
Brandt	Goebel	Miscevich	Spencer
Brown	Goodman	Moehlmann	Spitz
Brunner	Gray	Morris	Stairs
Burd	Greenfield	Mowery	Stapleton
Burns	Greenleaf	Mrkonic	Stewart

Butera	Grieco	Mullen, M. P.	Stuban
Caltagirone	Halverson	Mullen, M. M.	Sweet
Caputo	Hamilton	Musto	Taddonio
Cassidy	Harper	Novak	Taylor, E.
Cessar	Hasay	Noye	Taylor, F.
Cimini	Haskell	O'Brien, B.	Tenaglio
Cohen	Hayes, D. S.	O'Brien, D.	Thomas
Cole	Hayes, S. E.	O'Connell	Trello
Cowell	Helfrick	O'Keefe	Valicenti
Davies	Hoeffel	Parker	Vroon
DeMedio	Honaman	Petrarca	Wansacz
DeVertter	Hutchinson, A.	Piccola	Wargo
DeWeese	Hutchinson, W.	Pievsky	Wass
DiCarlo	Katz	Pitts	Weidner
Dietz	Klingaman	Polite	Wenger
Dininni	Knepper	Pott	Wiggins
Dombrowski	Kolter	Pratt	Wilt
Dorr	Kowalyshyn	Prendergast	Wise
Doyle	Lehr	Pyles	Wright, D.
Duffy	Letterman	Rappaport	Wright, J. L.
Englehart	Levi	Ravenstahl	Yahner
Fee	Lincoln	Reed	Yohn
Fischer, R. R.	Livengood	Renwick	Zearfoss
Fisher, D. M.	Logue	Richardson	Zeller
Flaherty	Lynch	Rieger	Zwilk
Foster, A.	Mackowski	Ritter	
Foster, W.	Madigan	Ruggiero	Irvis,
Freind	Manderino	Ryan	Speaker
Fryer			

NAYS—7

Itkin	Laughlin	Scanlon	Zord
Kernick	Pancoast	Wagner	

NOT VOTING—18

Barber	Giammarco	O'Donnell	White
Bellof	Hopkins	Oliver	Williams
Cianciulli	Johnson	Rhodes	Wilson
Donatucci	Jones	Shelton	Zitterman
Dumas	Kelly		

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. A. K. HUTCHINSON offered the following amendments:

Amend Sec. 1, page 2, line 16, by inserting after "sections" 1331(f),

Amend Bill, page 18, by inserting between lines 23 and 24 § 1331. Issuance of registration plates.

(f) Registration plates for trucks and truck tractors.—The department shall immediately establish and implement a system to insure that all trucks and truck tractors of class II or higher registered pursuant to this title and subject to the fees established for such classes by section 1916 (relating to trucks and truck tractors) receive, at each annual registration, a new registration plate which is clearly distinguishable from the registration plates issued for the prior two years.

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

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

Mr. A. K. HUTCHINSON. Mr. Speaker, this amendment would require the department to issue plates every year for trucks and trailers under class 2 because I understand that there are a lot of trucks only applying for a new registration sticker maybe 6 months after it went into a new year. If they were caught, the fine is so low that they can afford to do that. This requires the department to put a new registration plate out every year for trucks only.

Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—174

Abraham	Gamble	Mackowski	Scanlon
Anderson	Garzia	Madigan	Schmitt
Armstrong	Gatski	Manderino	Schweder
Arthurs	Geesey	Manmiller	Scirica
Bellomini	Geisler	McCall	Seltzer
Bennett	George, C.	McClatchy	Shuman
Berlin	George, M.	McGinnis	Shupnik
Berson	Gillette	McIntyre	Sirianni
Bittinger	Gleeson	McLane	Smith, E.
Bittle	Goebel	Mebus	Smith, L.
Borski	Goodman	Meluskey	Spencer
Brandt	Gray	Milanovich	Spitz
Brown	Greenfield	Miller	Stairs
Brunner	Greenleaf	Milliron	Stapleton
Burd	Grieco	Miscevich	Stewart
Burns	Halverson	Moehlmann	Stuban
Butera	Hamilton	Morris	Sweet
Caltagirone	Harper	Mrkonic	Taylor, E.
Caputo	Hasay	Mullen, M. P.	Taylor, F.
Cassidy	Haskell	Musto	Tenaglio
Cessar	Hayes, D. S.	Novak	Thomas
Cimini	Hayes, S. E.	Noye	Trello
Cole	Helfrick	O'Brien, B.	Valicenti
Cowell	Hoeffel	O'Brien, D.	Vroon
Davies	Honaman	O'Connell	Wagner
DeMedio	Hopkins	Pancoast	Wansacz
DiCarlo	Hutchinson, A.	Parker	Wargo
Dietz	Hutchinson, W.	Petrarca	Weidner
Dininni	Itkin	Piccola	Wenger
Dombrowski	Jones	Pievsky	Wiggins
Donatucci	Katz	Pitts	Wilt
Dorr	Kelly	Polite	Wise
Doyle	Kernick	Pratt	Wright, D.
Duffy	Klingaman	Prendergast	Wright, J. L.
Englehart	Kolter	Pyles	Yahner
Fee	Kowalshyn	Rappaport	Yohn
Fischer, R. R.	Laughlin	Ravenstahl	Zearfoss
Fisher, D. M.	Lehr	Reed	Zeller
Flaherty	Letterman	Renwick	Zitterman
Foster, W.	Levi	Richardson	Zord
Freind	Lincoln	Rieger	Zwinkl
Fryer	Livengood	Ritter	
Gallagher	Logue	Ruggiero	Irvis,
Gallen	Lynch	Ryan	Speaker

NAYS—9

DeVerter	Mowery	Salvatore	Taddonio
Foster, A.	Pott	Scheaffer	Wass
Knepper			

NOT VOTING—17

Barber	Dumas	O'Donnell	Shelton
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Beloff	Giammarco	O'Keefe	White
Cianciulli	Johnson	Oliver	Williams
Cohen	Mullen, M. M.	Rhodes	Wilson
DeWeese			

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. LEVI offered the following amendment:

Amend Sec. 1 (Sec. 1901), page 56, by inserting between lines 23 and 24

(18) Any nonprofit school of secondary education for vehicles used in State approved driver's education programs.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. Mr. Speaker, this amendment amends the section of exemptions. In the original bill, I believe it was an oversight for nonprofit schools of secondary education to be exempt from paying the full \$24 for a license fee for a state-approved driver education course. This would exempt them. They would pay the \$10 registration fee or service fee but would be exempt in paying the full \$24.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—185

Abraham	Gallen	Madigan	Scheaffer
Anderson	Gamble	Manderino	Schmitt
Armstrong	Garzia	Manmiller	Schweder
Arthurs	Gatski	McCall	Scirica
Bellomini	Geesey	McClatchy	Seltzer
Bennett	Geisler	McGinnis	Shuman
Berlin	George, C.	McIntyre	Shupnik
Berson	George, M.	McLane	Sirianni
Bittinger	Gillette	Mebus	Smith, E.
Bittle	Gleeson	Meluskey	Smith, L.
Borski	Goebel	Milanovich	Spencer
Brandt	Goodman	Miller	Spitz
Brown	Gray	Milliron	Stairs
Brunner	Greenfield	Miscevich	Stapleton
Burd	Greenleaf	Moehlmann	Stewart
Burns	Grieco	Morris	Stuban
Butera	Halverson	Mowery	Sweet
Caltagirone	Hamilton	Mrkonic	Taddonio
Caputo	Harper	Mullen, M. P.	Taylor, E.
Cassidy	Hasay	Musto	Taylor, F.
Cessar	Haskell	Novak	Tenaglio
Cimini	Hayes, D. S.	Noye	Thomas
Cohen	Hayes, S. E.	O'Brien, B.	Trello
Cole	Helfrick	O'Connell	Valicenti
Cowell	Hoeffel	O'Keefe	Vroon
Davies	Honaman	Pancoast	Wagner
DeMedio	Hopkins	Parker	Wansacz
DeVerter	Hutchinson, A.	Petrarca	Wargo
DeWeese	Hutchinson, W.	Piccola	Wass
DiCarlo	Itkin	Pievsky	Weidner
Dietz	Jones	Pitts	Wenger
Dininni	Katz	Polite	Wiggins



Dombrowski	Kelly	Pott	Wilt
Donatucci	Kernick	Pratt	Wise
Dorr	Klingaman	Prendergast	Wright, D.
Doyle	Knepper	Pyles	Wright, J. L.
Duffy	Kolter	Rappaport	Yahner
Englehart	Kowalyshyn	Ravenstahl	Yohn
Fee	Laughlin	Reed	Zearfoss
Fischer, R. R.	Lehr	Renwick	Zeller
Fisher, D. M.	Letterman	Richardson	Zitterman
Flaherty	Levi	Rieger	Zord
Foster, A.	Lincoln	Ritter	Zwinkl
Foster, W.	Livengood	Ruggiero	
Freind	Logue	Ryan	Irvis,
Fryer	Lynch	Salvatore	Speaker
Gallagher	Mackowski	Scanlon	

NAYS—0

NOT VOTING—15

Barber	Giammarco	O'Donnell	White
Beloff	Johnson	Oliver	Williams
Cianciulli	Mullen, M. M.	Rhodes	Wilson
Dumas	O'Brien, D.	Shelton	

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. RENWICK offered the following amendments:

Amend Sec. 1547, Page 49, line 11, by striking out the brackets before and after "shall"

Amend Sec. 1547, Page 49, line 12, by striking out "may"

Amend Sec. 1547, Page 49, line 19, by striking out the bracket before "will"

Amend Sec. 1547, Page 49, line 19, by striking out "I may"

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk, Mr. Renwick.

Mr. RENWICK. Mr. Speaker, this amendment deals with the suspension or refusal for taking a chemical test when a person is convicted or caught with drunken driving. The present law says that if you refuse to take the chemical test, then you shall lose your license for 6 months. That is the present law. However, this bill, HB 1171, changes the "shall" to "may" unless it is at the discretion of the bureaucrats over there on whether or not you will lose your license. So I am changing it back to the present law that says you must lose your license for 6 months if you refuse to take the chemical test.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

Abraham	Gamble	McClatchy	Schmitt
Anderson	Garzia	McGinnis	Schweder
Armstrong	Gatski	McIntyre	Scirica
Arthurs	Geesey	McLane	Seltzer
Bellomini	Geisler	Mebus	Shuman

Bennett	George, C.	Meluskey	Shupnik
Berlin	George, M.	Milanovich	Sirianni
Berson	Gillette	Miller	Smith, E.
Bittinger	Gleeson	Milliron	Smith, L.
Bittle	Goebel	Miscevich	Spencer
Borski	Goodman	Moehlmann	Spitz
Brandt	Gray	Morris	Stairs
Brown	Greenfield	Mowery	Stapleton
Brunner	Grieco	Mrkonic	Stewart
Burd	Halverson	Mullen, M. P.	Stuban
Burns	Harper	Mullen, M. M.	Sweet
Butera	Haskell	Musto	Taddonio
Caltagirone	Hayes, D. S.	Novak	Taylor, E.
Cassidy	Hayes, S. E.	Noye	Taylor, F.
Cessar	Helfrick	O'Brien, B.	Tenaglio
Cimini	Hoeffel	O'Connell	Thomas
Cohen	Honaman	O'Keefe	Trello
Cole	Hopkins	Pancoast	Valicenti
Cowell	Hutchinson, A.	Parker	Vroon
Davies	Hutchinson, W.	Petrarca	Wagner
DeMedio	Itkin	Piccola	Wansacz
DeVerter	Jones	Pievsky	Wargo
DeWeese	Kelly	Pitts	Wass
DiCarlo	Kernick	Polite	Weidner
Dietz	Klingaman	Pott	Wenger
Dininni	Knepper	Pratt	Wiggins
Dombrowski	Kolter	Prendergast	Wilt
Donatucci	Kowalyshyn	Pyles	Wise
Dorr	Laughlin	Rappaport	Wright, D.
Doyle	Lehr	Ravenstahl	Wright, J. L.
Duffy	Letterman	Reed	Yahner
Englehart	Levi	Renwick	Yohn
Fee	Lincoln	Rhodes	Zearfoss
Fischer, R. R.	Livengood	Richardson	Zeller
Fisher, D. M.	Logue	Rieger	Zitterman
Flaherty	Mackowski	Ritter	Zord
Foster, A.	Madigan	Ruggiero	Zwinkl
Foster, W.	Manderino	Ryan	
Freind	Manmiller	Scanlon	Irvis,
Gallagher	McCall	Scheaffer	Speaker
Gallen			

NAYS—8

Caputo	Greenleaf	Hasay	Lynch
Fryer	Hamilton	Katz	Salvatore

NOT VOTING—13

Barber	Giammarco	O'Donnell	White
Beloff	Johnson	Oliver	Williams
Cianciulli	O'Brien, D.	Shelton	Wilson
Dumas			

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 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. Mr. Speaker, I would like to be recorded in the affirmative on the Renwick amendment to HB 1171.

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

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

Mr. HAMILTON. Mr. Speaker, I would also like to be recorded in the affirmative on the Renwick amendment to HB 1171.

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

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

Mr. KATZ. Mr. Speaker, I would like to be recorded in the affirmative on the Renwick amendment to HB 1171.

The SPEAKER pro tempore. The remarks of the gentleman will be noted for the record.

The Chair recognizes the gentleman from Philadelphia, Mr. D. M. O'Brien.

Mr. D. M. O'BRIEN. Mr. Speaker, I would like to be recorded in the affirmative on the Renwick amendment to HB 1171.

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. E. H. SMITH offered the following amendments:

Amend Sec. 1, page 1, line 9 by inserting after "(b)," (c),  
Amend Sec. 1 (Sec. 1103), page 7, line 24 by striking out all of said line and inserting

(c) Manufacturer's Statement of Origin for new vehicles.—If the application refers to a new vehicle, it shall be accompanied by the Manufacturer's Statement of Origin for the vehicle. Notwithstanding any other provision of this title, a tracing or photograph of the vehicle identification number shall not be required when the application which refers to a new vehicle is accompanied by the Manufacturer's Statement of Origin.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Smith.

Mr. E. H. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, we have here in this HB 1171 a thing that is causing a lot of confusion to a lot of automobile dealers, that is, new car dealers especially. One of the parts has to do with tracing and photographing of the numbers; serial numbers I presume they are talking about. It says:

A tracing or photograph of the vehicle identification number taken from the official number plate or, where it is impossible to secure a legible tracing or photograph, the verification of a person authorized by the department that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application.

This is similar to one of Representative Halverson's amendments. It says that effective July 1977 the Bureau of Motor Vehicles will require a legible tracing on every motor vehicle No. 1 form. This will include, in addition to commercial vehicles, passenger cars and motorcycles. If a legible tracing cannot be secured, a photograph of the identification number will be accepted or a verification from either a police officer or an official inspection station mechanic.

This new regulation by the Department is very time consum-

ing and serves no real purpose. The dealers have already sent a copy of the certificate of origin with each new vehicle application motor vehicle No. 2. This means now that they must go to all this trouble on the brand new cars, on which they have already sent the number in on the form No. 2. They cannot do this on their own. They can take the picture but they cannot verify it. They have to go out into their repair shop or into the inspection station and get someone of their own employes who has been approved to inspect this and verify that that is the number, when they have already identified this on their certificate of, whatever you might call it, form No. 2, which has already been issued and sent to the state.

This is quite time consuming and I would like to suggest that we adopt an amendment that says:

Manufacturer's Statement of Origin for new vehicles.—If the application refers to a new vehicle, it shall be accompanied by the Manufacturer's Statement of Origin for the vehicle. Notwithstanding any other provision of this title, a tracing or photograph of the vehicle identification number shall not be required when the application which refers to a new vehicle is accompanied by the Manufacturer's Statement of Origin.

Mr. Speaker, I move for the acceptance of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Abraham	Garzia	Manderino	Scanlon
Anderson	Gatski	Manmiller	Scheaffer
Armstrong	Geesey	McCall	Schmitt
Arthurs	Geisler	McClatchy	Schweder
Bellomini	George, C.	McGinnis	Scirica
Bennett	George, M.	McIntyre	Seltzer
Berlin	Giammarco	McLane	Shuman
Berson	Gillette	Mebus	Shupnik
Bittinger	Gleeson	Meluskey	Sirianni
Bittle	Goebel	Milanovich	Smith, E.
Borski	Goodman	Miller	Smith, L.
Brandt	Gray	Milliron	Spencer
Brown	Greenfield	Miscevich	Spitz
Brunner	Greenleaf	Moehlmann	Stairs
Burns	Grieco	Morris	Stapleton
Butera	Halverson	Mowery	Stewart
Caltagirone	Hamilton	Mrkonic	Stuban
Caputo	Harper	Mullen, M. P.	Sweet
Cassidy	Hasay	Mullen, M. M.	Taddonio
Cessar	Haskell	Musto	Taylor, E.
Cimini	Hayes, D. S.	Novak	Taylor, F.
Cohen	Hayes, S. E.	Noye	Tenaglio
Cole	Helfrick	O'Brien, B.	Thomas
Cowell	Hoefel	O'Brien, D.	Trello
Davies	Honaman	O'Connell	Valicenti
DeMedio	Hopkins	O'Keefe	Vroon
DeVerter	Hutchinson, A.	Pancoast	Wagner
DeWeese	Hutchinson, W.	Parker	Wansacz
DiCarlo	Itkin	Petrarca	Wargo
Dietz	Johnson	Piccola	Wass
Dininni	Jones	Pievsky	Weidner
Dombrowski	Katz	Pitts	Wenger
Donatucci	Kelly	Polite	Wiggins
Dorr	Kernick	Pott	Wilson
Doyle	Klingaman	Pratt	Wilt
Duffy	Knepper	Prendergast	Wise

Englehart	Kolter	Pyles	Wright, D.
Fee	Kowalyshyn	Rappaport	Wright, J. L.
Fischer, R. R.	Laughlin	Ravenstahl	Yahner
Fisher, D. M.	Lehr	Reed	Yohn
Flaherty	Letterman	Renwick	Zearfoss
Foster, A.	Levi	Rhodes	Zeller
Foster, W.	Lincoln	Richardson	Zitterman
Freind	Livengood	Rieger	Zord
Fryer	Logue	Ritter	Zwinkl
Gallagher	Lynch	Ruggiero	
Gallen	Mackowski	Ryan	Irvis,
Gamble	Madigan	Salvatore	Speaker

NAYS—0

NOT VOTING—10

Barber	Cianciulli	Oliver	White
Beloff	Dumas	Shelton	Williams
Burd	O'Donnell		

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. VROON offered the following amendments:

Amend Sec. 1, page 2, line 3, by inserting after "and (e)," where it appears the last time 3362(c).

Amend Bill, page 74, by inserting after line 30

§ 3362. Maximum speed limits.

(c) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five ten miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five ten miles per hour over the maximum speed limit.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair next recognizes the gentleman from Chester, Mr. Vroon. The gentleman will proceed.

Mr. VROON. Would you not like to postpone this until tomorrow?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Vroon, who offers the following explanation of the amendment.

Mr. VROON. The number of the amendment is A1647.

The effect of this amendment is very clearly stated on the amendment. The penalty currently for speeding—

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the majority whip. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. GREENFIELD. Mr. Speaker, I understand that we are taking so-called agreed-to noncontroversial amendments at the moment, and in an effort to try to meet the deadline set by the

Speaker at 6 o'clock, I would ask that this amendment be passed over until tomorrow, please.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. Would the gentleman agree to withdraw the amendment until tomorrow's consideration?

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

Mr. VROON. Gladly, Mr. Speaker. That is exactly what I wanted to do.

Thank you.

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

Mr. GREENFIELD. I yield to Mr. Bellomini, Mr. Speaker.

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

Mr. BELLOMINI. Yes, I would like to have Mr. Dietz put his amendments in and Mr. Yahner, those two amendments?

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER pro tempore. At this time, the Chair returns the gavel to the Speaker.

The SPEAKER. The Chair thanks the gentleman from Berks, Mr. Fryer.

On the question recurring,

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

Mr. YAHNER offered the following amendments:

Amend Sec. 1, page 1, line 18, by inserting after "1923," 1924,

Amend Sec. 1, page 2, line 9, by inserting after "4965," 4967,

Amend Sec. 1, page 2, line 17, by inserting after "1960," 1961,

Amend Sec. 1 (Sec. 1302), page 13, line 7, by inserting a bracket before "(i)"

Amend Sec. 1 (Sec. 1302), page 13, line 9, by inserting a bracket after "(ii)"

Amend Sec. 1 (Sec. 1302), page 13, line 13, by inserting brackets before and after "(A)" and inserting immediately thereafter (i)

Amend Sec. 1 (Sec 1302), page 13, line 14, by inserting brackets before and after "(B)" and inserting immediately thereafter (ii)

Amend Sec. 1 (Sec. 1302), page 13, line 16, by inserting brackets before and after "(C)" and inserting immediately thereafter (iii)

Amend Sec. 1 (Sec. 1302), page 13, line 17, by inserting a bracket before "located"

Amend Sec. 1 (Sec. 1302), page 13, line 17, by striking out the bracket before "25"

Amend Sec. 1 (Sec. 1302), page 13, line 17, by striking out "50"

Amend Sec. 1 (Sec. 1302), page 13, line 18, by striking out the bracket before "the"

Amend Sec. 1 (Sec. 1302), page 13, line 18, by striking out "such farm or farms"

Amend Sec. 1 (Sec. 1302), page 13, line 20, by inserting brackets before and after "the inspection" and inserting immediately thereafter delivery

Amend Sec. 1 (Sec. 1302), page 14, by inserting between lines 17 and 18

(12) A farm truck used exclusively upon a farm or farms

owned or operated by the owner of the vehicle.

(i) Such a farm truck may be driven upon highways only from sunrise to sunset and between:

(A) Parts of one such farm.

(B) Such farms located not more than ten miles apart.

(C) Such farm or farms and a place of business located within a radius of ten miles from the farm or farms for the purpose of buying or selling agricultural commodities or supplies.

(D) Such farm or farms and a place of business located within a radius of 25 miles from such farm or farms for the purpose of repair or servicing of the farm truck.

(ii) A biannual certificate of exemption shall be required for such a farm truck.

Amend Sec. 1 (Sec. 1344), page 22, line 25, by inserting a period after "farms"

Amend Sec. 1 (Sec. 1344), page 22, line 25, by inserting a bracket before "located"

Amend Sec. 1 (Sec. 1344), page 22, line 26, by inserting a bracket after "apart."

Amend Sec. 1 (Sec. 1344), page 22, line 28, by inserting a bracket before "located"

Amend Sec. 1 (Sec. 1344), page 22, line 28, by striking out the bracket before "the"

Amend Sec. 1 (Sec. 1344), page 22, line 28, by striking out "such"

Amend Sec. 1 (Sec. 1344), page 22, line 29, by inserting a bracket after "farms"

Amend Bill, page 58, by inserting between lines 15 and 16 § 1924. Farm trucks.

The annual fee for registration of a farm truck shall be \$27 or \$51 or one-third of the regular fee, whichever is greater.

Amend Bill, page 61, by inserting between lines 17 and 18 § 1961. Certificate of exemption.

The biannual processing fee for a certificate of exemption issue in lieu of registration of a farm truck shall be \$12.

Amend Sec. 1 (Sec. 4921), page 94, line 13, by inserting a bracket before "Any"

Amend Sec. 1 (Sec. 4921), page 94, line 15, by striking out the bracket before "operate"

Amend Sec. 1 (Sec. 4921), page 94, line 15, by striking out "be operated or towed"

Amend Sec. 1 (Sec. 4921), page 94, line 16, by inserting a bracket after "freeways." and inserting immediately thereafter

(1) Any implement of husbandry or vehicle loaded with vegetable produce or forage crops and not exceeding ten feet in width may be operated, hauled or towed between sunrise and sunset on highways other than freeways.

(2) Any implement of husbandry not exceeding 14 feet 6 inches in width may be hauled or towed between sunrise and sunset on highways other than freeways between:

(i) Parts of one farm owned or operated by the owner of the implement of husbandry.

(ii) Farms owned or operated by the owner of the implement of husbandry located not more than 25 miles apart.

(iii) A farm or farms owned or operated by the owner of the implement of husbandry and a mechanic or dealer in implements of husbandry located within a radius of 25 miles from the farm or farms for the purpose of buying, selling, trading, lending, demonstrating, repairing or servicing of the vehicle.

(3) The driver shall drive as close to the right side of the highway as possible.

Amend Bill, page 97, by inserting between lines 20 and 21 § 4967. Permit for movement of implements of husbandry. An annual permit may be issued for the operation or movement between sunrise and sunset of one or more oversized self-propelled implements of husbandry which do not exceed 14 feet 6 inches in width if the movement is limited to a radius of 25 miles from the dealer's place of business or owner's home or farm. No permit shall be issued for the movement of any implement of husbandry with a width in excess of eight feet upon a freeway.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Yahner.

Mr. YAHNER. Mr. Speaker, these are very important amendments for the agriculture industry in Pennsylvania due to the highly mechanized operations today. Many farm trucks are used for moving produce from farm to farm and these trucks have bodies and are built and designed for specialized use. Now we are going to allow, under this amendment, these specialized vehicles to operate within a 10-mile limit of the farm between the hours of sunrise and sunset for farm business, and a biannual certificate of exemption is required at a fee of \$12.

In the second part, a fee schedule for all other farm trucks is set at a scale of a minimum of \$51, or one-third of the regular truck license fee, whichever is greater.

Other implements of husbandry may be hauled or towed between farms and parts of farms by the owner or operator within a radius of 25 miles or less. This movement may take place without a permit on highways other than freeways between sunrise and sunset for equipment not to exceed 14 feet 6 inches. Self-propelled equipment not to exceed 14 feet 6 inches in width requires an annual permit to move within a distance not to exceed 25 miles.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Dininni.

Mr. DININNI. Mr. Speaker, I would ask all the members to please support these amendments.

Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Abraham	Garzia	Manmiller	Scheaffer
Armstrong	Gatski	McCall	Schmitt
Arthurs	Geesey	McClatchy	Schweder
Barber	Geisler	McGinnis	Scirica
Bellomini	George, C.	McIntyre	Seltzer
Bennett	George, M.	McLane	Shuman
Berlin	Giammarco	Mebus	Shupnik
Bittinger	Gillette	Meluskey	Sirianni
Bittle	Gleeson	Milanovich	Smith, E.
Borski	Goebel	Miller	Smith, L.
Brandt	Goodman	Milliron	Spitz
Brown	Gray	Miscevich	Stairs
Brunner	Greenfield	Moehlmann	Stapleton
Burd	Greenleaf	Morris	Stewart
Burns	Grieco	Mowery	Stuban
Butera	Halverson	Mrkonic	Sweet
Caltagirone	Hamilton	Mullen, M. P.	Taddonio

Cassidy	Harper	Mullen, M. M.	Taylor, E.
Cessar	Hasay	Musto	Taylor, F.
Cianciulli	Haskell	Novak	Tenaglio
Cimini	Hayes, D. S.	Noye	Thomas
Cohen	Hayes, S. E.	O'Brien, B.	Trello
Cole	Helfrick	O'Brien, D.	Valicenti
Cowell	Hoeffel	O'Connell	Vroon
Davies	Honaman	O'Keefe	Wagner
DeMedio	Hopkins	Oliver	Wansacz
DeVerter	Hutchinson, A.	Pancoast	Wargo
DeWeese	Hutchinson, W.	Parker	Wass
DiCarlo	Itkin	Petrarca	Weidner
Dietz	Johnson	Piccola	Wenger
Dininni	Jones	Pievsky	White
Dombrowski	Katz	Pitts	Wiggins
Donatucci	Kelly	Polite	Williams
Dorr	Kernick	Pott	Wilson
Doyle	Klingaman	Pratt	Wilt
Duffy	Knepper	Prendergast	Wise
Dumas	Kolter	Pyles	Wright, D.
Englehart	Kowalshyn	Rappaport	Wright, J. L.
Fee	Laughlin	Ravenstahl	Yahner
Fischer, R. R.	Letterman	Reed	Yohn
Fisher, D. M.	Levi	Renwick	Zearfoss
Flaherty	Lincoln	Richardson	Zeller
Foster, W.	Livengood	Rieger	Zitterman
Freind	Logue	Ritter	Zord
Fryer	Lynch	Ruggiero	Zwikl
Gallagher	Mackowski	Ryan	Irvis,
Gallen	Madigan	Salvatore	Speaker
Gamble	Manderino	Scanlon	

NAYS—2

Anderson Foster, A.

NOT VOTING—8

Beloff	Caputo	O'Donnell	Shelton
Berson	Lehr	Rhodes	Spencer

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. DIETZ offered the following amendments:

Amend Sec. 1 (Sec. 4921), page 94, lines 13 and 14, by striking out all of said lines and inserting (b) Farm vehicles.—

(1) Any implement of husbandry or vehicle loaded with vegetable produce of forage crops and not exceeding

Amend Sec. 1 (Sec. 4921), page 94, by inserting between lines 16 and 17

(2) An implement of husbandry not exceeding 15 feet 6 inches may be operated, towed or transported without a permit on highways other than freeways for a distance not exceeding five miles between farmlands owned or leased by the owner of the implement between sunrise and sunset, provided that any implement in excess of 14 feet 6 inches is preceded and followed by vehicles warning other operators of the width of the implement.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Thank you, Mr. Speaker.

This is amendment numbered A1687. I also put a 1A on it.

This is a supplement to Mr. Yahner's amendment. It is merely adding another section to take care of that farm machinery that exceeds the 14 feet 6 inches width and carries it up to the 15 feet 6 inches width with an escort in the front and in the rear.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Abraham	Gallagher	Manderino	Scheaffer
Anderson	Gallen	Manmiller	Schmitt
Armstrong	Gamble	McCall	Schweder
Arthurs	Garzia	McClatchy	Scirica
Barber	Gatski	McGinnis	Seltzer
Bellomini	Geesey	McIntyre	Shuman
Bennett	Geisler	McLane	Shupnik
Berlin	George, C.	Mebus	Sirianni
Berson	George, M.	Meluskey	Smith, E.
Bittinger	Giammarco	Milanovich	Smith, L.
Bittle	Gillette	Miller	Spencer
Borski	Goebel	Milliron	Spitz
Brandt	Goodman	Miscevich	Stairs
Brown	Gray	Moehlmann	Stapleton
Brunner	Greenfield	Morris	Stewart
Burd	Greenleaf	Mowery	Stuban
Burns	Grieco	Mrkonic	Sweet
Butera	Halverson	Mullen, M. P.	Taddonio
Caltagirone	Hamilton	Mullen, M. M.	Taylor, E.
Caputo	Harper	Musto	Taylor, F.
Cassidy	Hasay	Novak	Tenaglio
Cessar	Haskell	Noye	Thomas
Cianciulli	Hayes, D. S.	O'Brien, B.	Trello
Cimini	Hayes, S. E.	O'Brien, D.	Valicenti
Cohen	Helfrick	O'Connell	Vroon
Cole	Hoeffel	O'Keefe	Wagner
Cowell	Honaman	Oliver	Wansacz
Davies	Hopkins	Pancoast	Wargo
DeMedio	Hutchinson, A.	Parker	Wass
DeVerter	Hutchinson, W.	Petrarca	Weidner
DeWeese	Itkin	Piccola	Wenger
DiCarlo	Johnson	Pievsky	White
Dietz	Jones	Pitts	Wiggins
Dininni	Katz	Polite	Williams
Dombrowski	Kelly	Pott	Wilson
Donatucci	Kernick	Pratt	Wilt
Dorr	Klingaman	Prendergast	Wise
Doyle	Knepper	Pyles	Wright, D.
Duffy	Kolter	Rappaport	Wright, J. L.
Dumas	Kowalshyn	Ravenstahl	Yahner
Englehart	Laughlin	Reed	Yohn
Fee	Letterman	Renwick	Zearfoss
Fischer, R. R.	Levi	Richardson	Zeller
Fisher, D. M.	Lincoln	Rieger	Zitterman
Flaherty	Livengood	Ritter	Zord
Foster, A.	Logue	Ruggiero	Zwikl
Foster, W.	Lynch	Ryan	Irvis,
Freind	Mackowski	Salvatore	Speaker
Fryer	Madigan	Scanlon	

NAYS—0

NOT VOTING—6

Beloff	Lehr	Rhodes	Shelton
Gleeson	O'Donnell		

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. RITTER offered the following amendments:

- Amend Sec. 1, page 1, line 14, by striking out "1507(d)."
  - Amend Sec. 1, page 1, line 16, by striking out "(b)"
  - Amend Sec. 1, page 1, line 17, by inserting after "1551," 1552,
  - Amend Sec. 1 (Sec. 1117), page 11, lines 27 through 30, by striking out all of said lines
  - Amend Sec. 1 (Sec. 1503), page 28, line 12, by inserting a bracket before "involved"
  - Amend Sec. 1 (Sec. 1503), page 28, line 13, by inserting a bracket after "is"
  - Amend Bill, page 31, lines 21 through 30, by striking out all of said lines
  - Amend Sec. 1 (Sec. 1511), page 32, line 12, by inserting a bracket after "demand."
  - Amend Sec. 1 (Sec. 1511, page 32, line 13, by striking out the bracket before "Every"
  - Amend Sec. 1 (Sec. 1541), page 46, line 10, by striking out "section" and inserting sections 1532(c) (relating to revocation or suspension of operating privilege) and
  - Amend Sec. 1 (Sec. 1571), page 53, line 17, by inserting a bracket after "recalled."
  - Amend Sec. 1 (Sec. 1571), page 53, line 17, by striking out the bracket after "canceled."
  - Amend Sec. 1 (Sec. 1571), page 53, line 21, by inserting after "To" purchase,
  - Amend Sec. 1 (Sec. 1571), page 53, line 28, by inserting brackets before and after "\$100." and inserting immediately thereafter \$200.
  - Amend Sec. 1 (Sec. 1573), page 54, line 15, by inserting a bracket after "recalled."
  - Amend Sec. 1 (Sec. 1573), page 54, line 16, by striking out the bracket after "canceled."
  - Amend Sec. 1 (Sec. 1573), page 54, line 19, by inserting a bracket after "recall."
  - Amend Sec. 1 (Sec. 1573), page 54, line 19, by striking out the bracket after "or" where it appears the last time
  - Amend Sec. 1 (Sec. 1901), page 56, by inserting between lines 23 and 24 (18) Nonprofit corporations of senior citizens.
- (19) Pennsylvania Public Television Stations.
- Amend Sec. 1 (Sec. 3353), page 74, line 7, by striking out "up to" and inserting not more than
  - Amend Sec. 1 (Sec. 3354), page 74, line 30, by striking out "up to" and inserting not more than
  - Amend Sec. 1 (Sec. 3367), page 77, line 6, by inserting a bracket before "(b)"
  - Amend Sec. 1 (Sec. 3367), page 77, line 7, by striking out the brackets before and after "speed competition"
  - Amend Sec. 1 (Sec. 3367), page 77, line 7, by striking out the brackets before and after "contest."
  - Amend Sec. 1 (Sec. 3367), page 77, line 8, by striking out the brackets before "or"
  - Amend Sec. 1 (Sec. 3367), page 77, line 10, by striking out "or"
  - Amend Sec. 1 (Sec. 3367), page 77, line 11, by striking out the bracket before "competition."
  - Amend Sec. 1 (Sec. 3367), page 77, lines 11 and 12, by striking out "or drag" in line 11 and "race" in line 12
  - Amend Sec. 1 (Sec. 3367), page 77, by inserting between lines 12 and 13 (b) General rule.—No person shall, while on a highway, drive a motor vehicle or in any other manner participate in any race, drag race, speed competition, contest or exhibition.

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

The SPEAKER. The Chair recognizes the gentleman from Le-

high, Mr. Ritter.

Mr. RITTER. Mr. Speaker, this is the amendment marked Ritter #1 and it is an agreed-to amendment.

Much of the amendment is technical with possibly one exception, and that is, we are adding to the list of free registration, nonprofit corporations of senior citizens and Pennsylvania public television station vehicles. Other than that, most of it, as I have said, Mr. Speaker, is either a rewrite of existing language or a technical amendment.

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

The following roll call was recorded:

YEAS—197

Abraham	Gallen	Manderino	Scheaffer
Anderson	Gamble	Manmiller	Schmitt
Armstrong	Garzia	McCall	Schweder
Arthurs	Gatski	McClatchy	Scirica
Barber	Geesey	McGinnis	Seltzer
Bellomini	Geisler	McIntyre	Shuman
Bennett	George, C.	McLane	Shupnik
Berlin	George, M.	Mebus	Sirianni
Berson	Giammarco	Meluskey	Smith, E.
Bittinger	Gillette	Milanovich	Smith, L.
Bittle	Gleeson	Miller	Spencer
Borski	Goebel	Milliron	Spitz
Brandt	Goodman	Miscevich	Stairs
Brown	Gray	Moehlmann	Stapleton
Brunner	Greenfield	Morris	Stewart
Burd	Greenleaf	Mowery	Suban
Burns	Grieco	Mrkonic	Sweet
Butera	Halverson	Mullen, M. P.	Taddonio
Caltagirone	Hamilton	Mullen, M. M.	Taylor, E.
Caputo	Harper	Musto	Taylor, F.
Cassidy	Hasay	Novak	Tenaglio
Cessar	Haskell	Noye	Thomas
Cianciulli	Hayes, D. S.	O'Brien, B.	Trello
Cimini	Hayes, S. E.	O'Brien, D.	Valicenti
Cohen	Helfrick	O'Connell	Vroon
Cole	Hoeffel	O'Keefe	Wagner
Cowell	Honaman	Oliver	Wansacz
Davies	Hopkins	Pancoast	Wargo
DeMedio	Hutchinson, A.	Parker	Wass
DeVerter	Hutchinson, W.	Petrarca	Weidner
DeWeese	Itkin	Piccola	Wenger
DiCarlo	Johnson	Pievsky	White
Dietz	Jones	Pitts	Wiggins
Dininni	Katz	Polite	Williams
Dombrowski	Kelly	Pott	Wilson
Donatucci	Kernick	Pratt	Wilt
Dorr	Klingaman	Prendergast	Wise
Doyle	Knepper	Pyles	Wright, D.
Duffy	Kolter	Rappaport	Wright, J. L.
Dumas	Kowalshyn	Ravenstahl	Yahner
Englehart	Laughlin	Reed	Yohn
Fee	Lehr	Renwick	Zearfoss
Fischer, R. R.	Letterman	Rhodes	Zeller
Fisher, D. M.	Levi	Richardson	Zitterman
Flaherty	Lincoln	Rieger	Zord
Foster, A.	Livengood	Ritter	Zwilk
Foster, W.	Logue	Ruggiero	
Freind	Lynch	Ryan	Irvis,
Fryer	Mackowski	Salvatore	Speaker
Gallagher	Madigan	Scanlon	

NAYS—0

NOT VOTING—3

Beloff	O'Donnell	Shelton
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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. RITTER offered the following amendments:

Amend Sec. 1 (Sec. 1550), page 51, line 19 by inserting after "privilege" or the registration of said vehicle

Amend Sec. 1 (Sec. 1550), page 51, line 21 by inserting after "privilege" or the registration of said vehicle

Amend Sec. 1 (Sec. 1550), page 51, line 28 by inserting after "privilege" or vehicle registration

Amend Sec. 1 (Sec. 3351), page 69, line 27 by striking out the bracket before "and"

Amend Sec. 1 (Sec. 3351), page 69, line 28 by striking out the bracket after "highway"

Amend Sec. 1 (Sec. 3351), page 69, line 28 by inserting after "highway/." This section shall not apply to mail delivery vehicles.

On the question,

Will the House agree to the amendments?

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

Mr. RITTER. Mr. Speaker, briefly, there is a section in HB 1171 which deals with a question of your loaning your automobile to someone and they are involved in an accident or commit a violation and that there is now an implied consent section in there. It says that if you do not provide the information to the policeman or whatever that you will have your operating privileges suspended. And in some cases, people who own the vehicles do not have a driver's license. My amendment simply says that in addition to the operating privileges, "or the registration" of the vehicle will be suspended.

The second part of the amendment deals with the clear sight distance when parking on a highway. The present law says you must provide 500 feet of sight distance on either side of the highway. The State Police in some cases have been arresting mail delivery trucks that have been parked on the highway. The second part of my amendment says that this section shall not apply to mail delivery vehicles.

Again, Mr. Speaker, as I understand, these are agreed-to amendments.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Abraham	Fryer	Mackowski	Salvatore
Anderson	Gallagher	Madigan	Scanlon
Armstrong	Gallen	Manderino	Scheaffer
Arthurs	Gamble	Manmiller	Schmitt
Barber	Garzia	McCall	Schweder
Bellomini	Gatski	McClatchy	Scirica
Bennett	Geesey	McGinnis	Seltzer
Berlin	Geisler	McIntyre	Shuman
Berson	George, C.	McLane	Shupnik
Bittinger	George, M.	Mebus	Sirianni
Bittle	Giammarco	Meluskey	Smith, E.
Borski	Goebel	Milanovich	Smith, L.

Brandt	Goodman	Miller	Spencer
Brown	Gray	Milliron	Stairs
Brunner	Greenfield	Miscevich	Stapleton
Burd	Greenleaf	Moehlmann	Stewart
Burns	Grieco	Morris	Stuban
Butera	Halverson	Mowery	Sweet
Caltagirone	Hamilton	Mrkonic	Taddonio
Caputo	Harper	Mullen, M. P.	Taylor, E.
Cassidy	Hasay	Musto	Taylor, F.
Cessar	Haskell	Novak	Tenaglio
Cianciulli	Hayes, D. S.	Noye	Thomas
Cimini	Hayes, S. E.	O'Brien, B.	Trello
Cohen	Helfrick	O'Brien, D.	Valentici
Cole	Hoeffel	O'Connell	Vroon
Cowell	Honaman	O'Keefe	Wagner
Davies	Hopkins	Oliver	Wansacz
DeMedio	Hutchinson, A.	Pancoast	Wargo
DeVerter	Hutchinson, W.	Parker	Wass
DeWeese	Itkin	Petrarca	Weidner
DiCarlo	Johnson	Piccola	Wenger
Dietz	Jones	Pievsky	White
Dininni	Katz	Pitts	Wiggins
Dombrowski	Kelly	Polite	Williams
Donatucci	Kernick	Pott	Wilson
Dorr	Klingaman	Pratt	Wilt
Doyle	Knepper	Prendergast	Wise
Duffy	Kolter	Pyles	Wright, D.
Dumas	Kowalshyn	Rappaport	Wright, J. L.
Englehart	Laughlin	Ravenstahl	Yohn
Fee	Lehr	Reed	Zeller
Fischer, R. R.	Letterman	Renwick	Zitterman
Fisher, D. M.	Levi	Rhodes	Zord
Flaherty	Lincoln	Rieger	Zwilk
Foster, A.	Livengood	Ritter	
Foster, W.	Logue	Ruggiero	Irvis,
Freind	Lynch	Ryan	Speaker

NAYS—3

Richardson	Spitz	Zearfoss
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NOT VOTING—7

Beloff	Gleeson	O'Donnell	Yahner
Gillette	Mullen, M. M.	Shelton	

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

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I believe that we are now through with what are called noncontroversial, agreed-to amendments to HB 1171, or the bulk of them at least. In compliance and conforming to your previous remarks that this House should seek an adjournment at 6 o'clock, and since we are close to that hour, I think we should now receive a motion for adjournment until tomorrow, I so suggest, Mr. Speaker.

The SPEAKER. The adjournment motion is not yet in order. The members will please be in order and stay in their seats.

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows was prepared for presentation to the Governor.

**HOUSE BILL No. 449**

An Act amending the act of May 31, 1945, (P. L. 1198, No. 418), entitled as amended "Surface Mining Conservation and Reclamation Act" adding a definition of "cash" providing for

the protection of water supplies and granting certain appeal rights and providing for the recovery of certain costs.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## ANNOUNCEMENTS

### URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. On behalf of Mr. Caputo, I would like to announce a meeting of the Urban Affairs Committee at 1:30 p.m., in room 115-A, tomorrow.

### TRANSPORTATION COMMITTEE MEETING

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

Mr. BELLOMINI. I also would like to announce that we have a Transportation Committee meeting at 1:30 tomorrow afternoon.

Thank you.

### QUESTION OF PERSONAL PRIVILEGE

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

Mr. D. R. WRIGHT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state it.

Mr. D. R. WRIGHT. Mr. Speaker, I realize that the mind cannot comprehend what the end cannot endure and I will try to be very brief. But there is something that I think is important for this House to hear.

About this time a week ago, on Wednesday night, the majority leader stood at this place and, in response to a question by Mr. Richardson of Philadelphia, said that the Committee on Conference will be open and it will meet in 15 minutes and if you want to know what is going on, you can go to that meeting.

I went to that meeting and for about 15 minutes it was open, and then the guru of the Senate, Mr. Nolan, said, "This is an executive session and you are invited to leave." And I did. At 11 o'clock the next day, I went to the Committee of Conference and we met for a short time in public, and then the meeting was closed.

Now I resent that for two or three reasons. First of all, I take a perverse pleasure in knowing what is going on in this House before I read it in the newspapers.

I resent it for a second reason, because I believe that the process of government is no less important than the product of government. If we believe that there is a difference between forms of government, then all of us surely must believe that process makes a difference.

But I resent that for a third reason and perhaps a more important reason than all of these, and that is, that when the majority leader made that statement, he made it in good faith and he believed it. When he gave assurances to our caucus that these meetings would be open, he said that in good faith and he believed it.

I believe that the leadership of this House may have its credibility compromised, not because it wishes it that way but because the Senate leadership is depriving us access to those meetings. And in future years, when we are called upon to vote for controversial matters in order to get a budget into a committee of conference, it will be exceedingly difficult to get those votes if we cannot believe that that committee of conference will be open, not just to the press but to the ladies and gentlemen of this House. I think that is tragic; I think it is dangerous; and I think we ought to do what we can to make it clear to the leadership of the Senate that we do not like that and we expect a change.

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

Mr. SHUMAN. May I indicate my amen, to what Mr. Wright said?

The SPEAKER. Thou art in order and thou mayest proceed.

Mr. SHUMAN. You know I sort of have mixed emotions. It is like that old joke about the son-in-law who sees his mother-in-law going over the cliff in his pink Cadillac. I have mixed emotions.

Someone asked me why I ran for the school board. Well, I could not get in to sit and listen to how my local school board was spending my money. So I sent them a registered letter to try to get in and Mr. Speaker, they turned that down. So darn it, I ran for the school board and now I am elected.

So now I want to get in to hear what we are going to say about how we are spending our money. This indicates to me that one of the priorities, as I said in our caucus, here in Pennsylvania is to pass a Sunshine law that lets the sunshine in. I think it is a high priority, Mr. Speaker.

So here I got into trouble and now I am elected, Mr. Speaker, to the school board to get in to hear what is going on.

The SPEAKER. Those were happier days anyway.

Mr. SHUMAN. So I guess I say to Mr. Wright, you got elected to the House but not to get into this meeting.

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

Mr. RICHARDSON. Mr. Speaker, I would just like to know whether or not you can give the members of this House any indication as to what is going to be the format for the rest of the week and also whether or not there has been any information ascertained as to why those meetings have been closed, which was the question raised by Representative Knepper and also Representative Wright now for the past 2 days.

## HOUSE SCHEDULE

The SPEAKER. To answer the gentleman's first question, and this is speculative on the part of the Speaker, but the Speaker anticipates that at least a preliminary report will be brought forth by the Committee of Conference tomorrow to be made available for the two caucuses in the House and the two caucuses in the Senate.

The Speaker would also speculate that the members of the



House ought to be prepared to remain throughout Friday of this week, with the distinct possibility that the session may go beyond that. It will depend upon the decisions on the part of the caucuses as to what the Committee of Conference will be able to finally accomplish.

As to the second question of the gentleman from Philadelphia, the Chair would advise the members again that I am researching the particular problem. The Committee of Conference is chaired by a Senator, and the member of the Republican Party and the members of the Democratic Party on the part of the House, had absolutely nothing to do with the conduct of those meetings. The meeting was conducted by the chairman and it was the chairman from the Senate who made the ruling as to the closing of the doors. For the informal information of the members, there was a protest lodged by the members of the House against that action.

#### PARLIAMENTARY INQUIRY

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

Mr. MILLIRON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLIRON. As the chairman of the Conference Committee is a member of the Senate, is it within the prerogative of the House conferees to require that a vote be taken on whether to go into executive session? Could that be requested?

The SPEAKER. The Chair is unable to answer that question. The Chair would not even know whether or not the rules of the House or the rules of the Senate would be followed. But inasmuch as the gentleman has asked the question, it would be the speculation of the Chair that the rules of the Senate, because it is a Senate bill and the chairman is a Senator, the Chair would assume that the rules of the Senate would obtain.

Mr. MILLIRON. I am not expecting the Speaker, of course, to be knowledgeable about the rules of the Senate, but would there by anything to your knowledge, Mr. Speaker, that would prevent the House conferees, under Senate rules, from requesting that the meeting be held openly or, as far as a parliamentary inquiry would be, for them to require the chairman to take a vote then on whether to go into executive session?

The SPEAKER. The Chair is unable to answer that question. The Chair could only reiterate that there was an informal protest lodged by the conferees on the part of the House. That informal protest, I think, got nowhere.

The Chair recognizes the gentleman from Lebanon, Mr. Seltzer. Does the gentleman wish to address himself to this matter?

Mr. SELTZER. Mr. Speaker, I would.

Mr. Speaker, I voted for the Sunshine law. I believe in it. As a member of the Committee of Conference I do not believe that I have violated the law or the spirit of the law. I would hope that tomorrow there will be presented to our caucuses printouts, like you received this week, on suggested appropriations for various departments. It will not be a conference committee report. It will be printouts for the information of the members of this House and the members of the other body.

At that time, Mr. Speaker, I would hope and it is our hope,

that the caucuses will instruct their conferees as to what they would like to see in a conference committee report. After we receive the instructions from our individual caucuses, we will then go back in open meeting and we will write a conference committee report. The rest of this is a bunch of boloney.

The SPEAKER. I hate to say that the gentleman comes from Lebanon.

The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, on a different note, I want to publicly thank you both for your courage and fortitude in clearing the back of the hall. I think the House has been much more orderly and peaceful since you did that.

Thank you.

The SPEAKER. Thank you.

The Chair very much appreciates the lady's remarks and the acceptance by the other members of the House. The Chair has been dedicated for many years to the House of Representatives and does not ever intend to see its members harassed or threatened or overburdened. That is the reason the Chair took the steps it took.

#### PARLIAMENTARY INQUIRY

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

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, in the spirit that Mr. Seltzer talked about whether it is salami or boloney or Lebanon, it just seems to me that we are quite concerned about what is going to happen and I would like to know whether or not if we, as members, can get that report before the press gets it. Because it would seem to me that the newspapers will have it on the front page tomorrow as to what the posture of that Conference Committee is before we get a chance to digest it. It would seem that if there is anything in print before we go home that we should, as members, have that so we can digest it and be ready for caucuses tomorrow in dealing with this issue.

I understand the press has it already. Well, if the press has it already, then we are in trouble. But I was just trying to get the spirit of the conferees and the fact that they have brought back some information to the members of this House and perhaps maybe we should get it first before the press did. But it is the feeling of the members that they already have it, so my question would be moot, Mr. Speaker.

The SPEAKER. The Chair is unable to answer the gentleman's request because the Chair did not participate in the meetings of the Committee of Conference. But the Chair has been informed and believes from its information that those reports are not yet available to anyone; that they are being worked on as far as language is concerned by the various technicians and, as soon as the language in those reports is available, they will be turned over to the caucuses by the conferees.

The Chair recognizes the gentleman from Erie, Mr. Bellomini.

Mr. BELLOMINI. I would appreciate that in the form of a motion.

The SPEAKER. What would the gentleman from Erie—

Mr. BELLOMINI. That a motion be made by Mr. Richardson that nothing be released to the press unless it is told to the caucuses first.

The SPEAKER. That nothing be released to the press until—

Mr. BELLOMINI. That is correct.

The SPEAKER. Would the gentleman withdraw his motion for a moment? I think the gentleman is striking out with too broad a sword.

Mr. RICHARDSON. Mr. Speaker, if I may?

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

Mr. RICHARDSON. I would not put it in a form of a motion based on the fact that I have talked with some Representatives here who indicated that the press already has it, which is why I indicated that it would probably be a moot motion. I am saying that it would seem to me, in other words, Mr. Speaker, maybe not the printed form, but information coming from the Conference Committee might have already been released. That is one of the reasons why I raised the question. If it has not, then it would seem to me that we should get it first and then all other procedures by this House should fall in line as to making sure that the members of both the House and the Senate receive the conference report or the printout before anyone else does. I would agree with Representative Bellomini. But I just was going on what I had heard from other members.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, just very briefly.

I hope that the press does not have whatever preliminary work the committee has done and whatever discussions they have had. All committee members had indicated that they would not release matters to the press. All staff was instructed to that effect, and I am hopeful that that occurs. I can only speak for myself, that I have released no information; and I do not think Jack has released any information. And I think the integrity of my staff and the staff of the Republicans in the House is intact. I would hope that all of the staffs and all of the conferees live by that and that the caucuses see the information first.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Bittinger.

Mr. BITTINGER. Perhaps Pittsburgh media representative John Taylor could advise us whether or not the news media has

the information we are interested in and if it will appear in his morning paper.

The SPEAKER. I would suggest that there is no device by which we could question the media on the floor of the House, but if there were, it would be a pure delight.

#### BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

#### NO FURTHER BUSINESS

The SPEAKER. Does the majority whip have any further business?

Mr. GREENFIELD. No, Mr. Speaker, I do not.

The SPEAKER. Does the minority whip have any further business?

Mr. RYAN. No, Mr. Speaker.

#### WELCOMES

The SPEAKER pro tempore. The Chair welcomes Mrs. Jean Feather, Mrs. Diana Decker, Mrs. Leslie Murphy, Mrs. Denise Roth and Miss Sharon Feldman, who are the guests of Don Abraham and Bernard Novak.

The Chair also welcomes Mr. Richard Halverson of Sharon Hill, who is the guest of Representative Gerald Spitz and the Delaware County delegation.

The Chair has the distinct pleasure of welcoming to the hall of the House, the wife of Representative Jim Gallen, but more importantly Mrs. Sarah, or, as she is better known to those of us who know her "Snooky" Gallen. She is the mother of the eight pints of the Gallen family. And, even more importantly, she is here and, believe it or not, celebrating, if we may use that particular participial form of the verb, their 25th wedding anniversary.

She is accompanied by the wife of Representative Fryer.

#### ADJOURNMENT

Mr. LIVENGOOD moved that this House do now adjourn until Thursday, July 14, 1977, at 10 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 6:14 p.m., e.d.t.) the House adjourned.