

Legislative Journal

THURSDAY, JULY 14, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 61

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O God, our Father, we praise and magnify Thy glorious and most righteous name. We honor and revere Thee above every other thing, and look to Thee as the author and finisher of our faith. In this morning hour we reach out to Thee in love and devotion for all which Thou hast seen fit to share with us, and we humbly pray that Thou wilt continue to bestow upon us the depth of Thy love and tender care. We ask Thee, especially, to be very near to these legislators in every hour of need, and grant to them the merciful compassion of Thy love, the powerful presence of Thy indwelling spirit, and the guiding hand of Thy constant way. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, July 13, 1977, will be postponed until printed.

MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker announces to all those within hearing of his voice that the Speaker is about to take up the master roll and urges all the members to report immediately to the floor of the House.

Those members who are seated and who notice that, by some inadvertency, switches have been pulled of members who are not seated, please do the Chair a favor and remove those switches.

The Chair notes certain noncorrelations between the physical presence and the lights on the board. The Chair would like to see the physical presence and the lights on the board 100 percent correlated. Only those people physically present are to be voted.

The Chair again requests that those of you who are here who note that there are people who are absent and who had been voted as present remove those lights.

The following roll call was recorded:

YEAS—195

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
Berson	Gillette	Milanovich	Smith, E.
Bittinger	Gleeson	Miller	Smith, L.
Bittle	Goebel	Milliron	Spencer
Borski	Goodman	Miscevich	Spitz
Brandt	Gray	Moehlmann	Stairs
Brown	Greenfield	Morris	Stapleton
Brunner	Greenleaf	Mowery	Stewart
Burd	Grieco	Mrkonic	Stuban
Burns	Halverson	Mullen, M. P.	Sweet
Butera	Hamilton	Mullen, M. M.	Taddonio
Caltagirone	Harper	Musto	Taylor, E.
Caputo	Hasay	Novak	Taylor, F.
Cassidy	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
Dininni	Katz	Polite	Wiggins
Dombrowski	Kelly	Pott	Williams
Donatucci	Kernick	Pratt	Wilson
Dorr	Klingaman	Prendergast	Wilt
Doyle	Kolter	Pyles	Wise
Duffy	Kowalyshyn	Rappaport	Wright, D.
Dumas	Laughlin	Ravenstahl	Wright, J. L.
Englehart	Lehr	Reed	Yahner
Fee	Letterman	Renwick	Yohn
Fischer, R. R.	Levi	Rhodes	Zearfoss
Fisher, D. M.	Lincoln	Richardson	Zeller
Flaherty	Livengood	Rieger	Zitterman
Foster, A.	Logue	Ritter	Zord
Foster, W.	Lynch	Ruggiero	Zwilk
Freind	Mackowski	Ryan	
Fryer	Madigan	Salvatore	Irvis,
Gallagher	Manderino	Scanlon	Speaker
Gallen			

NOT VOTING—5

Beloff	Knepper	O'Donnell	Shelton
Cessar			

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

NO LEAVES OF ABSENCE REQUESTED

The SPEAKER. The Chair recognizes the majority whip.
Mr. GREENFIELD. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. The Chair recognizes the minority whip.
Mr. RYAN. Mr. Speaker, I have no requests for leaves of absence.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1490 By Messrs. D. M. FISHER, DOYLE, SPENCER, W. D. HUTCHINSON, GREENLEAF, STAPLETON, LYNCH, WAGNER, HASKELL, DONATUCCI and PRATT

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania providing for the submission to the General Assembly of rules promulgated by the Supreme Court.

Referred to Committee on Judiciary.

No. 1491 By Messrs. PETRARCA, LETTERMAN, WANSACZ, KOLTER, HALVERSON, TRELLO, YAHNER and BRUNNER

An Act establishing an energy coupon program, providing for its administration by the Public Utility Commission and transferring certain tax revenues to fund the program.

Referred to Committee on Consumer Affairs.

No. 1492 By Messrs. BRUNNER, ANDERSON GEESEY, DORR, O'CONNELL, LEHR, SPENCER, L. E. SMITH

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting school districts from imposing a tax on the construction or improvement of residential real estate or upon the application or insurance of certain building permits.

Referred to Committee on Local Government.

No. 1493 By Messrs. BENNETT, TAYLOR, FEE, MILLIRON, ARTHURS, HALVERSON and PRATT

An Act regulating the bidding procedures for motion pictures and prohibiting certain practices.

Referred to Committee on Business and Commerce.

No. 1494 By Messrs. McINTYRE, RIEGER, CIANCIULLI, GREENFIELD, DONATUCCI, GIAMMARCO, Mrs. KELLY, Messrs. OLIVER, BARBER, GRAY, WIGGINS, DUMAS, WILLIAMS, BORSKI, REED, JONES, JOHNSON, Mrs. WISE, Mrs. HARPER, Messrs. McLANE, KATZ, RAPPAPORT, SALVATORE, D.M. O'BRIEN, WHITE, MILLIRON, RICHARDSON, GLEESON, RHODES and VALICENTI

An Act amending the act of October 17, 1969 (P. L. 263, No. 106), entitled "An act providing for the Traffic Court of Philadelphia," providing for three additional judges.

Referred to Committee on Urban Affairs.

SENATE MESSAGE**SENATE BILLS FOR CONCURRENCE**

The clerk of the Senate presented the following bills for concurrence:

SENATE BILL No. 334

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law" further providing for selection of the chairman and vice chairman of the board for designation of alternates by certain board members, for audits for the credit of excess interest and surplus allocations for administrative expenses and for interest paid while vesting and changing the date of the itemized estimate to municipalities.

Referred to Committee on Local Government.

SENATE BILL NO. 843

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949" imposing limitations in the use of free transportation by pupils regularly providing their own transportation.

Referred to Committee on Education.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows was prepared for presentation to the Governor:

HOUSE BILL No. 631

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965" further clarifying the definition of undivided profits providing for deposit insurance or a pledge of assets to secure deposits authorizing foreign banks to establish branches with permission of the department redefining observance of a holiday providing an additional exception to lending limitations removing time limit for acceptances providing for regulation of capital securities and providing for monthly interest loans for individuals partnerships and other unincorporated entities.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor presented the following communication from the Governor:

APPROVAL OF HOUSE BILL No. 609

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

July 13, 1977.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 609, printer's No. 1636, entitled "An Act amending the act of July 28, 1966 (3rd Sp. Sess., P. L. 91, No. 4), entitled 'An act restricting the establishment and maintenance of junkyards along highways; providing for the screen-

ing of outdoor junkyards; prescribing a license fee; conferring powers and imposing duties on the Secretary of Highways; providing authority to take property by eminent domain for the screening or removal of junkyards in certain cases; making an appropriation; and providing penalties.' ADDING THE TERM 'AUTOMOTIVE DISMANTLER AND RECYCLER,' CHANGING CERTAIN REFERENCES, FURTHER PROVIDING FOR LICENSES, LICENSE FEES, THE SCREENING OF VEHICLES, THE IMPOSITION OF FINES AND PENALTIES AND MAKING CERTAIN EDITORIAL CHANGES."

MILTON J. SHAPP,
GOVERNOR

QUESTIONS OF PERSONAL PRIVILEGE

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

Mr. WILLIAMS. Mr. Speaker, I just wanted to pose a question of parliamentary inquiry to Mr. Hoeffel.

Mr. Speaker, I rise on a personal privilege on behalf of Mr. Hoeffel to make a comment concerning the fact that several of us are really amazed at his diligence on being here this morning, and we congratulate him for that.

I just wanted to pose a question if the gentleman can still rise at all today.

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

Mr. HOFFFEL. I already have, Mr. Speaker.

On a point of personal privilege?

The SPEAKER. I am not so sure of what point of personal privilege the gentleman wants to exercise, but, with care, the gentleman may exercise that point.

Mr. HOFFFEL. I would just like to ask the Speaker to bang the gavel softly today, please.

The SPEAKER. The Chair will take due note of that and will give fair warning.

The Chair recognizes the gentleman from Chester, Mr. Smith. For what purpose does the gentleman rise?

Mr. E. H. SMITH. Mr. Speaker, sometime during the morning when we are at a lull or not so terribly busy, I would appreciate an opportunity to rise on a personal privilege to address the House on a matter that is very, very important, in my opinion, to the House and myself.

The SPEAKER. The gentleman is advised that there probably will be no better time than the present if we can get some order in the House.

Will the gentleman yield?

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

Mr. TRELLO. I, too, rise to a point of personal privilege, Mr. Speaker, to make a statement.

The SPEAKER. The Chair will recognize the gentleman from Allegheny County after the Chair recognizes the gentleman, Mr. Smith.

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

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

The SPEAKER. The gentleman will state it.

Mr. GALLEN. Very briefly, Mr. Speaker, with the flurry of amendments and so on yesterday, I inadvertently voted in the affirmative on the Halverson amendment having to do with studded tires. I wish to have the record show that I would have liked to have voted in the negative on the Halverson amendment to HB 1171.

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

STATEMENT ON NEWSPAPER STORY

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

Mr. E. H. SMITH. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. E. H. SMITH. Mr. Speaker, I rise to insert into the record the story written by the Associated Press today. It is based upon a contention by the Secretary of Commerce, Norval Reece, that solely because of the budget tax impasse, PIDA today was unable to approve a loan of \$5.8 million to the Lukens Steel Company to assist in its expansion of the plant facilities at Coatesville, Chester County, Pennsylvania. I want to have this story in the record just in case Mr. Shapp's presidential campaign manager, Mr. Reece, has given the public misleading information.

Though I am not on the Business and Commerce Committee, I believe my facts are right on the problems facing PIDA at this time, and there are three of them.

Fact number one, in September 1976, PIDA imposed a \$3-million ceiling on general fund loans solely because the Volkswagen loan had depleted the PIDA general fund.

Fact two, even if the legislature gave PIDA the \$8 million requested in the Governor's budget, Lukens Steel could not be helped immediately. The June 1977 PIDA general fund financial statement shows a deficit of \$14,112,340.10. Thus, even with an extra \$8 million, it appears highly unlikely PIDA would make a loan to Lukens immediately.

Fact number three, at yesterday's PIDA meeting, the board voted to continue the September moratorium due to the deficit in PIDA's general fund, and the board explicitly rejected language claiming the moratorium was necessitated by legislative delay in passing a budget.

Now I hope Mr. Reece has not tried to mislead the citizens as a means of adding fuel to the Governor's attempt to scare the legislature into supporting his unnamed tax program.

I would like to read an excerpt from the Associated Press, dateline yesterday, Harrisburg. It says: "The lack of a new budget is putting the skids to the state's industrial development program," says the man in charge."

The second statement: "Reece said the moratorium might affect the state's ability to negotiate for new industry too. He said that a major German firm was interested in locating in Pennsylvania but indicated that that would be impossible without PIDA help.

"He wouldn't identify the firm but said it has no relationship to the Volkswagen plant at New Stanton."

Thank you very much, Mr. Speaker.

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

Mr. BENNETT. Mr. Speaker, the gentleman, Mr. Smith, has made mention of the Business and Commerce Committee. As chairman of that committee, I was not aware of what the gentleman is making reference to. However, I assure the gentleman and members of this House that I will immediately make investigation as to the remarks that were made here this morning relative to PIDA and I will report to the members of this House the results of my investigation.

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER. The gentleman will state it.

Mr. TRELLO. Mr. Speaker, the other day when we had this debate on HB 71, the pro-life amendment, I got up and I made a few statements. To quote the last sentence that I stated, it was: "If anybody has any babies they do not want, send them to me."

Well, the Pittsburgh Press printed that. Last evening, my wife received about 25 or 30 calls in regard to people who have unwanted children. And, in every case, they made statements like, you tell your blankety-blank husband that I would not say that in front of any congregation, two-syllable words that were pretty rotten and filthy, and they referred to the babies they were having, you can have this little s.o.b. if you want it.

Well, about 6 years ago, my wife had a very bad battle with cancer. She had a radical mastectomy and they had to perform 2 days later a complete hysterectomy on her, and we cannot have any more children. We were very serious about adopting two children. There were a little boy and a little girl who we were seriously thinking about adopting, but a very good friend of mine who has no children at all talked to me about it. So, we arranged for them to adopt them, and they are very happy with them. And I also have a half a dozen or more other friends who do not have children who would love to have them.

Now when I talked in regard to the pro-life amendment, I have a few reservations about it myself. I believe that abortions should be allowed in the cases of incest or rape or things like that. But when I get calls from people, who are probably a little lower than a worm that crawls from underneath a rock, calling their babies s.o.b.'s and calling me another two-syllable filthy word and saying I can have these s.o.b.'s, well, if they enjoy the satisfaction at the inception of having this little sperm in their fetus, then, darn it, let them go through the labor pains and when they are finished with that, I would like to have them call me and then I will decide whether I will take that baby or not. And I would certainly would like to have the Press print that also.

Thank you very much.

CALENDAR

JUDICIARY BILL ON SECOND CONSIDERATION

Agreeable to order,

The House proceeded to second consideration of **Senate bill**

No. 236, printer's No. 1196, entitled:

An Act to increase the number of judges of the court and providing for their appointment to provide for two additional law judges of the court of common pleas of the second judicial district one additional law judge of the court of common pleas of the third judicial district one additional law judge of the court of common pleas of the sixth judicial district one additional law judge of the court of common pleas of the seventh judicial district one additional law judge of the court of common pleas of the ninth judicial district one additional law judge of the court of common pleas of the tenth judicial district one additional law judge of the court of common pleas of the fifteenth judicial district one additional law judge of the court of common pleas of the nineteenth judicial district one additional law judge of the court of common pleas of the twenty-third judicial district one additional law judge of the court of common pleas of the twenty-fourth judicial district one additional law judge of the court of common pleas of the twenty-ninth judicial district one additional law judge of the court of common pleas of the thirty-first judicial district two additional law judges of the court of common pleas of the thirty-second judicial district three additional law judges of the court of common pleas of the thirty-eighth judicial district one additional law judge of the court of common pleas of the forty-ninth judicial district and one additional law judge of the court of common pleas of the fiftieth judicial district and to provide three additional judges of the Traffic Court of Philadelphia.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

Mr. GREENFIELD moved that Senate bill No. 236 be recommitted to the Committee on Appropriations for the purpose of a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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 recurring,

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

Mr. GEORGE offered the following amendments:

Amend Sec. 1 (Sec. 1514), page 35, line 8, by striking out "special" and inserting new

Amend Sec. 1 (Sec. 1514), page 35, line 9, by inserting a period after "permit"

Amend Sec. 1 (Sec. 1514), page 35, lines 9 through 16, by striking out "authorizing such person to drive only a motor" in line 9, and all of lines 10 through 16

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, would you please have the clerk announce the number of that amendment, please?

The SPEAKER. The amendment submitted by Mr. George and currently under discussion is an amendment to HB 1171. The number of the amendment is A1718. Is that correct, Mr. George?

Mr. GEORGE. I have several but we can work on that one if that would be your choice, sir.

The SPEAKER. A1718, if you please, sir.

Mr. GEORGE. Mr. Speaker, if you turn to page 35 of HB 1171, what I intend to do is strike out "special" and insert "new". The reason for this amendment is simply this: Under the new code, there are many reasons why those who are already licensed in Pennsylvania as drivers can be considered by the department as bad risks. Confidential letters into the department can force them to be reexamined. Questions of age and physical fitness and things of that sort can force them to be reexamined. I noted that in this bill it stated that whenever an individual, who could be elderly in some manner, went down and took a driver's examination and because he was just nervous, he failed, then this bill says that he will have to take a driver's examination course, be reexamined in an automobile with dual controls.

Now my objection to this is, Mr. Speaker, not every county in Pennsylvania has a private driving school. In my area it is performed through driver education in our education system. I feel that if an individual fails the examination, he should not drive, but I feel he should be issued a new permit and then be allowed to drive, accompanied by a licensed driver. Rather than put this individual through this—who all his life has worked hard and maybe he has not even had an accident or any reason to be examined other than the fact that it was his time to be reexamined, but due to the fact that he was nervous or maybe upset, the state policeman, in his best effort, says, I am sorry, but you failed—I believe that individual should be entitled to get a new permit, rather than be put through all the stringencies that this bill calls for.

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

Mr. BELLOMINI. I would like to interrogate the gentleman at the present time.

The SPEAKER. The gentleman, Mr. George, indicates he will stand for interrogation. The gentleman from Erie may proceed.

Mr. BELLOMINI. Just to clarify your amendment, Mr. Speaker, I would like to know if you are taking language from page 36, lines 8 through 11. Is that correct?

Mr. GEORGE. Yes, page 35, sir.

Mr. BELLOMINI. Your amendment would eliminate dual control in a car? Is that correct?

Mr. GEORGE. No, my amendment, sir, I would hope, would eliminate forcing those who have been licensed for years, and upon the demand of the Department of Motor Vehicles or, I would rather say Traffic Safety, where they went down to be tested for the examination itself, the driver's part, not the eye test, not the questions, but the driver's part. In our present bill it says that they will have to go to a driver's school and they will then have to go through the nonsensical idea of going over the process of learning to drive in an automobile that has dual controls. And when I asked this question previously in commit-

tee, I said, is the Department of Transportation going to offer a dual-controlled vehicle where they take their license? And I believe the committee said "no." I said, will the state police have dual control?

So, what we are saying is that all the time that they are refreshing, you want a dual control, but you are not going to have a dual control where they are going to take their test.

Mr. BELLOMINI. Thank you.

Mr. Speaker, I oppose this amendment because, first of all, this has been in the old Vehicle Code and we have never had any problems with it before. This amendment just, more or less, has a limited amount of people involved in this. This has always worked in the right direction, and Traffic Safety has requested that we keep this bill the way it is.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Naturally, we have many things before us in the remaining days of this week that are equally important to each and every citizen of this state. It might seem to some that this amendment is not important, but I say to you, should it be your father or your mother or your aunt or your uncle, an individual who no longer has anybody around to take them shopping or to take them to the doctor, and to put him through a situation where we cannot avail ourselves of this type of service is not a good bill.

I am not going to belabor the thing. I am going to let it up to you ladies and gentlemen of this House to decide whether we want to do this to our older people.

Thank you, Mr. Speaker.

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

Mr. DININNI. Mr. Speaker, for the benefit of the members on this side of the aisle, this is one of the amendments that we did not caucus on, and I would highly recommend that you oppose the amendment.

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

Mr. RITTER. Mr. Speaker, let me see if I can somehow clarify what Mr. George is attempting to do.

I must disagree with my friend, Mr. Bellomini. This is not in the present law. What HB 1171 seeks to do is to say that if you fail that reexamination—this is for someone who already has a driver's license and who has been scheduled for reexamination or another driver's test—and if they fail that test, HB 1171, as it is written now, says that in the event you fail that test—the department will issue you a special learner's permit, and the only time you can use that learner's permit is if, one, you enroll in a driver improvement school—I am sorry, the only time you can use that permit is if you use a motor vehicle equipped with a dual operating control or devices while being accompanied by an instructor of an approved driver training program.

Now, Mr. Speaker, we never had that requirement before, and the department is saying that if you fail the reexamination, as Mr. George pointed out—you may be 65 or 70 and for whatever reason you failed the driver's test, the department says in

that instance—the only way you are going to get a license or get your license renewed is if you enroll in an approved driver training program and go on the road with a dual-controlled vehicle.

I think that is a terrible burden to put on people. I agree with Mr. George. I do not think, in fact, they ought to put the word “new” in, but I think we ought to just issue those people in that instance a learner’s permit, without saying to somebody that you have got to enroll in a private driver improvement school and have to pay the fee, because that is what we are talking about. I think to that degree Mr. George’s amendment does make sense. As I said, this is a brand new provision. We never had that requirement in the law before. Mr. George, in effect, seeks to return HB 1171 to what the present law is, that if you fail the examination, you are issued a learner’s permit. Then you can go back and take over your test at some other time. I ask for support of the amendment.

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

Mr. BELLOMINI. Mr. Speaker, I would like to just tell Mr. Ritter that the language or the intent of the amendment, that you can say his intentions are right but it does not read that way in the amendment. This is verbatim in the old code, and it is only for special people, people who actually get nervous in a car. So in some manner we have a safety feature here so we have complete control of it. The language that we have in HB 1171 is good language. I rise to oppose this amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, to refute what Mr. Bellomini said, the language in this present bill says that if they fail the examination for any purpose—in other words, they can fail on the questions and not merely a matter of driving the car—then they would be required to take this extra special kind of situation which Mr. George speaks of.

I support Mr. George. I think we should not impose this kind of severe limitation and restrictions on the drivers.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—174

Abraham	Gallen	Manderino	Schmitt
Anderson	Gamble	Manmiller	Schweder
Armstrong	Garzia	McCall	Scirica
Arthurs	Gatski	McClatchy	Shuman
Bennett	Geesey	McGinnis	Shupnik
Berlin	Geisler	McIntyre	Sirianni
Berson	George, C.	McLane	Smith, E.
Bittinger	George, M.	Meluskey	Smith, L.
Bittle	Giammarco	Milanovich	Spencer
Borski	Gillette	Miller	Spitz
Brandt	Goebel	Milliron	Stairs
Brown	Goodman	Miscevich	Stapleton
Brunner	Gray	Moehlmann	Stewart
Burd	Greenfield	Morris	Stuban
Burns	Greenleaf	Mowery	Sweet
Butera	Grieco	Mrkonic	Taddonio
Caltagirone	Halverson	Mullen, M. M.	Taylor, F.
Cassidy	Harper	Musto	Tenaglio

Cianciulli	Hasay	Novak	Thomas
Cimini	Haskell	Noye	Trello
Cohen	Hayes, D. S.	O'Brien, B.	Valicenti
Cole	Hayes, S. E.	O'Connell	Vroon
Cowell	Helfrick	O'Keefe	Wagner
Davies	Hoeffel	Oliver	Wansacz
DeMedio	Honaman	Pancoast	Wargo
DeVerte	Hopkins	Parker	Wass
DeWeese	Hutchinson, A.	Petrarca	Weidner
DiCarlo	Hutchinson, W.	Pitts	Wenger
Dininni	Jones	Polite	White
Dombrowski	Kelly	Pratt	Williams
Donatucci	Kernick	Prendergast	Wilson
Dorr	Klingaman	Pyles	Wilt
Doyle	Kolter	Rappaport	Wise
Duffy	Kowalshyn	Ravenstahl	Wright, D.
Englehart	Laughlin	Reed	Wright, J. L.
Fee	Lehr	Renwick	Yahner
Fischer, R. R.	Letterman	Rhodes	Yohn
Fisher, D. M.	Levi	Richardson	Zeller
Flaherty	Lincoln	Rieger	Zitterman
Foster, A.	Livengood	Ritter	Zord
Foster, W.	Logue	Ryan	Zwikl
Freind	Lynch	Salvatore	
Fryer	Mackowski	Scanlon	Irvis,
Gallagher	Madigan	Scheaffer	Speaker

NAYS—13

Barber	Dumas	Katz	Pott
Bellomini	Hamilton	O'Brien, D.	Wiggins
Caputo	Itkin	Piccola	Zearfoss
Dietz			

NOT VOTING—13

Beloff	Knepper	O'Donnell	Seltzer
Cessar	Mebus	Pievsky	Shelton
Gleeson	Mullen, M. P.	Ruggiero	Taylor, E.
Johnson			

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 Dauphin, Mr. Dininni. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. DININNI. Mr. Speaker, on the George amendment to HB 1171, I voted in error. I would like the record to show I would have voted in the negative.

The SPEAKER. Do you mean after that speech you voted in the affirmative?

The record will be corrected in the Journal to show that the gentleman, Mr. Dininni, voted in error and intended that his vote be cast in the negative on the last question.

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

Mr. DUMAS. I voted in error, Mr. Speaker, on the George amendment to HB 1171. I would like to be recorded as voting in the affirmative.

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

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

Mr. CAPUTO. Mr. Speaker, I voted in the negative, but I did not know it was Mr. George's amendment or I would have voted in the affirmative.

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. GEORGE offered the following amendment:

Amend Sec. 1 (Sec. 1504), page 29, line 8, by inserting after "to" those minors who have been issued a driver's license pursuant to section 1503(c) (relating to minors completing training course) and to

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George, on amendment A1504.

Mr. GEORGE. Mr. Speaker, this following amendment I feel is equally important, and many times we will be mentioning what is constitutional and what is not.

If my colleagues will turn to page 29, line 8, and again we are embarking on something new that was not in the code of 1959, which is different classification. It says, "Class 2.—A Class 2 license shall be issued to those persons (over) 18 years of age or older who have demonstrated their qualifications to operate a single vehicle of over 30,000 pounds. . . ."

So what we are saying is that we have dual purpose and dual conflicting interests in that under the present law, if an individual takes a driver's training examination and passes it, at 17 he can become licensed as a senior licensee. So what we are saying here is that he must be 18 years old or older before he can go out and earn money during his summer recess to go back to college, even supplement his family if he should be married at 18, and I think this is wrong. Because I do dare say that there are many things that I would believe an 18-year-old cannot do, but when it comes to flexibility and a mechanical ability, there are many across this state of ours at 18 who know more and can handle a truck better than we can, and I believe we should adopt this amendment.

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

Mr. DININNI. For the benefit of our members, this is an amendment that we have agreed to in caucus. Vote in the affirmative.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—182

Abraham	Freind	Madigan	Ryan
Anderson	Fryer	Manderino	Salvatore
Armstrong	Gallagher	Manmiller	Scanlon

Arthurs	Gamble	McCall	Schmitt
Barber	Garzia	McClatchy	Schweder
Bellomini	Gatski	McGinnis	Scirica
Bennett	Geisler	McIntyre	Shuman
Berlin	George, C.	McLane	Shupnik
Berson	George, M.	Meluskey	Sirianni
Bittinger	Giammarco	Milanovich	Smith, E.
Bittle	Gillette	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	Mrkonc	Stuban
Butera	Halverson	Mullen, M. P.	Sweet
Caltagirone	Hamilton	Mullen, M. M.	Taddonio
Caputo	Harper	Musto	Taylor, E.
Cassidy	Hasay	Novak	Taylor, F.
Cianciulli	Haskell	Noye	Tenaglio
Cimini	Hayes, D. S.	O'Brien, B.	Thomas
Cohen	Hayes, S. E.	O'Brien, D.	Trello
Cole	Helfrick	O'Connell	Valicenti
Cowell	Hoeffel	O'Keefe	Vraon
Davies	Honaman	Oliver	Wagner
DeMedio	Hopkins	Pancoast	Wansacz
DeVerter	Hutchinson, A.	Parker	Wargo
DeWeese	Itkin	Petrarca	Wass
DiCarlo	Johnson	Piccola	Weidner
Dietz	Jones	Pievsky	Wenger
Dininni	Katz	Pitts	White
Dombrowski	Kelly	Polite	Wiggins
Donatucci	Kernick	Pott	Williams
Dorr	Kolter	Pratt	Wilson
Doyle	Kowalshyn	Prendergast	Wilt
Duffy	Laughlin	Pyles	Wright, D.
Dumas	Lehr	Rappaport	Wright, J. L.
Englehart	Letterman	Ravenstahl	Yahner
Fee	Levi	Reed	Yohn
Fischer, R. R.	Lincoln	Renwick	Zearfoss
Fisher, D. M.	Livengood	Rhodes	Zitterman
Flaherty	Logue	Richardson	
Foster, A.	Lynch	Rieger	Irvis,
Foster, W.	Mackowski	Ruggiero	Speaker

NAYS—8

Hutchinson, W.	Ritter	Wise	Zord
Klingaman	Scheaffer	Zeller	Zwinkl

NOT VOTING—10

Beloff	Geesey	Mebus	Seltzer
Cessar	Gleeson	O'Donnell	Shelton
Gallen	Knepper		

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. GEORGE offered the following amendment:

Amend Sec. 1 (Sec. 1504), page 29, line 12, by inserting brackets before and after "10,000" and inserting 15,000

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George, who will address himself to amendment A1505.

Does the gentleman, Mr. George, have an additional three copies of the amendment? Eight copies are required and only five were sent to the desk.

Mr. GEORGE. Personal inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the personal inquiry.

Mr. GEORGE. Can I go to my closest three friends and get three of the copies they are reading and present them?

The SPEAKER. The Chair is advised that the friends of the gentleman have supplied copies.

I am sure the gentleman has many more than three friends. He could have had a number of copies supplied to him if he had asked that of all his friends on the floor of the House.

The gentleman may proceed.

Mr. GEORGE. Thank you, sir.

Mr. Speaker, this is amendment numbered A1504, is it not?

The SPEAKER. A1505. We just passed A1504. This is A1505 and reads: "...by inserting brackets before and after '10,000' and inserting 15,000."

Mr. GEORGE. Thank you, sir.

The SPEAKER. The gentleman may proceed.

Mr. GEORGE. If the ladies and gentlemen of this body will turn to page 29, I am sure they will be quick to realize that probably in the drafting of this bill—and with no intent whatsoever—there were certain weight stipulations applied to this Class 2 than my previous amendment had alluded to. What we are saying is now that that 18-year-old can go out and he can drive a tandem, that under the current law structures to 17,800 pounds, but he cannot take his pickup truck and pull a large house trailer that weighs over 10,000 pounds because it would be illegal. And all my amendment does is change that 10,000 pounds to 30,000 pounds. I believe it is very necessary if we are going to allow our people to drive.

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

Mr. ZEARFOSS. Mr. Speaker, I wonder if Mr. George would consent to a brief interrogation about this amendment.

The SPEAKER. The gentleman, Mr. George, indicates he will consent to a brief interrogation. The gentleman, Mr. Zearfoss, may proceed.

Mr. ZEARFOSS. Mr. Speaker, just for clarification, you mentioned in your comments just a minute ago that this changed the weight from 10,000 to 30,000. The amendment that I have originally was printed to say 15,000 instead of 30,000, and then it appears to have been crossed out and 30,000 inserted in pencil or pen. Is the amendment intended to change the weight from 10,000 to 15,000 or to 30,000?

Mr. BELLOMINI. Thirty thousand.

Mr. GEORGE. Mr. Speaker, when originally we had discussed this in committee—and it is very possible all members in the committee did not hear it—I had asked the committee themselves to look into this amendment because I thought it would impoverish most anybody who was pulling a camper, a boat trailer, some youngster who wanted to work on construction, and I asked them to raise this to 30,000 pounds. This amendment was provided for me by the Committee on Transportation, and I can assure you—and I believe Mr. Bellomini is

an honest man—that I did not change this. It was changed when it was given to me. I originally wanted it at 30,000 pounds and up in the Legislative Reference Bureau they made a mistake and made it 15,000, but I assure you that I did not do that.

Mr. ZEARFOSS. Thank you, Mr. Speaker.

Mr. Speaker, I suppose it is unnecessary for me to make this statement, but I think the Legislative Reference Bureau ought to be advised of the fact that this has been changed in order that their records are kept straight.

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

Mr. BELLOMINI. I would just like to interrogate Mr. George for one second.

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

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. At this time, the Chair turns the gavel over temporarily to the Speaker pro tempore, Mr. Fryer.

The Speaker will not be voted on these amendments because the Speaker must go to speak to the Democratic State Committee for a few moments and will be back on the floor of the House in an hour.

It is the intention of the Speaker that we break for lunch at 12 noon. There is a long list of amendments yet to be offered and apparently a long debate yet to be endured, and the Speaker suggests that we break at 12 noon for lunch and return promptly at 1 o'clock to the floor to continue the debate on these amendments.

The Chair apologizes for interrupting the gentleman, Mr. Bellomini, who may proceed.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR

The SPEAKER pro tempore. The gentleman from Erie, Mr. Bellomini, is in order and may proceed.

Mr. BELLOMINI. Your amendment states that it would bring this from 10,000 pounds or is it 15,000 to 30,000 pounds? Your amendment would mean that a 6,000-pound pickup could pull a 30,000-pound trailer?

Mr. GEORGE. Of course, I am sure you are more aware of it probably than anybody in the House because you have to work in direct correlation with those over in Traffic Safety who feel that they know the answers to these things, and you know yourself that we, as of July 1, have embarked on a new system and you know that we have placed the average citizen in Pennsylvania in an awfully precarious situation by making them state what the weight of the trailer is and placing three different fees.

What I am saying is this, Mr. Speaker, that a trailer under 3,000 pounds is \$6; from 3,000 to 10,000 it is \$12; from 10,001 up it is \$27. I have had numerous complaints because the people themselves were not aware of what they are doing with these registrations. What they are saying, in essence, is this: If someone sent in—I am diverting a little, but I am sure you will give me the benefit of the doubt of why I want to do this—for a \$27

license and listed it at 11,000 pounds, and he went out on the road tomorrow and a state policeman weighed him and he had 20,000 pounds on a trailer that would haul 40,000, he would be in violation of the law. That is how bad this law had been.

So what we are saying now is that I am saying that an individual who wants to stay within the weight limit and basically went over 10,000 pounds and paid \$27 for a license and was hauling on a trailer that weighed 4,000-pound, a load that weighed 6,001 pounds, he could not pull that trailer.

Mr. BELLOMINI. Would the gentleman answer my question? My question again I will repeat: Your amendment affects a safety in the Vehicle Code at the present time. If a 6,000-pound truck, with this amendment, will be allowed to pull a 30,000-pound trailer, am I correct, sir?

Mr. GEORGE. No, that is not so, sir. Under the law, this individual—I wish your assistant would not get so disturbed with me because you are going to have to tell him that I am a little slow—I am saying we are going to allow this man to drive a straight vehicle up to 30,000 pounds. So what we are saying is if that man has a straight vehicle made to pull house trailers all over the state that are sold and he is pulling a truck that has a 16,000-pound capacity bare, when they put something on the trailer and the weight of that load on that trailer exceeds 10,000 pounds, that man can no longer work at that job. And yet he can drive that straight truck up to 30,000 pounds.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Burd.

Mr. BURD. I wonder if Mr. George will answer a couple questions.

The SPEAKER pro tempore. Has Mr. Bellomini finished his period of interrogation with Mr. George?

Mr. BELLOMINI. Yes, I have. He still has not answered my question. Thank you.

The SPEAKER pro tempore. Will the gentleman, Mr. George, stand for interrogation?

Mr. GEORGE. Yes, sir.

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Burd, may proceed.

Mr. BURD. In your amendment, Mr. Speaker, you are saying that a class 2 license holder could haul a trailer of 30,000 pounds. Does this apply in any way to tractor-trailer operations?

Mr. GEORGE. Tractor-trailer operations it would not apply to if, in fact, the tractor trailer on combined weight was over 30,000 pounds. May I just add one thing if you will?

When we talk about semi, two units—one towing, one pulling—Mr. Bellomini was right in the instance if he said if it was a pickup truck weighing 7,000 pounds. Legally that truck has the axle capacity, the square-inch capacity, the brake capacity to haul a trailer weighing 30,000 pounds. That is total weight. But let us go to the bigger one. You are absolutely right, it would not allow a man to get on there and drive a tractor trailer weighing over 30,000 pounds on the trailer.

Mr. BURD. That is right, Mr. Speaker, because for a tractor trailer you are talking 72,280, if I am not mistaken, on the last figures I got from the legal.

I am concerned a little bit about it, Mr. Speaker, in the fact

that when you allow 30,000 pounds to pull a trailer unit. In some cases you are getting into overwidth and overlength. Now, what do we have to say about the safety feature of that particular part of your amendment?

Mr. GEORGE. Anything in this amendment that would be overweight or overwidth would not apply in this amendment. That applies under a different section of this code.

Mr. BURD. But you are only stating weight here, Mr. Speaker; you are not saying length or width. And we are talking safety here, or are we not?

Mr. GEORGE. Sir, when we talk safety, it does not apply to the fact that one 10,000 pounds could be overweight or overwidth or oversize also. It could be 10,000 pounds and still be overwidth.

Mr. BURD. That is exactly what I am saying. There is nothing in your amendment to make a provision for that type?

Mr. GEORGE. No, I would say that you are absolutely right, but I would say that as the present bill is written, there is no provision. And, my only intent was that we would allow a licensed driver who could drive a straight-axle truck of 73,000 pounds to be able to haul total weight on a trailer that would exceed a ridiculous figure of 10,000 pounds, which would mean, sir, that basically he would not be able to find employment or he would not be able to haul basically anything.

Mr. BURD. But is it not a fact, Mr. Speaker, that in most cases those gaining gainful employment would be wanting to drive a triaxial, a tandem-axle or a possible semitruck and this is where they would have the most opportunity to have gainful employment?

Mr. GEORGE. Sir, if an individual who is over that age and was going to drive the tractor trailer you are specifying, he would then register himself in class 3 not class 2.

Mr. BURD. Okay. Thank you, Mr. George. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, Mr. George just lastly touched on the argument that I was going to use, that I think if a person wants to haul that trailer over 10,000 pounds, he simply has to apply for a class 3 license.

I think that if we change the class two weight limits on trailers to 30,000 pounds, you are effectively eliminating the need for a class 3 license and I do not think that we want to do that.

I think that we ought to oppose the amendment, because the person has the right to get a class 3 license and then haul the trailer over 30,000 pounds.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, I think that Mr. Ritter makes a fine argument and I withdraw the amendment.

The SPEAKER pro tempore. Mr. George has withdrawn his amendment. Without objection, the amendment is withdrawn.

Does the gentleman, Mr. George, have any further amendments?

Mr. GEORGE. Yes, sir, I believe I do.

On the question recurring,

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

Mr. GEORGE offered the following amendments:

Amend Sec. 1, page 2, line 7, by inserting after "4704(a)," 4724(a),

Amend Bill, page 91, by inserting between lines 14 and 15 § 4724. Suspension of certificates of appointment.

(a) General rule.—The department shall have the State Police, the county garage inspector, who need not be a member of the State Police, or any other person authorized by the department supervise and inspect official inspection stations and shall suspend the certificate of appointment issued to a station which it finds is not properly equipped or conducted or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all stations holding certificates of appointment and of those whose certificates of appointment have been suspended. Any suspended certificate of appointment and all unused certificates of inspection shall be returned immediately to the department.

* * *

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The amendment is identified as A-1723. The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, today we are faced more than ever with budgetary problems that, hopefully, will be solved within the near future.

Years ago the county inspection member who performed the function for Traffic Safety was an individual of some intelligence such as you and I. But for some reason during the last several years, we have been using state policemen for this function.

Today as I read about how short we are in budget and that there could be state policemen laid off. We all agree that to become a state policeman it takes much training, many tax dollars and a lot of sincerity and effort. We agree that for these people we have use in fields more important than just county inspection. What my amendment does is to say simply this, that the Department of Traffic Safety may, if they wish, use either state policemen or those others who are competent.

The SPEAKER pro tempore. Has the gentleman, Mr. George, completed?

Mr. GEORGE. Yes, sir.

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

Mr. BELLOMINI. Mr. Speaker, I do not think that this amendment is necessary. I believe at the present time we have about 84 substations and we have 41 enlisted people. These are state police officers who are in charge of these offices. Also we have records that show that there are 97 civilian people working in these operations. So we must have some control over these stations, and this is the reason why we have 41 enlisted people. I know what Mr. George is trying to do, but I think that it is not proper at this time, and I think that it is proper the way we have it listed in the code. Thank you. I rise to oppose the amendment.

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

Mr. DININNI. Mr. Speaker, for the benefit of our members, this is another amendment that we did not caucus on. I feel that the state police have been doing a wonderful job and I am sure they are going to continue to do so. So I would highly recommend that you oppose this amendment.

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

Mr. LETTERMAN. Mr. Speaker, I stand in favor of Mr. George's amendment.

I think that the salaries we are now paying our state police certainly are very high to be a garage inspector. I think that the state police whom we have trained for a specific purpose should be out on the road and fighting crime and not inspecting a small inspection station. I think that a civilian could be hired to do this at a much lesser cost to the state and save us a lot of money. I think that it is a terrific amendment and that it should be voted in the affirmative. Thank you.

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

Mr. BITTINGER. Thank you, Mr. Speaker.

Mr. Speaker, the state police are currently having problems with being shorthanded as it is. With our budget situation, I would suspect that we are not going to fund a cadet class to the State Police Academy.

In my own county of Cambria, we are losing three troopers from the barracks because they are shorthanded elsewhere and they are overworked elsewhere.

I would like to ask a question of Representative Bellomini, if I may.

The SPEAKER pro tempore. Would the gentleman, Mr. Bellomini, stand for interrogation?

Mr. BELLOMINI. Yes, I will.

The SPEAKER pro tempore. The gentleman indicates that he will, and the gentleman, Mr. Bittinger, will proceed.

Mr. BITTINGER. I do not have a copy of the Motor Vehicle Code in front of me, Mr. Speaker, but looking at Mr. George's amendment, I gather that only the state police at this point are authorized to make these inspections. Now, that is the inference of the amendment, and I would like to know, is it specified that those authorized in addition to the state police, are now permitted to inspect substations?

Mr. BELLOMINI. With a little confusion here I did not hear the question.

Mr. BITTINGER. All right. What I am asking is this: Looking at the amendment, it would seem to indicate that apparently only the state police are permitted to inspect the inspection stations at this point and that he wants to expand it so that people other than the state police who are qualified and authorized may do so. What is the current situation, sir?

Mr. BELLOMINI. The current situation is this, that we do have inspectors. We currently do have inspectors out on the road, not just state policemen, but we do have state policemen supervising inspections and we do have some state police who go out and inspect stations, yes. But we currently do have civilian inspectors who go out also.

Mr. BITTINGER. All right. I thank you sir. Thank you.

Mr. BELLOMINI. Can I just have something clarified, Mr. Speaker?

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

Mr. BELLOMINI. Mr. Speaker, what is the number of this amendment?

The SPEAKER pro tempore. The number of this amendment is A-1723.

The Chair recognizes the gentleman from Washington, Mr. R. R. Fischer.

Mr. R. R. FISCHER. Mr. Speaker, I rise to support Mr. George's amendment not only because I feel that it would be a cost-saving item in our budget, but I think that we should re-examine all of the positions that our trained policemen are currently engaging themselves in and, if possible, turn some of these duties that would not be police related over to civilian employees.

In my own county, as most of you know, we have had a very difficult time with a number of murders. We have a great many state police, very highly-trained investigators, there now, and this has certainly put a strain on their manpower not only in our county but statewide. So I think that Mr. George's amendment has a great deal of merit and should be adopted, and I, thereby, urge you to do that.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Burd.

Mr. BURD. Mr. Speaker, I rise to oppose the George Amendment. I feel that once again we are talking about safety when it comes to our inspection stations. I feel that the state police have been doing a fine job in their investigating of and inspections of the inspection stations themselves.

I know that part of the training that they make their inspection station owners go through and I think it is a very good program. It deals with safety. I feel they are the ones who can give an unbiased, nonpolitical decision. For that reason, I oppose the George Amendment.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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 point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, as I read the amendment, this amendment requires the secretary to have the state police, the county garage inspector or any other person authorized. Under present law, he already has the state police. This amendment will not do anything if the Secretary does not want anybody else to inspect. Is that correct? He could have any one of the three.

The SPEAKER pro tempore. Would the gentleman care to direct his question to the sponsor of the amendment, Mr. George?

Mr. GEORGE. That is absolutely right, Mr. Speaker.

Mr. CAPUTO. Thank you, Mr. Speaker. I do not know what the amendment does for us, Mr. Speaker.

Mr. GEORGE. Well, Mr. Speaker—

The SPEAKER pro tempore. The gentleman, Mr. George, may proceed.

Mr. GEORGE. Mr. Speaker, I feel somewhat embarrassed that there was inference that my intent for this was political and I assure you gentlemen on both sides of the aisle that this was not the reason. I assure you to the extent that I am speaking about many functions of this inspection that we are talking about.

When an individual applies to become licensed as an official inspection station, the first thing that he must do is make an application, and then there is a delay of several weeks because it is not like what Mr. Bellomini said about 84 substations. These garage inspectors are not at every substation but at every subdivision level.

Now what happens is that the state policeman comes in, checks the premises for everything from hygienics to space to proper equipment, and I say to you, Mr. Speaker, there are many fine individuals in this state, most of whom can just read and write, who can open a book and check where the desired equipment is at that has been accepted by the department, whether the building has its 45 by 12 feet and et cetera. Then the next function of the state policeman at the end of the inspection date is to come in and take your expired stickers and tear them up and then close out the sheet.

For anyone to say that I insist that our fine body of our state policemen are not legitimate was not my intent of this bill. They certainly are. All that I am saying is that I think that we are taking, and please forgive this phrase, high-priced people and we are using them in a capacity where we should be using them for investigations for highway safety and for other things rather than inspection.

All that my amendment does is say that if, in fact, there comes a time when budget does not allow or there comes a necessary time in our day when we must use other people, that the Secretary can do this. And yet the Transportation chairman says that we are doing it now. All I want is to have it down in the bill, and then we can really do it if in time that should be.

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

Mr. ARTHURS. Mr. Speaker, I rise in opposition to this particular amendment. Pennsylvania has one of, if not, the oldest inspection systems in the United States. It has an inspection system that has been the model for many states throughout this nation to pattern their own inspection system after. Originally the inspection system was supervised but inspected by civilian personnel.

In the early years it was decided that this could be done much better by the state police for several reasons. A couple of these reasons being that our state police—at that time our highway patrol originally—were able to enforce the law immediately. They had that authorization and they have that today.

A second reason that our state police have had this juris-

diction of inspection and why I think it is very important that they continue this is because under our state police system, they have complete control, absolutely complete control over these men in the field.

Now you can talk about civilians and you can talk about bureaucracies, and there is no bureaucracy that can control their people in the field in the manner that our state police control their men, and I think this is very important. It is not anything that is going to save our state any money because it is going to cost the Department of Transportation just as much to have civilians out doing this work as it is our state patrolmen.

I think that all of our inspection stations realize that when a state policeman walks in there, there is much more authority than when an inspector of any other department walks into any other business that we have in this state.

I, personally, think that it would be a grave mistake because of the past experiences we have had with our inspection system, a grave mistake, if we would take this out of the hands of the state police. I ask for a negative vote on this particular amendment.

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

Mr. DOMBROWSKI. Yes, Mr. Speaker. May I interrogate the gentleman, Mr. George, please?

Mr. GEORGE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation.

The gentleman, Mr. Dombrowski, will proceed.

Mr. DOMBROWSKI. Mr. Speaker, does your amendment only refer to the initial inspection of a station?

Mr. GEORGE. No. My amendment alludes to anything that would be applied during the inspection process.

Mr. DOMBROWSKI. Then, Mr. Speaker, maybe you can clarify something for me. I am under the impression that if there is a complaint filed against an inspection station, the trooper comes in and he checks the violation. When he checks and, if he finds that there is a violation, he is allowed either to arrest the inspection stationman or else he is allowed to cite him with a violation that he must pay a fine for this violation and he has to pay the fine to the justice of the peace. Would a civilian be empowered with this authority?

Mr. GEORGE. Not only would a civilian be empowered with this but the state police would still have it. If a car were to be found going down the road with a malfunction and a state police stopped it and saw that it was just inspected 100 miles ago and could not have possibly had this defect if it had been inspected 10,000 miles ago or visa versa, the state police can still cite the inspection mechanic or the garage. There is nothing to take the authority away from the state police as far as the inspection itself.

Mr. DOMBROWSKI. I agree with that, Mr. Speaker. I agree with your statement, but do they not, in fact, now when there is a complaint filed or if a trooper finds the violation, or the city policeman, do they not call the state police to check that station?

Mr. GEORGE. They call the state police, and the state police can take that automobile anywhere and they can check it to see,

if in fact there had been an infraction.

Mr. DOMBROWSKI. All right, I agree with that too. But I just want to know what power a civilian would have to come into a station and say that there is a missing sticker—and the trooper comes in now and he cites them for the missing stickers and they pay a fine and then they are cited and then they have a hearing—would a civilian, indeed, be empowered to impose a fine on that inspection stationowner?

Mr. GEORGE. Yes. He would be empowered to advise Traffic Safety the same as the state policeman is empowered to do. That is all that he can do. As far as the garage itself, he makes a recommendation to Traffic Safety. He does not pull the stickers or take the certificate of license away from the garage. That has to be decided by Traffic Safety at this time.

Mr. DOMBROWSKI. Mr. Speaker, I am just going to have to ask you one more time and maybe a more direct question.

Mr. Speaker, maybe I will rephrase the question. When that state trooper comes in on a complaint inspection, is he not allowed to fine that man for a violation right on the spot?

Mr. GEORGE. Absolutely not.

Mr. DOMBROWSKI. I do not agree with that, Mr. Speaker. I believe that maybe to lift his inspection privileges, he would have to go through a hearing, but I believe that that man is cited on the spot and he pays the fine prior to that.

Mr. GEORGE. Mr. Speaker, under any of this Motor Vehicle Code, no state policeman can fine on the spot but only cite on the spot.

I am not going to belabor this. I think that the ladies and the gentlemen of this House would—

The SPEAKER pro tempore. I would remind the gentleman that he has spoken twice on this matter.

Mr. GEORGE. I apologize, Mr. Speaker.

The SPEAKER pro tempore. And that his remarks should be related to the interrogation.

Mr. GEORGE. I apologize, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson. The Chair will come back to the gentleman.

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

Mr. LETTERMAN. Mr. Speaker, I think that Mr. George is only trying to do what is right with this bill. I really feel that the state police, I do not know, but I have never seen a state police inspector who was less than a sergeant. I have not seen a trooper come around. They are usually of a higher rank, which, of course, gives them a higher salary.

The statement was made that it would not cost any more if a civilian did this. The fact is that it has cost us many, many thousands of dollars to train that man, and he was not trained to be a paper doer. There are too many of them who are in the process of answering telephones, of doing typing, of doing paperwork that someone else should be doing, and they should be out in the field doing the job that they were trained to do.

As far as the question that was asked about the citation, a citation is all that a policeman can give and that is then processed through a magistrate's office if a fine is pending. So there

is nothing here that is interfering, and Mr. George left the state police in the amendment, so they still have the due process coming them.

I think that it is really an amendment that we should all be thinking about and I think that we should even carry this further. I think that we should see to it that our state policemen are out on the roads and out in the fields, protecting our citizens and not doing little menial jobs like being a telephone operator. So I would certainly ask that everybody vote in the affirmative on this amendment.

Thank you.

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

Mr. DININNI. Thank you.

Would Mr. George consent to interrogation, please?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman, Mr. Dininni, may proceed.

Mr. DININNI. Mr. Speaker, do you have a copy of the Motor Vehicle Code before you?

Mr. GEORGE. Yes, sir.

Mr. DININNI. And do you have section 4724, which you are attempting to amend, before you? Page 474.

Mr. GEORGE. No. Would you read it to me?

Mr. DININNI. Would you agree that the department has all the authority to do what you are now saying in your amendment, by reading that section that you are trying to amend?

Mr. GEORGE. I did not hear you, sir.

Mr. DININNI. Would you agree, after reading that section that you are attempting to amend, that the department has the right to do exactly what you are attempting to do in your amendment?

Mr. GEORGE. Mr. Speaker, I agree with you wholeheartedly. The only purpose of my amendment was so that Traffic Safety would have it clarified by statute rather than just going any way they want to go at any time that they want to go. I am not trying to change anything. I am just trying to put them on a level keel so they know where they are going. I am not trying to encumber or do anything rather than to put it into statute so that a year from now they say, oh, no, this is not the way it is. We made this policy this way or we made it that way.

Mr. DININNI. Well, I think that that section is very clear that that is the responsibility of the department to designate whomever they please, and that is what you are saying at the very end of your amendment, "or any other person authorized by the department." So I think that you ought to withdraw the amendment. It is already covered.

Mr. GEORGE. My only purpose, as I said, sir, was, hopefully, they would look this over and go by what they have already on the books so they could free these very well trained, very responsible individuals.

In the county that I live in, if it were not for the state police, we would be in sincere trouble. I have 100 communities with no local enforcement. If it were not for state police, I do not know what would happen. I will never hurt the state police. I just want the Traffic Safety to understand that they do have this power and I want to see it placed in the amendment in 1171. That is all.

Mr. DININNI. Thank you.

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

Mr. DININNI. Mr. Speaker, I cannot see cluttering up the new Motor Vehicle Code with something that they now have the authority to do, so I still say, vote "no" on this amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, I rise to oppose the amendment.

In my district the state police have been doing a terrific job on inspection of garages. My concern is for the safety of the citizens of Pennsylvania. Let us keep them on the job.

Thank you.

The SPEAKER pro tempore. The Chair recognizes for the second time, the gentleman from Allegheny, Mr. Caputo.

Mr. CAPUTO. Mr. Speaker, for the benefit of the members of the House and a point of information, I just received a figure. There are approximately 3,900 state police officers. Of them, 67, one in each county, has been assigned to the roll of inspectors of inspection stations. If any of them are off, 55 of the rest of the group have been trained to substitute for them when it becomes necessary. So that of the entire complement of 3,900, sixty-seven are permanently assigned to this particular task.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—48

Bennett	Fryer	Letterman	Renwick
Bittinger	Garzia	Livengood	Rhodes
Borski	Gatski	Manderino	Shuman
Brown	George, C.	McClatchy	Smith, L.
Cassidy	Gray	McLane	Stewart
DeMedio	Greenfield	Morris	Sweet
Dorr	Greenleaf	Mrkonic	Taylor, F.
Doyle	Harper	Noye	Wagner
Englehart	Haskell	Petrarca	Wansacz
Fischer, R. R.	Itkin	Pratt	Wilt
Flaherty	Klingaman	Prendergast	Wright, D.
Foster, A.	Lehr	Rappaport	Yahner

NAYS—142

Abraham	Gamble	McGinnis	Schmitt
Anderson	Geesey	McIntyre	Schweder
Armstrong	Geisler	Meluskey	Scirica
Arthurs	George, M.	Milanovich	Seltzer
Barber	Giammarco	Miller	Shupnik
Bellomini	Gillette	Milliron	Sirianni
Berlin	Gleeson	Miscevich	Smith, E.
Berson	Goebel	Moehlmann	Spencer
Bittle	Goodman	Mowery	Spitz
Brandt	Grieco	Mullen, M. P.	Stairs
Brunner	Halverson	Musto	Stapleton
Burd	Hamilton	Novak	Stuban
Burns	Hasay	O'Brien, B.	Taddonio
Butera	Hayes, D. S.	O'Brien, D.	Taylor, E.
Caltagirone	Hayes, S. E.	O'Connell	Tenaglio
Caputo	Helfrick	O'Keefe	Thomas

Cianciulli	Hoeffel	Oliver	Trello
Cimini	Honaman	Pancoast	Valicenti
Cohen	Hopkins	Parker	Vroon
Cole	Hutchinson, W.	Piccola	Wargo
Cowell	Johnson	Pievsky	Wass
Davies	Jones	Pitts	Weidner
DeVerter	Katz	Polite	Wenger
DeWeese	Kelly	Pott	White
DiCarlo	Kernick	Pyles	Wiggins
Dietz	Kolter	Ravenstahl	Williams
Dininni	Kowalyshyn	Reed	Wilson
Dombrowski	Laughlin	Richardson	Wise
Duffy	Levi	Rieger	Wright, J. L.
Dumas	Lincoln	Ritter	Yohn
Fee	Logue	Ruggiero	Zearfoss
Fisher, D. M.	Lynch	Ryan	Zeller
Foster, W.	Mackowski	Salvatore	Zitterman
Freind	Madigan	Scanlon	Zord
Gallagher	Manmiller	Scheaffer	Zwinkl
Gallen	McCall		

NOT VOTING—10

Beloff	Hutchinson, A.	Mullen, M. M.	Irvis,
Cessar	Knepper	O'Donnell	Speaker
Donatucci	Mebus	Shelton	

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

On the question recurring,

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

Mr. GEORGE offered the following amendment:

Amend Sec. 1 (Sec. 1504), page 28, line 28, by inserting brackets before and after "10,000" and inserting immediately thereafter 30,000

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The amendment is identified as A-1734.

The gentleman from Clearfield, Mr. George, will proceed with his explanation of the amendment.

Mr. GEORGE. Mr. Speaker, this amendment does what the other one did previously on class 2, which would allow that individual with a senior license to tow a trailer not exceeding but in the amount of 30,000 pounds.

The SPEAKER pro tempore. Does the gentleman, Mr. Bellomini, desire to be recognized?

Mr. BELLOMINI. Yes. We are looking for that amendment, Mr. Speaker, and we do not have the amendment in front of us. Is that the one that raises 10,000 pounds to 30,000 again?

Mr. GEORGE. On class 1, sir.

Mr. BELLOMINI. On class 1?

Mr. GEORGE. Mr. Ritter pointed out that on the class 2, it was not necessary because you could get a class 3, but anyone who would be under 18 could not get a class 3. I feel that this should be used for class 1.

Mr. BELLOMINI. Again I repeat, I think that I will have to oppose this amendment for the safety reason that a 6,000-pound truck cannot pull a 30,000-pound trailer, and this

amendment would do that, would it not?

Mr. GEORGE. No.

Mr. BELLOMINI. What do you mean no?

Mr. GEORGE. In that classification, we passed an amendment to say that an individual who had his senior license meant that he could pull up to 30,000 pounds on a straight axle. In this manner if he could drive a truck that would be doing the pulling in a manner of 14,000 pounds, then he would only be allowed to pull a trailer 10 which would be 24. It seems somewhat indifferent to me.

Mr. BELLOMINI. Would this then allow a 17-year-old with a senior license as one of the senior drivers, the senior license drivers?

Mr. GEORGE. Yes. I believe that it would allow any young man or young woman who had gone through drivers training, was agreed to by the state police that they can perform, agreed to by HB 1171 that they can drive a truck at 30,000 pounds, to be able to use that in combination of 30,000 pounds.

Mr. BELLOMINI. All right. Thank you.

The SPEAKER pro tempore. Does the gentleman from Dauphin, Mr. Dininni, desire to be recognized?

Mr. DININNI. No. I am in agreement with that amendment, so I would ask our members to vote "yes."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—162

Abraham	Freind	Logue	Salvatore
Anderson	Fryer	Lynch	Scanlon
Armstrong	Gallagher	Mackowski	Schmitt
Barber	Gallen	Madigan	Scirica
Bennett	Gamble	Manderino	Seltzer
Berlin	Garzia	Manmiller	Shuman
Berson	Gatski	McCall	Shupnik
Bittinger	Geesey	McClatchy	Sirianni
Bittle	Geisler	McGinnis	Smith, E.
Borski	George, C.	McIntyre	Smith, L.
Brandt	George, M.	McLane	Spencer
Brunner	Giammarco	Milanovich	Spitz
Burd	Gillette	Miscevich	Stairs
Burns	Goebel	Morris	Stapleton
Butera	Goodman	Mrkonic	Stewart
Caltagirone	Gray	Mullen, M. P.	Stuban
Caputo	Greenleaf	Novak	Sweet
Cassidy	Grieco	Noye	Taddonio
Cianciulli	Hamilton	O'Brien, B.	Taylor, E.
Cimini	Harper	O'Brien, D.	Taylor, F.
Cohen	Hasay	O'Connell	Tenaglio
Cole	Haskell	O'Keefe	Thomas
Cowell	Hayes, D. S.	Oliver	Trello
Davies	Hayes, S. E.	Parker	Valicenti
DeMedio	Helfrick	Petrarca	Vroon
DeVerter	Hoeffel	Piccola	Wagner
DeWeese	Honaman	Pievsky	Wansacz
DiCarlo	Hutchinson, W.	Pitts	Wargo
Dietz	Johnson	Polite	Wass
Dininni	Jones	Pott	Weidner
Donatucci	Katz	Pratt	Wenger
Dorr	Kelly	Prendergast	White
Doyle	Kernick	Pyles	Wiggins
Duffy	Kolter	Rappaport	Williams
Dumas	Kowalyshyn	Ravenstahl	Wilson
Englehart	Laughlin	Reed	Wilt
Fischer, R. R.	Lehr	Renwick	Wright, D.

Fisher, D. M.	Letterman	Richardson	Wright, J. L.
Flaherty	Levi	Rieger	Yahner
Foster, A.	Lincoln	Ryan	Zitterman
Foster, W.	Livengood		

NAYS—26

Arthurs	Itkin	Musto	Wise
Bellomini	Klingaman	Pancoast	Yohn
Brown	Meluskey	Ritter	Zearfoss
Dombrowski	Miller	Ruggiero	Zeller
Fee	Milliron	Scheaffer	Zord
Greenfield	Moehlmann	Schweder	Zwikl
Halverson	Mowery		

NOT VOTING—12

Beloff	Hutchinson, A.	O'Donnell	Irvis,
Cessar	Knepper	Rhodes	Speaker
Gleeson	Mebus	Shelton	
Hopkins	Mullen, M. M.		

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

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

Mr. MEBUS. I am here and I would like to be placed on the master roll.

On the question recurring,

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

Mr. GEORGE offered the following amendments:

Amend Sec. 1, page 2, line 17 by inserting after "1505(e)," 1508(c),

Amend Bill, page 31, by inserting after line 30 § 1508. Examination of applicant for driver's license.

* * *

(c) Examination personnel.—The examinations required in this section may be conducted by the State Police or by any other person authorized by the department.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The amendment is identified as A-1720.

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Just a while ago, Mr. Speaker, it was the wisdom of this body to infer that there was a safety problem and that it would be illicit and political to allow people such as ourselves to be qualified as garage inspectors. My only contention has been and will remain so that we need the state police. We need them in all the rural areas and all the urban areas. We do not need six or seven of them sitting at a station where they are going to give drivers examinations not knowing whether or not one youngster will come in.

I believe that we could use civilian staffs. They are doing it now. I would like to have it plain and let Traffic Safety know that we, the legislature, should have a hand in these decisions,

and that will be the end of my debate.

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

Mr. BELLOMINI. Mr. Speaker, I would just like to point out to the gentleman that I am going to have to oppose this amendment because the department is already doing this with 97 civilians in that type of operation. So I do not think that we need this amendment. I rise to oppose it. Thank you.

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

Mr. VROON. Mr. Speaker, I just want to make note of the fact that I have not seen any amendment like this. I wonder if it has been properly distributed. I do not know what the amendment is all about. How can I vote on it?

The SPEAKER pro tempore. The members indicate that they do have a copy. Would one of the members please pass one to the gentleman?

Does the gentleman from Dauphin, Mr. Dininni, desire to be recognized?

Mr. DININNI. I just want to add to what Mr. Bellomini had said, that this amendment, as far as I am concerned, is unnecessary and I would ask the members to vote "no."

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—30

Bittinger	Halverson	Letterman	Renwick
Brandt	Hamilton	Livengood	Scanlon
Fischer, R. R.	Itkin	Miller	Stewart
Foster, A.	Johnson	Moehlmann	Sweet
Fryer	Jones	O'Brien, D.	Wagner
George, C.	Katz	Pratt	White
Giammarco	Kelly	Prendergast	Yahner
Greenleaf	Klingaman		

NAYS—157

Abraham	Foster, W.	McCall	Schmitt
Armstrong	Freind	McClatchy	Schweder
Arthurs	Gallagher	McGinnis	Scirica
Barber	Gallen	McIntyre	Seltzer
Bellomini	Gamble	McLane	Shuman
Bennett	Garzia	Mebus	Shupnik
Berlin	Gatski	Meluskey	Sirianni
Berson	Geesey	Milanovich	Smith, E.
Bittle	George, M.	Milliron	Smith, L.
Borski	Gillette	Miscevich	Spencer
Brown	Gleeson	Morris	Spitz
Brunner	Goebel	Mowery	Stairs
Burd	Goodman	Mrkonic	Stapleton
Burns	Gray	Mullen, M. P.	Taddonio
Butera	Greenfield	Musto	Taylor, E.
Caltagirone	Grieco	Novak	Taylor, F.
Caputo	Harper	Noye	Tenaglio
Cassidy	Hasay	O'Brien, B.	Thomas
Cianciulli	Haskell	O'Connell	Trello
Cimini	Hayes, D. S.	O'Keefe	Valicenti
Cohen	Hayes, S. E.	Oliver	Vroon
Cole	Helfrick	Pancoast	Wansacz
Cowell	Hoefel	Parker	Wargo

Davies	Honaman	Petrarca	Wass
DeMedio	Hopkins	Piccola	Weidner
DeVerter	Hutchinson, W.	Pievsky	Wenger
DeWeese	Kernick	Pitts	Wiggins
DiCarlo	Kolter	Polite	Williams
Dietz	Kowalyszyn	Pott	Wilson
Dininni	Laughlin	Pyles	Wilt
Dombrowski	Lehr	Ravenstahl	Wise
Donatucci	Levi	Reed	Wright, D.
Dorr	Lincoln	Rhodes	Wright, J. L.
Doyle	Logue	Rieger	Yohn
Duffy	Lynch	Ritter	Zearfoss
Dumas	Mackowski	Ruggiero	Zeller
Englehart	Madigan	Ryan	Zitterman
Fee	Manderino	Salvatore	Zord
Fisher, D. M.	Manmiller	Scheaffer	Zwinkl
Flaherty			

NOT VOTING—13

Anderson	Hutchinson, A.	Rappaport	Irvis,
Beloff	Knepper	Richardson	Speaker
Cessar	Mullen, M. M.	Shelton	
Geisler	O'Donnell	Stuban	

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

On the question recurring,

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

Mr. GOEBEL offered the following amendments:

AMENDMENTS TO HOUSE BILL NO. 1171

Printer's No. 1534

Amend Sec. 1, page 2, line 6, by inserting after "4502," 4523(a),

Amend Bill, page 86, by inserting between lines 1 and 2 § 4523. Exhaust systems, mufflers and noise control.

(a) Compliance with established sound levels.—

(1) Every motor vehicle whether operated on a highway, trafficway or elsewhere shall be constructed, equipped, maintained and operated so as not to exceed the sound level for the vehicle as prescribed in regulations promulgated by the department. The test procedures and instrumentation to be utilized shall also be established by regulation.

(2) The provisions of this subsection shall not apply to:

- (i) Special mobile equipment.
- (ii) Implements of husbandry.
- (iii) Motor vehicles being towed.

* * *

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The amendment is identified as number A-1728.

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

Mr. GOEBEL. Mr. Speaker, I would just like to briefly explain the purpose of the amendment and the reasons for offering it.

In talking the situation over with my local police chief, he has numerous complaints of the dirt bikes operating in close prox-

imity to the suburban homes, in the fields adjoining the houses. It causes a lot of noise, continual noise, and is quite bothersome to the residents.

My own son has one, so I mean he is guilty, and I have told him that he is going to have to comply with this, too.

The thing is that there are no regulations as far as noise levels on the dirt bikes. The mufflers are a high-performance type of a muffler, so they are a louder muffler than is generally found on the motorcycles on the streets.

This would permit the regulations to be drawn so that the noise levels on the dirt bikes in the woods and on the trails would be equal to that of the street-legal motorcycles, which would be acceptable, I think, to most residents. This would not require any inspection station work or any stickers or anything of that sort. This would be strictly enforcement by the police department on dirt bikes that are too noisy.

I think that this amendment would be a good amendment and I would hope that the members would see fit to pass this.

Thank you.

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

Mr. ARTHURS. Mr. Speaker, I wonder if Mr. Goebel would stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will, and the gentleman, Mr. Arthurs, may proceed.

Mr. ARTHURS. Mr. Speaker, perhaps you said this, but are you talking about off-highway only?

Mr. GOEBEL. Well, we are talking about what you see it says there: "highway, trafficway or elsewhere". So that would include any kind of a vehicle; not only a motor vehicle. Now it does exempt special mobile equipment, implements of husbandry and motor vehicles being towed. In other words, farm vehicles and this type of thing would not be included in this.

Mr. ARTHURS. All right. What do you look upon as being a special mobile equipment?

Mr. GOEBEL. Well, I would leave that up to the department to define that. We wanted exceptions in there because this is specifically for dirt bikes. That is what it is for.

Mr. ARTHURS. Would you include race cars in special mobile equipment?

Mr. GOEBEL. I would say probably I would, yes. They are operated on private tracks anyway, are they not, race cars?

Mr. ARTHURS. Would you include racing motorcycles?

Mr. GOEBEL. Racing motorcycles?

Mr. ARTHURS. Yes.

Mr. GOEBEL. Motor cross vehicles and so forth?

Mr. ARTHURS. I am talking about the motorcycle that either races on a track or races on hill climbs, and this type of thing.

Mr. GOEBEL. Well, that is not the target of the amendment.

Mr. ARTHURS. Yes. All right. Well, I think that it does include that in the amendment. And may I say that I think with an amendment like this that, first of all, it has good intentions but probably needs a lot more work going into it to just see what the ramifications of an amendment like this would be.

I think, perhaps, that Mr. Goebel could have his problem corrected through local ordinances. There are many municipalities that disallow this type of activities within their boundaries. I

know I have gone through the very same thing in my area, and what you are trying to do can be done by the local administrations. I think that by adopting your amendment we are asking for a lot of problems and that we, perhaps, are going to put a lot of legitimate people out of business and we are going to take a lot of sports away from people that it is not intended to do and you are probably not intending to do.

So until this has further study and until a different type of amendment could be drawn, which can be done at any time, I would ask for the defeat of this particular amendment.

FILMING PERMISSON GRANTED

The SPEAKER pro tempore. The Chair interrupts the debate to announce that a request has been received from Jim Sin-kawitz, WHP T.V. Harrisburg, for the permission of the House to shoot sound film on the House floor. This permission is granted for a period of 10 minutes.

The Chair recognizes the gentleman from Beaver, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

I would like the record to note that I am also from Butler County, Mr. Speaker. A lot of the people might be interested in that.

I wonder if Mr. Goebel would agree to interrogation.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Burd, may proceed.

Mr. BURD. Mr. Speaker, I would like to present a hypothetical case. Suppose I am back home on a farm of about 100 acres or so and I have trails back through my woods and I have been frequenting those trails and have never taken this bike or whatever you are referring to out on a main highway. How would you impose this law on me? Would you come into my property and arrest me for going back through my own fields and for being above the noise level?

Mr. GOEBEL. Well, I think that the police department has the authority to enter onto private property if they see something being done that is unlawful. Does that answer your question?

Mr. BURD. No; it does not answer my question. I am asking: How are you imposing the law on me?

Mr. GOEBEL. Well, I would expect that you would comply with the law, Mr. Speaker, without someone imposing it upon you.

Mr. BURD. I cannot hear the gentleman, Mr. Speaker.

Mr. GOEBEL. I would hope that you would comply with the law instead of having somebody impose it upon you.

Mr. BURD. Okay. Thank you, Mr. Speaker.

I oppose the Goebel amendment. I feel that if I have a piece of property and want to go back through it and ride a motorbike without a muffler on it, I think I should have that prerogative, Mr. Speaker, and for that reason I oppose this Goebel amendment.

Mr. GOEBEL. Mr. Speaker, may I reply?

The SPEAKER pro tempore. The gentleman, Mr. Goebel, is in order and may proceed.

Mr. GOEBEL. I would propose that the peace and tranquility

of that 100 acres would be better served by having a muffler on that motorcycle which would be street-legal. And I think that the creatures found therein would also enjoy a peaceful and tranquil woods more so than they would with a dirt bike buzzing through the 100 acres without a muffler.

Also, may I respond to Mr. Arthurs? I beg to differ that it could be handled by local ordinance, because the fact is if someone has private property and you give them permission to ride a dirt bike on it, they can ride on it, and a local ordinance cannot prevent that. So there has to be a regulation on the sound level of the vehicle that is driven on private property as well as highways.

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

Mr. BURD. I would reply to that by merely saying that by owning the property, I think I ought to have a few of my own privileges left. I would not like to see them "ordinanced" away on me by a resolution of this type. So I still oppose the Goebel amendment.

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

Mr. BELLOMINI. Mr. Speaker, I also rise to oppose this amendment. I think Mr. Arthurs did a good job in explaining it. Thank you.

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

Mr. HELFRICK. Mr. Speaker, I rise to oppose this amendment, too. I think Mr. Goebel's intentions are good, but I think this is just too broad in scope and covers too many things. You could actually go right on to construction work or anything else with this amendment. I think already in that industry we are well covered with MESA — Mine Enforcement Safety Administration — and OSHA — Occupational Safety and Health Act — and I do not think we should be controlled anymore. This could be construed to apply to this type of equipment too because of the scope of this amendment. I rise to oppose this amendment.

Thank you.

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

Mr. DININNI. Mr. Speaker, I rise to oppose this amendment and ask all members to do likewise. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—37

Abraham	Fisher, D. M.	Klingaman	Smith, E.
Armstrong	Flaherty	Mackowski	Taddonio
Brandt	Geesey	McGinnis	Tenaglio
Brunner	Goebel	Mrkonic	Wagner
Burns	Greenfield	Noye	Wilson
Cowell	Greenleaf	O'Brien, D.	Wright, J. L.
DeWeese	Hamilton	Pancoast	Zearfoss

DiCarlo Hasay Polite Zeller
Dorr Katz Scheaffer Zord
Fischer, R. R.

NAYS—154

Anderson	Garzia	McClatchy	Ryan
Arthurs	Gatski	McIntyre	Scanlon
Barber	Geisler	McLane	Schmitt
Bellomini	George, C.	Mebus	Schweder
Bennett	George, M.	Meluskey	Scirica
Berlin	Giammarco	Milanovich	Seltzer
Berson	Gillette	Miller	Shuman
Bittinger	Goodman	Milliron	Shupnik
Bittle	Gray	Miscevich	Sirianni
Borski	Halverson	Moehlmann	Smith, L.
Brown	Harper	Morris	Spencer
Burd	Haskell	Mowery	Spitz
Butera	Hayes, D. S.	Mullen, M. P.	Stairs
Caltagirone	Hayes, S. E.	Mullen, M. M.	Stapleton
Caputo	Helfrick	Musto	Stewart
Cassidy	Hoefel	Novak	Stuban
Cianciulli	Honaman	O'Brien, B.	Sweet
Cimini	Hopkins	O'Connell	Taylor, E.
Cohen	Hutchinson, A.	O'Keefe	Taylor, F.
Cole	Hutchinson, W.	Oliver	Thomas
Davies	Itkin	Parker	Trello
DeMedio	Johnson	Petrarca	Valicenti
DeVerter	Jones	Piccola	Vroon
Dietz	Kelly	Pievsky	Wansacz
Dininni	Kernick	Pitts	Wargo
Dombrowski	Kolter	Pott	Wass
Donatucci	Kowalyszyn	Pratt	Weidner
Doyle	Laughlin	Prendergast	Wenger
Duffy	Lehr	Pyles	White
Dumas	Letterman	Rappaport	Wiggins
Englehart	Levi	Ravenstahl	Williams
Fee	Lincoln	Reed	Wilt
Foster, A.	Livengood	Renwick	Wise
Foster, W.	Logue	Rhodes	Wright, D.
Freind	Lynch	Richardson	Yahner
Fryer	Madigan	Rieger	Yohn
Gallagher	Manderino	Ritter	Zitterman
Gallen	Manmiller	Ruggiero	Zwikel
Gamble	McCall		

NOT VOTING—9

Beloff	Grieco	Salvatore	Irvis,
Cessar	Knepper	Shelton	Speaker
Gleeson	O'Donnell		

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

On the question recurring,

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

Mr. BELLOMINI offered the following amendments:

Amend Sec. 1, page 2, line 9, by inserting after "4965," 4966,
Amend Bill, page 97, by inserting between lines 7 and 8

An annual permit may be issued for the movement of a piece of quarry or mining equipment or machinery exceeding the maximum size or weight specified in this chapter across any highway from one part of a quarry or mine to another, or upon the highways connecting by the most direct route any quarries or portions of quarries, or mines or portions of mines, under single ownership or operation, but no permit shall be issued for the movement of equipment or machinery for a distance

greater than one-half mile five miles.

On the question,

Will the House agree to the amendments?

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

Mr. BELLOMINI. Mr. Speaker, yesterday we amended the Motor Vehicle Code to include agricultural equipment. Because of an oversight I did not amend that to read "mining" equipment. The department does give out permits, and this corrects it to include mining equipment or machinery exceeding the maximum size.

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

Mr. DININNI. Mr. Speaker, for the benefit of the members on this side of the aisle, this is one of the amendments that we did not caucus on. I have no objections to this amendment and would highly recommend a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Abraham	Gallagher	Mackowski	Ruggiero
Anderson	Gallen	Madigan	Ryan
Armstrong	Gamble	Manderino	Salvatore
Arthurs	Garzia	Manmiller	Scanlon
Barber	Gatski	McCall	Scheaffer
Bellomini	Geesey	McClatchy	Schmitt
Bennett	Geisler	McGinnis	Schweder
Berlin	George, C.	McIntyre	Scirica
Berson	George, M.	McLane	Seltzer
Bittinger	Giammarco	Mebus	Shuman
Bittle	Gillette	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	Mrkonjic	Stewart
Caputo	Harper	Mullen, M. P.	Sweet
Cassidy	Hasay	Mullen, M. M.	Taddonio
Cianciulli	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.	Oliver	Wagner
DeWeese	Hutchinson, W.	Pancoast	Wansacz
DiCarlo	Itkin	Parker	Wargo
Dietz	Johnson	Petrarca	Wass
Dininni	Jones	Piccola	Weidner
Dombrowski	Katz	Pievsky	Wenger
Donatucci	Kelly	Pitts	White
Dorr	Kernick	Polite	Wiggins
Doyle	Klingaman	Pott	Williams
Duffy	Kolter	Pratt	Wilson
Dumas	Kowalyszyn	Prendergast	Wilt
Englehart	Laughlin	Pyles	Wise
Fee	Lehr	Rappaport	Wright, D.
Fischer, R. R.	Letterman	Ravenstahl	Wright, J. L.

Fisher, D. M.	Levi	Reed	Yohn
Flaherty	Lincoln	Renwick	Zearfoss
Foster, A.	Livengood	Richardson	Zeller
Foster, W.	Logue	Rieger	Zitterman
Freind	Lynch	Ritter	Zwikl
Fryer			

NAYS—3

Stuban	Yahner	Zord
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NOT VOTING—8

Beloff	Knepper	Rhodes	Irvis,
Cessar	O'Donnell	Shelton	Speaker
Gleeson			

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 Cambria, Mr. Yahner. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. YAHNER. Mr. Speaker, I wish to be recorded in the affirmative on the Bellomini 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. GREENFIELD offered the following amendments:

Amend Sec. 1, page 2, line 17 by striking out "1538(e),"

Amend Sec. 1, page 2, line 17 by striking out "1960,"

Amend Sec. 1 (Sec. 1538), page 44, lines 18 through 20 by striking out all of said lines

Amend Sec. 1 (Sec. 1960), page 61, lines 12 through 17 by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. GREENFIELD. Mr. Speaker, HB 1171 imposes a \$10 fee for an individual having to go to a driver improvement school or departmental hearing or to have a special examination. I think this is unfair. The individual has already paid his fines. We are judging him and fining him before he is found guilty at a departmental hearing. I think the fines are excessive enough. I think this is an inequitable situation and should be corrected and the individual should not be charged any fee for attending these services.

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

Mr. LAUGHLIN. Mr. Speaker, could I please have an oppor-

tunity to question the gentleman, Mr. Greenfield?

The SPEAKER pro tempore. The gentleman, Mr. Greenfield, indicates he will stand for interrogation. The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, where does the fine go that the person pays whenever his license is suspended or anything like that which requires a new test or new training? Where does that money go?

Mr. GREENFIELD. I would yield to the chairman of the Transportation Committee.

The SPEAKER pro tempore. The gentleman, Mr. Greenfield, indicates he will yield to the gentleman, Mr. Bellomini.

Did the gentleman, Mr. Bellomini, hear the question?

Mr. BELLOMINI. I did not hear the question.

The SPEAKER pro tempore. Will the gentleman, Mr. Laughlin, please repeat the question?

Mr. LAUGHLIN. Mr. Speaker, I am certain that Mr. Bellomini knows that the fines are split between the state and the local government, and they are also split between just the local government and the state on certain fines that are incurred. I do not think I have to ask Mr. Bellomini that. I wanted to ask Mr. Greenfield that for the simple reason that Mr. Greenfield is asking to take away revenue from the state. We are preaching a pay-as-you-go program. We are saying the state should try to make that department self-sufficient, and yet again today we are sponsoring legislation that would effectively deprive the Department of Transportation of attempting to have a pay-as-you-go program for all of the retraining that is necessary. It costs money to provide those people for that retraining, Mr. Speaker, I would suggest to the membership that they vote down this amendment.

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

Mr. GREENFIELD. Mr. Speaker, I think we should start thinking of the individuals. I think we should stop thinking of who is going to benefit and what state agency is going to benefit in situations of this type.

The individual last year was imposed very severely with what, I believe to be in many cases, excessive fines. Those fees are going to the agencies and the departments of government that you indicate. However, I think that we should be concerned with the public. I think this is unfair to charge them money before they get a departmental hearing. They may not be guilty. Why charge them anything before they go to the hearing and make them pay for it? We are then judging them before they have had a fair trial.

I think that in the interest of the public, not the interest of government bureaucracy but the interest of the public, we should eliminate this extra fee. I think there are enough fees, charges and fines being presently imposed upon the driver.

Thank you.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZEARFOSS. A cursory examination of my neighbors would indicate this amendment has not been distributed as required by the rules of the House. I would like either to have a copy given to me or have it distributed in general if it has not been.

The SPEAKER pro tempore. Have all the members received a copy of the amendment?

Would a friend of the gentleman extend a copy?

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

Mr. DAVIES. Mr. Speaker, would Mr. Bellomini answer a question?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, is it not true that these moneys are then used to defer the cost of those particular courses that are offered for these people? Is it not also true that someone from outside, let us say, a city school district, from a county or even from another county, may have to go to that area to take a course and that these moneys are used to defer those expenses? Is that not the intent?

Mr. BELLOMINI. That is correct. They pay the teacher and everybody else involved.

Mr. DAVIES. Thank you.

I would oppose this amendment because this would place a hardship on possibly a school district or someone conducting this by not providing the proper fees to take care of those courses as are offered.

Thank you.

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

Mr. ARTHURS. Mr. Speaker, Mr. Greenfield indicated that a person should not have to pay for this schooling before he is found guilty. I think this must be a misunderstanding on his part because a person is never required to take this schooling until they have been found guilty of the offense.

Secondly, once again, these costs, as was indicated earlier, do not completely cover the cost of the schooling, and I, for one, feel that the person who is guilty of the crime is the one who should pay for it. I think we innocent people are carrying enough of the load of the person who is out breaking the law.

Another point that was just brought to my attention is that under our new Vehicle Code, a person has to be found guilty on three different occasions, before being required to take this training. So I do not think we are asking too much for a person to pay for part of this schooling. I would ask for the defeat of this amendment.

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

Mr. GREENFIELD. Mr. Speaker, the last point I wish to make is that last year we did impose and increase the fines. These moneys were supposed to go to cover these costs. Again, I think the public is being hit and hit hard. I know many people are coming to you as legislators and as leaders of your community saying that these fines are pretty high.

I think the costs are being covered. I was referring to departmental hearings, Mr. Speaker, in which an individual may have his opportunity to explain and try to defend himself. In that case I would then say that he may not be guilty of the offenses and that this would be a charge before he is found guilty.

I urge an affirmative vote, Mr. Speaker, in the interest of the public who is already charged high enough fines and costs.

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

Mr. BELLOMINI. I rise to oppose this amendment. I would like to just make a correction for the members of the House. It is not the public we are discussing; it is the violators that we are discussing. So these amendments are bad.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—42

Barber	Giammarco	Kelly	Renwick
Berlin	Gillette	Klingaman	Rhodes
Borski	Goebel	Mackowski	Rieger
Burns	Gray	McCall	Salvatore
Cassidy	Greenfield	McIntyre	Scanlon
Cianciulli	Hamilton	Mrkonic	Stewart
Cohen	Harper	Mullen, M. P.	White
Donatucci	Hasay	O'Brien, D.	Wiggins
Dumas	Helfrick	Oliver	Williams
Gallagher	Jones	Petrarca	Wright, J. L.
George, C.	Katz		

NAYS—151

Abraham	Gallen	Meluskey	Shupnik
Anderson	Gamble	Milanovich	Sirianni
Armstrong	Garzia	Miller	Smith, E.
Arthurs	Gatski	Milliron	Smith, L.
Bellomini	Geesey	Miscevich	Spencer
Bennett	Geisler	Moehlmann	Spitz
Berson	George, M.	Morris	Stairs
Bittinger	Gleeson	Mowery	Stapleton
Bittle	Goodman	Mullen, M. M.	Stuban
Brandt	Greenleaf	Musto	Sweet
Brown	Grieco	Novak	Taddonio
Brunner	Halverson	Noye	Taylor, E.
Burd	Haskell	O'Brien, B.	Taylor, F.
Butera	Hayes, D. S.	O'Connell	Tenaglio
Caltagirone	Hayes, S. E.	O'Keefe	Thomas
Caputo	Hoefel	Pancoast	Trello
Cimini	Honaman	Parker	Valicenti
Cole	Hopkins	Piccola	Vroon
Cowell	Hutchinson, A.	Pievsky	Wagner
Davies	Hutchinson, W.	Pitts	Wansacz
DeMedio	Itkin	Polite	Wargo
DeVerter	Kernick	Pott	Wass
DeWeese	Kowalshyn	Pratt	Weidner
DiCarlo	Laughlin	Prendergast	Wenger
Dietz	Lehr	Pyles	Wilson
Dininni	Letterman	Rappaport	Wilt
Dombrowski	Levi	Ravenstahl	Wise
Dorr	Lincoln	Reed	Wright, D.
Doyle	Livengood	Richardson	Yahner
Duffy	Logue	Ritter	Yohn
Engelhart	Lynch	Ruggiero	Zearfoss
Fee	Madigan	Ryan	Zeller

Fischer, R. R.	Manderino	Scheaffer	Zitterman
Fisher, D. M.	Manmiller	Schmitt	Zord
Flaherty	McClatchy	Schweder	Zwinkl
Foster, A.	McGinnis	Scirica	
Foster, W.	McLane	Seltzer	Irvis,
Freind	Mebus	Shuman	Speaker
Fryer			

NOT VOTING—7

Beloff	Johnson	Kolter	Shelton
Cessar	Knepper	O'Donnell	

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

CONSIDERATION OF HB 1171 DEFERRED MOTIONS PRESENTED

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

Mr. RAPPAPORT. For the purpose of making several motions, Mr. Speaker, by agreement.

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

Mr. RAPPAPORT. Mr. Speaker, I stress that what I am going to do is by agreement. I will explain to the House procedurally what I hope to do before doing it so that nobody is confused.

These motions relate to HB 1274, which is one of the nonpreferred appropriations.

The SPEAKER pro tempore. Will the gentleman suspend?

Mr. RAPPAPORT. Yes, Mr. Speaker.

The SPEAKER pro tempore. No further amendments will be offered on HB 1171 prior to luncheon. They will be taken up after the luncheon break.

The gentleman, Mr. Rappaport, is in order and may proceed.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

It was the intention of the Appropriations Committee when all these nonpreferreds came out of the committee to have the money in each one of them reflect the appropriation for last year. Needless to say, we are going to have to adjust, I should think, all of the nonpreferreds in accordance with the reality that we get from the Conference Committee, hopefully today.

However, the amount of money in HB 1274 for Thomas Jefferson University was erroneously stated. The committee staffs, both majority and minority, unfortunately relied on the figures that came from the Governor's office, which were in error. The staffs have agreed, therefore, that the amount of money in that bill for Jefferson be changed from \$773,000 to \$1.5 million. Of course, it will then go back into the same status as a nonpreferred for whatever action this House wants to take. This is merely to put into this bill what Jefferson got last year. It is not to be considered a vote on the substance of the final result.

I will ask the House to take the bill off the table and to put this amendment in by agreement and as agreed to, and then I

will move to place the bill back on the table with all the other nonpreferreds to be treated with all the nonpreferreds.

HB 1274 REMOVED FROM TABLE

Mr. RAPPAPORT. Mr. Speaker, I, therefore, move to remove HB 1274, PN 1497, from the table.

The SPEAKER pro tempore. It is moved by the gentleman from Philadelphia that HB 1274 be removed from the table.

The question is on the motion.

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

Mr. S. E. HAYES. I urge support of the gentleman's motion, Mr. Speaker.

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

Agreeable to order,
The House proceeded to second consideration of House bill No. 1274, printer's No. 1497, entitled:

An Act making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

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

Amend Sec. 1, page 1, line 10, by striking out "\$773,000," and inserting \$1,500,000

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

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

Mr. RAPPAPORT. Mr. Speaker, this amendment is by agreement.

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

Mr. S. E. HAYES. I support the gentleman's amendment, Mr. Speaker.

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

Mr. RITTER. I do not know about anybody else, but I would like to have a rollcall vote, Mr. Speaker. I intend to vote in the negative.

The SPEAKER pro tempore. The gentleman desires a roll call on the amendment. The gentleman is in order. There will be a roll call on the amendment.

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

The following roll call was recorded:

YEAS—160

Abraham	Gamble	McCall	Schweder
Anderson	Garzia	McClatchy	Scirica
Armstrong	Gatski	McLane	Seltzer
Arthurs	Geesey	Mebus	Shupnik
Bellomini	Geisler	Meluskey	Sirianni
Bennett	George, C.	Miller	Smith, E.

Berlin	Giammarco	Milliron	Smith, L.
Berson	Gillette	Miscevich	Spencer
Bittinger	Gleeson	Moehlmann	Spitz
Bittle	Goebel	Morris	Stairs
Borski	Goodman	Mowery	Stapleton
Brandt	Gray	Mrkonic	Stewart
Brown	Greenfield	Mullen, M. P.	Stuban
Brunner	Greenleaf	Musto	Sweet
Burd	Grieco	Novak	Taddonio
Butera	Hamilton	O'Brien, B.	Taylor, E.
Caltagirone	Harper	O'Brien, D.	Tenaglio
Caputo	Haskell	O'Connell	Trello
Cassidy	Hayes, D. S.	O'Keefe	Valicenti
Cimini	Hayes, S. E.	Pancoast	Vroon
Cohen	Helfrick	Parker	Wagner
Cole	Hoefel	Petrarca	Wansacz
Cowell	Honaman	Pievsky	Wass
Davies	Hopkins	Pitts	Weidner
DeMedio	Hutchinson, A.	Polite	Wenger
DeWeese	Hutchinson, W.	Pott	White
DiCarlo	Itkin	Pratt	Wiggins
Dininni	Johnson	Prendergast	Williams
Dorr	Jones	Pyles	Wilson
Doyle	Katz	Rappaport	Wilt
Duffy	Kelly	Ravenstahl	Wise
Englehart	Kolter	Reed	Wright, D.
Fee	Kowalyszyn	Renwick	Wright, J. L.
Fisher, D. M.	Laughlin	Rhodes	Yahner
Flaherty	Lehr	Richardson	Yohn
Foster, A.	Letterman	Ruggiero	Zearfoss
Foster, W.	Livengood	Ryan	Zitterman
Freind	Logue	Salvatore	
Fryer	Lynch	Scanlon	Irvis,
Gallagher	Madigan	Scheaffer	Speaker
Gallen	Manmiller		

NAYS—21

DeVerter	Levi	Noye	Taylor, F.
Dietz	Lincoln	Piccola	Thomas
Fischer, R. R.	Mackowski	Ritter	Zeller
Hasay	McGinnis	Schmitt	Zord
Kernick	Mullen, M. M.	Shuman	Zwikl
Klingaman			

NOT VOTING—19

Barber	Dombrowski	Knepper	Oliver
Beloff	Donatucci	Manderino	Rieger
Burns	Dumas	McIntyre	Shelton
Cessar	George, M.	Milanovich	Wargo
Cianciulli	Halverson	O'Donnell	

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

HB 1274 AS AMENDED TABLED

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

Mr. RAPPAPORT. Mr. Speaker, I move that HB 1274 as amended be placed on the table.

The SPEAKER pro tempore. It has been moved by the gentleman from Philadelphia, Mr. Rappaport, that HB 1274 be as amended laid upon the table.

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

**ANNOUNCEMENTS
REQUEST FOR RECESS**

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. GREENFIELD. At this time, Mr. Speaker, I suggest we take a recess for 1 hour and come back to the floor promptly at 1:05 p.m.

URBAN AFFAIRS COMMITTEE MEETING

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

Mr. CAPUTO. The Urban Affairs Committee is scheduled to meet at 1 o'clock in room 115A. I urge all members to be present promptly so that we can get back on the floor as soon as possible.

RECESS

The SPEAKER pro tempore. Without objection, this House will recess until 1 o'clock, as proposed by the gentleman from Philadelphia.

AFTER RECESS

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

COMMUNICATION FROM GOVERNOR

The Secretary to the Governor presented the following communication from the Governor:

APPROVAL OF HOUSE BILL No. 534

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

July 14, 1977.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 534, printer's No. 578, entitled "An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, 'The Insurance Department Act of one thousand nine hundred and twenty-one,' providing for the licensing as insurance agents of certain nonresidents of this Commonwealth."

MILTON J. SHAPP,
GOVERNOR

TRANSPORTATION BILL ON THIRD CONSIDERATION

Agreeable to order,

The House resumed 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 recurring,

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

Mr. PRATT offered the following amendments:

Amend Sec. 1, page 2, line 18, by inserting after "3505(e)," 3731(e),
Amend Bill, page 80, by inserting between lines 27 and 28
§ 3731. Driving under influence of alcohol or controlled substance.

* * *

(e) Temporary custody of driver's license.—The driver's license of a person whom the police officer or constable could arrest under subsection (c) shall be retained by the police officer who shall keep the license at the police station or substation in municipality, or police district or region. If the license is retained by a constable, it shall be delivered to the nearest State Police substation. Complaint shall be brought and the defendant shall have an opportunity to enter a plea to the charges within 48 hours after the license is retained by the police officer or constable. If charges are not brought within 48 hours or there is a finding that a prima facie case has not been established, the license shall be immediately returned to the defendant. If a prima facie case is established, the justice of the peace shall immediately send the license to the department. If the defendant is placed in the accelerated rehabilitative disposition program, the district attorney shall so notify the department which will immediately return the license to the defendant.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Pratt, for purposes of an explanation of the amendment.

Mr. PRATT. Thank you, Mr. Speaker.

Mr. Speaker, this particular amendment would add another subsection to section 3731 of the Vehicle Code dealing with driving under the influence of alcohol.

Under present law a conviction of the offense would draw a third-degree misdemeanor charge. What I am doing, Mr. Speaker, is adding an additional subsection dealing with the revocation of the operator's license.

Under present law it is not until an operator is convicted or pleads guilty that the Bureau of Motor Vehicles actually takes possession of the driver's license and thereby suspends the operator's driving privileges for a certain amount of time as provided in the Vehicle Code. What my amendment would do is permit any law enforcement officer — police officer, state police officer, or constable — who has the authority to arrest for such an offense to physically confiscate the driver's license of the individual when he is arrested under section 3731 of the Motor Vehicle Code dealing with driving under the influence of alcohol.

Furthermore, Mr. Speaker, the individual so charged would have the right to have these charges brought against him before a justice of the peace within 48 hours of the incident. If such is not the case, then the driver's license must be returned to that individual, and he goes through the regular course or procedure for the violation.

This particular driver's license, Mr. Speaker, is kept at the state police barracks or at the police station in the municipality

until that individual pleads guilty or is convicted. At that time the driver's license is then physically sent to Harrisburg to be kept by the Bureau of Motor Vehicles.

In essence, Mr. Speaker, that is my amendment, and I think there is excellent rationale for this particular amendment. I think it is badly needed.

Mr. Speaker, over the last 6 or 7 months, I have received numerous letters from my district.

The figures that I received, Mr. Speaker, are that in Pennsylvania in 1976, 1,800 individuals were killed due to drunken driving. Also, Mr. Speaker, I am told that 50 percent or more of the accidents in Pennsylvania are caused by those individuals under the influence of alcohol.

Mr. Speaker, as I alluded to certain letters I have received over the last 6 or 7 months, these letters call upon the legislature to do something to get the drunken drivers off the highways in Pennsylvania. They have called the acts of drunken drivers legal murder. They want the drunken drivers to lose their driver's license for the rest of their life as they do in Europe. They say that only the innocent get hurt while the drunken drivers are not hurt at all.

Mr. Speaker, presently when a convicted drunken driver is sentenced, it is the duty of a judge to set that sentence. We in the legislature should do all we can to see that drunken drivers are removed from our highways. I think my amendment is another step in that direction. However, we cannot in any way force the judges, the lenient judges, who do not sufficiently sentence drunken drivers when they kill an individual or seriously injure another individual in an automobile accident. I believe it incumbent upon this body to do everything that it can, aside from sentencing the driver himself, to see that these drunken drivers are taken off our highways.

That is the intent of my amendment, Mr. Speaker, and I would urge everyone here to vote in the affirmative.

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

Mr. RITTER. Mr. Speaker, I oppose the amendment. Certainly I think all of us in this chamber are concerned about drunken drivers, but I do not believe that we ought to allow a police officer or a constable who arrests on suspicion of drunken driving to take that person's operator's license and in effect hold it for 48 hours before they give that person his or her day in court.

Speeding also kills, Mr. Speaker. Maybe we ought to carry it to the point where anyone who goes over the 55-mile-an-hour speed limit ought to have their license pulled immediately.

I think that we have due process in this Commonwealth. If a person is arrested for drunken driving, that does not constitute a conviction. They are still entitled to their hearing to determine their guilt or innocence. I think that we are making a mistake by allowing a police officer to physically take possession of somebody else's license simply because that person was the one who did the arresting.

I think the amendment is bad. I am even concerned about whether or not it would be constitutional. As bad an offense as drunken driving is, I do not think the police officer ought to be

the arresting officer, the judge, and the jury. I would oppose the amendment on those grounds.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. RYAN. Will the gentleman, Mr. Pratt, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Ryan, may proceed.

Mr. RYAN. Mr. Speaker, could you advise this House whether or not a justice of the peace has jurisdiction over the final disposition of a charge of drunken driving?

Mr. PRATT. If the offender pleads guilty, he does.

Mr. RYAN. He does?

Mr. PRATT. Yes.

Mr. RYAN. Under what provision of the code is that?

Mr. PRATT. I think it is under the Magisterial District Reform Act.

Mr. RYAN. Are you sure of yourself on that, Mr. Speaker? I am not. My information is—

Mr. PRATT. I am pretty sure, yes, under the Magisterial District Reform Act that we passed here last year, if the offender pleads guilty.

Mr. RYAN. It is my understanding of the law—and I may be wrong, and if I am wrong, boy, I have been giving some bad advice lately—that a JP does not have final jurisdiction in the sense that he can sentence, even for a guilty plea on drunken driving. Now if someone can tell me I am wrong, I will be willing to stand corrected. But I believe that that matter has to go over to the court of common pleas.

Mr. PRATT. So far as sentencing is concerned, Mr. Speaker, I do not have that answer, but I do know, or at least I believe I know, that under the reform act that I alluded to, JP's do have jurisdiction in these cases if the offender pleads guilty.

Mr. RYAN. Have jurisdiction to do what?

Mr. PRATT. Accept a plea and, I assume, consummate the case.

Now as far as sentencing is concerned, I am not sure of that and I plead ignorance as far as that is concerned. Maybe there is someone in the hall of the House—for example, Representative Doyle—who may have the answer to that.

Mr. RYAN. It is my belief—and if I am wrong, I would like Mr. Ritter or Mr. Doyle or someone to correct me—that, of course, a justice of the peace can take a plea of guilty, but it still goes over to the court of common pleas for disposition. Anyone represented is unlikely to plead guilty, however, before a justice of the peace, but that is really beside the point.

Do you believe that an elected official charged with a crime in office should be removed from his political office until such time as his guilt or innocence is finally established?

Mr. PRATT. I do not believe that, Mr. Speaker.

Mr. RYAN. Do you feel that an elected official found guilty or a person who is guilty of official corruption should be allowed to continue in office?

Mr. PRATT. No; I do not think they should be allowed to continue in office.

Mr. RYAN. Drawing an analogy to your amendment, I would think it difficult for you to logically say that an official charged

with official corruption should be permitted to stay in office awaiting a final determination of guilt or innocence if you, at the same time, are saying that a person charged—

The SPEAKER pro tempore. For what purpose does the gentleman from Chester, Mr. Morris, rise?

Mr. MORRIS. Mr. Speaker, I think this questioning is straying very far from the point at issue here — the amendment. I do not see that public corruption has anything whatsoever to do with drunken driving.

Mr. RYAN. Mr. Speaker, a philosophy of law is at issue right now. I am going to go beyond official corruption, Mr. Speaker. I am trying to draw an analogy that, for instance—I do not care to interrogate the gentleman anymore.

I am against the amendment and I will tell you why I am against the amendment. The reasons assigned by Mr. Pratt as to why we should lift the license of a person charged with a crime is to take him off the street so he cannot cause any further harm. Yet if we do that, if we accept that as a philosophy of law, then I think a logical extension of it, which would probably be repugnant to all of us, would be that a person charged with the crime of embezzling from a bank should be fired from the bank immediately and really considered guilty; that a person charged with any official corruption, just on being charged, should be removed from office the same way you would remove a driver's driver's license.

As Mr. Ritter stated, a person charged with speeding who, ultimately, upon being found guilty, could lose his license, should lose his license immediately upon being charged.

The only safeguard that Mr. Pratt apparently puts in this bill is that within 48 hours a district justice who finds a prima facie case turns the license in and if this is not done within 48 hours, that the license is returned. I am here to tell you—and I know Mr. Ritter was a district justice—that the bulk of the members of the minor judiciary handling a crime or a charge of a crime that ultimately is going to go over to the court of common pleas holds automatically that there is a prima facie case in 99 out of 100 cases, unless the officer withdraws the charge at the lower level, because the district justice in most cases does not feel he has the jurisdiction to finally dispose of those cases.

So I say to you, for all practical purposes that what Mr. Pratt is suggesting is a finding of guilty by a police officer on the simple charge of drunken driving. I think it is repugnant to everything we know in the law, everything that I believe we stand for as we sit here passing on laws, particularly criminal laws, each day, and for that and any number of other reasons that occur to me, I would oppose this. I just think it is outrageous.

POINT OF ORDER ON CONSTITUTIONALITY

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARTHURS. Mr. Speaker, in different people reviewing this particular amendment and from what we have heard from some of the people who have been debating, I am wondering if this amendment is constitutional or not and I would like to

direct that question to the Chair and ask for a vote as to whether or not it is constitutional.

The SPEAKER pro tempore. The gentleman from Butler, Mr. Arthurs, has raised the point that the amendment is unconstitutional. Under rule 4, the Speaker is required to submit questions affecting the constitutionality of a bill to the House for a decision, which the Chair now does.

The Chair recognizes the gentleman from Butler, Mr. Arthurs, on the question of constitutionality only.

Mr. ARTHURS. Mr. Speaker, my reason for questioning the constitutionality or not of this particular amendment is whether or not we have the right to lift and to hold a man's license before he is convicted or before he has pleaded guilty to this offense. I really do not believe that we can find that this is constitutional and I would ask our members to vote accordingly.

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

Mr. POTT. *On the motion, Mr. Speaker.* I was not the person who was calling "Mr. Speaker" and I will temporarily yield to the person who was calling "Mr. Speaker," but I would like to *speak on the motion.*

The SPEAKER pro tempore. The gentleman, Mr. Pott, yields to the gentleman from Philadelphia, Mr. Williams, who addresses himself to the constitutionality of the amendment.

Mr. WILLIAMS. Mr. Speaker, Mr. Arthurs has raised the question of the constitutionality of this amendment. I want to *more particularly specify, in support of Mr. Arthurs' motion,* that the Due Process Clause of the United States Constitution and the Pennsylvania Constitution specifically say that a person shall not be deprived of life, liberty or property without due process of law. The amendment very clearly seeks to deprive a person of his property right and privilege to drive without an *adjudication of the matter,* and I think Mr. Arthurs is quite correct that this amendment is unconstitutional because it seeks to violate the Due Process Clause of the 14th Amendment and the *due process clause of the Pennsylvania State Constitution.* And for that specific reason, Mr. Speaker, I submit that the amendment is unconstitutional and the point raised by the gentleman, Mr. Arthurs, is *entirely legally correct.*

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. I would like to question the gentleman from Butler who raised the motion, Mr. Speaker.

The SPEAKER pro tempore. Would the gentleman, Mr. Arthurs, consent to a period of interrogation?

Mr. ARTHURS. Yes, I would, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. PRATT. Mr. Speaker, what I would like to know is, in your opinion, is the privilege of operating a vehicle in this state a privilege or a right as granted by the laws of this Commonwealth?

Mr. ARTHURS. I think it is a privilege, but along with that privilege, I think you have some rights. And I think one of the rights that we have in being able to obtain a license is to keep that license until you have been found guilty of an act.

Mr. PRATT. Then what you are saying is that the privilege of driving in this state as provided by its laws is a privilege? Is that correct?

Mr. ARTHURS. That is right.

Mr. PRATT. And, Mr. Speaker, do you believe that such a privilege is protected by the United States Constitution and the Pennsylvania Constitution?

Mr. ARTHURS. Yes, but I think it can be abused and I think that this right can be taken care of without lifting a person's license such as you have in your amendment. Let me say this first: I do not think that anyone should have the right to drive under the influence, but you do not need to lift a person's license to keep him from driving. And what I mean by that is, if a police officer arrests you and you are not in condition to operate that vehicle properly, he now can take that automobile away from you or the keys from that automobile until someone else picks the car up or until you are able to operate the vehicle yourself.

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

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

Mr. PRATT. On the motion, Mr. Speaker, I disagree with Mr. Arthurs when he states that this particular provision or amendment may be unconstitutional. All the lawyers in this particular chamber today will admit that the driving privileges granted by the laws of this state are just that — privileges. It is not a right to drive in this state. This Commonwealth has the right, its officials have the right, to deny anyone the right to drive. I believe, Mr. Speaker, that the privilege of driving in this state is not one that is protected by the United States Constitution or the Pennsylvania Constitution. You drive at the will of the officials of this state, of this body, and I believe that it is not a violation of the due process clause of either the constitution of the state or the Federal Government to confiscate that particular driver's license pending the conviction or guilty plea of the offender.

A moment ago the minority whip stated that he made an analogy to official corruption. It was not too long ago, Mr. Speaker, that we stood right here in this chamber and attempted to impeach the Speaker of the House before he was convicted. Now if you draw that analogy, you could argue that that was the proper thing to do. But I think we were depriving that particular individual of his livelihood. That is protected under the United States Constitution and the Constitution of Pennsylvania, not the privilege of driving on the highways of this Commonwealth. I oppose that motion because I believe that this amendment is in fact constitutional.

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

Mr. ARTHURS. I just want to make one quick point here, and I think Mr. Pratt made the point very strongly, that if we do lift this man's operating license, we might and probably will be taking his constitutional right of the right of earning a living away from him before he is found guilty.

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

There are a number of members who seek the floor and I would ask them to confine themselves to the very narrow point: Is the amendment constitutional? That is the only question before the House at this time.

Mr. WILLIAMS. Mr. Speaker, on that point I was going to suggest that since the constitutional issues have been quite fully discussed, that we call for the question of the constitutionality of the amendment at this time.

The SPEAKER pro tempore. The gentleman's suggestion is a good one.

Are there any members who seek the floor at this time to still speak on the constitutionality of the amendment?

The gentleman from Allegheny, Mr. Pott, indicates he wishes to speak on the very narrow range.

Mr. POTT. Thank you, Mr. Speaker.

I believe I had the floor originally and yielded it to Mr. Williams and I thought I would get it back at that time.

The SPEAKER pro tempore. At times that can be a mistake, sir. The gentleman may proceed.

Mr. POTT. The Due Process Clause of the 14th Amendment to the United States Constitution states that no state may deny a person life, liberty, or property without due process of the law.

In our society today the operation of an automobile or motor vehicle has become very related to liberty. To permit a police officer to deny a person liberty without due process of the law, in my judgment, Mr. Speaker, is strictly unconstitutional. I would urge the members of this chamber to vote "no" on the constitutionality of this issue.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. DININNI. How many times is a member allowed to speak on each individual issue?

The SPEAKER pro tempore. Under the rules of the House, a member is permitted to speak twice on a subject.

Mr. DININNI. And how many times has this member spoken on this issue?

Mr. PRATT. Mr. Speaker, I have spoken only once to the motion by Mr. Arthurs.

The SPEAKER pro tempore. Did the gentleman wish his second try?

Mr. PRATT. Yes, Mr. Speaker.

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

Mr. PRATT. Thank you Mr. Speaker.

I would only remind those members in their seats ready to vote on this motion that if you feel inclined to vote this particular amendment unconstitutional, I hope the next time you are driving home that you do not run into a drunken driver or he does not run into you.

Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I agree with Mr. Pratt that the privilege of driving the highways of Pennsylvania is a privilege. However, the cases have held that the privilege once given cannot be taken away without due process of law.

As Mr. Pott stated relative to the rights of all citizens, there is a penalty imposed for drunken driving, and no penalty can be imposed without due process of law, which means a hearing of some type either before a justice of the peace or the courts of this Commonwealth. I submit the amendment is unconstitutional.

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

Mr. RITTER. Mr. Speaker, I just want to say that I think Mr. Pratt's comments were totally out of line. He makes it look as though if you declare this amendment unconstitutional, you are in favor of drunken driving. I think that is ridiculous. We are talking about whether or not due process is going to be applied in this Commonwealth in this case.

I think the amendment is unconstitutional, clearly unconstitutional. Whether or not I am in favor of drunken driving is immaterial. It is the issue of due process. I think the amendment ought to be voted unconstitutional.

The SPEAKER pro tempore. The question before the House is on the point of order raised by the gentleman from Butler.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BELLOMINI. I would like the Speaker to tell the House what a "yes" vote is and what a "no" vote is on this.

The SPEAKER pro tempore. The Chair had every intention of doing so, and he will proceed with his dialogue.

Mr. BELLOMINI. Thank you.

The SPEAKER pro tempore. The question before the House is on the point of order raised by the gentleman from Butler, Mr. Arthurs, that the amendment as proposed by Mr. Pratt is unconstitutional.

Those voting "aye" will vote to sustain the point of order, thereby declaring this amendment to be unconstitutional. Those members who believe this amendment to be unconstitutional will vote "aye." Those voting "no" will vote that the point of order is not well taken and thereby declare the amendment to be constitutional.

Members will now proceed to vote.

(Members proceeded to vote.)

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

Nothing is in order but the taking of the roll.

Mr. DORR. I think there is confusion on the point, Mr. Speaker. The Speaker announced the question in the exact op-

posite of the way that the question has always been taken in this House. On constitutionality the question has always been, is the question constitutional? Is the issue constitutional?

The point of order was not challenged. It is a question for the House.

The SPEAKER pro tempore. The point of order was taken. There is a listed procedure provided here on the desk. The Parliamentarian assures the Chair that the question was stated properly. What confusion was there in the member's mind?

Mr. DORR. The confusion arises, Mr. Speaker, from the fact that the history of the House and the Speakers previous to this Speaker have always ordered that question in the opposite fashion.

The SPEAKER pro tempore. Did the gentleman vote erroneously from his intentions?

Mr. DORR. No, Mr. Speaker. I voted correctly, but I think a lot of members may have voted incorrectly.

Mr. BELLOMINI. I think the Speaker made it very clear.

The SPEAKER pro tempore. The point was made quite clear. However, if there is any element of doubt, the Chair would like to eliminate that.

The clerk will strike the vote, and the House will vote again on the issue.

After he completes his dialogue as submitted here in small print, if there is any question in any member's mind, that member should address himself to the Chair prior to the roll call. The Chair will not adopt this as a form of procedure, of striking a vote when he believes that the matter was correctly stated, since he was not stating it from memory but from the written instructions.

The question before the House is on the point of order raised by the gentleman from Butler, Mr. Arthurs, that the amendment proposed by Mr. Pratt is unconstitutional.

Those voting "aye" will vote to sustain the point of order, thereby declaring this amendment to be unconstitutional. Those voting "no" will vote that the point of order is not well taken and thereby declare the amendment to be constitutional.

Is there any question in the mind of any member of this House?

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

Mr. MEBUS. Seriously, Mr. Speaker, what I believe Mr. Dorr was saying—and my recollection runs the same way as his—is that previously when constitutional questions have come up, we have voted "yes" if we believed the particular item in question to be constitutional and "no" if we believed it to be unconstitutional, and I think that is the point that Mr. Dorr was raising.

The SPEAKER pro tempore. For the information of the members, the question before the House as raised by Mr. Arthurs is that this amendment is unconstitutional. This is the question that faces the House.

Those who believe the amendment to be unconstitutional should vote "aye"; those who believe it to be unconstitutional will vote "nay."

As a nonlawyer, I think it is perfectly clear to me. Is there any question?

Mr. ARTHURS. Mr. Speaker. I think you have done a beautiful job of explaining this.

The SPEAKER pro tempore. Thank you, sir. You are very observant.

Mr. ARTHURS. I will just ask those of you who are in favor of my declaring this or asking this to be unconstitutional, please vote "yes."

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

Mr. MISCEVICH. Mr. Speaker, if you are having any difficulty, Mr. DeMedio is available.

The SPEAKER pro tempore. I did not hear the gentleman.

On the question,

Will the House declare the amendments unconstitutional?

The following roll call was recorded:

YEAS—152

Abraham	Gamble	Manderino	Salvatore
Arthurs	Gatski	McCall	Scanlon
Barber	Geesey	McClatchy	Scheaffer
Bellomini	Geisler	McGinnis	Schweder
Bennett	George, C.	McIntyre	Scirica
Berlin	George, M.	McLane	Seltzer
Berson	Giammarco	Mebus	Shupnik
Bittinger	Gillette	Meluskey	Smith, E.
Bittle	Gleeson	Milanovich	Smith, L.
Borski	Goebel	Miller	Spencer
Brown	Gray	Miscevich	Stairs
Brunner	Greenfield	Moehlmann	Stapleton
Burd	Greenleaf	Morris	Stewart
Burns	Grieco	Mowery	Stuban
Butera	Halverson	Mullen, M. P.	Sweet
Caltagirone	Hamilton	Mullen, M. M.	Taddonio
Caputo	Harper	Musto	Taylor, E.
Cianciulli	Hasay	Novak	Tenaglio
Cimini	Hayes, D. S.	O'Brien, B.	Thomas
Cohen	Helfrick	O'Brien, D.	Trello
Cowell	Hoeffel	O'Keefe	Valicenti
Davies	Hutchinson, A.	Oliver	Vroon
DeMedio	Hutchinson, W.	Pancoast	Wansacz
DeVertter	Johnson	Petrarca	Wargo
DeWeese	Jones	Pievsky	Weidner
DiCarlo	Katz	Pitts	White
Dininni	Kelly	Polite	Wiggins
Dombrowski	Kernick	Pott	Williams
Donatucci	Kolter	Prendergast	Wilson
Dumas	Kowalyszyn	Pyles	Wise
Englehart	Laughlin	Rappaport	Wright, D.
Fisher, D. M.	Letterman	Ravenstahl	Wright, J. L.
Flaherty	Lincoln	Renwick	Yahner
Foster, A.	Livengood	Richardson	Yohn
Foster, W.	Logue	Rieger	Zeller
Freind	Lynch	Ritter	Zitterman
Fryer	Mackowski	Ruggiero	Zord
Gallagher	Madigan	Ryan	Zwikl

NAYS—42

Anderson	Gallen	Manmiller	Schmitt
Armstrong	Garzia	Milliron	Shuman
Brandt	Goodman	Mrkonic	Sirianni
Cassidy	Haskell	Noye	Spitz
Cole	Hayes, S. E.	O'Connell	Taylor, F.
Dietz	Honaman	Parker	Wagner
Dorr	Hopkins	Piccola	Wass
Doyle	Itkin	Pratt	Wenger

Duffy	Klingaman	Reed	Wilt
Fee	Lehr	Rhodes	Zearfoss
Fischer, R. R.	Levi		

NOT VOTING—6

Beloff	Knepper	Shelton	Irvis,
Cessar	O'Donnell		Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was not sustained.

The SPEAKER pro tempore. The point of order raised by the gentleman, Mr. Arthurs, is well taken, and the House has declared this amendment to be unconstitutional.

On the question recurring,

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

**TRANSPORTATION COMMITTEE
MEETING POSTPONED**

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

Mr. BELLOMINI. At this point, Mr. Speaker, I would like to announce that I had a meeting scheduled for the Transportation Committee at 1:30 and there has been a delay in the meeting, a delay because of the action on the House floor. This meeting will be subject to call later on in the day, and I will announce it at that time.

Thank you.

PARLIMENTARY INQUIRY

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

Mr. CASSIDY. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CASSIDY. If the question by Mr. Arthurs had been, is the question constitutional? then would the Chair have stated it as Mr. Dorr had requested?

The SPEAKER pro tempore. The Parliamentarian has stated to me that the question as stated by Mr. Arthurs was in proper form, that that was the question before the House, and that was the action that was taken.

Mr. CASSIDY. But that was not my question to you, Mr. Speaker.

The SPEAKER pro tempore. Could the gentleman be more explicit?

Mr. CASSIDY. If Mr. Arthurs had risen to a question of constitutionality, at that time would the Chair have stated the question as suggested by Mr. Dorr?

The SPEAKER pro tempore. We could only act on the motion that was placed before the House by Mr. Arthurs, and Mr. Arthurs' point was that it was not constitutional.

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. 1534), page 40, line 8, by striking out the bracket before "§1534."

Amend Sec. 1 (Sec. 1534), page 40, line 10, by inserting brackets before and after "If a person is" and inserting immediately thereafter

A driver of a motor vehicle in this Commonwealth is deemed to have agreed that if he is

Amend Sec. 1 (Sec. 1534), page 40, line 12, by inserting brackets before and after "and is offered and accepts" and inserting immediately thereafter accepts

Amend Sec. 1 (Sec. 1534), page 40, line 14, by removing the comma after "Procedure" and inserting a period

Amend Sec. 1 (Sec. 1534), page 40, line 14, by inserting brackets before and after "the" and inserting immediately thereafter The

Amend Sec. 1 (Sec. 1534), page 40, line 15, by striking out the period and close bracket after "department" and inserting of the arrest and disposition of the case.

Amend Sec. 1 (Sec. 1539), page 44, line 29, by inserting after "[Acceptance"] In accordance with section 1534 (relating to notice of acceptance of Accelerative Rehabilitative Disposition) acceptance

Amend Sec. 1 (Sec. 1539), page 45, line 3, by striking out the bracket after "determination."

Amend Sec. 1 (Sec. 1542), page 47, line 9, by striking out the bracket before "(c)"

Amend Sec. 1 (Sec. 1542), page 47, line 10, by inserting brackets before and after "Acceptance" and inserting immediately thereafter In accordance with section 1534 (relating to notice of acceptance of Accelerative Rehabilitative Disposition) acceptance

Amend Sec. 1 (Sec. 1542), page 47, line 12, by striking out the bracket after "section."

Amend Sec. 1 (Sec. 1542), page 47, lines 13 through 19, by striking out all of said lines

Amend Sec. 1 (Sec. 1547), page 49, lines 7 through 25, by striking out all of said lines

Amend Sec. 1 (Sec. 6322), page 107, line 9, by inserting after "concluded:"

The statement shall be certified by the issuing authority to be true and correct and shall be forwarded to the department within [the following week] seven days, with a copy sent to the police department which filed the charge. The appropriate fines and bail forfeited shall accompany the report to the department. The following shall be applicable as to the report:

Amend Sec. 1 (Sec. 6322), page 107, lines 14 through 20, by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. RITTER. Mr. Speaker, this is the one marked "Ritter # 3."

The SPEAKER pro tempore. This is "Ritter # 3," and there is a top number which has been crossed out here which is A1065. Is that the amendment?

Mr. RITTER. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes, for the purpose of explanation, Mr. Ritter.

REQUEST TO DIVIDE

Mr. RITTER. First, Mr. Speaker, if you will notice on the amendment, I have the numbers 1, 2, 3, 4, and 5. I would move at this time to divide the amendment at this point to only consider 1, 2, and 3. That would be all of the front page.

The SPEAKER pro tempore. On the first page?

Mr. RITTER. Yes, Mr. Speaker.

The SPEAKER pro tempore. One, two, and three.

Mr. RITTER. I would move that the amendment be divided in that fashion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Lehigh, Mr. Ritter, seeks to divide the amendment.

Does the gentleman plan to take No. 1 first and so forth? Would the gentleman restate it?

Mr. RITTER. Mr. Speaker, 1, 2, and 3 all deal with the ARD — accelerated rehabilitative disposition — program, and I think we can consider that if you accept one, you really would accept all three. So I am suggesting we take 1, 2, and 3 as one amendment.

The SPEAKER pro tempore. The gentleman proposes to take 1, 2, and 3 as one amendment, and then what does the gentleman propose on 4 and 5?

Mr. RITTER. Mr. Speaker, No. 4 has already been partially adopted. I would withdraw that one and then I would like to consider amendment No. 5 following 1, 2, and 3. So I would like to divide it on that basis, Mr. Speaker.

The SPEAKER pro tempore. You would like to take 1, 2, and 3 at this time as one amendment, and then following that you will take 5 as a separate one. Is the Chair correct?

Mr. RITTER. That is correct, Mr. Speaker.

AMENDMENT DIVIDED

The SPEAKER pro tempore. Without objection, the amendment is so divided.

The question is, Will the House agree to the Ritter amendment, which is page 1 of the amendments, which consists of items 1, 2, and 3?

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

Mr. RITTER. Mr. Speaker, this amendment deals with the accelerated rehabilitative disposition program known as the ARD program.

Presently that is in operation in some of the counties of this Commonwealth. In effect, if you go on the ARD program, you are not charged or you are not convicted of committing any offense, and there is a constitutional question as to whether or not by going on ARD you can be charged with an offense under the Motor Vehicle Code in terms of suspension.

So part of my amendment puts in an implied consent provision, that if you are a driver of a motor vehicle in this Commonwealth, you are deemed to have agreed that if you are arrested for any offense enumerated in this code and go under the ARD program, you are saying that the judge shall so notify the department. And if that offense would be serious enough to constitute a suspension of your operating privileges, you then may be suspended even though you are on the ARD program.

Incidentally, Mr. Speaker, I might point out that most of

those ARD provisions are in the present law. HB 1171 seeks to remove that.

There is a provision in the present law that if you are a habitual violator, you are subject to suspension. But if you are under the ARD program under the present law, that is not considered an offense. I am saying that if the offense that you were supposed to have committed was serious enough to constitute a serious violation, it ought to be considered together with all of the other offenses which would make you then a habitual offender.

So by putting in the implied-consent provision and restoring the language about the ARD program, I think that this bill will be in much better shape and I would ask for support of the amendment.

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

Mr. BELLOMINI. I rise to oppose this amendment.

I want every member of the House to understand that the ARD program, especially in my area and I know in other areas involved, is a court administrative program, to begin with. The court or the judge, I would say, makes the decision whether a man qualifies for ARD. It is not that everybody qualifies under this act to go under ARD.

The habitual drunk, as stated by the Representative from Lehigh, is taken care of in our Vehicle Code. The ARD program provides sort of a pardon with a fixed fine administered by the courts. So I feel this amendment would be a very unjustified amendment offered to this Vehicle Code at this time.

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

Mr. CAPUTO. Mr. Speaker, I, too, rise in opposition to the amendment.

Mr. Ritter, in his explanation of the amendment, justifies the amendment by indicating that the Secretary of the department would have all the facts before him, including the seriousness and the surrounding facts of the incident.

When this House and this legislature passed the ARD program, it was not specifically designed for drunken driving cases. It was designed for first offenders in criminal cases generally, certain types of criminal cases generally.

Guidelines have been laid down in those counties which have put the ARD program into effect. In our county, for example, Mr. Speaker, Allegheny County, if a person comes in with a .17 or .18 or higher alcoholic blood content, he is not eligible for the ARD program, despite the fact that it is his first offense. Incidentally, I might say at this time that only those accused of drunken driving who are accused for the first time are eligible for the ARD program in Allegheny County; no repeaters. No persons previously convicted of either drunken driving or any other crime are eligible for the ARD program.

Mr. Speaker, if there is an injury, a physical injury, and a person is charged with assault and battery with a vehicle, he is not eligible for ARD if he is also charged with drunken driving.

I think that the program developed by the various counties in accordance with the permission of the legislature of this Commonwealth should be left to stand on its own grounds. I do not

think this amendment should be imposed for that reason. I object and oppose the amendment.

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

Mr. ARTHURS. Thank you, Mr. Speaker.

I have been getting along so well with my chairman today, I hate to go against him, but on this particular amendment I must.

Butler County has had the ARD program for quite some time now, and it has proved very successful. I think it is a very good program. However, I think there is one thing lacking in it, and that is what Mr. Ritter is trying to do by his amendment.

Let me give you a couple examples. Mr. Caputo brought forth the idea that this only affects the first-time offender. This is true. However, in Allegheny County if that particular operator, while driving under the influence, was placed on the ARD program, perhaps some way Allegheny County would have a record of it. However, if that person from Allegheny County would come into Butler County or any other county in Pennsylvania that had the ARD program and would be found guilty of driving under the influence, they could there also be placed on the ARD program. I do not think this is right. I believe in the program.

Secondly, your constituents and my constituents receive points for various offenses in the Vehicle Code. These points are placed on their records in Harrisburg. An insurance company comes in and looks at this particular record, and what happens? Up goes their insurance policy. However, if a man is found guilty of drunken driving, a very hazardous condition on the highway, there is no record whatsoever. This will not affect his insurance in any manner whatsoever.

I think we are being very unfair to our constituents who have minor offenses. I think that all of us are in agreement that we want to keep that habitual offender off the highway. I think that if you have the fortune of being under the ARD program once in Pennsylvania, that is all that you should be under it, not 67 times or something like that.

I talked with my president judge back home. He feels very strongly about this particular program. I asked him what he thought about this coming into Harrisburg, about the court sending this information to Harrisburg, and he said, I think that it would strengthen the ARD program. For this reason I ask that we do support the amendment.

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

Mr. DOYLE. Mr. Speaker, I rise to support the amendment and to call your attention to certain inaccuracies which I believe crept into the speech by Mr. Caputo, unintentionally I am sure.

Mr. Caputo said that the ARD program was legislative, and that is not so. We did not pass on this ARD program at all. It is simply the Supreme Court guidelines laying it down for the counties. The counties also are free to set up their own guidelines, and they are divergent and do differ from one another from county to county. Some have it for the first offense; others may not. In addition, you have some counties that say the first offense regardless. There is no way of checking how

many offenses there are if there are multiple counties involved. It is very difficult to police in that respect.

The next thing is that we have a curious situation where, in the argument previously today, you heard about the district justices having jurisdiction for drunken driving if there is a plea of guilty. If there is a plea of guilty on the first offense of driving while under the influence, that would go to Harrisburg and the license would be suspended or revoked. But if the person pleaded not guilty, knowing full well that it would go to the county court, he would get under the ARD program and he would not have his license suspended. Nobody would be pleading guilty before the district justices. That is exactly what is happening, and they are finding that they are not getting the pleas of guilty before the district justices.

In addition, all you need do if they ask you to have a breathalyzer test is refuse, and there is a 6-month suspension automatically just for the refusal, regardless of the conviction or not. Here we have a curious situation where if they ask you, you can get a 6-month suspension, but if you are found guilty or plead guilty under the ARD program, then nothing will happen as far as your license is concerned. It is, I am sure, for this very reason that Mr. Ritter is offering the amendment and it is certainly worthy of your support.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes, for the second time speaking on this amendment, the gentleman from Allegheny, Mr. Caputo.

Mr. CAPUTO. I would like to apologize to Mr. Doyle and the House. I did inadvertently state that the legislature gave the courts that power. The power was given by the Supreme Court of Pennsylvania to set up ARD programs in those counties disposed to take advantage of such programs.

However, in response to Mr. Arthurs, I would like to point out that anybody who goes to trial and pleads guilty to a judge, the judge cannot place that person in an ARD program. The ARD program is designed to be used before conviction. There is no conviction in connection with an ARD program. The arrest is the only thing noted, and it is easy to find out if anybody has been arrested for drunken driving before because all arrests are at the state police headquarters. In every ARD program, these records are checked before a person is permitted to take the benefit of the ARD program.

Incidentally, Mr. Speaker, the ARD program—

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BELLOMINI. I would like every member of this House to keep it down to a minimum, because I think what Mr. Caputo is saying is very, very important.

Does the gentleman from Bucks, Mr. Gallagher, wish to be recognized by the Chair?

Mr. GALLAGHER. Since you raised the question, Mr. Speaker, I was not looking forward to being recognized, but

what I would like to know, without interfering with the debate, is, have our conferees arrived yet?

The SPEAKER pro tempore. The Chair has not been informed of any progress. I am sure the knowledgeable gentleman may receive it prior to the Chair and I wish he would then pass it on to the other members of the House who are also waiting with baited breath.

The gentleman from Allegheny, Mr. Caputo, may continue with, hopefully, the full attention of the members of the House.

Mr. CAPUTO. Mr. Speaker, I was saying that the ARD program does not result from a request by the accused. It is initiated by the district attorneys' offices and the prosecutors' offices in cases where they have reviewed the allegations, the charges, the extent of drunkenness by the accused, the damage, if any, or physical injuries, if any, attendant upon that particular case. It is then initiated by the district attorney's office.

I would point out that those counties which have adopted the program find it is very useful to them in holding down the number of cases in meting out justice, and that to change that particular provision all they need do is to withdraw from the program. So those counties which have adopted will continue to use it so long as it is beneficial to them and to the citizens within their county.

I would point out that if this amendment were to be approved and those persons who would be eligible for ARD are going to be deprived of their driver's license at the whim of the Secretary of Transportation, the incentive to get into an ARD program would be lost. For that reason and because the ARD programs have been working so well, I would ask for the defeat of this amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time speaking on this amendment, the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, let me just say this: We had this argument when we adopted the new Motor Vehicle Code back in June of 1976. The ARD program at that point in time was put into the Motor Vehicle Code. All my amendment really seeks to do is to keep the language in the law the way it is, and it adds the implied consent provision to remove the question of constitutionality, but let me tell you what Mr. Caputo is talking about.

You can get on the ARD program for the following offenses: operating while under suspension; operating or making use of any vehicle without the knowledge or consent of the owner or custodian thereof; utilizing a vehicle in the unlawful transportation or unlawful sale of alcohol or any controlled substance; any felony in the commission of which the court determines the vehicle was used; again, driving under suspension or revocation, first, second, third offense, et cetera. All this present law does and all my amendment seeks to do is to restore that language or keep that language. In the present law, it says if you commit any of those serious offenses and you are fortunate enough to have an attorney like Mr. Caputo who can go to court and get you on the ARD program, the Commonwealth cannot consider that an offense under the Motor Vehicle Code. If your neighbor commits that same offense, that is going to be held against him. Then if you are on the ARD pro-

gram and commit a second offense for which the penalty would be more severe, if you do not accept my amendment, then the Commonwealth cannot consider the ARD suspension as a first offense, and the second offense then becomes the first one, with a much lesser penalty. Again, your poor neighbor, who commits the second offense in that same period of time, suffers double the penalty.

I am saying to you that the ARD program may very well be good, but if you commit a violation under the Motor Vehicle Code, hit and run or some other serious violation, the department certainly ought to consider that then the next time you are arrested as to whether or not this is your first, second, third or fourth offense.

My amendment restores the language or keeps the language the way it is presently and adds an implied consent provision which eliminates the constitutional question. I think it is a good amendment. I think it is in favor of traffic safety and I would urge your support for this amendment.

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

Mr. BELLOMINI. I will yield to Mr. Williams.

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

Mr. WILLIAMS. Mr. Speaker, I would like to request the speaker, Mr. Ritter, if he will consent to a brief interrogation.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation.

The gentleman, Mr. Williams, may proceed.

Mr. WILLIAMS. Mr. Speaker, I have read your amendment and I am not clear on it. Does your amendment seek to require the taking of a license if someone happens to get into an ARD program?

Mr. Ritter. Mr. Speaker, let me go to page 40 first. Under the present law there is a notice to be given by the judge to the department that a particular person has been charged with an offense under the Motor Vehicle Code and is now on the ARD program. The judge must notify the department of that fact. That does not necessarily mean that that person's license will be suspended. It does mean that the department now has a record of it.

If Mr. Ritter then commits an offense in the same county or another county and Harrisburg gets notification of that, they will see on there that that would then constitute my second offense and therefore the penalty in that instance would be more severe. That is what I am trying to do. I am trying to keep the law the way it is presently.

Mr. WILLIAMS. I understood, Mr. Speaker, your reply was that you seek that when someone gets into this program that the judge notify the administrative department and that that same person may get picked up for a similar offense in another county that there would be a recording of those two alleged offenses, so that the administrative body will know whether or not that is their first or second offense. Basically, was that your comment?

Mr. RITTER. That is correct, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, once the department gets the

information of a first or second offense, so called, what will the department be able to do with that information relative to the suspension of a license?

Mr. RITTER. Mr. Speaker, then the second part of my amendment says that every suspension under this section, et cetera, shall—

Mr. WILLIAMS. Mr. Speaker, I think the gentleman's amendment and the bill are very important areas for practical reasons to jobholders, a lot of legal reasons, and I would request that the House have some order so that everybody can get an idea as to which way the issue can go based on the debate.

Mr. RITTER. Mr. Speaker, may I attempt to answer the question?

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

Mr. RITTER. Under the present law, once the notification is made to Harrisburg, that is all that is required on that first time. However, there are certain provisions in the Motor Vehicle Code which say that if a second or subsequent offense is committed, certain suspensions will be handed out.

The present law, Mr. Speaker, says acceptance, just acceptance of the ARD program shall be considered a suspension in making the determination as to whether or not the person's license had been suspended, but that does not say that the license will be suspended. It simply says that when you accept the program, it is the same as if you had actually served the suspension, but it simply is an indication that the offense was such that if you were not on ARD, you would have been suspended. I do not know whether I made myself clear, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, I do think that you made yourself clear enough for my point. Thank you very much.

Mr. Speaker, on the amendment, at least the thrust of it, it says that where you have a program, for many practical reasons—and as Mr. Caputo said—in all the cases, the district attorney initiates the program for whatever those good reasons are. But here we put a person in the position of saying that if he goes into that program, that is an automatic suspension. Even though Mr. Ritter says it does not take place, it would be considered a suspension for other administrative reasons or of penalties.

I have also handled quite a number of these cases and I want to say that in most all the cases, the balancing between the Commonwealth and the defendant is a rather good one, and a lot of cases that do not need to go to court do not go to court. I might also add that a good number of the cases, if they ended up in court, would indeed result in a nonguilty verdict.

The programs that the Commonwealth and the defendants get into have at least three very significant benefits for us. First of all, where you have a person who for 40 or 50 years has been driving and he happens to get into a little trouble, he can take care of his family without the penalty of a suspension or loss of that.

Number two—and it has not been mentioned, Mr. Speaker—when people get into this particular program, there is irregular treatment connected with the program, so that it is designed to make sure that people who may have a problem or

may be developing a problem at that stage in their life can get some treatment.

Thirdly, Mr. Speaker, the experience of the ARD program has worked excellently with regard to a calculated sifting out of a lot of cases that would spend time and money that do not need to be there.

Now Mr. Ritter's amendment puts a lawyer and a defendant in the choice of, shall I go to court and shall I fight my case out and win it and spend the time and spend the money? When you add to that consideration the idea that if you go into the ARD program, automatically you sustain a theoretical suspension.

One final point, Mr. Speaker: I think that Mr. Ritter omits and Mr. Caputo may, but I want to reemphasize it, and that is, that the ARD program does not begin because the defendant or his lawyer starts it. The ARD program begins if the district attorney or the county prosecutor, after sifting the cases, says we are going to put you into that. So here it is not a situation where the defendant initiates it and therefore should be in a position of automatically accepting a theoretical suspension.

I strongly urge that the amendment may destroy a system that is working very well for the safety of the public, for the continuation of some kind of treatment, and also to apply to those situations where jobholders and wage earners, who have spent many, many years of their lives working hard, never get into any trouble, but all of a sudden they get into some questionable trouble, and this system is working very, very well. I think to disturb it might cause us more money, more time and more problems.

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

Mr. BITTINGER. Thank you, Mr. Speaker.

I think we are overcomplicating a rather basic idea in Mr. Ritter's amendment, an idea which, by the way, I support. In effect, the ARD program is basically an idea to cut a break for someone who may deserve it. They have violated the law in one way or another, one of several ways, and maybe they deserve a break. The ARD program is designed, in effect, to give them that break, but if they again violate the law, I think it is the same as with my youngster. My youngster misbehaves and I say, okay, we will let you off this time but do not do it again. He does it again. My youngster is going to get my belt, and I am going to remember the first violation. Now, I think we have got to remember the first violation. Even though we cut them a break with the ARD program, that should not give them leeway to get away the second time around. I very strongly support the Ritter amendment.

GAVEL RETURNED TO SPEAKER

The SPEAKER pro tempore. At this time, the Chair returns the gavel to the Speaker.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

SPEAKER THANKS MR. FRYER

The SPEAKER. The Chair thanks the gentleman for presiding.

The Chair would advise the members that it is important that both parties go immediately to caucus. We have a choice to make, whether you want to continue the debate on this amendment ad infinitum or whether you want to run the vote on it today or you want to delay it until tomorrow.

The Chair recognizes the gentleman from Erie, Mr. Bellomini.

Mr. BELLOMINI. Mr. Speaker, let us call a caucus now and come back and finish this.

The SPEAKER. Did the gentleman, Mr. Bellomini, submit the amendment? Is this the gentleman's amendment?

Mr. BELLOMINI. No. This is Mr. Ritter's amendment.

The SPEAKER. Then let us ask the gentleman, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I think the debate was just about over. I am content to take a vote on the amendment right now, if you will, please.

The SPEAKER. Does the gentleman from Erie, Mr. Bellomini, wish to be recognized to make a statement on the amendment before we take the vote?

Mr. BELLOMINI. Yes. I rise to oppose this amendment because I think the ARD program is good in Pennsylvania. And, as I understand it, there is a bill in committee now to make this a "shall" bill that every county in Pennsylvania recognizes the ARD program.

Under the ARD program in the Erie County area, it has been a savings to the taxpayer, inasmuch as the cost of taking a gentleman to court to be found guilty would be approximately \$3,000.

Under the ARD program, the figures that I derive from the district attorney and using probation officers, the cost is less than \$1,000 per person. I oppose this amendment.

On the question,

Will the House agree to Part I of the Ritter amendments?

The following roll call was recorded:

YEAS—104

Abraham	Garzia	Madigan	Schweder
Arthurs	Gatski	Manmiller	Shuman
Bennett	Geesey	McCall	Smith, E.
Berlin	George, M.	McClatchy	Spitz
Bittinger	Giammarco	McGinnis	Stairs
Brown	Gillette	Meluskey	Stapleton
Burd	Gleeson	Milliron	Stewart
Caltagirone	Goodman	Miscevich	Stuban
Cassidy	Gray	Morris	Taddonio
Cowell	Halverson	Mowery	Taylor, E.
Davies	Hamilton	Mrkonic	Taylor, F.
DeVertter	Haskell	Novak	Tenaglio
DeWeese	Hayes, S. E.	Noye	Trello
DiCarlo	Hoeffel	O'Brien, B.	Valicenti
Dietz	Hutchinson, W.	O'Brien, D.	Vroon
Doyle	Itkin	O'Keefe	Wass
Duffy	Jones	Parker	Weidner
Fee	Katz	Piccola	Wenger
Fischer, R. R.	Kernick	Pitts	Wilson
Flaherty	Klingaman	Pratt	Wilt
Foster, A.	Kolter	Prendergast	Wise
Foster, W.	Laughlin	Pyles	Wright, D.
Freind	Levi	Reed	Zearfoss
Fryer	Lincoln	Ritter	Zeller
Gallen	Livengood	Salvatore	Zord
Gamble	Lynch	Schmitt	Zwikl

NAYS—84

Anderson	Fisher, D. M.	Mebus	Scirica
Armstrong	Gallagher	Milanovich	Seltzer
Barber	Geisler	Miller	Shupnik
Bellomini	George, C.	Moehlmann	Sirianni
Berson	Goebel	Mullen, M. P.	Smith, L.
Bittle	Greenleaf	Mullen, M. M.	Spencer
Borski	Grieco	Musto	Sweet
Brandt	Harper	O'Connell	Thomas
Brunner	Hasay	Oliver	Wagner
Burns	Hayes, D. S.	Pancoast	Wansacz
Butera	Helfrick	Pievsky	Wargo
Caputo	Honaman	Polite	White
Cianciulli	Hopkins	Pott	Wiggins
Cimini	Hutchinson, A.	Rappaport	Williams
Cohen	Johnson	Renwick	Wright, J. L.
DeMedio	Kowalshyn	Rhodes	Yahner
Dininni	Lehr	Richardson	Yohn
Dombrowski	Logue	Rieger	Zitterman
Donatucci	Mackowski	Ruggiero	
Dorr	Manderino	Ryan	Irvis,
Dumas	McIntyre	Scheaffer	Speaker
Englehart	McLane		

NOT VOTING—12

Beloff	Greenfield	Letterman	Ravenstahl
Cessar	Kelly	O'Donnell	Scanlon
Cole	Knepper	Petrarca	Shelton

The question was determined in the affirmative and Part I of the Ritter amendments was agreed to.

HOUSE SCHEDULE

The SPEAKER. Further discussion on the amendments to this bill will not take place today. The bill will remain in its present position available for other amendments tomorrow.

For the information of the members of the House, we shall be in session tomorrow, and the likelihood is that we shall be in session on Saturday.

BILLS PASSED OVER

The SPEAKER. All the bills on the calendar which have not yet been called up are passed over for today.

BILLS REPORTED FROM COMMITTEES

HB 175, PN 188 By Mr. CAPUTO

An Act amending the act of May 25, 1933 (P. L. 1050, No. 242), referred to as the Second Class City Fireman Relief Law, further providing for employe contributions and cost of living increments.

Urban Affairs.

HB 1239, PN 1786 (Amended) By Mr. GEISLER

An Act to automatically terminate all forms, publications, pamphlets, periodicals and similar materials printed or otherwise reproduced at government expense.

State Government.

HB 1447, PN 1719 By Mr. CAPUTO

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), clarifying certain provisions relating to exemptions from taxation.

Urban Affairs.

BILLS REPORTED FROM COMMITTEES AND TABLED

SB 234, PN 1202 (Amended) By Mr. BERSON

An Act relating to the qualifications of former or retired justices or judges to be recalled for temporary assignment to perform judicial service.

Judiciary.

SB 355, PN 1204 (Amended) By Mr. GEISLER

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled as amended "The Permanent Registration Act for Cities of the Second Class Cities of the Second Class A Cities of the Third Class Boroughs Towns and Townships" further providing for registration and for official registration application cards.

State Government.

BILL REREPORTED FROM COMMITTEE

SB 354, PN 1203 (Amended) By Mr. GEISLER

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), entitled "The First Class City Permanent Registration Act" further providing for registration and for official registration application cards.

Rereported from Committee on State Government.

REPUBLICAN AND DEMOCRATIC CAUCUSES

The SPEAKER. The Chair wishes to announce that immediately upon the declaration of the adjournment, there will be a Republican caucus and there will be a Democratic caucus. Quite obviously, the subject matter of both caucuses is going to be the informal submission of the plans of the Conference Committee; not the formal report but the informal submission. The Chair urges all members to attend those caucuses promptly.

WELCOMES

The SPEAKER. The Chair is pleased to announce the presence in the hall of the House of Mr. and Mrs. David Uncles of

Clearfield County. They are the guests of Mr. George from Clearfield County.

The Chair also is pleased to announce the presence of George Campbell, who is a member of the McKeesport Democratic Committee, and his wife, Della, and the presence of Eleanor Kratzer, who is the women's editor of the McKeesport Daily News. They are the guests of Mr. Mrkonic.

The Chair, at this time, wishes to introduce to the members of the House a group of persons from the Clarion State College, Louis Stewart, Judy Bowser, Grace Fleming, Asid Harwick, Guy Stewart, Larry Trewit and George Keel.

They are from Clarion County and they are the guests of Representative David Wright.

The Chair is delighted to recognize the presence in the hall of the House of Richard and Virginia Yost, and a guest from Spain, Silvestre Falguera. This gentleman and these children are the guests of Mr. Zeller.

The Chair recognizes as guests of the gentleman, Mr. Bittinger, Mr. and Mrs. Joseph Luprek of Johnstown.

NO FURTHER BUSINESS

The SPEAKER. Does the majority leader have any further business?

Mr. MANDERINO. No, Mr. Speaker.

The SPEAKER. Does the minority leader have any further business?

Mr. BUTERA. No, Mr. Speaker.

ADJOURNMENT

Mr. MOEHLMANN moved that this House do now adjourn until Friday, July 15, 1977, at 10 a.m., d.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 2:35 p.m., e.d.t.) the House adjourned.