

Legislative Journal

MONDAY, JULY 18, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 63

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REVEREND DOCTOR MARLIN C. BOTTIGER, assistant to the president of the Central Pennsylvania Synod of the Lutheran Church in America, Harrisburg, Pennsylvania, guest chaplain, offered the following prayer:

Let us pray:

O God, our heavenly Father, who hast gathered us into a great Nation and into this beloved Commonwealth:

Give Thine abundant grace to our Governor, to all other office bearers in our state, and particularly now to the members of this House of Representatives. Keep them equal to their tremendous responsibility, conscientious in the use of privilege, and faithful in the exercise of power. Let Thy holy will and strong arm guide and support them in all their doings.

Enlighten all of us that we may see the people of Thy world not as unrelated groups in competition, but rather as one family of which Thou art the Creator, the Head, the Father. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Friday, July 15, 1977, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of April 26, 27, May 2, 5, 23, 24, 25, 31, June 1, 6 and 7, 1977?

If not, and without objection, the Journals are approved.

MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker advises all the members within the sound of his voice that he is about to take up the master roll. Members are urged to report immediately to the floor of the house.

The following roll call was recorded:

YEAS—193

Abraham	Gallagher	Manmiller	Schmitt
Anderson	Gallen	McCall	Schweder
Armstrong	Gamble	McClatchy	Scirica
Arthurs	Garzia	McGinnis	Seltzer
Barber	Gatski	McIntyre	Shuman
Bellomini	Geesey	McLane	Shupnik
Bennett	George, C.	Mebus	Sirianni

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

NAYS—0

NOT VOTING—7

Beloff	Gleeson	Parker	Shelton
Geisler	Knepper	Scanlon	

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

BILL SIGNED BY SPEAKER

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

HOUSE BILL No. 207

An Act providing for the establishment organization op-

eration and termination of fraternal benefit societies; imposing additional powers and duties on the Insurance Department and Insurance Commissioner and providing penalties for violations.

Whereupon,

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1500 By Messrs. GEESEY, DORR, LEHR, A. C. FOSTER and ANDERSON

An Act designating a part of U. S. Route 30 in York County as the General Devers Highway.

Referred to Committee on Transportation.

No. 1501 By Mr. GEESEY

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for the division and reorganization of certain school districts.

Referred to Committee on Education.

No. 1502 by Messrs. OLIVER, WILSON, BARBER, RIEGER and DONATUCCI

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

Referred to Committee on Urban Affairs.

No. 1503 By Messrs. ZEARFOSS, BRUNNER, FREIND, GARZIA, YOHAN, ZWIKL, RYAN, MELUSKEY, MEBUS, D. R. WRIGHT, VROON, DUFFY, WAGNER, Mrs. GEORGE, Messrs. POTT, WILLIAMS, MOEHLMANN, O'DONNELL, PANCOAST, PICCOLA and WEIDNER

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), changing a definition.

Referred to Committee on Finance.

No. 1504 By Messrs. BERLIN, KOWALYSHYN, DOYLE, LETTERMAN, ZORD, GARZIA, SWEET, SHUMAN, REED and GALLAGHER

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled "An act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties," further providing for the payment of death benefits to certain survivors of law enforcement officers and firefighters.

Referred to Committee on State Government.

No. 1505 By Mr. WAGNER

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), changing the rate of inheritance tax for certain heirs.

Referred to Committee on Finance.

LEAVES OF ABSENCE GRANTED

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

Mr. GREENFIELD. Mr. Speaker, I request a leave of absence for Messrs. SHELTON and GEISLER for the week's session, and for Mr. RAPPAPORT for today's session.

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

Mr. S. E. HAYES. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER pro tempore. Without objection, leaves are granted.

COMMITTEE CHAIRMEN'S REPORTS PRESENTED

The SPEAKER. The Chair now calls on all committee chairmen to submit their reports of attendance and votes for the previous week beginning July 11. Those reports are to be forwarded to the desk immediately.

Mr. YAHNER, chairman of the Agriculture and Rural Affairs Committee, presented the following report:

July 18, 1977.

Mr. Speaker:

No Agriculture and Rural Affairs Committee Meeting week of Mon., July 11, 1977.

Sincerely
WM. SHUMAN

Attendance Report

Week of July 11, 1977.

There were no committee meetings for the week of July 11, 1977.

Signed
PAUL J. YAHNER
Secretary

Mr. PIEVSKY, chairman of the Appropriations Committee, presented the following report:

Attendance Report

July 11, 1977.

MAJORITY MEMBERS	Present	Absent
MR. CHAIRMAN, Max Pievsky		X
Frank Oliver	X	
Joel Johnson, Subcommittee Chairman	X	
Amos Hutchinson, Subcommittee Chairman	X	
Bernard Dombrowski	X	
Joseph Ted Doyle	X	
Thomas Fee	X	
Helen Gillette	X	
James Goodman	X	

Ivan Itkin	X		Charles Mebus	yea
Joseph Kolter	X		Frank O'Connell	yea
James J. Manderino		X	Sheldon Parker	yea
Martin Mullen	X		L. Eugene Smith	absent
Raphael Musto	X		Benjamin Wilson	yea
Joseph Petrarca	X		James Wright	yea
James Prendergast		X		
Samuel Rappaport	X		YEAS—26	
Fred Shupnik	X		NAYS—0	
John Wansacz	X		NOT VOTING—5	
Joseph Wargo	X		Signed	
MINORITY MEMBERS			MAX PIEVSKY	
H. Jack Seltzer, Min. Chairman	X		H. JACK SELTZER	
Harry Bittle	X			
James Gallen		X	ROLL CALL	
John Hamilton	X		Senate Bill 927	
H. Harrison Haskell	X			
Charles Mebus	X		MAJORITY MEMBERS	VOTE
Frank O'Connell	X		Jim Barber, Subcommittee Chairman	yea
Sheldon Parker	X		Joel Johnson, Subcommittee Chairman	yea
L. Eugene Smith		X	Amos Hutchinson, Subcommittee Chairman	yea
Benjamin Wilson	X		Bernard Dombrowski	yea
James Wright	X		Joseph Ted Doyle	yea
Signed			Thomas Fee	yea
MAX PIEVSKY			Helen Gillette	yea
H. JACK SELTZER			James Goodman	yea
ROLL CALL			Ivan Itkin	yea
Senate Bill 701			Joseph Kolter	yea
			Martin Mullen	yea
MAJORITY MEMBERS		VOTE	Raphael Musto	yea
Jim Barber, Subcommittee Chairman	yea		Joseph Petrarca	yea
Joel Johnson, Subcommittee Chairman	yea		James Prendergast	absent
Amos Hutchinson, Subcommittee Chairman	yea		Samuel Rappaport	yea
Bernard Dombrowski	yea		Fred Shupnik	yea
Joseph Ted Doyle	yea		John Wansacz	yea
Thomas Fee	yea		Joseph Wargo	yea
Helen Gillette	yea		MR. CHAIRMAN, Max Pievsky	absent
James Goodman	yea		James Manderino	absent
Ivan Itkin	yea		MINORITY MEMBERS	
Joseph Kolter	yea		H. Jack Seltzer, Minority Chairman	yea
Martin Mullen	yea		Harry Bittle	yea
Raphael Musto	yea		James Gallen	absent
Joseph Petrarca	yea		John Hamilton	yea
James Prendergast	absent		H. Harrison Haskell	yea
Samuel Rappaport	yea		Charles Mebus	yea
Fred Shupnik	yea		Frank O'Connell	yea
John Wansacz	yea		Sheldon Parker	yea
Joseph Wargo	yea		L. Eugene Smith	absent
MR. CHAIRMAN, Max Pievsky	absent		Benjamin Wilson	yea
James Manderino	absent		James Wright	yea
MINORITY MEMBERS			YEAS—26	
H. Jack Seltzer, Minority Chairman	yea		NAYS—0	
Harry Bittle	yea		NOT VOTING—5	
James Gallen	absent		Signed	
John Hamilton	yea		MAX PIEVSKY	
H. Harrison Haskell	yea		H. JACK SELTZER	

Mr. BENNETT, chairman of the Business and Commerce Committee, presented the following report:

July 18, 1977.

SUBJECT: Business & Commerce Committee Report
TO: Honorable K. Leroy Irvis, Speaker
FROM: Honorable Reid L. Bennett, Chairman
Business & Commerce Committee

The Business and Commerce Committee did not hold any meetings during the week of July 11, 1977.

Mr. SCHMITT, chairman of the Consumer Affairs Committee, presented the following report:

Attendance Report

Week of June 27, 1977.

No meetings held during this week.

Signed
C. L. SCHMITT
Chairman

Attendance Report

July 13, 1977.

Table with columns: MAJORITY MEMBERS, Present, Absent. Lists names like MR. CHAIRMAN, C. L. Schmitt, Adam Bittinger, etc.

Signed
C. L. SCHMITT
Chairman

OFFICIAL LEAVE REQUESTS

I Roland Greenfield ask for official leave of absence from attending the meeting of the Consumer Affairs Committee on June 20, 1977 for the following reason:

Meeting with Leadership.

Signed: ROLAND GREENFIELD

I Francis Gleeson ask for official leave of absence from attending the meeting of the Consumer Affairs Committee on July 13, 1977 for the following reason:

Conflicting legislative duties.

Signed: FRANCIS GLEESON

I Stephen R. Reed ask for official leave of absence from attending the meeting of the Consumer Affairs Committee on July 13, 1977 for the following reason:

Conflicting legislative duties (another meeting).

Signed: STEPHEN R. REED

I Joseph Hoeffel ask for official leave of absence from attending the meeting of the Consumer Affairs Committee on July 13, 1977 for the following reason:

Conflicting committee meeting (State Government).

Signed: JOSEPH HOEFFEL

ROLL CALL

House Bill 452 (Printer's Number 491)

Passed — Voice Vote

Signed
C. L. SCHMITT
Chairman

ROLL CALL

House Bill 1409 (Printer's Number 1676)

Passed — Voice vote

Signed
C. L. SCHMITT
Chairman

ROLL CALL

Senate Concurrent Resolution Number 210

Passed — Voice Vote

Signed
C. L. SCHMITT
Chairman

Amend First Resolved Clause, page 1, line 12, by striking out "THREE" and inserting six

Amend First Resolved Clause, page 1, line 13, by striking out "SEPTEMBER" and inserting December

Mr. GALLAGHER, chairman of the Education Committee, presented the following report:

July 18, 1977.

SUBJECT: Committee Activities

TO: Honorable K. Leroy Irvis Speaker	ANITA P. KELLY Chairman Committee on Health and Welfare
FROM: James J. A. Gallagher, Chairman Education Committee	
During the week of July 11, 1977, the Committee on Education held no meetings and conducted no hearings.	Mr. KOWALYSHYN, chairman of the Insurance Committee, presented the following report:
	July 1, 1977.
Mr. RITTER, chairman of the Federal-State Relations Committee, presented the following report:	SUBJECT: Insurance Committee Meetings
July 5, 1977.	TO: Honorable K. Leroy Irvis, Speaker
Mr. Speaker:	FROM: Russell Kowalyshyn, Chairman
The Federal-State Relations Committee did not meet during the week of June 27th.	Please let it be noted that there were no meetings held during the week of June 27, 1977.
	July 11, 1977.
JAMES P. RITTER Chairman	SUBJECT: Insurance Committee Meetings
July 18, 1977.	TO: Honorable K. Leroy Irvis, Speaker
Mr. Speaker:	FROM: Russell Kowalyshyn, Chairman
The Federal-State Relations Committee did not meet during the week of July 11th.	Please let it be noted that there were no meetings held during the week of July 4, 1977.
	July 18, 1977.
JAMES P. RITTER Chairman	SUBJECT: Insurance Committee Meetings
	TO: Honorable K. Leroy Irvis, Speaker
Mr. BRUNNER, chairman of the Finance Committee, presented the following report:	FROM: Russell Kowalyshyn, Chairman
There were no meetings of the Finance Committee the week of July 10, 1977.	Please let it be noted that there were no meetings held during the week of July 11, 1977.
	Mr. BERSON, chairman of the Judiciary Committee, presented the following report:
RONNY GOLDSMITH	July 5, 1977.
Mr. RENWICK, chairman of the Game and Fisheries Committee, presented the following report:	SUBJECT: Judiciary Committee Meeting
SUBJECT: Meetings — Committee on Game and Fisheries	TO: Office of the Speaker
TO: Honorable K. Leroy Irvis Speaker	FROM: Norman S. Berson, Chairman
FROM: William F. Renwick, Chairman	A meeting was held by the Judiciary Committee on Wednesday, June 29, 1977 at 9:30 A.M. in Room 401, Main Capitol. Senate Bill 757 & House Bills 201 & 231.
The Committee on Game and Fisheries did not hold any meetings the week of July 11, 1977.	July 22, 1977.
Mrs. KELLY, chairman of the Health and Welfare Committee, presented the following report:	SUBJECT: Judiciary Committee Meeting
July 18, 1977.	TO: Office of the Speaker
SUBJECT: Weekly Committee Meeting Report	FROM: Norman S. Berson, Chairman
TO: The Speaker of the House of Representatives	A meeting was held by the Judiciary Committee on July 11, 1977 at 11:30 A.M. in the House Majority Caucus Room.
FROM: Anita P. Kelly, Chairman Committee on Health and Welfare	Mr. VALICENTI, chairman of the Labor Relations Committee, presented the following report:
During the week of July 11, 1977, there were no meetings of the Committee on Health and Welfare.	

July 18, 1977.

SUBJECT: Labor Relations Committee Report

TO: Honorable K. Leroy Irvis
Speaker

FROM: A. Joseph Valicenti, Chairman
Labor Relations Committee

There were no meetings held by the House Labor Relations Committee during the week of July 11, 1977.

Mr. BARBER, chairman of the Liquor Control Committee, presented the following report:

July 5, 1977.

The Honorable K. Leroy Irvis
Speaker of the House
House of Representatives
139 Main Capitol
Harrisburg, PA 17120

Dear Lee:

We of the Liquor Control Committee are glad to report that there were no meetings held during the week of June 27, 1977.

Thank you.

Sincerely,
JAMES D. BARBER
Chairman, Liquor Control
Committee

July 11, 1977.

Honorable K. Leroy Irvis
Speaker
139 Main Capitol
Harrisburg, PA 17120

Dear Lee:

During the week of July 4, 1977 the Liquor Control Committee did not hold any meetings.

Thank you for your cooperation.

Sincerely,
JAMES D. BARBER
Chairman

Mr. FRYER, chairman of the Local Government Committee, presented the following report:

July 18, 1977.

SUBJECT: Local Government Committee Meetings

TO: The Honorable K. Leroy Irvis, Speaker

FROM: Lester K. Fryer, Chairman
Room 149-A ext. 3-8683

Please be advised that there were no meetings of the Local Government Committee of the House of Representatives during the week of July 11, 1977.

Mr. DeMEDIO, chairman of the Military and Veterans Affairs Committee, presented the following report:

July 18, 1977.

SUBJECT: Committee Report

TO: Hon. K. Leroy Irvis
The Speaker

FROM: A. J. DeMedio, Chairman
Military & Veterans Affairs Committee

The Military & Veterans Affairs Committee did not hold any meetings during the week of 11-15 July 1977.

Mr. B. F. O'BRIEN, chairman of the Mines and Energy Management Committee, presented the following report:

July 18, 1977.

SUBJECT: Mines and Energy Management Committee Meeting Attendance Report

TO: The Honorable K. Leroy Irvis
The Speaker

FROM: Bernard F. O'Brien, Chairman
James Wright, Minority Chairman
Mines and Energy Management Committee

Attached is the attendance report the meeting the Mines and Energy Management Committee held on Monday, July 11, 1977.

Attendance Report

July 11, 1977.

MAJORITY MEMBERS	Present	Absent
MR. CHAIRMAN, Bernard F. O'Brien	X	
Fred Taylor	X	
Camille George	X	
Thomas McCall	X	
James Goodman	X	
Ivan Itkin	X	
Donald Abraham		X
George Misceovich		X
William DeWeese		X
Ron Gatski	X	
Fred Trello		X
Dave Sweet		X
Ron Gamble		X
Paul Yahner		X
MINORITY MEMBERS		
James Wright, Jr.	X	
Stanford I. Lehr	X	
L. Eugene Smith	X	
Jess Stairs	X	
John Davies		
Edward F. Burns	X	
D. Michael Fisher	X	
Joseph Levi	X	

Paul Wass
Signed
CAMILLE GEORGE
Secretary

Mr. RIEGER, acting chairman of the Professional Licensure Committee, presented the following report:

Mr. Speaker:
The Professional Licensure Committee did not meet the week of July 11, 1977.

HON. WILLIAM W. RIEGER
Acting Chairman

Mr. GEISLER, chairman of the State Government Committee, presented the following report:

Mr. Speaker:
Attached please find attendance and roll call sheets for the State Government Committee meeting held on Wednesday, July 13, 1977.

HON. ROBERT A. GEISLER
Chairman

Attendance Report

July 13, 1977.

MAJORITY MEMBERS	Present	Absent
MR. CHAIRMAN, Robert Geisler	X	
Frank Oliver	X	
Phyllis Kernick	X	
Ted Berlin	X	
Harold Brown	X	
Mark Cohen	X	
Ronald Cowell	X	
Roger Duffy	X	
Cliff Gray	X	
Ruth Harper	X	
Joe Hoeffel	X	
Steve Reed	X	
Bill Renwick	X	
Tom Stapleton	X	

MINORITY MEMBERS	Present	Absent
Ben Wilson	X	
Ken Brandt	X	
Don Dorr	X	
June Honaman	X	
Nick Moehlmann	X	
Hal Mowery	X	
Carmel Sirianni	X	
Earl Smith	X	
George Wagner	X	

Signed
PHYLLIS KERNICK
Secretary

ROLL CALL

House Bill 1239, Printer's No. 1461

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Robert Geisler	yea
Frank Oliver	yea
Phyllis Kernick	nv
Ted Berlin	yea
Harold Brown	yea
Mark Cohen	yea
Ronald Cowell	yea
Roger Duffy	yea
Cliff Gray	yea
Ruth Harper	yea
Joe Hoeffel	yea
Steve Reed	yea
Bill Renwick	yea
Tom Stapleton	yea

MINORITY MEMBERS	VOTE
Ben Wilson	yea
Ken Brandt	nv
Don Dorr	yea
June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	yea
Earl Smith	yea
George Wagner	nv

YEAS—19
NAYS—0
NOT VOTING—4

Signed
PHYLLIS KERNICK
Secretary

AMENDMENTS TO HOUSE BILL NO. 1239

Printer's No. 1461

- Amend Sec. 5, page 5, line 14 by striking out "regulations" and inserting resolutions
- Amend Sec. 5, page 5, line 16 by striking out "regulation" and inserting resolution
- Amend Sec. 6, page 7, lines 3 and 4 by striking out "and the required information relative thereto"
- Amend Sec. 6, page 7, line 5 by inserting after "reinstated" and the required information relative thereto
- Amend Sec. 12, page 8, line 20 by striking out "immediately" and inserting in 90 days

ROLL CALL

House Bill 1239, Printer's No. 1461

MAJORITY MEMBERS	VOTE
MR. CHAIRMAN, Robert Geisler	yea
Frank Oliver	yea
Phyllis Kernick	nv
Ted Berlin	yea
Harold Brown	yea
Mark Cohen	yea
Ronald Cowell	yea
Roger Duffy	yea
Cliff Gray	yea
Ruth Harper	yea

Joe Hoeffel	yea
Steve Reed	yea
Bill Renwick	yea
Tom Stapleton	yea
MINORITY MEMBERS	
Ben Wilson	yea
Ken Brandt	nv
Don Dorr	yea
June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	yea
Earl Smith	yea
George Wagner	nv

YEAS—19
 NAYS—0
 NOT VOTING—4

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

House Bill 1239, Printer's No. 1461

MAJORITY MEMBERS		VOTE
MR. CHAIRMAN, Robert Geisler	yea	
Frank Oliver	yea	
Phyllis Kernick	nv	
Ted Berlin	yea	
Harold Brown	yea	
Mark Cohen	yea	
Ronald Cowell	yea	
Roger Duffy	yea	
Cliff Gray	yea	
Ruth Harper	yea	
Joe Hoeffel	yea	
Steve Reed	yea	
Bill Renwick	yea	
Tom Stapleton	yea	

MINORITY MEMBERS	
Ben Wilson	yea
Ken Brandt	nv
Don Dorr	yea
June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	yea
Earl Smith	yea
George Wagner	nv

YEAS—19
 NAYS—0
 NOT VOTING—4

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

House Bill 988, Printer's No. 1580

MAJORITY MEMBERS		VOTE
MR. CHAIRMAN, Robert Geisler	yea	
Frank Oliver	yea	
Phyllis Kernick	nv	
Ted Berlin	yea	
Harold Brown	nv	
Mark Cohen	yea	
Ronald Cowell	nv	
Roger Duffy	yea	
Cliff Gray	yea	
Ruth Harper	nv	
Joe Hoeffel	yea	
Steve Reed	nay	
Bill Renwick	yea	
Tom Stapleton	yea	

MINORITY MEMBERS

Ben Wilson	nv
Ken Brandt	nv
Don Dorr	yea
June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	nv
Earl Smith	nv
George Wagner	nv

YEAS—12
 NAYS—1
 NOT VOTING—10

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

House Bill 694, Printer's No. 774

MAJORITY MEMBERS		VOTE
MR. CHAIRMAN, Robert Geisler	yea	
Frank Oliver	yea	
Phyllis Kernick	nv	
Ted Berlin	yea	
Harold Brown	nv	
Mark Cohen	yea	
Ronald Cowell	nv	
Roger Duffy	yea	
Cliff Gray	yea	
Ruth Harper	yea	
Joe Hoeffel	yea	
Steve Reed	yea	
Bill Renwick	yea	
Tom Stapleton	yea	

MINORITY MEMBERS

Ben Wilson	yea
Ken Brandt	nv
Don Dorr	yea

June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	nv
Earl Smith	nv
George Wagner	nv

YEAS—15
 NAYS—0
 NOT VOTING—8

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

House Bill 694, Printer's No. 774

MAJORITY MEMBERS

MR. CHAIRMAN, Robert Geisler	yea
Frank Oliver	yea
Phyllis Kernick	nv
Ted Berlin	yea
Harold Brown	nv
Mark Cohen	nay
Ronald Cowell	nv
Roger Duffy	yea
Cliff Gray	yea
Ruth Harper	yea
Joe Hoeffel	nay
Steve Reed	yea
Bill Renwick	nay
Tom Stapleton	nay

MINORITY MEMBERS

Ben Wilson	yea
Ken Brandt	nv
Don Dorr	yea
June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	nv
Earl Smith	nv
George Wagner	nv

YEAS—11
 NAYS—4
 NOT VOTING—8

Signed
 PHYLLIS KERNICK
 Secretary

ROLL CALL

Senate Bill 354, Printer's No. 423

MAJORITY MEMBERS

MR. CHAIRMAN, Robert Geisler	yea
Frank Oliver	yea
Phyllis Kernick	nv
Ted Berlin	yea
Harold Brown	yea

Mark Cohen	yea
Ronald Cowell	yea
Roger Duffy	yea
Cliff Gray	nay
Ruth Harper	yea
Joe Hoeffel	yea
Steve Reed	yea
Bill Renwick	yea
Tom Stapleton	yea

MINORITY MEMBERS

Ben Wilson	yea
Ken Brandt	yea
Don Dorr	yea
June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	yea
Earl Smith	yea
George Wagner	yea

YEAS—20
 NAYS—1
 NOT VOTING—2

Signed
 PHYLLIS KERNICK
 Secretary

AMENDMENTS TO SENATE BILL NO. 354

Printer's No. 423

Amend Title, page 1, lines 20 through 22, by striking out "further defining additional terms and further" in line 20, all of lines 21 and 22, and inserting further providing for registration and for official registration application cards.

Amend Sec. 1 (Sec. 2), page 2, line 4, by striking out "of this act"

Amend Sec. 1 (Sec. 2), page 2, line 8, by inserting a period after "20"

Amend Sec. 1 (Sec. 2), page 2, lines 8 and 9, by striking out "of this act."

Amend Bill, page 2, by inserting between lines 9 and 10 Section 2. Subsection (a) of section 19.1 of the act, added July 1, 1976 (P. L. 476, No. 122), is amended to read:

Section 19.1. Official [Nonpersonal Voter] Registration Application Cards; Preparations and Distribution.—

(a) For the purpose of enabling qualified electors of each city of the first class to register to vote, the Secretary of the Commonwealth shall cause to be prepared and printed at the expense of the Commonwealth, nonpersonal voter registration application cards containing spaces for entering the information required by sections 20, 20.1 and 20.2 of this act. The form shall be [a bifold] in the form of a self mailer so designed as to preserve the confidentiality of the information required to be submitted by the registrant. The form shall also be designed in order to require the applicant to affix at least two signatures, one signature to be affixed under the declaration of the applicant and the other signature on a removable label or other device to be affixed under the information required of the applicant. In addition, the form shall include a detachable portion on which the registrant shall print his name, present residential address, postal designation and zip code. Such portion shall include on the reverse side, printed notification to the registrant that his application form has been received and is being processed by the county registration commission. Such notification shall be sent within three days from receipt

thereof, by first class non-forwardable mail, return postage guaranteed, with all postage costs to be paid by the State.

The Secretary of the Commonwealth may also cause to be printed bilingual forms for use of applicants in those jurisdictions wherein there is a single language minority and shall cause such bilingual forms to be printed in those jurisdictions wherein a single language minority exceeds five percent and in such jurisdiction shall cause a public educational program to be conducted among that language group alerting both organizations and individuals of that group of the availability of such forms and encouraging unregistered voters to register.

The form shall contain the following information:

(1) Notice that those currently registered do not need to re-register unless they have moved or failed to vote at least once during the immediately preceding two calendar years.

(2) Notice of a registrant's right to also register in person.

(3) Instructions on how to fill out and submit the application card and that the card must be received by the appropriate county registration commission at least thirty days prior to the ensuing primary or election at which the applicant may offer to vote.

(4) Notice that the registrant must be a citizen of the United States for at least one month, a resident of Pennsylvania, the county and the election district for at least thirty days, and must be eighteen years old on or before the day following the ensuing primary or election at which the registrant offers to vote.

(5) Notice that political party enrollment is mandatory to vote in a primary election of a political party.

(6) Notice that the voter notification stub from the application card form will be mailed non-forwardable and advising the registrant to contact the county registration commission in the event such notification stub is not received within ten days from the date the application is sent to the county board of elections.

(7) Information designating the name of each county seat together with its post office mailing address and zip code and telephone number.

(8) Notice that registration or enrollment is not complete until the application card is processed and accepted by the commission.

(9) A warning to the registrant that the State penalty for making a false registration or furnishing false information shall be perjury punishable by fine of one thousand dollars (\$1,000) and/or five years imprisonment, plus loss of suffrage for ten years.

(10) Instructions to Federal or State employes who wish to retain voting residence in the county of last residence to so indicate on the application form.

(11) A notice that the telephone number of the registrant may be inserted in a place provided therefore.

Amend Sec. 2, page 2, line 10 by striking out "2. Subsection" and inserting

3. Subsections (b) and

Amend Sec. 2, page 2, line 10 by inserting after "act," subsection (b) amended July 1, 1976 (P. L. 476, No. 122), and subsection (c)

Amend Sec. 2, page 2, line 11 by striking out "is" and inserting are

Amend Sec. 2 (Sec. 20), page 2, line 13 by striking out all of said line and inserting

(b) When registering in person, he shall first be sworn or affirmed to the truth of the statements which he is about to make, and informed that any wilful false statement will constitute perjury and will be punishable as such. He then shall be asked to state the facts required herein, and his answers, together with the other information herein required, shall be recorded in his presence by the registrar or by the person authorized to act as a registrar or commission, in permanent writing or typewriting, in triplicate or duplicate, as the commission may determine, in the proper spaces on the registration cards. [as follows:]

(c) [(1)] The following information shall be contained on all registration cards: (1) the surname of the applicant; (2) his

Christian name

Amend Bill, page 4, lines 4 through 30; pages 5 through 9, by striking out all of said lines on said pages and inserting Section 4. This act shall take effect immediately.

ROLL CALL

Senate Bill 354, Printer's No. 423

MAJORITY MEMBERS

VOTE

Mr. CHAIRMAN, Robert Geisler

yea

Frank Oliver

yea

Phyllis Kernick

nv

Ted Berlin

yea

Harold Brown

yea

Mark Cohen

yea

Ronald Cowell

yea

Roger Duffy

yea

Cliff Gray

nay

Ruth Harper

yea

Joe Hoeffel

yea

Steve Reed

yea

Bill Renwick

yea

Tom Stapleton

yea

MINORITY MEMBERS

Ben Wilson

yea

Ken Brandt

yea

Don Dorr

yea

June Honaman

yea

Nick Moehlmann

nv

Hal Mowery

yea

Carmel Sirianni

yea

Earl Smith

yea

George Wagner

YEAS—20

NAYS—1

NOT VOTING—2

Signed

PHYLLIS KERNICK

Secretary

ROLL CALL

Senate Bill 355, Printer's No. 359

MAJORITY MEMBERS

VOTE

MR. CHAIRMAN, Robert Geisler

yea

Frank Oliver

yea

Phyllis Kernick

nv

Ted Berlin

yea

Harold Brown

yea

Mark Cohen

yea

Ronald Cowell

yea

Roger Duffy

yea

Cliff Gray

nay

Ruth Harper

yea

Joe Hoeffel

yea

Steve Reed

yea

Bill Renwick

yea

Tom Stapleton

yea

MINORITY MEMBERS

Ben Wilson	yea
Ken Brandt	yea
Don Dorr	yea
June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	yea
Earl Smith	yea
George Wagner	yea

YEAS—20
 NAYS—1
 NOT VOTING—2

Signed
 PHYLLIS KERNICK
 Secretary

AMENDMENTS TO SENATE BILL NO. 355

Printer's No. 359

Amend Title, page 1, lines 22 through 25 by striking out "further" in line 22, all of lines 23 through 25 and inserting further providing for registration and for official registration application cards.

Amend Bill, page 2, lines 14 through 30; page 3, lines 1 through 30; page 4, lines 1 through 30; page 5, lines 1 through 30; page 6, lines 1 through 30; page 7, lines 1 through 26 by striking out all of said lines on said pages and inserting

Section 2. Subsection (a) of section 17.1 of the act added July 1, 1976 (P. L. 504, No. 123), is amended to read:

Section 17.1. Official [Nonpersonal Voter] Registration Application Cards; Preparation and Distribution.—(a) For the purpose of enabling qualified electors of each city of the second class, city of the second class A, city of the third class, borough, town or township, to register by mail, the Secretary of the Commonwealth shall cause to be prepared and printed at the expense of the State, official registration application cards containing spaces for entering the information required by sections 18, 18.1 and 18.2 of this act. The form shall be [a bifold] in the form of a self mailer so designed as to preserve

the confidentiality of the information required to be submitted by the registrant. The form shall also be designed in order to require the applicant to affix at least two signatures, one signature to be affixed under the declaration of the applicant and the other signature on a removable label or other device to be affixed under the information required of the applicant. In addition, the form shall include a detachable portion on which the registrant shall print his name, present residential address, postal designation and zip code. Such portion shall include on the reverse side, printed notification to the registrant that his application form has been received and is being processed by the county registration commission. Such notification shall be sent within three days from receipt thereof, by first class non-forwardable mail, return postage guaranteed, with all postage costs to be paid by the State.

The Secretary of the Commonwealth may also cause to be printed bilingual forms for use of applicants in those jurisdictions wherein there is a single language minority and shall cause such bilingual forms to be printed in those jurisdictions wherein a single language minority exceeds five percent and in such jurisdiction shall cause a public educational program to be conducted among that language group alerting both organizations and individuals of that group of the availability of such forms and encouraging unregistered voters to register.

The form shall contain the following information:

(1) Notice that those currently registered do not need to re-register unless they have moved or failed to vote at least once during the immediately preceding two calendar years.

(2) Notice of a registrant's right to also register in person.

(3) Instructions on how to fill out and submit the application card and that the card must be received by the appropriate county registration commission at least thirty days prior to the ensuing primary or election at which the applicant may offer to vote.

(4) Notice that the registrant must be a citizen of the United States for at least one month, a resident of Pennsylvania, the county and the election district for at least thirty days, and must be eighteen years old on or before the day following the ensuing primary or election at which the registrant offers to vote.

(5) Notice that political party enrollment is mandatory to vote in a primary election of a political party.

(6) Notice that the voter notification stub from the application card form will be mailed non-forwardable and advising the registrant to contact the county registration commission in the event such notification stub is not received within ten days from the date the application is sent to the county board of elections.

(7) Information designating the name of each county seat together with its post office mailing address and zip code and telephone number.

(8) Notice that registration or enrollment is not complete until the application card is processed and accepted by the commission.

(9) A warning to the registrant that the State penalty for making a false registration or furnishing false information shall be perjury punishable by fine of one thousand dollars (\$1,000) and/or five (5) years imprisonment, plus loss of suffrage for ten (10) years.

(10) Instructions to Federal or State employes who wish to retain voting residence in county of last residence to so indicate on the application form.

(11) A notice that the telephone number of the registrant may be inserted in a place provided therefore.

Section 3. Subsections (b) and (c) of section 18 of the act, subsection (c) amended July 1, 1976 (P. L. 504, No. 123), are amended to read:

Section 18. Manner of Registration.—

* * *

(b) [He] When registering in person, he shall first be sworn or affirmed to the truth of the statements which he is about to make, and informed that any wilful false statement will constitute perjury and will be punishable as such. He then shall be asked to state the facts required herein, and his answers, together with other information herein required, shall be recorded in his presence by the registrar, commissioner, or clerk in permanent writing or typewriting, in duplicate in the proper spaces on the registration cards [as follows]:

(c) The following information shall be contained on all registration cards: (1) [The] the surname of the applicant; (2) his Christian name or names; (3) the street or road and number, if any, of his residence; (4) the location or number of the room or rooms, apartment, flat or floor which he occupies; (5) if his residence is a portion only of the house, the date his residence in the district began; (6) his residence address when he last registered, and the year of such registration; (7) the sex of the applicant; (8) the color of the applicant; (9) the state or territory of the United States, or foreign country, where he was born; (10) whether he is unable, by reason of illiteracy, to read the names on the ballot or on the voting machine labels; (11) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth, without assistance, and, if so, his declaration of the fact and his statement of the exact nature of such disability; (12) the designation of the political party of the elector, for the purpose of voting at primaries; (13) the affidavit of registration, which shall be signed by the elector, attested by the signature of the registrar or clerk and dated by him; (14) his height, in feet and inches; (15) the color of his hair; (16) the color of his eyes; and (17) the date of his birth. Each registration card shall also have a sufficient number of spaces thereon for the insertion of—(18) the city of the second class, the city of the second class A, the city

of the third class, the borough, town, township, ward and election district, if any, in which the elector resides and to which he may from time to time remove, together with his street address in each city of the second class, city of the second class A, city of the third class, borough, town or township, and the other data required to be given upon such removal; (22) the date of each election and primary at which the elector votes, the number and letter, if any, of the stub of the ballot issued to him or his number in the order of admission to the voting machines; and (23) the signature or initials of the election officer who enters the record of voting on the card.

Section 4. This act shall take effect immediately.

ROLL CALL

Senate Bill 355, Printer's No. 359

MAJORITY MEMBERS

MR. CHAIRMAN, Robert Geisler	yea
Frank Oliver	yea
Phyllis Kernick	nv
Ted Berlin	yea
Harold Brown	yea
Mark Cohen	yea
Ronald Cowell	yea
Roger Duffy	yea
Cliff Gray	nay
Ruth Harper	yea
Joe Hoeffel	yea
Steve Reed	yea
Bill Renwick	yea
Tom Stapleton	yea

MINORITY MEMBERS

Ben Wilson	yea
Ken Brandt	yea
Don Dorr	yea
June Honaman	yea
Nick Moehlmann	nv
Hal Mowery	yea
Carmel Sirianni	yea
Earl Smith	yea
George Wagner	yea

YEAS—20
NAYS—1
NOT VOTING—2

Signed
PHYLLIS KERNICK
Secretary

Mr. BELLOMINI, chairman of the Transportation Committee, presented the following report:

July 18, 1977.

Honorable K. Leroy Irvis
Speaker of the House
Main Capitol Building
Harrisburg, Pennsylvania

Dear Mr. Irvis:

There were no Transportation Committee meetings held during the week of July 11th.

Respectfully submitted,
REP. JOSEPH A. PETRARCA
Secretary
Transportation Committee

Mr. CAPUTO, chairman of the Urban Affairs Committee, presented the following report:

July 18, 1977.

SUBJECT: Report of Urban Affairs Committee

TO: Honorable K. Leroy Irvis, Speaker
House of Representatives

FROM: Charles N. Caputo, Chairman

The Urban Affairs Committee met on Thursday, July 14, 1977 and took the following actions.

House Bill No. 175, Printer's No. 188 was reported as committed.

House Bill No. 1447, Printer's No. 1719 was reported as committed.

Attendance Report

July 14, 1977.

MAJORITY MEMBERS

	Present	Absent
MR. CHAIRMAN, Charles Caputo	X	
Robert A. Borski, Jr.		X
Thomas R. Caltagirone	X	
Matthew J. Cianciulli, Jr.	X	
Thomas E. Flaherty		X
Henry J. Giammarco	X	
Ruth B. Harper	X	
Joel J. Johnson	X	
James F. Jones, Jr.	X	
Michael M. Mullen	X	
Samuel Rappaport		X
William W. Rieger		X
Agnes M. Scanlon		X
Frank J. Zitterman	X	

MINORITY MEMBERS

Frank J. Lynch		X
Stephen R. Freind	X	
Alvin Katz		X
James W. Knepper, Jr.		X
Stanford I. Lehr	X	
Dennis O'Brien	X	
Lee C. Taddonio	X	
Peter R. Vroon	X	

Signed
HENRY J. GIAMMARCO
Secretary

ROLL CALL

House Bill 175, Printer's No. 188

MAJORITY MEMBERS

MR. CHAIRMAN, Charles N. Caputo	VOTE
	yea

Robert A. Borski, Jr.	absent
Thomas R. Caltagirone	yea
Matthew J. Cianciulli, Jr.	yea
Thomas E. Flaherty	absent
Henry J. Giammarco	yea
Ruth B. Harper	yea
Joel J. Johnson	yea
James F. Jones, Jr.	yea
Michael M. Mullen	yea
Samuel Rappaport	absent
William W. Rieger	absent
Agnes M. Scanlon	absent
Frank J. Zitterman	yea

MINORITY MEMBERS

Frank J. Lynch	absent
Stephen R. Freind	yea
Alvin Katz	absent
James W. Knepper, Jr.	absent
Stanford I. Lehr	yea
Dennis O'Brien	yea
Lee C. Taddonio	yea
Peter R. Vroon	yea

YEAS—14
NAYS—0

Signed
HENRY J. GIAMMARCO
Secretary

ROLL CALL

House Bill 1447, Printer's No. 1719

MAJORITY MEMBERS

MR. CHAIRMAN, Charles N. Caputo	VOTE
Robert A. Borski, Jr.	yea
Thomas R. Caltagirone	absent
Matthew J. Cianciulli, Jr.	yea
Thomas E. Flaherty	yea
Henry J. Giammarco	absent
Ruth B. Harper	yea
Joel J. Johnson	yea
James F. Jones, Jr.	yea
Michael M. Mullen	yea
Samuel Rappaport	absent
William W. Rieger	absent
Agnes M. Scanlon	absent
Frank J. Zitterman	yea

MINORITY MEMBERS

Frank J. Lynch	absent
Stephen R. Freind	yea
Alvin Katz	absent
James W. Knepper, Jr.	absent
Stanford I. Lehr	yea
Dennis O'Brien	yea
Lee C. Taddonio	yea
Peter R. Vroon	yea

YEAS—14
NAYS—0

Signed
HENRY J. GIAMMARCO
Secretary

CALENDAR

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. MEBUS offered the following amendments:

Amend Sec. 1, page 2, line 4, by inserting after "3367(b)," 3368,

Amend Bill, page 77, by inserting between lines 13 and 14 § 3368. Speed timing devices.

(a) Speedometers authorized.—The rate of speed of any vehicle may be timed on any highway by a police officer using a motor vehicle equipped with a speedometer. In ascertaining the speed of a vehicle by the use of a speedometer, the speed shall be timed for a distance of not less than three-tenths of a mile.

(b) Testing of speedometers.—The department may appoint stations for testing speedometers and may prescribe regulations as to the manner in which the test shall be made. Speedometers shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the test was made, the date of the test and the degree of accuracy of the speedometer shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

(c) Mechanical, electrical and electronic devices authorized.—

(1) The rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) Electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used [only] by members of the Pennsylvania State Police and by members of municipal police forces comprised of ten or more full-time officers employed by a municipality with a population, as determined by the latest United States Census, of 20,000 or more. No electronic device shall be used by a municipal police officer until such time as the officer has successfully completed a training course in the use of such electronic device as prescribed by the Commissioner of the Pennsylvania State Police and has been certified as a qualified operator of said electronic device by the commissioner.

Qualified operators of eligible municipal police forces may time the rate of speed of any vehicle using electronic devices on any highway, excluding the Pennsylvania Turnpike System, limited access highway and free access divided highways, except where such facilities are patrolled by municipal police forces under the terms of an agreement with the Pennsylvania State Police.

All electronic speed timing devices purchased by the Pennsylvania State Police or any authorized municipal police force shall be of a type approved by the department. No person may be convicted upon evidence obtained through the use of such devices unless the speed recorded is six or more miles per hour in excess of the legal speed limit.

(d) Approval and testing of mechanical, electrical and electronic devices.—All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made. The devices shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the calibration and test were made within the required period, and that the device was accurate, shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

Amend Sec. 1 (Sec. 6505), page 110, line 13, by removing the comma after "parking" and inserting immediately thereafter and except as provided in subsection (d).

Amend Sec. 1 (Sec. 6505), page 110, by inserting between lines 23 and 24

(d) Local police enforcement by electronic device.—When prosecution under the provisions of this title is obtained by local police by the use of an electronic device as authorized by section 3368(c) (2) (relating to speed timing devices), all fines and penalties and all bail forfeited shall be transmitted to the State Treasury and credited to the Motor License Fund. All of such revenue shall be paid to municipalities in the same ratio provided in section 4 of the act of June 1, 1956 (P. L. 1944, No. 655), relating to partial allocation of liquid fuels and fuel use tax proceeds.

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

The SPEAKER. If the members will recall, there was a motion to postpone which was adopted by this House when the gentleman, Mr. Mebus, was about to offer an amendment to HB 1171. The Clerk had already read the amendment and the debate was ensuing. That debate now continues.

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

Mr. MEBUS. Mr. Speaker, I have one more opportunity to speak on this bill and I would prefer to hold that off until the other debate is completed.

**THE SPEAKER (LESTER K. FRYER) IN THE CHAIR
MR. FRYER REQUESTED TO PRESIDE**

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

The SPEAKER pro tempore. Does any member wish to speak on the question of the adoption of the amendment offered by Mr. Mebus? This amendment deals with radar for the local police.

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

Mr. BELLOMINI. I would like to tell all members that the Transportation Committee and some of its members have opposed this amendment. Thank you.

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

Mr. ZELLER. Mr. Speaker, to remind the members again and maybe some that were not here last week on the particular moment that we were discussing HB 1171 and the amendment

dealing with radar for local police departments, I called to the attention of the members my visit to Ohio and what some of the legislators told me and police departments—

POINT OF INFORMATION

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

Mr. DININNI. Does the Chair have a record as to who spoke more than one time on this issue?

The SPEAKER pro tempore. The Chair does not. We hope that the members would govern themselves accordingly.

Mr. DININNI. I certainly hope so because I thought that Mr. Zeller did speak twice. Correct me, Mr. Zeller, if I am wrong.

The SPEAKER pro tempore. The gentleman indicates he had only spoken once. So this would be his second time. The gentleman, Mr. Zeller, will proceed.

Mr. ZELLER. Thank you, Mr. Speaker. It is true, I did really speak once on the subject.

I called to the attention of the members my trip to Ohio two years ago, the state which has it. The local police department, some of the chiefs, some of the legislators, when I went to the Capitol, told me that—as a matter of fact one Senator was very outspoken about it—much legislation has been brought in to try to get rid of it because it is preying upon responsible citizens, and those who are the abusers, the violators, have CB units and get away with it. The only people who are being caught really by radar are persons who, just at that particular moment, happen to get out of line. And it has been a terrible abuse by local police departments. That is my worry and I feel that it has not worked.

They had a case they cited where a group of children, youngsters, I should say, were out helping another person on a hilltop road. They were standing on the road when this other youngster came over the hill at a very high speed and killed several of the youngsters, ran into them. They cited that; the Senator told me about it. As a matter of fact, it was in the local paper. The thing is that they have found that it has not reduced deaths on the highway. It has not done anything but—

The SPEAKER pro tempore. Several members have indicated to the Chair that they are unable to follow the comments of the speaker, Mr. Zeller.

The gentleman, Mr. Zeller, may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

As I stated, it has not brought down the death rate on highways or lowered speeding.

Mr. Bittinger, last week, brought out a very good point. He said, "We do not seem to learn from history." It seems as though we could learn a tremendous lesson if we would check with some of these states and find out the facts rather than going into something now that orders have tested and found it does not work. You are going to have nothing but a political shenanigan going on here.

I know the Speaker pro tempore, Mr. Fryer, when he spoke last week, brought out the point in regard to local government. I talked to many local government officials. Sure you talk to some of the chiefs of police who want it, but the local government officials know that it becomes a political hot potato because they start hitting people who are the good responsible

citizens. Then you have the local officials with a hornet on their backs and do not know what to do with it.

So, if you are going to create a real political hot potato in the communities, give them radar and you are going to have the local government officials wishing you had it, not them.

So I would request, rather than further extending the agony here, that you please vote against this if you have any respect, and I know you do, for your responsible citizens back home. Do not let them get caught in this trap.

Thank you.

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

Mr. ARTHURS. Mr. Speaker, I rise in support of this amendment. I have in my district a third class city that has a problem because they really do not have any way on particular streets leading into the city where they can effectively patrol against the speeder.

Now, I will agree with Mr. Zeller that anyone who has a CB radio can beat any kind of a speed mechanism. But in my particular area we have this one street that comes into town whereby they cross over from a township into a city. We have had fatalities and we have had very, very serious accidents on that particular street where the police do not have an opportunity of checking the speed. I have a first class township that has the same type of problem.

Now, I would be against this particular amendment if it would be used as a moneymaking program. However, since the money does come into the state and it does not remain in the local municipality, this takes that particular fear away.

I believe that we have police departments that are very, very sincere in wanting to stop the speeding and not use this just for a plaything or in a money-raising manner for their city. There are many of us who have this same type of problem, and I would ask for support of the amendment.

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

Mr. MEBUS. Mr. Speaker, I gather this is the end of this point?

The SPEAKER pro tempore. Mr. Wilson just indicated that he cares to be recognized.

Mr. MEBUS. Well, I will relinquish the floor to Mr. Wilson, if I may, and then come back later.

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

Mr. WILSON. Mr. Speaker, I do not comprehend the argument against a measure such as this. If this Commonwealth can give to the state police the right to use radar to enforce the speed limit, what is wrong with these conditions that the gentleman, Mr. Mebus, proposes to give to our local police? I think it is almost a childish approach to oppose it. We let them use a stopwatch which is not nearly as accurate. They use radios and hand-held radios and stopwatches and things like that, and, yes, high-speed chases. I read in the paper this past weekend where some kid was killed during a 100-mile-an-hour chase when local police tried to arrest him for speeding.

Now we either give it to the local police under these condi-

tions, which are rational and reasonable, or we take it away from the state police, one or the other. If we are afraid of getting caught, I suggest, you buy the citizens band radio or slow down to the speed limit, one or the other. I support this measure. I think it is great. Let us get on with it.

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

Mr. MEBUS. Mr. Speaker, I would like to rebut several things that were said by various speakers last Friday and again today.

One of the things that I must take issue with, Mr. Speaker, is this: I called the various government associations and specifically solicited their viewpoint on this legislation. The response that I got from them—and I am looking right at you, Mr. Speaker—was substantially this: Their viewpoint was not monolithic within each of the associations. But, by and large, a majority of the members thereof had indicated an approval of the general concept more than had indicated a disapproval. They would at least like to have the option. We talked much of home rule. Here is an opportunity to give a home rule option to those municipalities that feel there is a need for this.

Those locally elected officials are also the ones who, if they grant this power to their police force, are going to be the first ones on the firing line to draw that fire if it is not something that works out effectively and properly, if it is abused in any sense, if there is unequal enforcement, or anything of this nature.

So, as far as the local government associations are concerned, I did not get any negative comments; not even from the townships of the second class where I would expect to receive it from the most.

Another thing I want to mention is this: I do not know how other people operate with CB's, but I happen to have one and I use it and I enjoy it. It is a lot of fun, but it is not very effective on local streets. Most people locally, if they have a CB, do not even turn it on the local streets that I am concerned about where radar would be used. Out on open highways is where the CB is the most effective. It is not effective locally.

One of the other things that was mentioned by Mr. Bellomini last week was the fact that if you feel there is a need to have the radar used for enforcement on local streets, you can call upon the state police and get it. We cannot. They will not police local streets. They will not even police the speeding on state highways in my district; only limited access highways. They will not come off of anything except limited access highways to use their radar equipment.

So, therefore, we do not have this available to us in any way, shape or form. That is an incorrect statement. Now it may be true in rural areas, but it is not true in the urbanized areas. You cannot get the state police to use their radar equipment to check speeding on local streets or even state highways other than limited access highways in our municipalities.

For these various reasons and if we are generally concerned with the matter of speeding, then I believe this is an action we should take. If you do not believe that speeding is something that should be dealt with, then why not take it out of the Motor Vehicle Code entirely because you cannot enforce it locally

without this particular tool.

So, let us do one or the other and, if you do not like this suggestion, then how about somebody—and I will join with anybody in—implementing an effort to remove speeding entirely as an offense, because I think you ought to go one way or the other.

And with that I ask for support of this amendment. It will not apply to every municipality in the Commonwealth. I quoted the limitations to begin with and I think that only those who genuinely need it, even if they meet the criteria that I have established, will employ it.

Thank you.

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

Mr. DININNI. I just want to renew my plea and ask all members to oppose this amendment.

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

Mr. MEBUS. Mr. Speaker, one point I wanted to make that I left out—and I hope this will not be considered a third time—the same provisions that would relate to radar use in connection with the local government as is true with the state police can only be used if you are caught doing in excess of six miles over the limit. That is the way the present law reads when the state police use it. That same provision is applicable or would be applicable to the local governments as well.

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

Mr. MISCEVICH. Mr. Speaker, I would just like to inform the House members that recently there was a Supreme Court ruling from the State of New York that said that if a man uses his CB to say that there are “smokeys” up the road, it does not constitute a crime. The mere words “there is a smokey taking pictures” is not enough to put a man in jail. The Supreme Court has ruled that is is legal for a man to use his CB or even use a fuzz buster as long as it is not obstructing the vision.

Thank you.

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

The following roll call was recorded:

YEAS—71

Abraham	Geesey	Meluskey	Schweder
Anderson	George, M.	Miller	Scirica
Arthurs	Gillette	Milliron	Spencer
Bennett	Greenleaf	Mowery	Stapleton
Bittinger	Hayes, D. S.	Mrkonic	Taylor, E.
Brown	Hayes, S. E.	Musto	Tenaglio
Burns	Hoeffel	Novak	Trello
Butera	Honaman	O'Keefe	Valicenti
Cassidy	Hopkins	Pancoast	Vroon
Cimini	Kernick	Parker	Wansacz
Cowell	Kowalyszyn	Piccola	Wass
Davies	Lehr	Polite	Wilson
DeWeese	Logue	Pyles	Wise
Doyle	Mackowski	Reed	Wright, J. L.
Duffy	Manmiller	Ritter	Yohn
Fisher, D. M.	McClatchy	Ruggiero	Zord
Flaherty	McGinnis	Ryan	Zwilk

Gamble	Mebus	Scheaffer	
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NAYS—119

Armstrong	Fryer	Lincoln	Scanlon
Barber	Gallagher	Livengood	Schmitt
Bellomini	Gallen	Lynch	Seltzer
Berlin	Garzia	Madigan	Shuman
Berson	Gatski	Manderino	Shupnik
Bittle	George, C.	McCall	Sirianni
Borski	Giammarco	McIntyre	Smith, E.
Brandt	Gleeson	McLane	Smith, L.
Brunner	Goebel	Milanovich	Spitz
Burd	Goodman	Miscevich	Stairs
Caltagirone	Gray	Moehlmann	Stewart
Caputo	Grieco	Morris	Stuban
Cessar	Halverson	Mullen, M. P.	Sweet
Cianciulli	Hamilton	Mullen, M. M.	Taddonio
Cole	Harper	Noye	Taylor, F.
DeMedio	Hasay	O'Brien, B.	Thomas
DeVerter	Haskell	O'Brien, D.	Wagner
DiCarlo	Helfrick	O'Connell	Wargo
Dietz	Hutchinson, A.	Oliver	Weidner
Dininni	Hutchinson, W.	Petrarca	Wenger
Dombrowski	Itkin	Pievsky	White
Donatucci	Johnson	Pitts	Wiggins
Dorr	Jones	Pott	Williams
Dumas	Katz	Pratt	Wilt
Englehart	Kelly	Prendergast	Wright, D.
Fee	Klingaman	Ravenstahl	Yahner
Fischer, R. R.	Kolter	Renwick	Zearfoss
Foster, A.	Laughlin	Richardson	Zeller
Foster, W.	Letterman	Rieger	Zitterman
Freind	Levi	Salvatore	

NOT VOTING—10

Beloff	Greenfield	Rappaport	Irvis,
Cohen	Knepper	Rhodes	Speaker
Geisler	O'Donnell	Shelton	

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

QUESTION OF PERSONAL PRIVILEGE

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 question of personal privilege.

The SPEAKER PRO TEMPORE. The gentleman will state it.

Mr. ZEARFOSS. I would like to correct a vote on Mr. Mebus' amendment to HB 1171 on local radar, A949. I was recorded in the negative. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

The Chair recognizes the gentleman from Lancaster, Mr. Brandt. For what purpose does the gentleman rise?

Mr. BRANDT. On the same point, Mr. Speaker. On the Mebus amendment to HB 1171, I would like to have my vote changed from negative to positive.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the remarks will be spread upon the record.

The Chair recognizes the gentleman from Washington, Mr. Sweet. For what purpose does the gentleman rise?

Mr. SWEET. A matter of personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will indicate his point of personal privilege.

Mr. SWEET. Mr. Speaker, on the Mebus amendment to HB 1171 I was voted and recorded in the negative. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Delaware, Mr. Freind. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. FREIND. Mr. Speaker, on the Mebus amendment to HB 1171, I was recorded in the negative. I would like to be recorded in the affirmative.

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

On the question recurring,

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

Mr. WILSON offered the following amendments:

Amend Sec. 1, page 2, line 7, by inserting after "4704(a)," 4721, 4723.

Amend Bill, Page 91, by inserting between lines 14 and 15 § 4721. Appointment of official inspection stations.

(a) Stations inspecting all vehicles.—For the purpose of establishing a system of official inspection stations, the department shall issue certificates of appointment to privately owned facilities within this Commonwealth that comply with the requirements of this chapter and regulations adopted by the department. The department shall issue instructions and all necessary forms to such facilities. Official inspection stations are authorized to inspect vehicles and issue official certificates of inspection.

(b) Stations limited to trailers.—For the purpose of authorizing official inspection stations limited to the inspection of trailers and recreational trailers not exceeding a gross weight of 10,000 pounds, the department shall issue certificates of appointment to privately owned facilities within this Commonwealth that comply with the requirements of this chapter and regulations adopted by the department. The department shall issue instructions and all necessary forms to such facilities. Such stations are authorized to inspect only trailers and recreational trailers not exceeding a gross weight of 10,000 pounds, and issue official certificates of inspection.

§ 4723. Certificate of appointment for inspecting fleet vehicles.

(a) Certificates of appointment.—The department may issue a certificate of appointment under the provisions of this chapter to any person who owns or leases 15 or more vehicles and who meets the requirements of this chapter and regulations adopted by the department. The certificate of appointment may authorize inspection of only those vehicles owned or leased by such person.

(b) Location of inspection.—The inspection of fleet vehicles may be made at any location within the Commonwealth by persons holding a certificate of appointment under this section. Such inspection shall be performed indoors, within an enclosure or under cover.

On the question,

Will the House agree to the amendments?

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

Mr. WILSON. Mr. Speaker, thank you.

To explain my amendment very briefly, this is the amendment that Mr. Halverson had last week but is slightly changed to satisfy the objections. This creates a category of inspection stations to inspect trailers up to 10,000 pounds throughout the Commonwealth of Pennsylvania. They would have to be authorized and certified by the department the same as our normal inspection stations that we have today. The difference here is that we have trailers such as U-haul trailers, scattered all over this Commonwealth that need to be inspected under this law if they weigh over 3,000 pounds.

However, there are those experts who are experts in trailers but not in motor vehicles. Therefore, this provision would authorize the department to create a section or a segment of stations limited to trailers to inspect trailers only, and the location could be held within the Commonwealth except it would have to be undercover. I would appreciate an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

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

Foster, W.	Lynch	Ritter	Zord
Freind	Mackowski	Ruggiero	Zwikl
Fryer	Madigan	Ryan	
NAYS—2			
Hasay	Yohn		
NOT VOTING—15			
Beloff	Gleeson	Rappaport	Williams
Caputo	Greenfield	Rhodes	
Cohen	Knepper	Shelton	Irvis,
Donatucci	O'Donnell	White	Speaker
Geisler			

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

On the question recurring,

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

Mr. VROON offered the following amendments:

Amend Sec. 1, page 2, line 3, by inserting after "and (e)," where it appears the last time 3362(c),
 Amend Bill, page 74, by inserting after line 30
 § 3362. Maximum speed limits.

(c) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five ten miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five ten miles per hour over the maximum speed limit.

On the question,

Will the House agree to the amendments?

QUESTION OF PERSONAL PRIVILEGE

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. VROON. Mr. Speaker, it is very amusing to me when I get up here to hear the rumble of "vroon, vroon." I really am not offended by this, Mr. Speaker, because it denotes a man of action. If that is what you mean, then I am all for it.

Thank you.

The SPEAKER pro tempore. The gentleman's commercial obviously had its desired effect.

The gentleman, Mr. Vroon, will continue.

Mr. VROON. Now, with that good setting, dear friends, I have an amendment which is only too dear to your heart and to mine. And guess what this amendment does? This amendment reduces the speeding fine. Now is not that a good subject? This is what it does.

The current code calls for a \$35 basic fee penalty plus \$2 for every mile in excess of 5 miles over the speed limit. This amendment modifies this somewhat by calling for the additional \$2 per mile to apply for every mile over 10 miles over the speed limit.

Now this is the way it stacks up. Formerly we paid the \$15 fine for speeding and generally we paid a cost of \$10, which is a total of \$25. Then we changed this to \$35 plus the \$2, and the

cost somewhere along the line went up to \$15. So now we are paying \$60 for a speeding violation of 60 miles per hour where formerly we paid \$25. Now this is a 140-percent increase. Under my proposal, the fine for 60 miles an hour would be \$50 instead of \$60, with a cost. And it still doubles what we used to have before.

Now my purpose for this amendment is to give a break to the smaller people, the people who cannot afford to pay these heavy fines. I have had a lot of complaints from people in my area who say to me, well, you sure took care of the rich people because you lowered the points and you increased the fines and the rich people do not care at all about the fines. They are just only too happy that the points are lowered. So now they are speeding merrily on our highways and nothing is deterring them. But the poor fellow who gets caught inadvertently going a little bit more than the speed limit gets clobbered.

The fact of the matter is, my own son was dreaming a bit one day going down a grade on a turnpike and he ran into radar. Say what you will, this does happen; it happens to the best of them. He did not say, my father will take care of this. No, he did not. He paid his fine, and the fine happened to be \$60.

Now, like father like son, and I submit to you all, do we not all fall into temptation at times? At any rate, I think this modification is something which is quite in order. We are still going to hit those people who are going 10 miles over the speed limit, and this will go up \$2 per mile for everyone of those more serious offenses. I ask for an affirmative vote so that we give our people in this state a little break.

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

Mr. BELLOMINI. Mr. Speaker, I rise to oppose the amendment. I would like to say this to the gentlemen who offered the amendment. The vehicle code previously stated exactly what his intentions are as far as the monetary value of a ticket. But then at the same time receiving a ticket, he would accumulate points or automatically lead to a suspension immediately.

Our new Vehicle Code today is not designed to protect the violator. I think our present laws are justifiable. I would ask all the members on both sides of the aisle to oppose this amendment.

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

Mr. RITTER. Mr. Speaker, I rise also to oppose the amendment. I think that the present law does provide a deterrent to people up to 5 miles over the speed limit. The fine, as Mr. Vroon said, is \$35. But then for every mile thereafter, there is a \$2 fine imposed. I think that that is a good deterrent because no matter what anyone else may say, speeders do kill. Speeders kill as many people on our highways as do drunken drivers. I think we need this deterrent in the law and I think the amendment would be going against traffic safety. I think we ought to oppose the amendment.

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

Mr. DININNI. Mr. Speaker, I would urge the members on this side of the aisle to oppose this amendment.

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

Mr. VROON. May I interrogate Mr. Bellomini for a moment?

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

Mr. VROON. Mr. Speaker, do you not agree that most people do not get a ticket until they get 10 miles over the speed limit?

Mr. BELLOMINI. We do not know that. But right now, as I understand the laws, they do have about a 6-mile grace as far as radar is concerned.

Mr. VROON. Are you also aware of the fact, Mr. Speaker—I am sure you are but I heard this repeatedly—that in many states in the union today the 55-mile-an-hour limit is not being enforced rigidly anyhow?

Mr. BELLOMINI. I understand it has to be enforced because the Federal Government will not offer their moneys to the states, Mr. Speaker.

Mr. VROON. But from a practical matter, is it not true that not many states are enforcing this, especially out in the hinterlands?

Mr. BELLOMINI. No, that is not true, Mr. Speaker. Every state has to certify the Federal Government. The speed limit is 55 miles an hour and they do enforce it in every state as far as I know.

Mr. VROON. Yes, all right, but the word is out though.

At any rate, what I am saying is this: There are not very many people who speed more than 10 miles an hour who get caught at 10 miles an hour or less. This particular amendment applies to those people who are really bona fide speeders.

That is all I am saying with this amendment. Let us penalize those people who are bona fide speeders. And when a person gets up to 60 miles an hour and gets caught, I do not think we have to access him an extra fine for that. We have already doubled it.

Mr. BELLOMINI. I do want to make one comment, Mr. Speaker, that anyone going over 55 miles an hour is a speeder.

Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—42

Burd	Hutchinson, W.	Noye	Vroon
Burns	Klingaman	Pitts	Wagner
Fischer, R. R.	Livengood	Richardson	Wargo
Flaherty	Lynch	Schmitt	Wenger
Freind	Mackowski	Shuman	White
Gallagher	McGinnis	Shupnik	Williams
Geesey	Milanovich	Sirianni	Wilson
Goebe	Miller	Smith, E.	Wilt
Greenfield	Moehlmann	Spencer	Wright, J. L.
Hasay	Mrkonic	Taylor, E.	Zearfoss
Haskell	Mullen, M. P.		

NAYS—146

Abraham	Fee	Lehr	Reed
Anderson	Fisher, D. M.	Letterman	Renwick
Armstrong	Foster, A.	Levi	Rieger
Arthurs	Foster, W.	Lincoln	Ritter

Barber	Fryer	Logue	Ruggiero
Bellomini	Gallen	Madigan	Ryan
Bennett	Gamble	Manderino	Salvatore
Berlin	Garzia	Manmiller	Scanlon
Berson	Gatski	McCall	Scheaffer
Bittinger	George, C.	McClatchy	Schweder
Bittle	George, M.	McIntyre	Scirica
Borski	Giammarco	McLane	Seltzer
Brown	Gillette	Mebus	Smith, L.
Brunner	Gleeson	Meluskey	Spitz
Butera	Goodman	Milliron	Stairs
Caltagirone	Gray	Miscevich	Stapleton
Caputo	Greenleaf	Morris	Stewart
Cassidy	Grieco	Mowery	Stuban
Cessar	Halverson	Mullen, M. M.	Sweet
Cianciulli	Hamilton	Musto	Taddonio
Cimini	Harper	Novak	Taylor, F.
Cole	Hayes, D. S.	O'Brien, B.	Tenaglio
Cowell	Hayes, S. E.	O'Brien, D.	Thomas
Davies	Helfrick	O'Connell	Trello
DeMedio	Hoeffel	O'Keefe	Wansacz
DeVerter	Honaman	Oliver	Wass
DeWeese	Hopkins	Pancoast	Weidner
DiCarlo	Hutchinson, A.	Petrarca	Wiggins
Dietz	Itkin	Piccola	Wise
Dininni	Johnson	Pievsky	Wright, D.
Dombrowski	Jones	Polite	Yahner
Donatucci	Katz	Pott	Yohn
Dorr	Kelly	Pratt	Zeller
Doyle	Kernick	Prendergast	Zitterman
Duffy	Kolter	Pyles	Zord
Dumas	Kowalshyn	Ravenstahl	Zwikl
Engelhart	Laughlin		

NOT VOTING—12

Beloff	Knepper	Rhodes	Irvis,
Brandt	O'Donnell	Shelton	Speaker
Cohen	Parker	Valicenti	
Geisler	Rappaport		

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

On the question recurring,

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

Mr. VROON offered the following amendments:

Amend Sec. 1 (Sec. 4702), page 88, line 5 by striking out the bracket before "Requirement"

Amend Sec. 1 (Sec. 4702), page 88, line 5 by striking out "Periodic"

Amend Sec. 1 (Sec. 4702), page 88, line 8 by inserting brackets before and after "semiannual" and inserting immediately thereafter annual

Amend Sec. 1 (Sec. 4702), page 88, line 8 by striking out the bracket before "registered"

Amend Sec. 1 (Sec. 4702), page 88, lines 13 through 21 by striking out the bracket after "inspection." in line 13 and all of lines 14 through 21

Amend Sec. 1 (Sec. 4703), page 90, by inserting between lines 15 and 16

(h) Penalty.—Any motor vehicle driven or moved on a highway without a current valid certificate of inspection, except as provided in subsection (b), shall have the registration plates removed by any police officer, and shall not be reissued until a current valid certificate of inspection is obtained and application is made in accordance with section 1305 (relating to application for registration) and Subchapter 3 of Chapter 19 (relating to registration fees).

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

AMENDMENTS DIVIDED

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

Mr. VROON. Mr. Speaker, to begin with, may I divide this amendment? The division which I request is to take the first part up to "(h) Penalty" and divide the last part out of the amendment. I do not intend to offer that anyhow.

The SPEAKER pro tempore. You would draw a line between "Amend Sec. 1" and "(h) Penalty."?

Mr. VROON. Yes.

The SPEAKER pro tempore. Is that correct?

Mr. VROON. Yes, Mr. Speaker.

The SPEAKER pro tempore. You would omit the first part of the amendment, sir?

Mr. VROON. Omit the last part.

The SPEAKER pro tempore. In the opinion of the chair, it is divisible.

Mr. VROON. Mr. Speaker, this amendment has to do with inspection of motor vehicles. Currently, as we all know—

The SPEAKER pro tempore. Will the gentleman suspend?

The question is, will the House agree to Mr. Vroon's amendment as divided by omitting therefrom clause "(h) Penalty."? Is that correct, Mr. Vroon?

Mr. VROON. Yes, Mr. Speaker.

The SPEAKER pro tempore. Agreed.

The gentleman, Mr. Vroon, may continue.

Mr. VROON. Mr. Speaker, the simple intent—

The SPEAKER pro tempore. Would the gentleman cease? There is a question apparently with some of the members. Mr. Vroon has proposed that he would eliminate the second part of the amendment which begins with "(h) Penalty.—Any motor vehicle driven or moved on a highway" That portion would be eliminated. Is that correct, Mr. Vroon?

Mr. VROON. Yes, Mr. Speaker, I was just informed that we should also include in that division the sentence which says "Amend Sec. 1 (Sec. 4703), page 90." That is all part of that last portion which I would like to have removed from the amendment.

The SPEAKER pro tempore. The Chair will repeat the question. The gentleman, Mr. Vroon, is eliminating the line "Amend Sec. 1 (Sec. 4703), page 90, by inserting between lines 15 and 16", and it goes into "(h) Penalty." That portion would be eliminated as proposed by the gentleman, Mr. Vroon. Is that correct?

Mr. VROON. Yes, sir, that is correct.

The SPEAKER pro tempore. Is that understood by the members of the House?

The gentleman, Mr. Vroon, may continue.

Mr. VROON. Mr. Speaker, now we are down to a very simple amendment changing inspections from two times a year to one. Now the reason for offering this amendment is as follows: Only eight states in the Union inspect their cars two times a year. We are one of the eight. There are 29 states in the Union that

inspect their cars two times a year, and then there are 13 states in the Union that do not have any inspection at all.

Now we have also had called to our attention on previous occasions that Federal safety institutions have brought out the fact that there is no difference whatsoever in the accident rate between those states having one inspection and those having two, number one.

Number two, they even go so far as to make this very bold statement, and this is proved by statistics, that the number of accidents caused by mechanical failure of a motor vehicle is almost nil; that most of the accidents are caused, almost all of the accidents are caused, by human failure, not by mechanical failure.

Now we go to the subject of cost and we realize what we are doing to our traveling public. Last year we increased our motor vehicle fees. Our registration fee went up from \$14 to \$24. At that time we also had two inspections and perhaps we paid \$6 a piece for those two inspections. Now, this year we are paying \$24 a year for our registration fee and we are paying up to \$10 a piece for our inspections. So that you could pay as much as \$44 a year to maintain a car and get it inspected two times.

Now I maintain that because of the proof submitted by the Federal safety people, we really do not need inspections at all, but if we do insist on having inspections in our state—and I submit that I would like to see them at least once a year—why should we penalize our traveling public by making them pay for an inspection two times a year?

I maintain that this is not a necessary thing. It is not doing anything for our state. It is only costing the traveling public that much more money each year. Therefore, I urge a positive vote for this amendment.

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

Mr. LINCOLN. Mr. Speaker, I would like to be recognized for a point of personal privilege when the debate on this amendment is finished, please.

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

Mr. ARTHURS. Thank you, Mr. Speaker.

I am not sure that what Mr. Vroon says is exactly correct as far as accidents are concerned because I believe it just depends on whose reports you read.

There are a few points here that I would like to bring out to our members and I would like them to listen very closely to this because I think it is important, and I am talking about saving money.

Mr. Vroon indicated that it is going to save money if we have annual inspections, and I cannot quite agree with him for the following reason. First of all, when we talked about annual inspections before, we were informed, and rightfully so, by the Department of Transportation that if we did go to annual inspections, we were going to have to take and redo the regulations. What I mean by that is this: Today under the inspection regulations, a brake lining is only allowed to wear down so far until it has to be replaced. If we go a year in between inspections, they have indicated to us—and this is right—

fully so—that rather than three-eighths of an inch being left on the brake lining, it is going to have to be increased.

Now what this means is this might be all right for someone like us legislators or a traveling salesman who travels so many miles a year that our brake lining will wear down. But most of our constituents who drive 12,000 miles a year are going to have to replace their brakes really before they are nearly worn out just because there is a chance that during the next 12 months these brakes can wear down.

They have also—and I mean they, the Department—indicated to us that they are going to have to put more stringent regulations on our tires for the very same reason. In other words, our constituents are going to have to replace tires quicker than they are today.

Now as I mentioned the other day, Pennsylvania was the pioneer in automobile inspections. They have tried annual inspections and they have tried the inspections twice a year, and it has been a proven fact that our inspection system twice a year is much better.

As far as the cost is concerned, let me tell you what can happen. First of all, let me preface my remarks by saying that I do not believe that we in the legislature should set a price on inspections. I think that is very bad because one area varies from another. But since we have allowed motorcycles to be inspected once a year, what has happened is the price of inspections for those motorcycles has almost doubled in the garages.

Now if we do the same thing with our automobiles, the very same thing will happen. A great, great majority of our inspection stations are going to put these inspection charges up whereby we are not going to be able to save any money. I think for highway safety we should keep the twice-a-year inspections. Let us not be hoodwinked by this idea of it is going to save us a lot of money because it is not. We are going to be replacing parts on many cars before they are completely worn out, and the same with tires. I would ask for a defeat of this amendment.

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

Mr. DININNI. Mr. Speaker, regardless of what is being said here today about safety, I am here to tell you that an awful lot can happen to an automobile within a 6-month period. I would highly recommend the members, especially on this side of the aisle, to vote "no" against this amendment.

The SPEAKER pro tempore. The Chair votes the presence of a number of members of staff on the floor of the house. This merely adds to the confusion. Members are unable to follow the debate that takes place, and it is a violation of the rules of the House. The Chair would suggest that if a staff member wants to consult with a member, he do so in back of the rail.

The Chair recognizes the gentleman, Mr. Vroon.

Mr. VROON. Mr. Speaker, there are other factors of cost besides the mere fee that we pay for inspections. There is the element of tying up your car everytime you have to bring your car in there. As far as I am concerned, this is a royal pain in the neck to have to get my car tied up two times a year, and I have two cars to worry about. That is an element of cost as far as I

am concerned. Time is worth money, and this is a very important element.

Then there is this about it, too. We did not deal at all with the fact that there are 29 states in the Union that do this once a year and do it effectively. We are in the minority, we are only one of eight.

Now do not tell me that these other 29 states who do it once a year are doing it so rigidly as you suggest we would have to do it if we went to inspect once a year. I do not believe this. I have seen how it works in New Jersey and I have seen how it works in Ohio. I say both of these states have just as good a safety record as we have, every bit, and it does not cost their people nearly as much as it costs us.

So I think the point is well made. This will save money, but it will save, more importantly, the time and nuisance involved in making a double inspection every year. I do not think it is worth it. I do not think anybody has proved it at all that this is worthwhile. I think we can well afford to be a lot more practical in this situation. I urge an affirmative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—28

Barber	Hasay	Pitts	Vroon
Bennett	Mackowski	Pratt	Weidner
Dietz	McIntyre	Ritter	White
Flaherty	Mebus	Shuman	Williams
Gatski	Miller	Smith, E.	Wise
Greenfield	Moehlmann	Taddonio	Wright, J. L.
Harper	Mrkonic	Taylor, E.	Yohn

NAYS—157

Abraham	Gallagher	Logue	Ruggiero
Anderson	Gallen	Lynch	Ryan
Armstrong	Gamble	Madigan	Salvatore
Arthurs	Garzia	Manderino	Scanlon
Bellomini	Geesey	Manmiller	Scheaffer
Berlin	George, C.	McCall	Schmitt
Berson	George, M.	McClatchy	Schweder
Bittinger	Giammarco	McGinnis	Scirica
Bittle	Gillette	McLane	Seltzer
Borski	Gleeson	Meluskey	Shupnik
Brandt	Goebel	Milanovich	Sirianni
Brown	Goodman	Milliron	Smith, L.
Brunner	Gray	Miscevich	Spencer
Burd	Greenleaf	Morris	Spitz
Butera	Grieco	Mowery	Stairs
Caltagirone	Halverson	Mullen, M. P.	Stapleton
Caputo	Hamilton	Mullen, M. M.	Stewart
Cassidy	Haskell	Musto	Stuban
Cessar	Hayes, D. S.	Novak	Sweet
Cianciulli	Hayes, S. E.	Noye	Taylor, F.
Cimini	Helfrick	O'Brien, B.	Tenaglio
Cole	Hoefel	O'Brien, D.	Thomas
Cowell	Honaman	O'Connell	Trello
Davies	Hopkins	O'Keefe	Valicenti
DeMedio	Hutchinson, A.	Oliver	Wagner
DeVerter	Hutchinson, W.	Pancoast	Wansacz
DeWeese	Itkin	Parker	Wargo
DiCarlo	Katz	Petrarca	Wass
Dininni	Kelly	Piccola	Wenger
Dombrowski	Kernick	Pievsky	Wiggins
Dorr	Klingaman	Polite	Wilson
Doyle	Kolter	Pott	Wilt

Duffy	Kowalyszyn	Prendergast	Wright, D.
Englehart	Laughlin	Pyles	Yahner
Fee	Lehr	Ravenstahl	Zearfoss
Fischer, R. R.	Letterman	Reed	Zeller
Foster, A.	Levi	Renwick	Zitterman
Foster, W.	Lincoln	Richardson	Zord
Freind	Livengood	Rieger	Zwikl
Fryer			

NOT VOTING—15

Beloff	Fisher, D. M.	Knepper	Shelton
Burns	Geisler	O'Donnell	
Cohen	Johnson	Rappaport	Irvis,
Donatucci	Jones	Rhodes	Speaker
Dumas			

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

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

Mr. LINCOLN. Mr. Speaker, could you or someone else from our leadership answer a few questions for me, please?

The SPEAKER pro tempore. Does the gentleman indicate whom he wishes to interrogate? We are trying to follow through on amendments to HB 1171.

Mr. LINCOLN. That has some bearing on the questions I would like to ask.

The SPEAKER pro tempore. It has some bearing on the question?

Mr. LINCOLN. Yes, sir.

The SPEAKER pro tempore. Is it directly related to the amendments, sir?

Mr. LINCOLN. No, Mr. Speaker; it has to do with what we are doing today.

The SPEAKER pro tempore. Would the gentleman raise his point of personal privilege at the time when we have completed the amendments to HB 1171?

Mr. LINCOLN. No, Mr. Speaker, because I do not want to sit here for 4 more days debating this bill while we do not have any budget; when we do not know what is going on; when we do not know whether we have a conference report; when we do not know whether we are going to caucus. I would just like to have a little bit of a feeling from somebody as to what we are doing. If we are going to sit here like we did last week, for 5 stinking days and do nothing, we ought to go home.

The SPEAKER pro tempore. The gentleman will suspend. For the information of the gentleman, we are considering amendments to HB 1171, PN 1534. In the Chair's opinion, we will continue on the amendment process.

Mr. LINCOLN. Mr. Speaker, I am painfully aware of the fact that we are amending HB 1171. I do not think HB 1171 has any importance at this particular time that we would have to be here doing it. We have to pass a budget.

Now I would like to know where the Conference Committee is at; whether we have a report; whether Senator Nolan has refused to sign it. And I think we ought to go to caucus and quit fooling with this garbage on HB 1171.

The SPEAKER pro tempore. Will the gentleman cease?

All matters that come before the House of Representatives

are considered important, and this is a most important bill which we are attempting to expedite. The gentleman may raise his point of personal privilege after HB 1171 has been brought to a conclusion. The gentleman, therefore, is out of order, and the House will proceed with its consideration of amendments to HB 1171. The Chair thanks the gentleman.

Mr. LINCOLN. Mr. Speaker, it is not going to be that easy. I rise to a point of personal privilege.

The SPEAKER pro tempore. The gentleman is not recognized for that purpose. I would suggest to the gentleman that he pursue the rules of the House diligently and probably then he would have his answer. At that time he could raise his point of personal privilege with the Chair.

The rule is that we are pursuing at the present time, in a most diligent fashion, amendments to HB 1171, PN 1534. The gentleman at this time is not in order.

Mr. LINCOLN. Mr. Speaker, I rise to make a motion.

The SPEAKER pro tempore. The Chair has attempted to explain to the gentleman that we are presently working on amendments to HB 1171. The Chair has also indicated that we will pursue amendments to this bill and that therefore this is the matter before the House.

The gentleman continues to voice his objection. The Chair must retain control.

The SPEAKER pro tempore. The Chair has attempted to explain to the gentleman and has also told the gentleman that at the proper time, when this HB 1171 and the amendments thereto are completed, the gentleman will be further recognized.

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

Mr. GREENFIELD. Mr. Speaker, will the gentleman yield, please?

Mr. LINCOLN. I do not have the floor. How can I yield?

Mr. GREENFIELD. In order that we can get on with the business, Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman cease?

There will be order in the House. We are attempting to have an orderly process. An interesting—

Mr. LINCOLN. You would never know it by me.

The SPEAKER pro tempore. Will the gentleman cease shouting?

Mr. LINCOLN. Turn the microphone on. Then I will not have to.

The SPEAKER pro tempore. The microphone is subject to the control of the Chair.

LEAVE OF ABSENCE CANCELED

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

Mr. RAPPAPORT. Mr. Speaker, leave of absence was asked for me this morning, and I want my presence noted.

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

The SPEAKER pro tempore. The Chair at this time recog-

nizes the gentleman from Philadelphia, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, in order to satisfy the gentleman and to keep him calm and collected, I would be very happy to answer any interrogation that he has on the matter that he has discussed.

The SPEAKER pro tempore. That is not before the House at this time. The Chair has indicated that we will proceed with the amendments and then at the proper time, when the amendments are completed, the Chair will recognize the gentleman. Will the gentleman please be seated?

Mr. LINCOLN. No, I will not be seated. I intend to make a motion. You have to recognize me.

The SPEAKER pro tempore. The Chair has indicated that the Chair will recognize the gentleman upon the completion of the amendments to HB 1171.

Mr. LINCOLN. Mr. Speaker, I am going to make a motion to recess which takes precedence over everything that we do, and I insist that this microphone be turned on. This is ridiculous.

Mr. GREENFIELD. Mr. Speaker, point of personal privilege, please.

The SPEAKER pro tempore. The Chair recognizes the minority leader, Mr. Butera. For what purpose does the gentleman rise?

Mr. BUTERA. Mr. Speaker, to encourage you to recognize Mr. Lincoln. Let him be heard. He is not alone in his frustration, and I think that your denial of giving him a microphone is just going to perpetuate what you are trying to accomplish.

The SPEAKER pro tempore. The gentleman, Mr. Lincoln, was heard by the Chair.

The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, we have important legislation on the floor. If the gentleman has one or two questions, I would also encourage allowing him to ask those questions or else abide by the Chair's ruling and get on with the business at hand.

The SPEAKER pro tempore. The business at hand is amendments to HB 1171. We are merely delaying action of this House. The Chair has indicated that upon the completion of the amendments to HB 1171, at that time the gentleman from Fayette will be recognized for his point of order.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, I rise to a point of order because I think that, number one, Mr. Lincoln is allowed the right to have the microphone turned on, and at this time I would like to take an appeal from the ruling of the Chair on the decision not to hear from Mr. Lincoln.

We have wasted already 7 minutes on this discussion, and it would seem to me, Mr. Speaker, that we are moving a little bit beyond the scope of the rules of the House. Therefore, I ask

that there be an appeal from the ruling of the Chair now.

The SPEAKER pro tempore. For the information of the gentleman from Philadelphia, the gentleman did raise his point of order.

Mr. RICHARDSON. He had not finished.

The SPEAKER pro tempore. The Chair did reply to that point of order. The Chair had stated that we would proceed with amendments to HB 1171 and that upon the completion of the work on those amendments, the Chair at that time would recognize the gentleman from Fayette. In this way, hopefully, we can go about the business of the House. Any further discussion merely adds to the problem.

Mr. RICHARDSON. Anyone who has a motion, it certainly takes precedence, Mr. Speaker, over anything that is going on in this House. The gentleman had not finished his comments, and it seems to me that everyone else has been given the respect that when they do rise at least their microphone is turned on and they are allowed the opportunity to speak.

I am saying that all this time is being wasted. We probably could have been over with this about 7 minutes ago if the gentleman had had an opportunity to finish his interrogation on the point of order.

Mr. Speaker, I ask that there be an appeal from the decision of the Chair not to hear from Mr. Lincoln at this present time, and I so move, Mr. Speaker.

The SPEAKER pro tempore. The Chair can only observe that the gentleman from Philadelphia is contributing to that waste of time. The Chair has ruled. We should act.

Mr. RICHARDSON. Mr. Speaker, I am appealing that ruling.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAYLOR. If there is no other way to solve this problem, then I appeal the ruling of the Chair. Either that or I move that we suspend the rules of this House, vote on that, and then we can move to hear Mr. Lincoln. I move to suspend the rules of this House.

Mr. RICHARDSON. I view that as refusing to recognize me. Thank you very much.

The SPEAKER pro tempore. Does the gentleman wish to suspend the rules of the House so that the members may hear the gentleman?

Mr. TAYLOR. Right. I move for that.

The SPEAKER pro tempore. On the point of order?

Mr. TAYLOR. Yes.

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

Mr. BELLOMINI. I would ask that the Chair rule against Mr. Taylor's request at this time. We have important legislation which took approximately 6 months to put together. We have had all these amendments offered and we are near the finish of the amendments. I consider this a very important bill right now while the conference committee is working out the budget.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair had ruled in such a manner, Mr. Bellomini, but obviously some of the members are not accepting that ruling.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BITTINGER. I believe there is a motion before this House to suspend the rules.

The SPEAKER pro tempore. There is.

Mr. TAYLOR. Mr. Speaker, I gave you a choice between one or the other. Take your pick and let us get on with it.

The SPEAKER pro tempore. What is the gentleman's motion? Will he restate it to the members of the House?

Mr. TAYLOR. I gave you a choice: Either I make a motion to suspend the rules or we take an appeal from the ruling of the Chair. Whichever one the Parliamentarian says is right is all right with me so we can get to the bottom of this.

The SPEAKER pro tempore. The matter before the House is the matter of amendments to HB 1171.

MOTION TO TABLE HB 1171 AND AMENDMENTS

Mr. BITTINGER. Mr. Speaker, if you are going to ignore the two motions, the choice of motions before the House, then I move to table HB 1171 and all amendments.

Mr. TAYLOR. I will second the motion, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority whip, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, we have been discussing HB 1171 for 4 or 5 days now. It is important legislation, in addition to other legislation which members may be well interested in.

POINT OF ORDER

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

Mr. D. R. WRIGHT. I rise to a point of order.

Mr. D. R. WRIGHT. A motion to table is not debatable, sir.

The SPEAKER pro tempore. That is correct.

Mr. GREENFIELD. I am not debating; I am suggesting that we vote "no" on the motion to table in order that we can get on with the orderly business of this House.

The SPEAKER pro tempore. The Chair will restate the motion.

Mr. BITTINGER. One interruption, if I may, sir. If you are going to take a vote on Mr. Taylor's motion, I will withdraw my motion.

The SPEAKER pro tempore. The Chair will state the motion.

Mr. TAYLOR. Mr. Speaker, I am still waiting for a ruling from the Chair on what I gave the Chair. You just keep standing up there doing nothing about the motion I had on the floor at the beginning.

The SPEAKER pro tempore. The proper move for the gentleman would be to put his motion in form; not to permit the

Chair an opportunity as to which avenue to go.

Mr. TAYLOR. Well, then I appeal the ruling of the Chair on your ruling Mr. Lincoln out of order.

The SPEAKER pro tempore. There is a motion before the House that HB 1171, PN 1534, with the amendments thereto, be placed upon the table.

The question is the motion. Those in favor of tabling will vote "aye"; those opposed will vote "no."

This House will be in order. I am amazed at the number of members attempting to speak at the same time. We can and should conduct this in an orderly fashion.

On the question, the Chair recognizes the gentleman from Dauphin, Mr. Dininni.

This motion is not debatable.

Mr. DININNI. Mr. Speaker, I am only requesting that the members vote "no" to table this bill.

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

Mr. DOMBROWSKI. Does a motion to table a bill supersede a motion to overrule the Chair's decision? Mr. Taylor had made a motion to overrule or to question the ruling of the Speaker, to appeal the ruling of the Speaker.

The SPEAKER pro tempore. Mr. Taylor did not make a proper motion.

Mr. TAYLOR. I took an appeal from the ruling of the Chair.

The SPEAKER pro tempore. He offered the Chair—

Mr. DOMBROWSKI. Yes, he did, Mr. Speaker. He appealed the ruling of the Chair.

The SPEAKER pro tempore. The House will be at ease.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The House will be in order.

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

MOTION TO TABLE WITHDRAWN

Mr. BITTINGER. Mr. Speaker, to keep things moving and to try to get things squared away, I will withdraw my motion to table.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO SUSPEND RULES

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

Mr. TAYLOR. This discussion went on a few minutes ago. I would like to at least have the member be heard on the floor of this House, and I would move that we suspend the rules of the House so that Mr. Lincoln can be heard.

The SPEAKER. That motion will not be necessary.

The Chair recognizes the gentleman, Mr. Lincoln. For what purpose does the gentleman rise?

Mr. LINCOLN. To thank the Speaker for at least throwing the microphone back on.

Mr. Speaker, I am very upset with what happened. I never even had the opportunity to appeal the ruling of the Speaker

pro tem. I do not appreciate that. I do not appreciate the microphone being turned off on me. I do not care what the members rule on or how they vote on whatever I get up to talk about, just so I have a chance to be heard.

In my 5 years down here, that is the worst action I have ever seen anybody in that Chair take against another member. I do not appreciate it and I am not going to keep quiet about it. If he would have continued one second longer, we would have had this over with. I only had one question I wanted answered.

The SPEAKER. The gentleman now has vented his anger. Will the gentleman inform the House: For what purpose does the gentleman rise?

Mr. LINCOLN. I would like to have somebody give me some information about what we are going to be doing here today besides HB 1171.

The SPEAKER. The Chair will be glad to attempt to answer that question.

Mr. LINCOLN. I thank the Chair.

The SPEAKER. There is no committee of conference report yet before either the Senate or the House. Three members of the Committee of Conference have agreed to sign the report. It requires the fourth signature, and there has been no signature forthcoming. For that reason there is no committee of conference report to be discussed by either caucus in this House or by either caucus in the Senate.

Mr. LINCOLN. I thank the Chair.

One further question: We are getting mixed reports on stopgap legislation that we passed somewhere late in June—I do not even remember now when, the 29th, 30th or whenever it was. What is the status of that? Does it expire at midnight this evening or Friday or Wednesday or when?

The SPEAKER. The best information the Speaker has is as follows, and the Speaker has not discussed this with the Governor today, that the state does not come tumbling down as of midnight tonight; that various departments run out of money at various times during this week or early next week.

The Chair was attempting to confer with certain officials of the executive branch—and that was the reason for the Chair's absence—as to exactly the status of the fiscal situation in this Commonwealth as of this moment. The Chair will continue to try to get that information for the gentleman and for the members of this House. It is the Chair's estimate that this House and the Senate must act early this week in order to prevent fiscal chaos, but the Chair has no further information than that to give the gentlemen at this time.

Mr. LINCOLN. Mr. Speaker, do I understand you that there will be some departments of state which will cease to function after midnight tonight or that none of them are that severe in their lack of funds?

The SPEAKER. It is the understanding of the Speaker from a conversation he had with the Governor last week that there would be areas of the government which would run out of money the week of the 18th. Now whether or not that means precisely midnight on July the 18th, the Speaker is not prepared to guess. But the Speaker will get that information, and the information will be relayed to both caucuses as soon as the Speaker has that information.

Mr. LINCOLN. I thank you, Mr. Speaker, and I would like to apologize to the Speaker of the House for my outburst even though it was a provoked one. Thank you.

The SPEAKER. The Chair understands the young gentleman's outburst. The Chair has been in similar situations before.

QUESTION OF PERSONAL PRIVILEGE

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. Mr. Speaker, I in no way want to keep this imbroglio continuing, but I think Mr. Lincoln was wrong when he criticized the Speaker pro tem. I think the Speaker pro tem handled the situation properly. He rose to a point of personal privilege which really was responded to and then proceeded to continue to attempt to speak. He was indeed out of order at that point, and I think the Speaker pro tem handled the situation properly.

If we were to continue to allow people to speak who were not in order or did not have the floor, we would have anarchy around here. I think this is a time for cooler heads and I think that the Speaker pro tem did a good job.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair was following the "debate" over the public address system and the Chair is likewise of the opinion that the Speaker pro tem, as usual, did an excellent job in trying to manage a very unruly situation.

The Chair has full confidence in the ability of the Speaker pro tem and therefore the Chair is ready to return the gavel to the Speaker pro tem so that the Speaker may try to get the information which was asked for by the gentleman, Mr. Lincoln, and is sought by all of the members of the House of Representatives.

GAVEL TURNED OVER TO MR. FRYER

The SPEAKER. The Chair at this time turns the gavel back to the Speaker pro tem who will, of course, be advised by the Chair that the Speaker pro tem will keep his Pennsylvania Dutch temper under control as well as the Speaker has kept his black Dutch temper under control.

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

On the question recurring,

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

Mr. LAUGHLIN offered the following amendments:

Amend Sec. 1, page 2, line 18, by inserting after "4942(d)", 6309

Amend Sec. 1, page 106, by inserting after line 30 § 6309. Execution of warrants by Pennsylvania State Police.

Whenever a member of the Pennsylvania State Police executes a warrant in connection with an alleged violation of

this title, additional costs shall be assessed in an amount equal to the amount a constable would have received had he executed the warrant. Such additional costs collected for the execution of warrants by members of the Pennsylvania State Police shall be transmitted to the State Treasury and shall be credited to the Motor License Fund.

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

QUESTION OF INFORMATION

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 question of information.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DININNI. Do we vote on a reconsideration? This is a reconsideration, is it not?

The SPEAKER pro tempore. Would the gentleman from Beaver, Mr. Laughlin, give some explanation on that?

Mr. LAUGHLIN. Mr. Speaker, the amendment we have before us right now is numbered "A-1518." It has nothing to do with a reconsideration.

Mr. DININNI. Thank you.

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

Mr. LAUGHLIN. Mr. Speaker, the amendment I am offering today to HB 1171 provides that whenever our state police are called on to serve warrants in the State of Pennsylvania for traffic violations that are committed on our state highways, that the same costs which are applied when a constable serves the warrant will be applied to the traffic violations in those instances.

This past year over 20,000 warrants were served by our state police. Approximately 86,000 hours were involved in carrying out their duties. These hours could have well been spent doing other things, in my opinion. But in the event that we are not receiving any reimbursements for the work they are performing, I think now that it is appropriate for us to include in the cost of the local magistrates the same fees that are involved in serving other warrants. I ask for an affirmative vote from all the members.

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

Mr. BELLOMINI. Mr. Speaker, these are agreed-to amendments. Thank you.

The SPEAKER pro tempore. The amendments are agreed to?
Mr. BELLOMINI. Yes.

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

The following roll call was recorded:

YEAS—181

Abraham Gallen Madigan Ryan
Anderson Gamble Manderino Salvatore

Armstrong Garzia Manmiller Scheaffer
Arthurs Gatski McCall Schmitt
Bellomini Geesey McClatchy Schweder
Bennett George, C. McGinnis Scirica
George, M. McIntyre Seltzer
Berson Giammarco McLane Shuman
Bittinger Gillette Mebus Shupnik
Bittle Goebel Meluskey Sirianni
Borski Goodman Milanovich Smith, E.
Brandt Gray Miller Smith, L.
Brown Greenfield Milliron Spencer
Brunner Greenleaf Miscewich Spitz
Burd Grieco Moehlmann Stairs
Burns Halverson Morris Stapleton
Butera Hamilton Mowery Stewart
Caltagirone Harper Mrkonic Stuban
Cassidy Hasay Mullen, M. M. Sweet
Cessar Haskell Musto Taddonio
Cianciulli Hayes, D. S. Novak Taylor, E.
Cimini Hayes, S. E. Noye Taylor, F.
Cole Helfrick O'Brien, B. Tenaglio
Cowell Hoeffel O'Brien, D. Thomas
Davies Honaman O'Connell 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 Pjevsky Wenger
Donatucci Kelly Pitts White
Dorr Kernick Polite Wilson
Doyle Klingaman Pott Wilt
Duffy Kolter Pratt Wise
Englehart Kowalyszyn Prendergast Wright, D.
Fee Laughlin Pyles Wright, J. L.
Fischer, R. R. Lehr Rappaport Yahner
Fisher, D. M. Letterman Ravenstahl Yohn
Flaherty Levi Reed Zearfoss
Foster, A. Lincoln Renwick Zeller
Foster, W. Logue Rieger Zitterman
Freind Lynch Ritter Zord
Fryer Mackowski Ruggiero Zwinkl
Gallagher

NAYS—8

Barber Dumas Richardson Wiggins
Caputo Livengood Trello Williams

NOT VOTING—11

Beloff Knepper Rhodes Irviss,
Cohen Mullen, M. P. Scanlon Speaker
Geisler O'Donnell Shelton
Gleeson

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

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

Mr. CIMINI offered the following amendments:

Amend Sec. 1 (Sec. 4571), page 87, line 18, by inserting brackets before and after "adjustable"

Amend Sec. 1 (Sec. 4571), page 87, line 18, by inserting brackets before and after " , or both " and inserting immediately thereafter or alley lights or all such lights

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Mr. Cimini, for the purpose of explaining the amendment.

Mr. CIMINI. Thank you, Mr. Speaker.

Last session Mr. Doyle and I introduced an amendment to the Vehicle Code for alley lights on police cars. Now the intent of that bill was to allow these alley lights so that when officers go down an alley or a street, they hit a switch and these lights go on. And, once again, PennDOT in the particular area over there, decided to put their own interpretation to it. Therefore, we have some counties where the state police will inspect the cars, allow them to be inspected, and we have other counties where these cars cannot be inspected because they say they are illegal.

All this amendment does is try to have some conformity throughout the whole 67 counties to allow alley lights or the lights on top of the police cars to aid the police when going down dark alleys or dark streets.

I would appreciate your support for this amendment.

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

Mr. DININNI. For the benefit of the members on this side of the aisle, this is an amendment that we did not caucus on. I would recommend that you vote in favor of it.

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

Mr. BELLOMINI. For the benefit of the legislators on this side of the aisle, these are agreed-to amendments.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded.

YEAS—191

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

DeWeese	Hutchinson, W.	Parker	Wass
DiCarlo	Itkin	Petrarca	Weidner
Dietz	Johnson	Piccola	Wenger
Dininni	Jones	Pievsky	White
Dombrowski	Katz	Pitts	Wiggins
Donatucci	Kelly	Polite	Williams
Dorr	Kernick	Pott	Wilson
Doyle	Klingaman	Pratt	Wilt
Duffy	Knepper	Prendergast	Wise
Dumas	Kolter	Pyles	Wright, D.
Engelhart	Kowalyszyn	Rappaport	Wright, J. L.
Fee	Laughlin	Ravenstahl	Yahner
Fischer, R. R.	Letterman	Reed	Yohn
Fisher, D. M.	Levi	Renwick	Zearfoss
Flaherty	Lincoln	Richardson	Zeller
Foster, A.	Livengood	Rieger	Zitterman
Foster, W.	Logue	Ritter	Zord
Freind	Lynch	Ruggiero	Zwikl
Fryer	Mackowski	Ryan	

NAYS—0

NOT VOTING—9

Beloff	Lehr	Scanlon	Irvis,
Cohen	O'Donnell	Shelton	Speaker
Geisler	Rhodes		

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

On the question recurring,

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

Mr. SALVATORE offered the following amendments:

Amend Sec. 1, page 2, line 17, by inserting after "1552," 1553,

Amend Bill, page 53, by inserting between lines 13 and 14 § 1553. Limited driver's license.

(a) Application.—Whenever a person is notified by the secretary that his driver's license is suspended he may make application for a limited license which shall be accompanied by a fee of \$25, or such greater fee as the department shall determine, and satisfactory proof of financial responsibility. All fees collected pursuant to this section shall be deposited to the credit of the Motor License Fund.

(b) Eligibility.—No license shall be granted unless it is shown that a driver's license is needed:

(1) for the purpose of carrying on an occupation, trade or profession which makes it essential that he operate a motor vehicle;

(2) for the purpose of obtaining medical care; or

(3) for the purpose of obtaining basic nutritional needs where access thereto is not reasonably available without the use of a motor vehicle.

(c) Eligibility period.—A person shall be eligible for only one limited license in any two-year period.

(d) Ineligibility.—No person whose license has been revoked and no person whose license has been suspended for a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) shall be eligible for a limited license.

(e) Application and hearing.—Applications for limited licenses shall be submitted to the department, which, after

making a determination that the applicant is eligible to apply, shall assign the case to a hearing examiner located as close as possible to the applicant's residence and the department shall direct the examiner to hold a hearing as soon as possible. Upon assigning the case the secretary shall hold the suspension in abeyance and notify the operator.

(f) Conduct of hearings.—The hearing examiner shall, upon receipt of notification by the department, immediately notify the applicant of the time and place of the hearing. At the hearing the applicant may be represented by counsel and may present testimony concerning his need for a limited license. Notes of testimony shall be taken and the examiner shall render a decision as to whether or not the notes shall be reduced to writing and filed of record. Strict rules of evidence need not be complied with at the hearing.

(g) Issuance of limited license.—Within five days after hearing the testimony the examiner shall forward to the department for its action, his recommendation to deny the applicant a limited license or to grant a limited license with any restrictions thereon that he may deem appropriate. The department shall not grant nor shall an examiner recommend that an applicant be granted a limited license whenever it is found upon sufficient evidence that such applicant's license was suspended under circumstances in which the applicant displayed reckless, willful and wanton disregard for the safety of others or operated his vehicle in a grossly negligent manner. If the department grants the applicant a limited license the restrictions shall be noted on the same and it shall be valid for the period of the suspension unless otherwise noted. In granting a limited license the department may require the operator to attend an approved driver improvement school or require him to attend a clinic or any combination of the two.

(h) Appeals.—Any applicant who is denied a limited license under the provisions of this section shall have the right to file a petition, within 30 days thereafter, for a hearing on the matter in the court of common pleas of the county in which the applicant resides. Such courts are hereby vested with jurisdiction, and it shall be their duty to set the matter down for hearing upon 30 days' written notice to the department and the applicant, and thereupon to take testimony and examine into the facts of the case, and to determine whether the applicant shall be granted a limited license.

(i) Penalty.—If any person operates a motor vehicle or tractor in violation of the restrictions of a limited license as provided by this section, the secretary shall suspend the operating privileges of such person for a period twice as long as the original suspension during which period such person shall not be eligible to apply for a limited driver's license. If any person is convicted of any violation to which the point system of Subchapter B. of Chapter 15 (relating to comprehensive system for driver education and control) applies, while operating a motor vehicle or tractor under the provisions of this section, the secretary shall immediately revoke such operator's limited license.

On the question,

Will the House agree to the amendments?

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

Mr. SALVATORE. Mr. Speaker, this amendment was a bill last year that was passed by the House and went into a conference committee and the Governor vetoed it after the conferees had agreed to it. It is a restrictive driver's license amendment. In other words, it is known as the bread-and-butter license bill, and I would urge everyone to vote for my amendment.

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. Just 1 or 2 years ago, we did for the people of the Commonwealth a great favor by relaxing our point system and it was for this very reason.

We feel that we do have a very good point system in Pennsylvania now, and a person who happens to violate the law once in a while, whether it is on purpose or whether it is by accident, has a very, very slim chance of losing his license.

We have the point system now. It is still at 11 points before you lose your license. However, we drastically reduced the number of points you get for various offenses. The points are reduced each year much better than they were before.

Now here is what I am afraid of and the reason that I am against this bill: It does not make any difference whether or not a person is using a vehicle for his occupation and for earning his living or not. He can be just as much of a hazard on the highway. I think that we have our point system now in good enough shape that we can take care of the person. It is a bill that has been well accepted by the trucking industry, by different salesmen's groups; not different groups but if you talk to different salesmen, they are very well pleased with the setup that we have now. There is really no way that you can control a bread-and-butter-license amendment such as we have here.

For the safety of our highways and the safety of our people, we need to keep certain people from the highway and not allow them to hide behind the fact of making a living to be operating vehicles. For this reason, I ask for a defeat of this amendment.

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

Mr. CAPUTO. Mr. Speaker, will the sponsor of the amendment agree to a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Caputo, will continue.

Mr. SALVATORE. Yes, I will.

Mr. CAPUTO. Mr. Speaker, under this amendment does it provide that a restricted license, a so-called bread-and-butter license, would be issued during the working hours, only the daylight working hours of the person who secured one?

Mr. SALVATORE. Only during the working hours of this gentleman. Also, there are three phases to this amendment. The first phase is for his occupational reason; the second is for the purpose of obtaining medical care; and the third is for the purpose of obtaining basic nutritional needs where access thereto is not reasonably available without the use of a motor vehicle.

Those would be the only three reasons why the man would be eligible for a restrictive license.

Mr. CAPUTO. Mr. Speaker, would a restrictive license so issued indicate those particular reasons on the face thereon.

Mr. SALVATORE. I am sorry, I did not hear the question.

Mr. CAPUTO. Mr. Speaker, would a license so issued, a restrictive license, indicate the uses thereon as indicated by the sponsor of the amendment?

Mr. SALVATORE. Yes, Mr. Speaker. The department would have to do that.

Mr. CAPUTO. Mr. Speaker, a further interrogation: If such a restrictive license is issued to a driver who has exceeded the allowable points, would he be able to qualify again for such a restrictive license if he were arrested again?

Mr. SALVATORE. Not within a 2-year period. He can only have a restrictive license in a 2-year period. A person shall be open for only one limited license in any 2-year period, only one.

And just to further that, if I may respond to you, there are suspensions for homicide. Unintentionally a man kills someone and that would be one reason why he loses his license. Now he has been driving a truck for 19 years; he is due for pension; he is trying to raise a family. But because he killed someone accidentally, unintentionally, he loses his license for a year. Now this is unfair. I think that this is one of the reasons, and I can point out a few more reasons, why we should have the restrictive license bill.

Mr. CAPUTO. I thank the gentleman.

Mr. Speaker, I would like to make a statement.

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

Mr. CAPUTO. Mr. Speaker, I must disagree with the gentleman, Mr. Arthurs. I am a practicing attorney, as everybody in this House knows. I have been contacted in many instances within the last year and within the last 3 months by groups, including the Transport Workers Union, the salesmen in various areas, who have asked me to sponsor a bill that would grant the restricted licenses because of the fact that they are necessary in some certain instances.

I do not condone a person exceeding the speed limit three times in a row and just continuing to exceed the speed limits and being given any break. However, Mr. Speaker, there are convictions in this Commonwealth that are not completely justified under certain instances. But because of the bureaucracy, because of the arrogance of police officers in certain cases, and because the courts refuse to listen, persons in this Commonwealth have had their licenses suspended and have had to go on relief and have had, for many reasons, to neglect the necessities for their families.

I think under the proper circumstances, with the proper supervision, with the proper inspections, we are not going far afield in permitting certain people, certain persons, where hardships exist, to drive on their job only or in getting medical assistance or, for that matter, if they are the only driver in the family driving to the shopping center to buy the food they need for their family.

I think we should support this amendment for those reasons.

The SPEAKER pro tempore. The Chair recognizes the

gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I rise to oppose the amendment. Let me just tell you something. Mr. Salvatore talked about homicide by a vehicle. In the code it says: "Any person who unintentionally causes the death of another person while engaged in the violation of any law of this Commonwealth or any municipal ordinance applying to the operation or use of a motor vehicle is guilty of homicide . . ." et cetera. So even though we are talking about a person who unintentionally kills someone while operating a motor vehicle, the suspension that Mr. Salvatore is talking about only takes place if that person violated a law when he committed the homicide; by that, probably speeding, going through a stop sign or a red light or whatever.

I have been one who supported limited licenses, bread-and-butter licenses, if you will. But as Mr. Arthurs amply pointed out, with the revision in the point system that we put in last year, the way you get a suspension of your operating privileges now is when you accumulate 11 points. And if you look in the Motor Vehicle Code, it would require at least three violations, including two very serious ones; passing a school bus is one, and there is another one of hit-and-run driving which would be four points. Five points for passing a school bus and then you would still need another violation, all of that in a 2-year period before you would lose your license.

As we said, we did reduce the point system, and for every year you operate your motor vehicle without committing a violation, your points are reduced by three. So, that you are talking about somebody who really does not care about how they operate a motor vehicle.

I think you have got to be a pretty bad driver to get three violations in a given year and those are three serious violations. If you went to the ones where there were only three points or two points imposed, you would need as many as four or five or even six violations in a 2-year period before you would have your license suspended.

I do not think we ought to give a break to that kind of person. I think the reduction of the points on what it had been is a sufficient bonus, if you will, to operators of motor vehicles. I think we would be contributing again to a reduction in traffic safety; we would be encouraging people to really not pay any attention because they can go in and say, I need my operator's license to work, to go to the store for groceries or to go get some medical supplies, those are very nice words. But there are a lot of people in this Commonwealth, Mr. Speaker, who do not have an automobile, who are senior citizens and who can operate, and so on, and they manage to find a way to get groceries and get medical supplies.

And I think that that is just put in as a stop to the rest of us. As much respect as I have for Mr. Salvatore, I would still very strongly urge a negative vote on this amendment.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I too would urge us to oppose and to defeat this amendment. I think after all the rhetoric is completed, the most important thing that we have to keep in mind is that

those people who get their licenses suspended have violated the law.

Now, under our current law, we penalize those who violate certain aspects of the Motor Vehicle Code by taking away their license. Now under any of our laws, any type of penalty we impose on people, obviously, causes some type of inconvenience for them. And, in a lot of cases it causes outright hardship. But that is no reason for us to throw up our hands and say, okay, we are not going to penalize you for violating the law.

Now a number of speakers have already pointed out very clearly that we do not just arbitrarily suspend licenses either. Licenses are suspended in this state now under our new Motor Vehicle Code where there has been flagrant or chronic violation of the law. I think that we should not provide the opportunity for the so-called limited license, because I suspect, also, that it might become not so terribly limited in practical usage.

I think it is important also that we keep in mind that while we are sympathetic, perhaps, to those people who do incur some type of inconvenience or hardship, those people who are very dependent upon their license for their trade or their occupation, for shopping or for any type of personal use, if it is really that important, they should make it all the more their business to make sure that they do not get into a serious situation where they actually do have their license suspended. I would hope we would defeat this amendment.

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

Miss SIRIANNI. Mr. Speaker, I think that you have to have been in a circumstance where you needed your license and have not had it in order to know how important Mr. Salvatore's amendment is. Now, as a voice of experience, I say, please vote for his amendment.

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

Mr. SALVATORE. Thank you, Mr. Speaker.

I realize that the vehicle code has been tightened up and that we have tried to eliminate a lot of the loopholes. But I still say we are being unfair. We are being unfair to a person who happens to pass a stop sign and kill someone.

Now he has violated the law because he has passed a stop sign, and it is probably his first traffic violation that he ever received and his license is suspended for a year. Therefore, he is denied of earning a living. That would be one case. A man could drive a truck. A person who drives a truck drives four or five times as many miles as an ordinary person. A person could absentmindedly pass a school bus that is stopped. He gets five points and a 30-day suspension. Now he loses work for 30 days. His family is denied food, clothing, et cetera.

Now, there are many, many instances, and I am saying to you that this is a necessary piece of legislation to protect these people who do not break the law every day. We have people who rob and steal and they go on probation time after time after time. But a man who is trying to earn a living, who is trying to do what is right, makes one mistake, and by one mistake he can lose his license and be denied his right to make a living. And I would urge a "yes" vote on my amendment, Mr. Speaker.

The SPEAKER pro tempore. The chair recognizes for the second time on the question, the gentleman, Mr. Arthurs, from Butler.

Mr. ARTHURS. Mr. Speaker, Mr. Salvatore has just mentioned the one way that you can have your license suspended for a single violation, and that is for passing a school bus. And I think that we are not asking too much for someone who is not cautious enough on our highways today with the warning system that we have, our yellow lights and then our red lights and our school buses, if someone is careless enough, if someone is not observing well enough, and someone does not care enough to take our children into consideration, I do not think we are asking too much when we ask for someone's license to be suspended for 30 days. I think it is terrible. In fact, when this was in committee, I wanted to see it much tougher than that because I think our children are more important than a person being careless on the highway.

Secondly, as has been mentioned by Mr. Ritter and other members, Mr. Ritter said *three offenses before you lose your license*. And if you look at the point system and they only average about three points per offense, this means that you will have to have at least four, *four convictions in one year's time*, because, we are now removing three points per year. And I do not think we are being a bit tough on these people. I think we have to have people observe our laws and I think that we have taken care of that person who just happens to be caught for a minor violation from time to time but not that habitual offender.

I ask for support of this very important amendment; I mean defeat of this amendment which is important to our people.

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

Mr. BURD. Mr. Speaker, I rise to support the Salvatore amendment. When I first heard it explained here on the floor of the House, I was under the impression that, gee, all you would have to do is throw a bag of groceries in the back of your car and you could almost drive anywhere. And if you were picked up by the police, you could indicate to them at that time that you were out doing your grocery shopping.

But as I read the amendment further, I see that Mr. Salvatore, through his system of hearings and through the way that he explains that a man could apply for this bread-and-butter license, has eliminated that. He has taken care of weeding out the bad apples as far as those bad drivers we are talking about may be concerned.

I disagree with the remarks that Mr. Arthurs had made that the good driver cannot get three citations a year and I think primarily of the truck drivers that we have out on the road every day, traveling thousands of miles, while we travel hundreds of miles. I know that in talking to truck drivers and truck owners that they have had to lose good drivers because some of their drivers have become very bad victims of circumstances.

And, therefore, I feel that Mr. Salvatore in this case does have a good amendment and I would urge all of my colleagues to support it.

Thank you, Mr. Speaker.

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

Mrs. GILLETTE. Thank you, Mr. Speaker.

Would the gentleman, Mr. Salvatore, consent to interrogation?

Mr. Salvatore. Yes, I will.

The SPEAKER pro tempore. The gentleman indicates that he will, and the lady, Mrs. Gillette, may proceed.

Mrs. GILLETTE. Mr. Salvatore, your amendment states that during the daylight hours, is that the correct amendment?

Mr. SALVATORE. No, no. You have the incorrect amendment. I am sorry.

Mrs. GILLETTE. I see. All right, that was my only question.

Thank you.

Mr. SALVATORE. That was an amendment that was printed in error, and we corrected that.

Mrs. GILLETTE. Okay, thank you. That is all.

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

Mr. RITTER. Mr. Speaker, I just want to point out we are not talking now about people who are victims of circumstances. Let me give you a list of the suspensions under present law that Mr. Salvatore's amendment would refer to in allowing somebody to operate because they need their license. They committed the following offenses: if you commit a felony and in the commission of that felony you use a motor vehicle, that is a suspension under the code. If you are convicted, as I said, homicide by a vehicle while you were violating a motor vehicle law. Hit and run where there was death or injury to property.

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SALVATORE. I believe that this gentleman is speaking on revocations and not on suspensions, and I am always talking about suspensions.

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

Mr. RITTER. Mr. Speaker, if the gentleman will look at the bill, HB 1171, and I have not seen any amendments offered to it yet, HB 1171 changes the revocations of that section that I am talking about to a suspension. There have been no amendments offered to return it back to a revocation. We are talking about HB 1171 as it is written, and he is amending HB 1171, and I am saying if you accept HB 1171, those which were presently revocations will become suspensions and they would be covered under Mr. Salvatore's amendment. And I think we ought to know about what it is that we are discussing.

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman, Mr. Ritter, is correct and he may proceed.

Mr. RITTER. You get a suspension, Mr. Speaker, even under present law for drag racing on a highway. You get a suspension under present law for fleeing or attempting to elude a police

officer, a suspension under present law for driving without lights to avoid identification or arrest.

There are a number of suspensions, Mr. Speaker, which require more than just an innocent victim of some happenstance. If you turn off your lights to avoid identification or arrest, that is a deliberate act. If you drag race on a highway, that is a deliberate act. There are a number of other things. If you hit and injure someone and leave the scene of an accident, that is a deliberate attempt.

Those kinds of offenses would be covered under Mr. Salvatore's amendment. I think it is a dangerous precedent to set, and I ask again that the members defeat his amendment.

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

Mr. PRATT. May I interrogate the prime sponsor of the amendment, Mr. Speaker?

The SPEAKER pro tempore. Will the prime sponsor, Mr. Salvatore, consent to interrogation?

Mr. SALVATORE. Yes, I will, Mr. Speaker.

The SPEAKER pro tempore. He indicates he will, and the gentleman, Mr. Pratt, may continue.

Mr. PRATT. Mr. Speaker, could you tell me whether or not an individual would be eligible for unemployment compensation in the event his operator's license was suspended and he was forced to not perform his particular job, say for example, driving a truck?

Mr. SALVATORE. I do not know the answer to that, Mr. Speaker.

Mr. PRATT. Mr. Speaker, perhaps Mr. Bellomini could answer that question.

The SPEAKER pro tempore. Did the gentleman, Mr. Bellomini, hear the question? Will the gentleman, Mr. Bellomini, consent to a period of interrogation?

Mr. BELLOMINI. Yes, Mr. Speaker. I heard the question and I would like to respond in this manner: If you lose your license through revocation and then lose your position in the factory that you work in, you are actually quitting your job. You are not qualified for unemployment compensation.

Mr. PRATT. Mr. Speaker, then in the event that you are not terminated but you are forced to miss X number of days' work because of the suspension, are you then eligible during that period of time, whether it be 15 or 30 days, for unemployment compensation?

Mr. BELLOMINI. No; you would not.

Mr. PRATT. Thank you, Mr. Speaker.

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

Mr. DININNI. Mr. Speaker, I concur with everything Mr. Arthurs and Mr. Ritter have said on the floor of this House, plus the fact that I think it would be very costly to administer this type of program, and I urge the members to vote "no."

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

Mr. D. M. O'BRIEN. Will Mr. Salvatore stand for brief interrogation?

Mr. SALVATORE. Yes, I will, Mr. Speaker.
The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. O'Brien, will proceed.

Mr. D. M. O'BRIEN. Mr. Speaker, is it your intention to protect the drivers whose licenses are suspended, to reinstate their privilege and their right to earn a livelihood?

Mr. SALVATORE. All I was trying to do here, Mr. Speaker, is not worry about the drag racer, not worry about the guy who drives to avoid police identification. All I was trying to do is protect the honest guy who goes to work who inadvertently makes one mistake, but here we take away his license. But by the indication on the board, I think we belabored this issue long enough, Mr. Speaker. Let everyone vote.

Mr. D. M. O'BRIEN. Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I do not know if everybody has read this amendment, but under paragraph (g) of the amendment where it discusses the issuance of a limited license, it indicates that a hearing has to be held and a recommendation made by an examiner as to whether or not the restrictive license should be issued. It is not issued as a matter of course, and I point out further in that section that it says the examiner cannot recommend the issuance of a license where the person, the applicant, has displayed "reckless, willful and wanton disregard for the safety of others or operated his vehicle in a grossly negligent manner."

So there are guidelines, and all of those things, it would seem to me, would fall under the restrictions represented by Mr. Ritter, and I suggest that you look at that section before you vote "no" on this amendment.

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

Mr. JOHNSON. Mr. Speaker, I, too, support this amendment. I am going to tell you why I support this amendment. Last week or the week before last, I was a little late starting for Harrisburg and I thought I was doing about 60 miles an hour, but the police said I was doing 70. I have to take his word for it that I was doing 70 miles an hour, so I am appealing the situation.

Now I do not have to win in the court, but I think every member in this House has to realize that sometimes we are all late coming up the highway and some of us have been suspended, and I think that one of the best things that could happen with this amendment is to allow us to drive to and from Harrisburg but no pleasure driving.

We are not immune from the law. If we are caught doing over 55, we can be suspended just like a truck driver can be suspended, and I think we should vote in favor of this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—71

Barber	Giammarco	Manderino	Pyles
Bellomini	Gray	McCall	Rappaport
Berlin	Greenfield	McClatchy	Ravenstahl
Berson	Greenleaf	McGinnis	Richardson
Borski	Halverson	McIntyre	Rieger
Brunner	Hamilton	Miller	Ryan
Burd	Harper	Morris	Salvatore
Burns	Hasay	Mullen, M. P.	Scanlon
Butera	Hayes, D. S.	Mullen, M. M.	Schmitt
Caputo	Hutchinson, A.	Musto	Sirianni
Cassidy	Johnson	O'Brien, B.	Spencer
Cianciulli	Jones	O'Brien, D.	Vroon
Dombrowski	Katz	O'Connell	White
Donatucci	Kelly	Oliver	Wiggins
Dumas	Klingaman	Pancoast	Williams
Flaherty	Livengood	Petrarca	Wilson
Gallagher	Logue	Polite	Wright, J. L.
Gallen	Lynch	Pott	

NAYS—119

Abraham	Fryer	Manmiller	Spitz
Anderson	Garzia	McLane	Stairs
Armstrong	Gatski	Mebus	Stapleton
Arthurs	Geesey	Meluskey	Stewart
Bennett	George, C.	Milanovich	Stuban
Bittinger	George, M.	Milliron	Sweet
Bittle	Gillette	Miscevich	Taddonio
Brandt	Gleeson	Moehlmann	Taylor, E.
Brown	Goebel	Mowery	Taylor, F.
Caltagirone	Goodman	Mrkonic	Tenaglio
Cessar	Grieco	Novak	Thomas
Cimini	Haskell	Noye	Trello
Cohen	Hayes, S. E.	O'Keefe	Valicenti
Cole	Helfrick	Parker	Wagner
Cowell	Hoeffel	Piccola	Wansacz
Davies	Honaman	Pitts	Wargo
DeVerter	Hopkins	Pratt	Wass
DeWeese	Hutchinson, W.	Prendergast	Weidner
DiCarlo	Itkin	Reed	Wenger
Dietz	Kernick	Renwick	Wilt
Dininni	Knepper	Ritter	Wise
Dorr	Kolter	Ruggiero	Wright, D.
Doyle	Kowalyshyn	Scheaffer	Yahner
Duffy	Laughlin	Schweder	Yohn
Fee	Lehr	Scirca	Zearfoss
Fischer, R. R.	Letterman	Seltzer	Zeller
Fisher, D. M.	Levi	Shuman	Zitterman
Foster, A.	Lincoln	Shupnik	Zord
Foster, W.	Mackowski	Smith, E.	Zwikl
Freind	Madigan	Smith, L.	

NOT VOTING—10

Beloff	Gamble	Pievsky	Irvis,
DeMedio	Geisler	Rhodes	Speaker
Englehart	O'Donnell	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. A. C. FOSTER offered the following amendments:

- Amend Sec. 1, page 1, line 18, by inserting after "1926(c)," 1929,
- Amend Bill, page 58, by inserting between lines 20 and 21 § 1929. Replacement registration plates.

The fee for a replacement registration plate and accompanying registration card other than a legislative or personal plate shall be \$5. In no case shall any additional fee be charged for the accompanying card.

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

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

Mr. A. C. FOSTER. Mr. Speaker, for the benefit of the members, this is the Foster-Stairs amendment. It removes extra charge for a registration card which the department saw fit to impose by regulation. I would ask an affirmative vote on the amendment.

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

Mr. BELLOMINI. Mr. Speaker, I urge all the members in the House to vote for this amendment.

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

Mr. DININNI. I do the same. I urge the members on our side to vote "yes" on this amendment.

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

The following roll call was recorded:

YEAS—191

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

Duffy	Kolter	Prendergast	Wise
Dumas	Kowalyshyn	Pyles	Wright, D.
Englehart	Laughlin	Rappaport	Wright, J. L.
Fee	Lehr	Ravenstahl	Yohn
Fischer, R. R.	Letterman	Reed	Zearfoss
Fisher, D. M.	Levi	Renwick	Zeller
Flaberty	Lincoln	Richardson	Zitterman
Foster, A.	Livengood	Rieger	Zord
Foster, W.	Logue	Ritter	Zwikl
Freind	Lynch	Ruggiero	

NAYS—0

NOT VOTING—9

Beloff	O'Donnell	Valicenti	Irvis,
Geisler	Rhodes	Yahner	Speaker
Knepper	Shelton		

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 Beaver, Mr. Laughlin. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAUGHLIN. Mr. Speaker, on the Foster amendment to HB 1171, I inadvertently voted in the affirmative. I wanted to be recorded in the negative.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the gentleman's comments will be spread upon the record.

On the question recurring,

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

Mr. TENAGLIO offered the following amendments:

Amend Sec. 1, page 1, line 13, by inserting after "1340," 1341,

Amend Sec. 1, page 22, by inserting between lines 5 and 6 § 1341. Personal plate.

(a) General rule.—Upon request by the applicant, the department [may] shall issue registration plates consisting of any combination of numbers, letters or numbers and letters. These special plates may be issued for special groups or for special purposes and bear an appropriate designation. [They shall have the same force and effect as regular registration plates.] The department may refuse any combination of letters and numbers for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. [The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.]

(b) Veterans.—On the application of a veteran, whose status is certified by the United States Veterans Administration, the department shall issue a special registration plate designating the vehicle as belonging to a veteran. The registration plate shall have the word "veteran" in at least ten-point bold type, inscribed on the bottom of the plate.

(c) Status of plates.—The plates shall have the same force and effect as regular registration plates and the applicant shall comply with all laws and regulations pertaining to registration

including the payment of any additional fees.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Tenaglio, for purposes of explanation of the amendment.

Mr. TENAGLIO. Mr. Speaker, thank you very much.

This amendment deals with special tags. What it would do is grant members of the armed services who are veterans the right to ask for special tags which would signify them as veterans at the bottom of the tag. I am sure that there are very many people in the State of Pennsylvania who are proud to be veterans, and we should also be proud to have had them serve in our country and they should be able to be designated as veterans.

Since the Department of Transportation is now saying they need additional funds, this will provide those, and, besides this, those people who filed for the special tag would also have to pay the \$20 registration fee. That is what my amendment does.

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

Mr. BELLOMINI. These are agreed-to amendments, Mr. Speaker.

The SPEAKER pro tempore. The amendments are agreed to?

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

Mr. DININNI. Yes, they are agreed to.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—185

Abraham	Fryer	Madigan	Salvatore
Anderson	Gallagher	Manderino	Scanlon
Armstrong	Gallen	Manmiller	Scheaffer
Arthurs	Gamble	McCall	Schmitt
Barber	Garzia	McClatchy	Schweder
Bellomini	Gatski	McGinnis	Scirica
Bennett	Geesey	McLane	Seltzer
Berlin	George, C.	Mebus	Shuman
Berson	George, M.	Meluskey	Shupnik
Bittinger	Giammarco	Milanovich	Sirianni
Bittle	Gillette	Miller	Smith, E.
Borski	Gleeson	Milliron	Smith, L.
Brandt	Goebel	Miscevich	Spencer
Brown	Goodman	Moehlmann	Spitz
Brunner	Gray	Morris	Stairs
Burd	Greenfield	Mowery	Stapleton
Burns	Greenleaf	Mrkonic	Stewart
Butera	Grieco	Mullen, M. P.	Stuban
Caltagirone	Halverson	Mullen, M. M.	Sweet
Caputo	Hamilton	Musto	Taddonio
Cassidy	Hasay	Novak	Taylor, E.
Cessar	Haskell	Noye	Taylor, F.
Cianciulli	Hayes, D. S.	O'Brien, B.	Tenaglio
Cimini	Hayes, S. E.	O'Brien, D.	Thomas
Cohen	Helfrick	O'Connell	Trello
Cole	Hoefel	O'Keefe	Vroon

Cowell	Honaman	Oliver	Wagner
Davies	Hopkins	Pancoast	Wansacz
DeMedio	Hutchinson, W.	Parker	Wargo
DeVerter	Johnson	Petrarca	Wass
DeWeese	Jones	Piccola	Weidner
DiCarlo	Katz	Pievsky	Wenger
Dietz	Kelly	Pitts	White
Dininni	Kernick	Polite	Wiggins
Dombrowski	Klingaman	Pott	Williams
Donatucci	Kolter	Pratt	Wilson
Dorr	Kowalyshyn	Prendergast	Wilt
Doyle	Laughlin	Pyles	Wise
Duffy	Lehr	Ravenstahl	Wright, D.
Dumas	Letterman	Reed	Wright, J. L.
Fee	Levi	Renwick	Yahner
Fischer, R. R.	Lincoln	Richardson	Yohn
Fisher, D. M.	Livengood	Rieger	Zearfoss
Flaherty	Logue	Ritter	Zeller
Foster, A.	Lynch	Ruggiero	Zitterman
Foster, W.	Mackowski	Ryan	Zord
Freind			

NAYS—0

NOT VOTING—15

Beloff	Itkin	Rappaport	Zwikl
Englehart	Knepper	Rhodes	
Geisler	McIntyre	Shelton	Irvis,
Harper	O'Donnell	Valicenti	Speaker
Hutchinson, A.			

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

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

Mr. RUGGIERO offered the following amendments:

Amend Sec. 1 (Sec. 3105), page 62, line 5, by inserting a bracket before "a"

Amend Sec. 1 (Sec. 3105), page 62, line 5, by striking out the bracket before "need"

Amend Sec. 1 (Sec. 3105), page 62, by inserting between lines 5 and 6

(1) a police vehicle:

Amend Sec. 1 (Sec. 3105), page 62, line 6, by striking out "(1)" and inserting (i)

Amend Sec. 1 (Sec. 3105), page 62, line 8, by striking out "(2)" and inserting (ii)

Amend Sec. 1 (Sec. 3105), page 62, by inserting between lines 11 and 12

(2) An ambulance need not use an audible signal when transporting a patient whose condition would be aggravated by the use of the audible signal.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Ruggiero.

Mr. RUGGIERO. Mr. Speaker, I believe that this amendment is agreed to. What it does is provide that ambulances need not sound the audible signal when transporting certain patients whose condition might be aggravated by the sounding of such siren or other signal.

The SPEAKER pro tempore. The Chair recognizes the gentle-

man from Erie, Mr. Bellomini.

Mr. BELLOMINI. These are agreed-to amendments, Mr. Speaker. Thank you.

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

Mr. DININNI. This is an amendment that we did not caucus on, but I would recommend voting "yes."

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

Mr. GEESEY. Would the gentleman from Erie, Mr. Bellomini, consent to interrogation, please?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation, and the gentleman, Mr. Geesey, may proceed.

Mr. GEESEY. Mr. Speaker, it is my understanding that somewhere during the course of amendments to this bill, we have submitted and approved an amendment which removes the former provisions that ambulances on the way to the hospital had to stop at red lights or stop signs. Is that correct?

Mr. BELLOMINI. That is correct.

Mr. GEESEY. And what we will be saying is, if this amendment goes in, that not only do they no longer have to stop at a stop sign or a red light but they can continue through a stop sign or a red light without sounding a siren. Am I correct in that assumption?

Mr. BELLOMINI. As I understand it, the offering of these amendments does not take away any privileges that were in the Cessar amendment. This more or less is an amendment for special patients being transferred in ambulance cases.

Mr. GEESEY. Well, that does not exactly answer my question, Mr. Speaker. The question specifically is that an ambulance, if this amendment goes into the bill, could go through a red light or a stop sign without sounding their siren or giving any kind of audible notice of their approach to that intersection. Is that correct?

Mr. BELLOMINI. You are correct.

Mr. GEESEY. Mr. Speaker, under those circumstances, I certainly cannot support it. I would like to, but I am afraid that by sending an ambulance into an intersection without making any kind of siren or any kind of audible signal that the ambulance is entering that intersection, we are going to kill people, and I just cannot support that.

Mr. BELLOMINI. I just want to make something clear, Mr. Speaker.

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

Mr. BELLOMINI. They have not got the right to go through a stop sign or a red light unless they use precautionary measures. This amendment does not give them the preference to go through at the same time.

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

Mr. RUGGIERO. In addition to what Representative Bellomini has just pointed out, I would like to add that the visible signal, the lights, must still be used. And, of course, the driver of the ambulance is not excused from his negligence. He

still has to pay due regard to the circumstances that exist at an intersection or anywhere else on the highway.

It is a very important amendment. It has been requested by ambulance corps, and I think if you check, if you were to have the opportunity to check back home, you would find that they would welcome this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

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

NAYS—6

Doyle	Kernick	Weidner	Zord
Geesey	Moehlmann		

NOT VOTING—11

Belloff	McIntyre	Rhodes	Irvis,
Geisler	O'Donnell	Shelton	Speaker
Harper	Parker	Yahner	
Knepper			

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

On the question recurring,

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

Mr. KOWALYSHYN offered the following amendments:

Amend Sec. 1, page 1, line 13, by inserting after "1340," 1341,

Amend Sec. 1, page 1, line 18, by inserting after "1926(c)," 1931,

Amend Bill, page 22, by inserting between lines 5 and 6

§ 1341. Personal plate.

(a) General Rule.—Upon request by the applicant, the department may issue registration plates consisting of any combination of numbers, letters or numbers and letters. These special plates may be issued for special groups or for special purposes and bear an appropriate designation. They shall have the same force and effect as regular registration plates. The department may refuse any combination of letters and numbers for cause and shall adopt reasonable rules and regulations for the issuance of the plates and for carrying out the provisions of this section. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

(b) Amateur radio operators.—Upon request by an applicant who holds a valid Federal Communications Commission amateur radio station license, the department shall issue a registration plate which shall carry the call letters of the amateur radio station. The special registration plate shall have the same force and effect as regular registration plates. The applicant shall comply with all laws and regulations pertaining to registration including the payment of any additional fees.

Amend Bill, page 58, by inserting between lines 20 and 21 § 1931. Personal registration plates.

(a) General Rule.—The fee for issuance of a personal registration plate shall be \$20 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each personal registration issued or replaced.

(b) Amateur radio operators.—The fee for issuance of a personal registration plate which bears the call letters of an amateur radio station shall be \$3 which shall be in addition to the annual registration fee. Only one payment of the issuance fee shall be charged for each amateur radio station registration plate issued or replaced.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. Mr. Speaker, the amendment I am offering deals with the amateur radio operator. There are some 4,500 amateur radio operators who under the new Vehicle Code place the State of Pennsylvania in a surprisingly awkward position. It seems it is only the State of Pennsylvania, among all the states of the Union, that under the new code is not recognized for their public service in great disasters and small disasters and such things as helping with lost persons by the issuance of a special plate bearing the call numbers of the Federal Communications Commission license which the amateur radio operator owns and operates. The amendment I would ask you to consider is to return Pennsylvania to the Union and let us not be out of step. Let us treat our Pennsylvanians the same as these individuals who have, since 1955, had this special-plate

privilege. I ask you to vote in favor of this amendment.

It has got two parts, I would like to point out. I would like to take a few minutes of your time because I happen to have in my hand an actual copy of the House bill in 1955 which recognized the amateur radio operators by giving them this special-license privilege. This recognition by the General Assembly took place in 1955 after the great flood in 1955 in which close to 200 persons lost their lives and when people recognized that it was the amateur radio operators, when the regular channels of communication broke down, who came through and got the necessary emergency supplies and got the necessary emergency information through. If you will bear with me very briefly, I would like to read from this bill. It says: "From the melting snows of California through the flooded valley of the Mississippi to the hurricane-lashed shores of Florida and in the mountainous terrain of Pennsylvania the amateur radio operator has proven his work in time of disaster and widespread danger to the people.

"He has been directly instrumental by the dissemination of information in saving life and property at times when regular communication facilities were disrupted.

"His services in locating travelers and persons whose whereabouts are unknown and in numerous instances when disaster hurricanes and storms have threatened he has been a boon to mankind.

"There are many licensed amateur radio stations in Pennsylvania ready and alert equipped at their own expense and prepared in any emergency.

"A distinctive automobile tag would prove of great aid in locating and identifying these amateur radio operators to the State Police sheriffs Red Cross municipal police officers and the National Guard in time of public or private need therefor."

This is part of the language of HB 561, PN 561, of the session of 1955. Also in this bill it provided that the amateur radio operator would be privileged to have his special plate for a fee of \$3.

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

Mr. RITTER. Mr. Speaker, even though I may disagree with the gentleman, Mr. Kowalyszyn, I think he is entitled to some order.

The SPEAKER pro tempore. The gentleman is absolutely correct. The Chair notices there are a large number of conferences taking place. It is beginning to look like the UN in action. I would hope the members would accord the courtesy to a fellow member of the House.

The gentleman, Mr. Kowalyszyn, may proceed.

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

As far as the \$3 fee on this special plate is concerned, we have a note on the fiscal impact. What it comes to is a loss of revenue each year of approximately \$15,000. That is the entire cost to the state. I would like to urge passage of this amendment.

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

Mr. WEIDNER. Thank you, Mr. Speaker.

Will the sponsor of this amendment stand for interrogation, please?

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

Mr. WEIDNER. Mr. Speaker, the last paragraph of your amendment: "The fee for issuance of a personal registration plate which bears the call letters of an amateur radio station shall be \$3 which shall be in addition to the annual registration fee." The registration fee, I understand, is \$24?

Mr. KOWALYSHYN. That is correct.

Mr. WEIDNER. The \$3 additional, would that be \$27 every year?

Mr. KOWALYSHYN. No. That would be \$3 every five years when the plate is issued.

Mr. WEIDNER. In other words, the same as the special registration plate at the present time where we pay \$20?

Mr. KOWALYSHYN. That is correct.

Mr. WEIDNER. And which is good for the 5 years?

Mr. KOWALYSHYN. That is correct.

Mr. WEIDNER. This would be \$3 for 5 years?

Mr. KOWALYSHYN. That is correct. This has been Pennsylvania law and practice from 1955 until July 1, 1977.

Mr. WEIDNER. I thank you, Mr. Speaker.

Mr. KOWALYSHYN. Thank you.

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

Mr. COWELL. Mr. Speaker, I would just like to ask Mr. Kowalyszyn a question, if I may.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Mr. Speaker, I had a little bit of difficulty hearing all of the gentleman's remarks, so excuse me if you touched upon this.

I would like to just pursue the previous question briefly. What is your basic rationale for the amendment in the sense that why should a relatively small group of people who wish a special plate pay \$3 extra, only \$3 extra, while everybody else in this Commonwealth who desires a special plate for any number of reasons, whether they happen to be a legislator and they want their legislative district on there or somebody wants their initials on there or their home town or whatever the case may be, why should they pay \$20 extra and another small group of people pay only \$3, aside from the fact that that is the way it used to be in old law?

Mr. KOWALYSHYN. Mr. Speaker, in answer to the gentleman I will say that when 12 million people in Pennsylvania depend upon this small group of people for their safety and for their lives, I believe it is a very small price to pay, approximately \$15,000 a year, if we were to give them this recognition and urge them to stand ready as they have been with Hurricane Agnes and as they have been, when disaster has come outside the Commonwealth, in working with the Red Cross. I believe we should give them every bit of support we can, and that is the answer to the gentleman's question. This is indeed a small group, but their contribution cannot be measured. Thank you.

Mr. COWELL. Thank you, Mr. Speaker.

I would just respectfully disagree with the gentleman's rationale. Thank you.

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

Mr. BELLOMINI. Go ahead, Mr. Speaker, roll the amendment.

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

Mr. RITTER. Mr. Speaker, I appreciate what Mr. Kowalyszyn said, but I think we are talking about one important thing, and that is, it is a vanity plate. Everybody else in this Commonwealth has to pay \$20 for that special plate and, as Mr. Weidner pointed out, it goes for 5 years. You are really talking about \$4 a year for that special privilege, and I do not think there is anything wrong with that. I think we ought to defeat the amendment. We should not establish a special class or a special plate for one group while everyone else who gets the vanity plate has to pay the \$20. I think it is a bad amendment and we ought to vote it down.

The SPEAKER pro tempore. The Chair recognizes for the second time on the matter, Mr. Kowalyszyn.

Mr. KOWALYSHYN. Mr. Speaker, possibly it is proper to call these special plates vanity plates, but in this instance I believe it is a misnomer because let me just read to you again the language in the 1955 bill. In other words, the point that I would like to make is that with that special plate, the communications people and the law-enforcement people can identify that vehicle with the special radio equipment in it. That is what is different from a vanity plate.

This is what it says in the 1955 legislation: "A distinctive automobile tag would prove of great aid in locating and identifying these amateur radio operators to the State Police, sheriffs, Red Cross, municipal police officers and the National Guard in time of public and private need therefor." I do not believe the situation has changed in the slightest since this 1955 bill was considered in this House of Representatives.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE

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

Mr. WILSON. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. Would the Speaker please inform the House as to whether this amendment could be divided? I would ask if it could be divided, that it be divided under part (b), under section 1931, the last sentence after the word "fee." and "Only one payment of the issuance fee shall be charged for each amateur radio station registration plate issued or replaced." Could we divide it between the word "fee" and "only"?

The SPEAKER pro tempore. Would the gentleman mind repeating it?

Mr. WILSON. Mr. Speaker, at the bottom of the page of Mr. Kowalyszyn's amendment, there is section 1931.

The SPEAKER pro tempore. Entitled "Personal registration plates."

Mr. WILSON. Right, section (b), the third from the last line

reads ". . . the annual registration fee." Separate between that word "fee" and the word "only".

The SPEAKER pro tempore. Would the gentleman delete beginning with lines "Only one payment of the issuance . . .".

Mr. WILSON. That is affirmative, Mr. Speaker.

The SPEAKER pro tempore. You would eliminate that line and the following two lines to the end of the page?

Mr. WILSON. That is correct, Mr. Speaker.

AMENDMENT NOT DIVISIBLE

The SPEAKER pro tempore. It is the opinion of the Parliamentarian that this would not stand by itself and therefore could not be divided.

Mr. WILSON. Then further inquiry of the Chair, Mr. Speaker: The section in the amendment of 1341 before it says "Amend Bill, page 58", could it be divided at that point? I am at the middle of the page where the blank spot is.

The SPEAKER pro tempore. Where would the gentleman begin?

Mr. WILSON. Where would I begin? At the top of the page.

The SPEAKER pro tempore. At the top of the page?

Mr. WILSON. And I would end where it says "including the payment of any additional fees." Then there are the letters A1395#1, and then "Amend Bill, page 58". I would separate between there.

The SPEAKER pro tempore. In other words, the gentleman would eliminate section 1341, (a) and (b). Is that correct?

Mr. WILSON. I would not eliminate anything; I would separate the question into two parts, section 1341 and section 1931.

AMENDMENT DIVIDED

The SPEAKER pro tempore. The Chair understands. It is the opinion of the Chair that this would be divisible.

Mr. WILSON. I would ask the Chair to divide the question, please.

The SPEAKER pro tempore. Without objection, the amendment is divisible, and the question is, will the gentleman vote upon the first portion of the amendment. That would be section 1341, (a) and (b). Is the Chair correct as stated?

Mr. WILSON. That is correct, Mr. Speaker.

The SPEAKER pro tempore. Without objection, this will be divided.

For what purpose does the gentleman from Lehigh, Mr. Zeller, rise?

Mr. ZELLER. Mr. Speaker, to object to the division, that is all. It is a good amendment, and I would object to the division of it.

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

Mr. ARTHURS. I wonder if Mr. Wilson 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, I wonder if Mr. Wilson would agree that the department can presently do what you are asking under this amendment?

Mr. WILSON. That could be but we are saying they "shall", and we are also saying that they shall reserve those consecutive numbers that are applicable to amateur radio license plates, which they do not have to do now.

Under the previous law, before the new Vehicle Code, the department, under the act of 1955 that Mr. Kowalyszyn spoke to, reserved all of those numbers assigned by the Federal Communications Commission to an amateur radio license. An example would be WA3ACB, which happens to be my personal license.

Thank you.

Mr. ARTHURS. Mr. Speaker, I really do not think this is necessary because there is only one set of call letters for each radio. Anyone can get any number that they so desire as long as it falls under the six numbers or letters. I really do not think it would be necessary.

Mr. WILSON. It is not necessary, but what we are doing, Mr. Speaker, is reserving for that amateur radio operator his particular plate, if he so desires to spend the \$20 to have that plate. If we divide this question, his number would be reserved for him. If we do not reserve that number, then any person can go in and get it. It would be reserved such as your particular legislative plate number is reserved for your district right now by law. No one else can go in and get your particular district.

What we are saying here is that no one can come in and get my amateur radio license plate number except me, if I so desire it, if I so desire to pay the price.

Mr. ARTHURS. All right, Mr. Speaker, I think as far as we are concerned that that can be agreed to, the first part of the amendment. We have no objections.

The SPEAKER pro tempore. The gentleman, Mr. Arthurs, stated that the first part of the amendment is agreed to. That involves—

Mr. ARTHURS. I see nothing wrong with it, let me put it that way.

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

Mr. DININNI. Mr. Speaker, I also agree with the first part of that amendment and I would urge the members to support that phase of it.

The SPEAKER pro tempore. The question is before the House. The amendment has been divided. The House will vote on section 1341, paragraphs (a) and (b).

PARLIAMENTARY INQUIRY

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

Mr. GEORGE. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEORGE. Did you agree that this amendment could be divided?

The SPEAKER pro tempore. That was the decision of the Chair, yes, Mr. George.

Mr. GEORGE. Then what you are saying is that we will now be voting on section 1341, both (a) and (b) as one part? Is that it?

The SPEAKER pro tempore. That is correct, Mr. George. Just a moment, Mr. George.

The Chair has stated that the House will be voting upon section 1341, which is (a) and (b), down to the lettering A1:395#1. This is the portion that is being voted upon at this present time.

Mr. GEORGE. Well, then what we are saying is that the second part of the amendment, which would be section 1931, will be voted on in the second part? Is that right?

The SPEAKER pro tempore. That is correct.

The House at this time has not addressed itself to that portion.

Mr. GEORGE. Well, may I further ask that if the first part of this amendment were passed and the second part were defeated, would we not, in a sense, be really changing the amendment in another manner than the author designed? For instance, if we were to vote in the affirmative on the first part, if you note that the second part reduces that to \$3 and that the end of the first part just says, "registration including the payment of any additional fees." and it really leaves it at the \$20, would we not in essence be changing the intent of the author's legislation?

The SPEAKER pro tempore. It would be changing the intent of the entire amendment, Mr. George. However, it has been moved by Mr. Wilson that the amendment be divided, and it is now up to the House in voting the first section as to what their decision shall be.

Mr. GEORGE. Fine. Then may I interrogate Mr. Wilson?

The SPEAKER pro tempore. The gentleman wishes to interrogate Mr. Wilson.

Mr. WILSON. I would be delighted.

The SPEAKER pro tempore. The gentleman indicates that he will stand for a period of interrogation, and the gentleman, Mr. George, may continue.

Mr. GEORGE. Mr. Speaker, I am not aware, but this amendment in essence, by the first part, what you are saying is that this license would be laid back and basically held for an individual? Is that what you are saying?

Really, I am not against the amendment. I just want to understand it a little bit, you know.

Mr. WILSON. Yes, Mr. Speaker.

What the department would do, as they have currently been doing since 1955, is reserving those numbers, as they do your house number, for those amateur radio operators that hold that license. And if we divide the question and pass the first part, they would pay the same fee as everybody else does for that special plate.

Mr. GEORGE. Now would this license be issued every 5 years as we are doing now with any special license?

Mr. WILSON. It would be issued or reissued at the same time as any other license in the Commonwealth is issued or reissued; the same as your House of Representative plate is issued every 5 years, 6 years, whenever they decide they wear out.

Mr. GEORGE. For what period of time is the communications license issued? Yearly?

Mr. WILSON. For 5 years.

Mr. GEORGE. For 5 years?

Mr. WILSON. Yes, sir.

Mr. GEORGE. Okay. That answers my question.

Now what if it were in a subdivision? For instance, a man had a plate and he left his license go. Would this affect the license, by holding a number?

Mr. WILSON. The same sequence of license numbers would still be reserved by the department. However, in order to gain the license plate, you would have to show proof that you were licensed by the Federal Communications Commission in the amateur status for that plate number. It is a very simple thing. You send a copy of the license card, that is all.

Mr. GEORGE. But than you do agree that if the first part would go over, that it basically changes the amendment? Is that your intent? Is your intent the reason you asked the Speaker to divide so that hopefully the first part will go over and the second part will be defeated, and in essence you will be changing the amendment? Is that what you are doing?

Mr. WILSON. My intention is very simple. I believe very firmly that these numbers should be reserved for these amateur radio operators, if they so desire to pay the fee. I am concerned about that \$3 at one time. I have had one in the past. I do not hold one now, but I paid \$3 every year. The way the amendment was written, it would be \$3 for the term of 5 years or 6 years. I do not think that is quite adequate. That is why I want to divide it. If they want to charge \$20 and some day along the line we come back and change it, fine. But I think they should reserve the numbers for those amateur radio operators, if they wish to pay the fee.

Mr. GEORGE. But the main purpose is the fee. That is why you chose to divide? Is that it?

Mr. WILSON. That is correct, sir.

Mr. GEORGE. Thank you, Mr. Speaker.

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

Mr. BURD. Mr. Speaker, I wonder if I may speak to the prime sponsor, Mr. Kowalyshyn, for a second, please?

The SPEAKER pro tempore. Would the gentleman, Mr. Kowalyshyn, stand for a period of interrogation?

He indicates that he will, and the gentleman, Mr. Burd, may continue.

Mr. BURD. Mr. Speaker, can you tell me how many call letters are in the special licenses that we are talking about, the special licenses for ham operators? How many call letters would be in the special license or in the call letters? How many numbers would be in the call letters?

Mr. KOWALYSHYN. I am informed that there are six.

Mr. BURD. Six digits or six numbers?

Mr. KOWALYSHYN. May I yield to Mr. Wilson? He is an expert in this field.

Mr. WILSON. In answer to the gentleman's inquiry, they would be six characters or less. My particular call letters are WA3ACB.

Mr. BURD. Six characters or less. Okay. Thank you.

Mr. Speaker, I wonder if I could interrogate Mr. Arthurs for a moment, please?

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

Mr. ARTHURS. Yes, I will, Mr. Speaker.

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

Mr. BURD. Mr. Speaker, my concern is rather that there would have to be any special tooling involved in order to put the call letters of a ham radio station operator on a special license. And I was wondering if Mr. Arthurs could point out to us how many digits are allowable on a special license.

Mr. ARTHURS. Yes. First of all, let me answer your last question first. Six characters on any license, six or less.

They do have to be a special plate just like any vanity plate is. They would have to maintain a record in the Department of Transportation, and, honestly, I believe that that is maintained now. I am not sure about that, but the Department would have to maintain a list of these particular numbers, and then as the person would send it in and ask for that particular call letter for his license, then there would have to be a reserve put on that. But I really do believe that they maintain such a list now.

Mr. BURD. What you are saying, Mr. Speaker, is, it would not require any additional tooling on the part of the Department of Transportation to put out the call letters on a license plate?

Mr. ARTHURS. Oh, yes. Yes, it is special. It would be just like any vanity plate.

Mr. BURD. Nothing any more additional than a vanity plate?

Mr. ARTHURS. Well, not anything additional to the vanity plate; only to this point.

If a certain call letter is going to be reserved for someone, such as the call letters of a radio, the department is going to have to, if they do not now, have to keep a list of every call letter that there is in Pennsylvania. And then they are going to maintain that, whereas for the vanity plate today, they do not keep any kind of a record. They do not check that vanity plate that you apply for now until application is made. Then they check to see if that plate is presently in use. If it is not, then a record is put in there that Jay Burd wants his license and that is the way that it would be from that point on. But nothing prior.

Under the special license plates for the amateur radioman, they would have to maintain this list prior to this time.

Mr. BURD. Would they have to keep special records, Mr. Speaker?

Mr. ARTHURS. Yes, they would, Mr. Speaker.

Mr. BURD. Do you have any idea, Mr. Speaker, what the fiscal note on that would be?

Mr. ARTHURS. No; I would have no idea.

Mr. BURD. But it would require additional records, Mr. Speaker?

Mr. ARTHURS. It would require additional records, yes. But I think, and maybe Mr. Wilson could answer this, and I say it is just my understanding that such a record is kept and I say that because I have asked for a license plate, a special license plate, for an amateur in my area. I know that they checked some kind of a list when I asked for this particular number. Now, I will yield to Mr. Wilson to see if he can answer that question.

Mr. WILSON. In answer to the gentleman's question, I will supply the list free to the department every year. No problem.

Mr. BURD. Mr. Speaker, what would happen if I obtained an

amateur's license and then made a request for the plate that we are speaking about and someone had already requested that same number for possibly a house number or a phone number? Would my request be denied?

Mr. ARTHURS. Yes, it would be denied, because there can only be one license. But I must say this. With the variations of the numbers and letters as they are used in call letters and numbers, it would almost be unlikely that it would be used for either initials or a house number or a street number or anything like that. It is unlikely. But you say if that number is presently in use, it can only be had by the person who first asks for it?

Mr. BURD. But there is a possibility of that, Mr. Speaker?

Mr. ARTHURS. Oh, yes.

Mr. BURD. That that number would be taken such as I have applied for or that certain initials have already been used up and so that number is no longer available? You cannot have a duplication of license numbers in the Commonwealth, is that right, Mr. Speaker?

Mr. ARTHURS. Yes. The way that the department has been handling it so far is, first there, first served.

Mr. BURD. Thank you, Mr. Speaker.

I would like to make one comment, if you do not mind.

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

Mr. BURD. I oppose the division of the amendment and I oppose the amendment.

Thank you, Mr. Speaker.

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

Mr. MISCEVICH. Mr. Speaker, I just had an occasion where one of my constituents had the call letters. You must remember that this is only for amateur radio, not for CB'ers. He had had an amateur radio license tag issued to him 5 years ago. For some reason or other he discontinued for a period of 3 years. Just last month he has asked me to see if his number was still available. I checked with the Department of Transportation, and his exact same call letters were in reserve for him. So there is really no problem with this.

The SPEAKER pro tempore. The Chair would point out to the members of the House that the amendment being voted upon would include:

"Amend Sec. 1, page 1, line 13, by inserting after '1340,' 1341"; and the portion, "Amend Bill, page 22, by inserting between lines 5 and 6". And then of course the portion of 1341, (a) and (b).

On the question,

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

The following roll call was recorded:

YEAS—179

Abraham	Gallen	Madigan	Scheaffer
Anderson	Gamble	Manmiller	Schmitt
Armstrong	Garzia	McClatchy	Schweder
Arthurs	Gatski	McGinnis	Scirica
Barber	Geesey	McIntyre	Seltzer
Bellomini	George, C.	McLane	Shupnik

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

NAYS—12

Borski	Dietz	Laughlin	Richardson
Brunner	Fryer	McCall	Shuman
Burd	Gray	Prendergast	Yahner

NOT VOTING—9

Beloff	Manderino	Rhodes	Irvis,
Geisler	O'Donnell	Shelton	Speaker
Knepper	Rappaport		

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

LEAVE OF ABSENCE

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

Mr. WAGNER. Mr. Speaker, I request a leave of absence from 4 o'clock today.

The SPEAKER pro tempore. Without objection, leave is granted. The Chair hears no objection.

On the question,

Will the House agree to Part II of the Kowalyshyn amendments?

The SPEAKER pro tempore. Now the question arises, Will the House adopt the balance of the Kowalyshyn amendments,

which would include the portion, "Amend Sec. 1, page 1, line 18, by inserting after '1926(c),' 1931," and the second portion, section 1931, entitled "Personal registration plates." to the end of that page?

The Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn.

Mr. KOWALYSHYN. Mr. Speaker, I would like to point out that the question for a vote at this time is whether the amateur radio operators who apply for a special license plate will be able to get the plate for \$3 for the 5-year period.

I would like to point out to the ladies and gentlemen of the House what other states are doing in this same regard. Some states have yearly plates, yearly special plates; the State of Massachusetts charges \$9 for a special plate. But as far as the amateur radio operators are concerned, he or she is charged \$2. The State of Texas has a yearly special plate for which they charge \$10. But in the case of the amateur radio operator, the amateur radio operator pays \$1. In states which have permanent plates, the State of California is very much like what we have here in Pennsylvania. The State of California charges \$25 for a special plate, but they charge \$3 to the amateur radio operator for a special plate. The State of Georgia charges \$20 for a permanent special plate. They charge \$2 to the amateur radio operator.

I bring these facts to your attention and urge you that considering the price tag, which is \$15,000 a year, I believe we should accord the recognition of which these individuals are deserving.

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

Mr. ZELLER. Mr. Speaker, in agreeing with Mr. Kowalyshyn and the states that have stepped forward in almost all of the states to recognize the tremendous contributions that have been given by amateur radio operators, the outstanding cost of this equipment, their patience in order to stay there and work for the benefit of the public in most cases, their alertness to serve, their desire to serve, I do not know if we can measure this in dollars and cents. I not only cite the 1955 instance, but also the Agnes instance in 1972. But many others that I know for a fact, in having very, very close friends and working with them, are amateur radio operators.

I believe that it is a little price to pay, the \$3 that is paid for the absolute cost. We are not going to make any money, I am sure, in the department, but at least it shows where our heart is for people who have given a tremendous amount of money and time to help the citizens of Pennsylvania.

I think it is a very, very good amendment. I think it should be voted on and I would appreciate your "yes" vote.

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

Mr. BELLOMINI. Mr. Speaker, go ahead and roll the amendments.

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

Mr. DININNI. I rise in opposition and ask all the members to

vote against this amendment.

On the question recurring,

Will the House agree to Part II of the Kowalyshyn amendments?

The following roll call was recorded:

YEAS—19

Anderson	Kowalyshyn	Reed	Stuban
Bittinger	Levi	Ruggiero	Taddonio
Greenfield	McLane	Schweder	Thomas
Hasay	Meluskey	Stairs	Zeller
Helfrick	Milliron	Stewart	

NAYS—166

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

NOT VOTING—15

Beloff	Knepper	Rhodes	Wagner
Flaherty	O'Donnell	Scanlon	
Geisler	Parker	Shelton	Irvis,
Goebel	Rappaport	Valicenti	Speaker
Hutchinson, A.			

The question was determined in the negative and Part II of the Kowalyshyn amendments was not agreed to.

On the question recurring,

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

Mr. DAVIES offered the following amendment:

Amend Sec. 1 (Sec. 1901), page 56, by inserting between lines 23 and 24

(18) Camp Fire Girls of America, Inc.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The amendment is identified as "A-1568."

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

Mr. DAVIES. Thank you, Mr. Speaker.

I understand that this amendment has been agreed to. This would do nothing more than include in the listing of those non-profit organizations the Camp Fire Girls of America, which has three councils in the Commonwealth of Pennsylvania. And, as I understand, it has been agreed to, sir.

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

Mr. BELLOMINI. Mr. Speaker, this amendment has been agreed to, and I urge every member on this side of the aisle to vote "yes."

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

Mr. DININNI. We have caucused on this amendment and we have agreed to it. I urge the members to vote "yes."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—183

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

DiCarlo	Itkin	Petrarca	Weidner
Dietz	Katz	Piccola	Wenger
Dininni	Kelly	Pievsky	Wiggins
Dombrowski	Kernick	Pitts	Wilson
Donatucci	Klingaman	Polite	Wilt
Dorr	Kolter	Pott	Wise
Duffy	Kowalyshyn	Pratt	Wright, D.
Englehart	Laughlin	Prendergast	Wright, J. L.
Fee	Lehr	Pyles	Yahner
Fischer, R. R.	Letterman	Ravenstahl	Yohn
Fisher, D. M.	Levi	Reed	Zearfoss
Flaherty	Lincoln	Renwick	Zeller
Foster, A.	Livengood	Richardson	Zitterman
Foster, W.	Logue	Rieger	Zord
Freind	Lynch	Ritter	Zwinkl
Fryer	Mackowski	Ruggiero	

NAYS—0

NOT VOTING—17

Barber	Johnson	Rhodes	Williams
Beloff	Jones	Scanlon	
Doyle	Knepper	Shelton	Irvis,
Dumas	O'Donnell	Wagner	Speaker
Geisler	Rappaport	White	

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. BENNETT offered the following amendment:

Amend Sec. 1 (Sec. 4702), page 88, by inserting between lines 21 and 22

(5) Motor homes.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The amendment is identified as "A-1790."

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

Mr. BENNETT. Mr. Speaker, I understand that the two floor leaders have agreed to the amendment. Just to explain it, it requires a once-a-year inspection on motor homes. It adds motor homes to the definition of those vehicles needing to be inspected only once a year.

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

Mr. BELLOMINI. Mr. Speaker, this is an agreed-to amendment. I urge every member on this side of the aisle to vote "yes."

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

Mr. DININNI. For the benefit of the members on this side of the aisle, we did not caucus on this amendment, but I do recommend that we vote "yes" on it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—183

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

NAYS—0

NOT VOTING—17

Barber	Johnson	Scanlon	Williams
Beloff	Knepper	Shelton	
Caputo	O'Donnell	Valicenti	Irvis,
Dumas	Rappaport	Wagner	Speaker
Geisler	Rhodes	White	

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

On the question recurring,

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

Mr. HALVERSON offered the following amendments:

Amend Sec. 1, page 2, line 17, by inserting after "1552," 1553,

Amend Bill, page 53, by inserting between lines 13 and 14 § 553. Departmental hearing required.

Notwithstanding any other provisions of this title to the contrary, before the operating privilege of any driver is suspended or revoked, such driver shall be given a departmental hearing

before any suspension or revocation shall become effective.

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

The SPEAKER pro tempore. The amendment is identified as "A1791."

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

Mr. HALVERSON. Mr. Speaker, I do not know that this has been caucused on. Several months ago Representative Polite and I spoke with a number of the people who conducted departmental hearings. Currently the Bureau of Traffic Safety in the Department of Transportation does not conduct a departmental hearing prior to suspending a person's operator's license. I realize that with the advent of the new provision of the code there are not that many suspensions, but we, that is, Representative Polite and I, both felt that a departmental hearing should be provided if the person who was being suspended requested it. And that is what this amendment would do.

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

Mr. BELLOMINI. Mr. Speaker, I would have to oppose this amendment simply because you do have the right now to request a departmental hearing. If this amendment were to pass, it would cost the department quite a bit of money, so I would have to oppose this amendment.

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

Mr. DININNI. I will yield to Mr. Halverson.

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

Mr. HALVERSON. Mr. Speaker, would Mr. Bellomini stand for interrogation, please?

The SPEAKER pro tempore. The gentleman indicates that he will stand for a period of interrogation. The gentleman, Mr. Halverson, is in order and may proceed.

Mr. HALVERSON. Mr. Speaker, you just indicated that the department will provide a hearing if so requested?

Mr. BELLOMINI. If so requested, yes. You have that privilege right now to request a departmental hearing.

Mr. HALVERSON. Let me just get it in order then. If a person is sent a notice of suspension of his operator's privileges, does it say on that notice that he has the right to a hearing?

Mr. BELLOMINI. I believe so, Mr. Speaker. Actually, as I understand it, you sign on the bottom of your notice that you request a departmental hearing.

Mr. HALVERSON. Then you are saying, Mr. Speaker, that this amendment is not necessary?

Mr. BELLOMINI. Yes, I would say so. You see, the way I look at this amendment, Mr. Speaker, you are asking for a hearing before the department puts out a notice that you have a suspended license. It does not make sense to be asking for a hearing, the way this amendment reads, without having been given notice that the suspension is in process. When you

receive the suspension card, it will say on the bottom line that your license is suspended unless you request a departmental hearing. So I would say that this amendment is unnecessary.

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

Mr. POLITE. Thank you, Mr. Speaker.

Will Mr. Bellomini consent to a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman, Mr. Polite, may proceed with the period of interrogation.

Mr. POLITE. Mr. Speaker, can you tell me exactly where in the Vehicle Code it says that a person is entitled to a departmental hearing?

Mr. BELLOMINI. Section 1550 sets up a judicial review.

Mr. POLITE. Would you give me the line number, please?

Mr. BELLOMINI. Page 52, section 1550. (Reading:)

(a) General rule.—Any person denied a driver's license or whose operating privilege has been [recalled, canceled,] suspended or revoked by the department shall have the right to appeal by filing a petition within 30 days from the date notice . . .

Mr. POLITE. That is after the fact, is that not correct, Mr. Speaker?

Mr. BELLOMINI. The petition acts as a supersedeas, so you are not suspended until the hearing.

Mr. POLITE. Is a person who has violated the Vehicle Code entitled to a hearing before his suspension notice?

Mr. BELLOMINI. For what reason should he request a hearing unless he is not guilty of the violation?

Mr. POLITE. Well, in the old Vehicle Code, if I am correct, and I may be wrong, you did ask for a departmental hearing. You were required to have a departmental hearing before you were suspended. All I want to do is put the wording back as it was in the old Vehicle Code.

Mr. BELLOMINI. If I am getting this clear to you, you cannot have a hearing unless you receive a suspension notice. Is that not correct?

Mr. POLITE. Right now, yes, but before—

Mr. BELLOMINI. And it was that way before.

Mr. POLITE. No, it was not. Before, before you were suspended, you were entitled to a hearing, if I am correct.

Mr. BELLOMINI. Actually, you are right. You did have a departmental hearing before you were suspended.

Mr. POLITE. Thank you, Mr. Speaker.

May I proceed, Mr. Speaker?

Mr. BELLOMINI. May I proceed, sir?

Mr. POLITE. I am finished with the interrogation.

Mr. BELLOMINI. At the same time, the language in the Vehicle Code—

Mr. POLITE. I am through with the interrogation.

Mr. BELLOMINI. Okay. Go ahead.

Mr. POLITE. May I proceed?

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

Mr. POLITE. I do not understand why the department opposes this amendment. All this amendment really does is put back what was taken out of the old Vehicle Code. I just cannot

see why a person who is suspended gets a hearing afterwards. Prior to that, he used to have the hearing first and then he was suspended after the findings. I do not think that this does not make sense, as the previous speaker said; I think it does make a lot of sense and I urge everybody to put this amendment back into the Vehicle Code.

Thank you.

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

Mr. BELLOMINI. Mr. Speaker, I would like to say that this amendment is a mandated amendment: The department "shall" have a hearing before they suspend a license. We are trying to avoid that with the new Vehicle Code by saying that if you are suspended, you can put a request in for a hearing. There are a lot of people who know they are going to get suspended who do not want to go through the trouble of having a hearing, so they just overlook their hearing and take their suspension. This would save a lot of time and money for the department, so I rise to oppose this amendment and hope that everybody on this side of the aisle opposes the amendment.

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

Mr. RITTER. Mr. Speaker, I rise to oppose the amendment also. Mr. Bellomini pointed out that the amendment says that you shall be given a departmental hearing before any suspension or revocation becomes effective. Mr. Speaker, we are absolutely going to bring this department to a standstill if before we can suspend any license we must give that person a departmental hearing. Mr. Bellomini correctly pointed out that many people do not challenge the suspension; they simply accept it. They know they are guilty and they accept it.

There is a further provision in this code that if you fail to respond to a departmental hearing, the department can impose an additional suspension. So you may get the case of somebody who does not want to take time off from work to go to a departmental hearing and he accepts his suspension. Under this amendment, he would have no choice but to come for a hearing, which he does not want in the first place. I think the amendment, if it would have said, "be given the opportunity for a hearing" would have been one thing, but it goes beyond that and says that you must get a hearing whether you want one or not. I think the amendment is faulty on that basis and should be defeated.

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

Mr. DININNI. Mr. Speaker, I agree with the comments of chairman Bellomini and Mr. Ritter's comments also. I think it is really unfair to put thousands and thousands of people through the ordeal of a hearing when maybe these people would not even want one. I would request the members to vote "no" on this amendment.

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

Mr. ZEARFOSS. Mr. Speaker, I would just like to point out—I guess Mr. Bellomini has cleared this up in subsequent

statements—that there is no requirement as the law stands now or in HB 1171 for a departmental hearing. The only hearing permitted now is a judicial hearing after the suspension or revocation has taken effect. What the amendment would do is put in an intermediate step prior to the suspension or revocation requiring the departmental hearing. I agree with Mr. Ritter, however; I think the amendment should say "if requested." I do not believe it should be mandatory in every case but only if requested.

MOTION TO TABLE AMENDMENT

Mr. ZEARFOSS. I would suggest that the amendment be tabled, if the authors are willing, and a new amendment drafted to permit a departmental hearing on request, but to not require it in every case. I move to table the amendment at this time, Mr. Speaker, for further drafting.

The SPEAKER pro tempore. The gentleman from Delaware, Mr. Zearfoss, has moved that the amendment be tabled.

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

Mr. POLITE. Mr. Speaker, I will withdraw the amendment if you will give me enough time to draw up a new one putting in the words that Mr. Zearfoss has suggested.

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

Mr. BELLOMINI. Mr. Speaker, before Mr. Polite removes his amendment or tables the amendment, I would like to point out something. Maybe I can clarify this and we will not have to go through this amendment. Just recently a Federal court decision—another state took this to court—was that if you get your license suspended, we do not have to give them notice. Hearings do not have to be requested. So if we have to abide by the Federal court's decision, then we do not need this amendment.

Mr. POLITE. Do you have a copy of that decision?

Mr. BELLOMINI. No, but I will see that you get one.

Mr. POLITE. Before this bill is voted on on final passage?

Mr. BELLOMINI. I cannot do it that soon but I will try.

Mr. POLITE. Maybe we should hold the bill until I get that decision?

Mr. BELLOMINI. The bill is on the 15th day right now. We are trying to pass the bill today, sir.

Mr. POLITE. Well, I would like to have it today then.

Mr. BELLOMINI. We are in the process of getting that and we will try to get it to you as soon as possible.

The SPEAKER pro tempore. The gentleman, Mr. Polite, wishes that the amendment not be withdrawn. Is that correct?

Mr. POLITE. I would withdraw it under the condition that I would be able to offer another with the correct wording. That is what I want to do, Mr. Speaker.

The SPEAKER pro tempore. What time would be required for the gentleman?

Mr. POLITE. You name the timetable. As soon as the Legislative Reference Bureau can get it down.

The SPEAKER pro tempore. That is not within the power of the Chair.

Mr. POLITE. Well, I will call right away to get the new

amendment prepared.

The SPEAKER pro tempore. All right. The question before the House is the motion made by Mr. Zearfoss.

MOTION TO TABLE AMENDMENT WITHDRAWN

Mr. ZEARFOSS. I will withdraw my motion since he is withdrawing the amendment. I would like to question Mr. Bellomini about what he just said, though.

The SPEAKER pro tempore. Just a moment. The gentleman is withdrawing his motion.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The gentleman from Montgomery, Mr. Polite, is withdrawing his amendment so that he may properly prepare another amendment. Is that correct?

Mr. POLITE. Yes, sir.

The SPEAKER pro tempore. Very good.

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

Mr. ZEARFOSS. To interrogate Mr. Bellomini on this amendment, which has now been withdrawn, but on the statement he just made. I would like a little clarification on it.

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. The gentleman, Mr. Zearfoss, will proceed.

Mr. ZEARFOSS. Mr. Speaker, did you say that there is a Federal court decision in another state that requires that department in similar circumstances to give notice and a hearing, a departmental hearing? Is that what you are saying?

Mr. BELLOMINI. Let us clarify that. I think it was done in the State of Illinois or New York, sir; one of those two states. They are not required, under the point system, to give a departmental hearing unless requested.

Mr. ZEARFOSS. Does the Illinois or New York—whichever state it is—law provide for a departmental hearing on request?

Mr. BELLOMINI. In our Vehicle Code right now?

Mr. ZEARFOSS. No, not ours; the one that resulted in this decision, whichever one it is, New York or Illinois? You are saying that the court said that they do not have to give a departmental hearing in those cases?

Mr. BELLOMINI. Under the point system, yes.

Mr. ZEARFOSS. Well, that does not help Mr. Polite, though, does it? That is opposite of the way he wants to go.

Mr. BELLOMINI. Yes. He wants to have departmental hearings before they suspend the license.

Mr. ZEARFOSS. Now if our law provided that a departmental hearing could be requested, then that Federal court decision would have no effect on our law?

Mr. BELLOMINI. I think it would have an effect because the Federal courts would rule that unconstitutional. Would it not be so?

Mr. ZEARFOSS. Probably the court decision said that as a matter of due process there is no requirement for a hearing in the absence of a specification in the law that there be a hearing, but what I am suggesting is that if we put a provision in the law to provide for a hearing, it will not run afoul of any Federal law. It could be permitted if we put it into our law.

I have no further questions, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the amendment offered by Mr. Polite is withdrawn.

On the question recurring,

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

Mr. BRANDT offered the following amendments:

Amend Sec. 1 (Sec. 1503), page 27, line 5, by inserting brackets before and after "16 or"

Amend Sec. 1 (Sec. 1503), page 27, by inserting after "age", or to a person 16 years of age upon successful completion of a course in driver's education approved by the Department of Education,

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The amendment is identified as "A-1775."

The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

This amendment addresses two vital issues that we should address in the Vehicle Code, and they are safety measures and also cost-saving measures.

The amendment addresses specifically the language on page 27 concerning junior licenses. What this amendment would do would be to say that all those individuals under 17 years of age applying for a license would first have to complete a driver education course that is certified by the Department of Education. Most of these would be through our local school driver education programs. In a recent survey taken at the Lancaster Police Barracks, approximately 40 percent of those individuals who attempt to take a driver education test fail the first time. Yet when you compare that to the individuals who have gone through a driver education program, it is very seldom that they ever fail on the first time. There is a big economical factor here, not only for individuals but for the Commonwealth, and that is that everyone who successfully completes the driver education program saves approximately \$50 of their insurance because of that action.

Our schools are reimbursed by the state for their driver education program to the sum of \$35 for each student who goes through that. It is not a really great hardship to our local municipalities and I urge a "yes" vote on the amendment.

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

Mr. RITTER. Mr. Speaker, Mr. Brandt and I discussed this amendment last week, and I went home and I mentioned it to my 17-year-old son. And what we are doing in effect if you adopt Mr. Brandt's amendment is you are excluding for all practical purposes 16-year-olds from being able to drive a motor vehicle.

My son said to me, dad, if you accept that amendment then you better put on more instructors in our high schools because there are hardly enough instructors now to handle the 16- and 17-year-old youngsters. And if you say that the only way anyone under 17 can get a license is if they go through a driver im-

provement school, he felt, and I think he is right, that we would be denying the opportunity to drive to an awful lot of kids who would not be able to get into the driver education program simply because there are not enough instructors in our schools.

It is not going to be a cost-saving measure because as the public begins to demand that their 16-year-old kid get that driver education in order to get a license and the school districts have to put the instructors on, that cost is going to be tremendous. I know what Mr. Brandt is trying to get at. I wish there was another way to do it. But if you accept his amendment, then for all practical purposes you are going to deny the opportunity to a great many kids 16 years of age to get a license, because they will not, and if you look at the bill, at age 17 they will be entitled to get a junior license in any event.

I think you are going to find that there will be many kids who will not go to the driver training program at all, if you accept Mr. Brandt's amendment. So as meritorious as it might appear on the surface, I think it is a bad amendment and it should be defeated.

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

Mr. BELLOMINI. Yes. Mr. Speaker, I rise to oppose this amendment. The fact is, not every 16-year-old can have driver's training courses in his area. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Yes. Mr. Speaker, I agree with what Mr. Ritter and Mr. Bellomini are attempting to say but, however, if we are going to improve safety in the Commonwealth, then we as a public body must encourage public education of good driving habits. I ask for a "yes" vote on the amendment.

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

Mr. ZELLER. As a little old farm boy from Lehigh County, I can tell you this, that there are a lot of kids who are 12 and 13 years old who are driving tractors and equipment out there on the farms right now that will put a lot of the kids who go through this driver training to shame.

I would say it would be denying to those kids this chance to take the test without having to go through this driver training end of it. So I am surprised, you know, that someone who knows the rural area would present this kind of amendment to be depriving that youngster's chance.

Now, and also as Mr. Ritter stated, we are going to add onto the already overburdened school districts and put on more employees. And I think that is another one that is going to cause us problems. So I say this is a very bad amendment.

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

Mr. DININNI. Mr. Speaker, I rise in opposition to this amendment for one very important reason, in my mind. I think I am a good driver and I think I have the right if I want to teach my own child to drive. I do not think we should mandate that they should go through a driver's training course before receiving a

license. And I urge all the members to vote "no" on this amendment.

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

The following roll call was recorded:

YEAS—22

Anderson	Greenleaf	McGinnis	Pyles
Brandt	Hayes, D. S.	Miller	Spitz
Burd	Lehr	O'Brien, B.	Wilson
Burns	Lynch	Pitts	Wright, J. L.
Foster, A.	Madigan	Polite	Zearfoss
Freind	McClatchy		

NAYS—164

Abraham	Gallen	Mackowski	Salvatore
Armstrong	Gamble	Manderino	Scanlon
Arthurs	Garzia	Manmiller	Scheaffer
Bellomini	Gatski	McCall	Schmitt
Bennett	Geesey	McIntyre	Schweder
Berlin	George, C.	McLane	Scirica
Berson	George, M.	Mebus	Seltzer
Bittinger	Giammarco	Meluskey	Shuman
Bittle	Gillette	Milanovich	Shupnik
Borski	Gleeson	Milliron	Sirianni
Brown	Goebel	Miscevich	Smith, E.
Brunner	Goodman	Moehlmann	Smith, L.
Butera	Gray	Morris	Spencer
Caltagirone	Greenfield	Mowery	Stairs
Caputo	Grieco	Mrkonic	Stapleton
Cassidy	Halverson	Mullen, M. P.	Stewart
Cessar	Hamilton	Mullen, M. M.	Stuban
Cianciulli	Harper	Musto	Sweet
Cimini	Hasay	Novak	Taddonio
Cohen	Haskell	Noye	Taylor, E.
Cole	Hayes, S. E.	O'Brien, D.	Taylor, F.
Cowell	Helfrick	O'Connell	Tenaglio
DeMedio	Hoeffel	O'Keefe	Thomas
DeVerte	Honaman	Oliver	Trello
DeWeese	Hopkins	Pancoast	Vroon
DiCarlo	Hutchinson, A.	Parker	Wansacz
Dietz	Hutchinson, W.	Petrarca	Wargo
Dininni	Itkin	Piccola	Wass
Dombrowski	Katz	Pievsky	Weidner
Donatucci	Kelly	Pott	Wenger
Dorr	Kernick	Pratt	White
Doyle	Klingaman	Prendergast	Wiggins
Duffy	Knepper	Rappaport	Wilt
Englehart	Kolter	Ravenstahl	Wise
Fee	Kowalshyn	Reed	Wright, D.
Fischer, R. R.	Laughlin	Renwick	Yahner
Fisher, D. M.	Letterman	Richardson	Yohn
Flaherty	Levi	Rieger	Zeller
Foster, W.	Lincoln	Ritter	Zitterman
Fryer	Livengood	Ruggiero	Zord
Gallagher	Logue	Ryan	Zwikl

NOT VOTING—14

Barber	Geisler	Rhodes	Williams
Beloff	Johnson	Shelton	
Davies	Jones	Valicenti	Irvis,
Dumas	O'Donnell	Wagner	Speaker

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. NOYE offered the following amendment:

Amend Sec. 1 (Sec. 102), page 4, line 12, by inserting after "CHIEF" or when a fire company has three or more pieces of apparatus, a second assistant chief,

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

The SPEAKER pro tempore. The amendment is identified as A1795.

The Chair recognizes the gentleman from Perry, Mr. Noye.
Mr. NOYE. Thank you, Mr. Speaker.

This amendment, I think, is agreed to. What it does is it puts the wording back into the bill that was in the former Vehicle Code, dealing with the use of flashing red lights and volunteer fire companies. It extends it to, besides the chief and the assistant chief, a second assistant, and that is the same wording as we had previously.

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

Mr. DININNI. This amendment was agreed to, and I would urge all the members to vote "yes".

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

Mr. BELLOMINI. Yes. Mr. Speaker, these amendments were agreed to, and I urge every member on this side of the aisle to vote "yes".

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

The following roll call was recorded:

YEAS—187

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

DiCarlo	Itkin	Petrarca	Weidner
Dietz	Katz	Piccola	Wenger
Dininni	Kelly	Pievsky	White
Dombrowski	Kernick	Pitts	Wiggins
Donatucci	Klingaman	Polite	Wilson
Dorr	Knepper	Pott	Wilt
Doyle	Kolter	Pratt	Wise
Duffy	Kowalyshyn	Prendergast	Wright, D.
Englehart	Laughlin	Pyles	Wright, J. L.
Fee	Lehr	Rappaport	Yahner
Fischer, R. R.	Letterman	Ravenstahl	Yohn
Fisher, D. M.	Levi	Reed	Zearfoss
Flaherty	Lincoln	Renwick	Zeller
Foster, A.	Livengood	Richardson	Zitterman
Foster, W.	Logue	Rieger	Zord
Freind	Lynch	Ritter	Zwilk
Fryer	Mackowski	Ruggiero	

NAYS—0

NOT VOTING—13

Barber	Johnson	Shelton	Irvis,
Beloff	Jones	Vroon	Speaker
Dumas	O'Donnell	Wagner	
Geisler	Rhodes	Williams	

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

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

Mr. BELLOMINI. I believe just the reconsideration bills are up now.

The SPEAKER pro tempore. The Chair is in possession of a reconsideration motion.

Mr. BELLOMINI. All right.

The SPEAKER pro tempore. But the question at this time is, are there any further amendments to be offered?

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

Mr. POLITE. Mr. Speaker, I talked with the Reference Bureau. They were listening to our conversation. He said it is on its way, so I will have another amendment.

RECONSIDERATION OF VOTE
ON RITTER AMENDMENT TO HB 1171

Mr. BELLOMINI moved that the vote by which the Ritter amendment No. 1065 was agreed to on July 14, 1977, be reconsidered.

Mr. PETRARCA seconded the motion.

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

The SPEAKER pro tempore. The motion before the House is, Shall the House reconsider this vote on the Ritter amendment?

The Chair recognizes the gentleman from Lehigh, Mr. Ritter.
Mr. RITTER. Mr. Speaker, Mr. Bellomini said that he wanted to roll the bill today. I would ask that we oppose the motion to reconsider, because if you accept it on this one, God knows how

many more we are going to be reconsidering today. I think we ought to vote against the reconsideration of any amendment.

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

Mr. BELLOMINI. Mr. Speaker, I agree with Mr. Ritter that we want to roll the bill today, but I do not think the members really understood what Mr. Ritter's amendments have done to this vehicle code. It kills the ARD program, and I would like to explain that to the members of the House, if it is reconsidered.

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

Mr. DININNI. I just wanted to urge the members to vote "yes" on reconsideration.

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

The following roll call was recorded:

YEAS—150

Abraham	Foster, W.	Lincoln	Rieger
Anderson	Freind	Livengood	Ruggiero
Armstrong	Fryer	Logue	Ryan
Arthurs	Gallagher	Lynch	Salvatore
Barber	Gallen	Mackowski	Scanlon
Bellomini	Gamble	Manderino	Scheaffer
Bennett	Garzia	Manmiller	Schmitt
Berlin	Gatski	McCall	Schweder
Berson	Geesey	McIntyre	Scirica
Bittle	George, C.	McLane	Seltzer
Borski	George, M.	Mebus	Shupnik
Brandt	Giammarco	Milanovich	Sirianni
Brunner	Gillette	Miller	Smith, E.
Burd	Gleeson	Milliron	Smith, L.
Butera	Goodman	Miscevich	Spencer
Caltagirone	Greenfield	Moehlmann	Spitz
Caputo	Grieco	Morris	Stapleton
Cassidy	Halverson	Mowery	Stuban
Cianciulli	Hamilton	Mrkonic	Sweet
Cimini	Hasay	Mullen, M. P.	Tenaglio
Cole	Haskell	Mullen, M. M.	Thomas
Cowell	Hayes, D. S.	Musto	Trello
Davies	Hayes, S. E.	Novak	Valicenti
DeMedio	Helfrick	Noye	Vroon
DeVertter	Hoeffel	O'Brien, B.	Wansacz
DiCarlo	Honaman	O'Brien, D.	Wargo
Dietz	Hopkins	O'Connell	Wass
Dininni	Hutchinson, A.	O'Keefe	Wenger
Dombrowski	Hutchinson, W.	Oliver	White
Donatucci	Itkin	Petrarca	Wiggins
Dorr	Katz	Pievsy	Williams
Duffy	Kelly	Prendergast	Wilt
Dumas	Klingaman	Rappaport	Wright, D.
Englehart	Kolter	Ravenstahl	Yahner
Fee	Laughlin	Renwick	Yohn
Fischer, R. R.	Lehr	Rhodes	Zearfoss
Flaherty	Letterman	Richardson	Zitterman
Foster, A.	Levi		

NAYS—40

Bittinger	Harper	Parker	Stairs
Brown	Jones	Piccola	Stewart
Cessar	Kernick	Pitts	Taddonio
Cohen	Knepper	Polite	Taylor, E.
DeWeese	Kowalshyn	Pott	Taylor, F.
Doyle	Madigan	Pratt	Weidner

Fisher, D. M.	McClatchy	Pyles	Wise
Goebel	McGinnis	Reed	Zeller
Gray	Meluskey	Ritter	Zord
Greenleaf	Pancoast	Shuman	Zwikl

NOT VOTING—10

Beloff	Johnson	Wagner	Irvis,
Burns	O'Donnell	Wilson	Speaker
Geisler	Shelton	Wright, J. L.	

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

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

MR. RITTER YIELDS TO MR. BELLOMINI

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

Mr. RITTER. Mr. Speaker, I will yield to Mr. Bellomini. I think it is a good amendment. Mr. Bellomini does not. I would rather yield to him and let him give the opposition.

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

Mr. BELLOMINI. Mr. Speaker, I just want to clarify one thing: that the ARD program has been a good program in the Commonwealth. There is a section in this amendment that in the case of an ARD, the courts are instructed to send an ARD constituent's name down here and file it at PennDOT's discretion.

Now, if we do this, we are defeating the ARD program to this extent, that if the department keeps a record of a charge, that means that when the insurance people are requesting a man's record, that if he was on the ARD program, this would automatically give him an increase in insurance rate, and it does kill the ARD program. The ARD program is sufficiently sustained by the fact that you do serve a two-month citation and report to the probationary officer in the vicinity of your area. And I think that is a suspension notice in itself. According to the department, as it has been handled before a man may appear on the ARD program on a drunken driving charge only once. Thank you.

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

Mr. DININNI. I just wanted to urge the members on this side of the aisle to vote "no" on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Doyle. From Delaware, my apologies to the gentleman and to the county affected.

Mr. DOYLE. Mr. Speaker, I spoke in favor of this amendment when it passed the first time and I will rise again to speak in favor of it because the ARD in the several counties is not treated identically or not handled the same way. And it is quite conceivable you could be under ARD in one county and commit a

violation in another county and it would be considered a first violation in the second county, number one.

Number two, if this amendment did not pass, you would have a curious situation where, if you went out to the county court and under the ARD program, you would not have your license revoked for a year, but if you took a plea of guilty before the district justice, you would; or if you were found guilty at the common pleas court, you would have your license suspended, revoked for the year.

The reason for the revoking of a license for driving under the influence, et cetera, is a very valid reason. And unless this amendment is adopted, this is going to mess up the works, so I would urge a positive vote. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, let me just give you what Mr. Bellomini said to you about the insurance rates. ARD—Accelerated Rehabilitation Disposition—is not designed necessarily for motor vehicle violations; it was designed for violations of the Criminal Code, primarily. But let us just assume that two people commit the same identical violation and the commission of that violation would mean a suspension of 6 months. If you are fortunate enough to have a friend in the district attorney's office who recommends ARD in your case, you would not have to serve this suspension. On the other hand, the other guy who maybe did not have a friend in the DA's office would serve the suspension. In that case the insurance rates, in all probability, would go up. The benefit of ARD is that you would not have to serve the suspension, but why in the world should your rates be reflected that you would get a break on your insurance rates even though in fact you must have committed the violation or you would not have agreed to the ARD program in the first place?

If you want to really do something to upset the people, then you go ahead and defeat this amendment. You are going to say to the average citizen, you do not know anybody to get on the ARD program, or if your county does not have the ARD program and you commit a violation, not only are your insurance rates going up but you are going to serve a suspension. But you are going to tell those other people, those selected few who are going to get on ARD, you will not have to serve the suspension, and, by golly, we are not going to let the insurance company know about it, so you will not even have to have your insurance rates go up.

Now, if you think that is fair, then you vote against my amendment. If you agree with me that at least the department ought to keep a record of people on the ARD program so that you can count those things when it comes to multiple violations, then I think you ought to accept my amendment.

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

Mr. CAPUTO. Mr. Speaker, first of all I would like to tell Mr. Ritter that those persons placed on the ARD are not selected by their attorney or by friends of the district attorney. The rules of ARD in all counties that use the program are identical. They do have regulations, they do have measurements as to those

who would qualify for the ARD. It is not dispensed on a political level.

Secondly, Mr. Speaker, those people who do not have the ARD available to them and whose names are submitted to the department for penalties as imposed under the code, all get the same penalty. It makes no difference if you have been convicted of drunken driving 15 times. The penalty is, so far as the department is concerned, suspension for 1 year. It can be your first drunken driving case or your 20th. They can only give you 1 year; that is the minimum and the maximum of suspension. Your past history has nothing to do with the penalty imposed by the department.

Now Mr. Ritter does make one sensible argument, and that is that since ARD is not adopted by all of the counties within the Commonwealth, there is a possibility that one person in one county may be punished more severely than a person in a county where the ARD program has been approved and adopted. I would like to point out to this body that there is a bill in to extend the ARD program to all counties in the Commonwealth. I suspect that in view of the way the program is working in those counties that have adopted it, that that legislation will be adopted and that all persons will be penalized or benefit equally under the laws without this amendment.

Thank you, Mr. Speaker.

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

Mr. ARTHURS. Thank you, Mr. Speaker.

I rise in support of this amendment. As I stated the other day, what can happen here very easily is that a person can go onto the ARD program in one particular county and he can then be arrested for driving under the influence in another county or even under another judge, and there is no record whatsoever. While one person is suffering tremendously just by the point system and something that is under the point system, another person can perhaps have driven under the influence on two or three occasions. Of course, they would have to give false information if this were the case, but it is possible. I think it is very important that a record is kept of this so, at least, a person will not be able to drive under the influence more than once and then be placed on the ARD program.

We do have this particular program in Butler County and, in conversation with our president judge there, he told me that he feels that this would make the ARD program a much stronger and a much better program than we have today. I would ask for support of the Ritter amendment.

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

Mr. WILSON. Mr. Speaker, I think what the gentleman, Mr. Ritter, is trying to do is make all the penalties for violating the law of Pennsylvania uniform. What he is saying is simply that every county does not have the benefit of ARD. Every ARD program is not similar. The rules of ARD are promulgated by the local district attorney and the common pleas court. Simply what he proposes to do is what we would intend to do here in this legislature: make the penalty for violation of our laws a uniform act. I support this amendment.

Thank you.

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

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, on the last note on Mr. Wilson's comment, that the effort was to make the ARD program uniform, I think that is a good idea and there is a way to do that. But, more so, Mr. Ritter's amendment seeks to, I think, penalize where it should not be a penalty to expend more money where we have progressed to the point where we can save money and still adjust these cases. If the thought is to make it uniform, there is a direct and deliberate way to do that. But, the amendment, Mr. Speaker, or at least Mr. Ritter's comments suggests or implies that people in ARD are in fact guilty and therefore we are doing them a favor.

I just want to say that I have had tried hundreds of cases involving what we call drunken driving. I am thoroughly involved also in the ARD program. I have, as a lawyer, won about 99 percent of the cases in which I represented defendants for drunken drivers. And I am not saying they are all guilty or they are all innocent or what have you, but that happens to be the record and those cases involve time consumption of the courts, the results have been acquittals whether or not those people were guilty, and I am not trying to evaluate that.

On the other hand, I have watched the ARD program contain any number of thousands of people whose cases or situations somehow have been adjusted. Now some of those people, in large numbers, never ever would be convicted and some, in fact, are not guilty. But our effort has sought not to penalize or not to let go but to get people in a program where you consider the first offense or not, you consider the fact that you have these people under some program to determine whether or not there is any drinking problem where you save thousands of dollars.

Now, Mr. Ritter's amendment, it seems to me, turns the clock back, and not only does it penalize, but it also does another thing. You are going to get lawyers who are going to be glad to have these cases go to court, and they are going to win a large percentage of those cases because there are technicalities involved. And, the public will, in fact, have on the street unsupervised people who, in fact, may have a problem and will not be treated.

I think that if the amendment seeks to correct or to equalize, it indeed is going to impose on the court system of this Commonwealth an additional problem. It will put on the street more people who do, in fact, have drinking problems and will not make the law uniform. It will actually wipe out a program that is working very successfully with some defects already.

Now Mr. Ritter finally had pointed out that there are some imbalances in the different counties. I do not know too much about that. But wherever the system is working realistically, wherever we get supervision, and wherever we are cutting down the backlog of cases in a productive way, wherever that is happening ought to be the standard that the rest of the state ought to follow rather than to seek to impose some device from which people are going to recoil and go to court, and many, many of these cases get acquitted anyway.

Mr. Speaker, I am not saying that because I am seeking business or boasting about my own individual participation as a lawyer. There are many lawyers who have had the same kind of success in these cases because you are forced to come to issue with the Commonwealth. In many, many of these cases people do get found not guilty. I think the way we have it now, where somebody administratively steps in and evaluates the cases with some safety, is a much better situation and can be improved upon and also can be made uniform rather than to insert this amendment into an otherwise good bill.

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

Mr. RITTER. Mr. Speaker, just let me clear up one thing. The law as it is presently written, and that is basically all I am trying to do, to restore HB 1171 to what the present law is, the ARD program cannot be effective in terms of the Motor Vehicle Code unless the person has committed a violation the conviction for which would result in a suspension. If you go on the ARD program your reward, if that is the case, is that you will not suffer the suspension. Your neighbor may, but you will not.

All the present law does is, it says that the court shall notify the department when a person goes on the ARD program for committing a violation which would have, under guilty pleas, resulted in a suspension. That does not say by any way, shape or form that that person on ARD will suffer the suspension; quite the contrary, they will not suffer the suspension.

However, if the commission of another violation would result in a 1-year suspension as opposed to 6 months for the subject's second or subsequent violation, the department will at least be able to record the fact that that person got break number one and they did not have to serve that first 6 months' suspension. However, now they have committed a violation and they plead guilty for it or because the judge remembered they were ARD before and he says you cannot go on ARD now, now that becomes their second offense.

And in that case, Mr. Speaker, somebody ought to remember, ought to have record that they have already committed one of those violations, and, therefore, the second violation ought to carry with it a more severe penalty. That is really all that we are saying in the present law. But HB 1171 wipes all of that out and says that if you go on the ARD program, no record shall be kept. I do not think that is fair. It is not fair to you; it is not fair to your neighbors; it is not fair to those many, many counties which do not have an ARD program. I do not think you are doing anything at all wrong in this amendment by accepting this amendment. All you are doing is putting those people on record and on notice, you have already committed a violation. We are going to give you a break, but if you commit it again, then that first one is going to be held against you. That is the purpose of what the present law does and that is all that my amendment seeks to do, to restore that language. I ask again for an affirmative vote on the amendment.

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

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

like to make a brief comment.

The SPEAKER pro tempore. The gentleman indicates that he will stand for a period of interrogation. The gentleman, Mr. Williams, is in order and may proceed.

Mr. WILLIAMS. Mr. Speaker, I heard you say that for persons on this program and then may later on get charged with an offense, you are suggesting that they got one break in the first instance, so in the second instance they should have the full weight of the law. Is that essentially what you said?

Mr. RITTER. Mr. Speaker, I said that the second violation of the same offense would result in a greater penalty, and I am saying that when you are on the ARD program, for all practical purposes, if you do not accept my amendment, no one has record of that. So that if you would have gotten a 6-months suspension on a guilty conviction and you would have served a 6-months suspension, if you go on the ARD program, you do not suffer the suspension. I am saying that that is the break we are giving those individuals and I am saying that if you commit a second or subsequent violation of the same offense that under other conditions would have given you, say, a 1-year suspension, at that point a person who was on ARD and who got the break the first time but who committed the second one then ought to suffer the same penalty as anyone else would had with the second offense.

Mr. WILLIAMS. Mr. Speaker, what about the instance in which a person went to trial for the charge and was found not guilty and then subsequently, sometime later, was charged with an additional similar offense, would that person before the court, if he got convicted on the second charge, not be considered as a person who has committed this offense one time?

Mr. RITTER. Mr. Speaker, if the person was found not guilty on 50 times, he is not guilty and then he did not commit a violation.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, it seems to me that that is the extreme fallacy in the argument by Mr. Ritter. That is to say that if a person in fact was tried and found not guilty on a subsequent charge of the same kind, he would be considered to have had a clean record. In the ARD program there is no trial, no conviction and no adjudication of innocence one way or the other. There was a charge and a pretrial disposition.

Now if Mr. Ritter seeks to make that an assumption of guilt, what he is doing is denying a person who goes under the program the same rights that a defendant who went to court would have, and I think that is fundamentally unfair and inconsistent.

Just one final thought, Mr. Speaker, that occurred to me. As I said before, I am a lawyer and I do try, sometimes, criminal cases. And for the ARD representation I make a lot less money on a fee than I would on a trial. Yet, as a matter of responsibility I am saying that the system works pretty well for our citizens, despite the fact that I and many other lawyers would indeed make more money if defendants go to court. But I think it is wrong to take a system that far if it is working for our society and for our individuals.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gen-

tleman from allegheny, Mr. Caputo.

Mr. CAPUTO. Mr. Speaker, I would like to interrogate Mr. Ritter please.

The SPEAKER pro tempore. Mr. Ritter indicates that he will stand for a period of interrogation. The gentleman, Mr. Caputo, is in order and may proceed.

Mr. CAPUTO. I had a conversation with Mr. Ritter while someone else was speaking and Mr. Ritter indicates—and I am sorry and I apologize to the House for not having a copy of his amendment, but he indicates—that his amendment would merely require that for a person arrested and charged with drunken driving, that a report of that arrest should be transferred to the department. Is that correct, Mr. Speaker.

Mr. RITTER. Mr. Speaker, one further point: We are not talking just about drunken driving; we are talking about violations the conviction of which would result in a suspension. So it is more than just drunken driving.

Mr. CAPUTO. I thank the gentleman. Your amendment, if adopted, would not authorize the suspension of a driver's license if the person charged were placed in the ARD program. Is that correct?

Mr. RITTER. That is right, Mr. Speaker. It simply requires notification so that the department can determine later on if that offense is the first, second, third, fourth or fifth.

Mr. CAPUTO. Mr. Speaker, the gentleman understands that when a person charged with a violation of the Criminal Code is placed on the ARD program that that is not a conviction. Is that correct?

Mr. RITTER. I understand that, Mr. Speaker.

Mr. CAPUTO. So long as that person complies with the terms of the ARD program, at the end of his compliance the arrest is taken away from his record and it stands as though he were never arrested. Is that correct?

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

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

Mr. Speaker if that is the legislative intent of the amendment, that it merely requires notification of the arrest and disposition of the case, that is, that there was a conviction or the person became a recipient of the ARD program, I would change my stand and ask for a "yes" vote on the amendment.

Now, I would like to say, Mr. Speaker, that during the few days that have elapsed since the adoption of this amendment, I asked several members of this legislature to change their position. With the understanding that the report does not entitle the secretary to suspend the driver's license of a person who has violated the law and was placed on the ARD program, I would ask those members whom I talked to to vote again in support of Mr. Ritter's amendment.

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

Mr. BELLomini. Mr. Speaker, I would like to point out to the last speaker in the House that if these amendments pass, what this does is, because the department will get from the courts a suspension notice that the man has been charged with drunken driving, it defeats the ARD program. The ARD program presently serves as a violation to an extent that the man pays a fine, or the individual pays a fine, serves 2 month's sus-

pension from driving, reporting to his probation officer for 2 months. Now if these records are kept in the department, this provides the Insurance Department with the department records as a notice to accumulate a risk program for the individual. Now, subject to the fact that we are in a position where the man gets fined, serves 2 month's suspension and the ARD program wipes out his record, these records are not kept in the department's hands. This is why I am asking for a "no" vote on these amendments.

Thank you.

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

Mr. ARTHURS. Just to clarify one thing that Mr. Bellomini said. This amendment does not read that if a person is found guilty of driving under the influence or if he is on the ARD program, he is on the ARD program. All it does say is that if he has a suspension and he is offered and accepts the ARD program, that the court shall promptly notify the department. It does not say that he has been found guilty of any charge.

And let me say this: First of all it is the offender's choice whether or not he wants to accept ARD. And, I am sure that there are not too many people who are not guilty of driving under the influence who are going to go on this program of their own choice; they are going to fight this. If you are not guilty of driving under the influence, I am sure that you are going to fight this in the courts. However, this does give them a choice, and I think it is very important, and one of the most important reasons is so that we do treat everybody equally in this state.

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

The following roll call was recorded:

YEAS—134

Anderson	Geesey	McCall	Schweder
Armstrong	George, M.	McClatchy	Seltzer
Arthurs	Giammarco	McGinnis	Shuman
Berlin	Gleeson	McIntyre	Sirianni
Bittinger	Goebel	Mebus	Smith, E.
Bittle	Goodman	Meluskey	Smith, L.
Borski	Gray	Milanovich	Spencer
Brandt	Greenleaf	Miller	Spitz
Brown	Grieco	Milliron	Stairs
Burd	Halverson	Moehlmann	Stapleton
Burns	Hamilton	Morris	Stewart
Caltagirone	Haskell	Mowery	Stuban
Cassidy	Hayes, D. S.	Mrkonic	Taddonio
Cessar	Hayes, S. E.	Noye	Taylor, E.
Cimini	Helfrick	O'Brien, B.	Taylor, F.
Cole	Hoeffel	O'Brien, D.	Tenaglio
Cowell	Honaman	O'Connell	Thomas
Davies	Hutchinson, W.	O'Keefe	Vroon
DeVerter	Itkin	Pancoast	Wansacz
DeWeese	Jones	Parker	Wass
Dietz	Katz	Piccola	Wenger
Donatucci	Kelly	Pitts	White
Dorr	Kernick	Polite	Wiggins
Doyle	Klingaman	Pott	Wilson
Fee	Kowalyshyn	Pratt	Wilt
Fischer, R. R.	Laughlin	Pyles	Wise
Fisher, D. M.	Lehr	Reed	Wright, D.

Foster, A.	Levi	Rieger	Wright, J. L.
Foster, W.	Lincoln	Ritter	Zearfoss
Freind	Livengood	Ruggiero	Zeller
Fryer	Lynch	Salvatore	Zitterman
Gallen	Mackowski	Scanlon	Zord
Garzia	Madigan	Scheaffer	Zwinkl
Gatski	Manmiller		

NAYS—54

Abraham	Flaherty	Manderino	Schmitt
Bellomini	Gallagher	McLane	Scirica
Berson	Gamble	Mullen, M. P.	Shupnik
Brunner	George, C.	Mullen, M. M.	Sweet
Butera	Gillette	Musto	Trello
Caputo	Greenfield	Novak	Valicenti
Cianciulli	Harper	Oliver	Wargo
Cohen	Hasay	Petrarca	Weidner
DeMedio	Hopkins	Pievsky	Williams
DiCarlo	Hutchinson, A.	Prendergast	Yahner
Dininni	Johnson	Rappaport	Yohn
Dombrowski	Kolter	Ravenstahl	
Duffy	Letterman	Renwick	Irvis,
Englehart	Logue	Ryan	Speaker

NOT VOTING—12

Barber	Dumas	Miscevich	Richardson
Beloff	Geisler	O'Donnell	Shelton
Bennett	Knepper	Rhodes	Wagner

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

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

Mr. LETTERMAN offered the following amendments:

Amend Sec. 1, page 2, line 6, by striking out "4571."
Amend Bill, pages 87 and 88, lines 2 through 30, page 87; lines 1 through 4, page 88, 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 Centre, Mr. Letterman.

Mr. LETTERMAN. Somehow the Fish Commission get mentioned in along with the Game Commission in putting red lights on their vehicles. We in the Fish Commission and I understand that this is an agreed-to amendment. Is that right, Mr. Dininni?

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

Mr. BELLOMINI. Mr. Speaker, this is an agreed-to amendment.

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

Mr. RITTER. Mr. Speaker, what is the amendment number we are talking about?

The SPEAKER pro tempore. A1765.

Mr. RITTER. Mr. Speaker, may I interrogate Mr. Letterman

then, please? I think that by agreeing to this amendment it wipes out the alley light amendment that was just inserted.

Mr. BELLOMINI. No, it does not.

The SPEAKER pro tempore. Will the gentleman, Mr. Letterman, agree to stand for a period of interrogation? The gentleman indicates that he will, and the gentleman from Lehigh, Mr. Ritter, is in order and may proceed.

Mr. RITTER. Mr. Speaker, on page 87 of the bill, lines 2 through 30, and on page 88, lines 1 through 4, you are striking out all of those lines? Am I correct?

Mr. LETTERMAN. Mr. Speaker, what happens here with this amendment—and it is a difficult amendment to understand—it strikes out all of section 4571. The reason for that is this was amended in committee. So what it does is just strike out the words that were amended into the bill in committee, and that is, “the Fish Commission.” Then it puts the bill back to the way it was before the bill went into committee.

Mr. RITTER. I thank the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. On page 87 of the bill, if you take the amendment and you strike out lines 2 through 30, are you not then removing from consideration section 4571 of the Motor Vehicle Code, which deals with visual and audible signals on emergency vehicles? Are you not removing that from the bill with Mr. Letterman’s amendment?

The SPEAKER pro tempore. The Chair is informed by the Parliamentarian that that is a matter not to be determined by the Chair. It is a question to be asked of the sponsor of the amendment.

Mr. LETTERMAN. Mr. Speaker, I called up after I saw the amendment because it did not do what I thought it was doing either, and they explained the entire thing to me and told me that this is the only way it can be done.

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

Mr. RITTER. Mr. Speaker, let me state my opposition this way: If the gentleman wanted to take out the fish and game commission vehicles or whatever he talked about doing, I think he used a meat-ax approach because the more simple way would have simply been to remove the words “fish and” on line 19 and “Pennsylvania Fish Commission and the” on line 20.

My point is that if you accept Mr. Letterman’s amendment, then you have removed from the bill any reference to section 4571, which affects Mr. Cimini’s amendment. I do not think you want to do that.

I think that either Mr. Letterman ought to have the amendment redrafted or we ought to oppose the amendment, because whether Mr. Cimini’s amendment was accepted or not, Mr. Letterman’s amendment would take precedence and it would effectively remove from HB 1171 any reference to section 4571 of the present Motor Vehicle Code.

It, therefore, would remove Mr. Cimini’s amendment, and I do not think that Mr. Letterman wants to do that. So either he ought to redraft the amendment or we ought to defeat it.

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

Mr. DININNI. I totally agree with Mr. Ritter. When I agreed to the amendment, it was verbally that all they were attempting to do was to remove the Fish Commission from this.

My interpretation is the same as Mr. Ritter’s. I think he ought to have the amendment redrafted in such a way that it only pertains to the Fish Commission.

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

Mr. LETTERMAN. We are making a telephone call and somebody else is going to attempt to have the Legislative Reference Bureau do it the way I wanted it done in the first place. They say they will not do it that way. We are making a phone call to find out.

They say there is a legal problem with doing it that way and they cannot do it.

AMENDMENT TEMPORARILY PASSED OVER

The SPEAKER pro tempore. We will temporarily pass over the Letterman amendment and then proceed to the gentleman from Montgomery, Mr. Polite, who offers the following amendment that the clerk will read.

On the question recurring,

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

Mr. POLITE offered the following amendments:

Amend Sec. 1, page 2, line 17, by inserting after “1552” 1553,

Amend Bill, page 53, by inserting between lines 13 and 14 § 1553. Departmental hearing.

Notwithstanding any other provisions of this title to the contrary, before the operating privilege of any driver is suspended or revoked, such driver shall be given the opportunity to have a departmental hearing, if he so requests, before any such suspension or revocation shall become effective.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. Does the gentleman, Mr. Bellomini, have a copy of this amendment?

Mr. BELLOMINI. Yes, I have, Mr. Speaker.

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

Mr. POLITE. Thank you, Mr. Speaker.

This is the same amendment that was offered before by Mr. Halverson. I will read the section that is inserted between lines 13 and 14 on page 53:

Notwithstanding any other provisions of this title to the contrary, before the operating privilege of any driver is suspended or revoked, such driver shall be given the opportunity to have a departmental hearing, if he so requests, before any such suspension or revocation shall become effective.

That is the only change, Mr. Speaker.

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

Mr. BELLOMINI. Mr. Speaker, after reviewing the new amendments here, I really do not think they are necessary.

Well, let me explain it this way. There were two cases so stating, and we showed them to you, Mr. Speaker. Illinois v. Love is a Federal court case which states it is not necessary to give a hearing before a suspension.

Then we also had here, in the Commonwealth Court and the U. S. District Court, a case, Boullianne vs. Heyison. It said, as long as an appeal to the Court of Common Pleas is provided, as in section 1550, this appeal acts as a supersedeas, and the department gives no hearing and the department gives no hearing notices for any suspension prior to the suspension.

In other words, what they are saying is that we can wait for them to get a notice and make an appeal for a hearing, and their license will not be suspended.

Does that not make correct the language in section 1550?

Mr. POLITE. No, Mr. Speaker. It does not satisfy me and I do not think it satisfies the drivers of Pennsylvania who have had their licenses suspended.

You are trying to tell me that you convict a man of murder first and then you ask him to ask for a trial by jury because someone else has ruled differently.

I say that this man is entitled to a hearing before he is suspended and that is all I am asking. This is the right approach. I do not think yours is the right approach.

Mr. BELLOMINI. Well, in section 1550, if you notice, it does say that upon request you shall have a hearing.

Mr. POLITE. Well, then you agree with the amendment?

Mr. BELLOMINI. It says the same in the amendment. It is already written in the code.

Mr. POLITE. Well, I think the amendment is needed.

I ask all the members to vote "yes."

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

Mr. BELLOMINI. May I interrogate the gentleman, Mr. Polite?

The SPEAKER pro tempore. Will the gentleman stand for a period of interrogation?

Mr. POLITE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BELLOMINI. Mr. Speaker, does this amendment need a fiscal note?

Mr. POLITE. I do not know, Mr. Speaker. I think you should ask the Appropriations Committee chairman.

I do not think so.

If you tell me that it is already there, why would it need a fiscal note, if they are doing it now?

Are you trying to confuse us?

Mr. BELLOMINI. Mr. Speaker, does this amendment require that everybody has a hearing?

Mr. POLITE. No. If you so request. If you read the amendment, that is exactly what I added to the amendment, four words: "if he so requests."

Mr. BELLOMINI. Mr. Speaker, I will have to agree to these amendments.

Mr. POLITE. Thank you, Mr. Speaker.

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

Mr. DININNI. I would request all the members on this side of the aisle to vote for the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—9

Barber	Geisler	O'Donnell	Shelton
Beloff	Knepper	Rhodes	Wagner
Dumas			

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

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

Mr. DORR offered the following amendments:

Amend Sec. 1, page 2, line 18, by inserting after "4942(d)", 6309

Amend Bill, page 106, by inserting after line 30

§ 6309. Alternatives for hearings on citations issued by cities of the first class.

Notwithstanding the provisions of section 6306 (relating to costs for summary offenses), whenever a city of the first class issues a citation for a violation of this title or of an ordinance of such city relating to the parking of motor vehicles to an alleged defendant who is not a resident of such city, the alleged defendant may choose to have a hearing before the municipal courts or before the district magistrate in whose jurisdiction the alleged defendant resides. If the district magistrate finds the defendant guilty, the fine and costs shall be collected and forwarded by the district magistrate to the city of the first class. If the defendant is found not guilty, the costs incurred shall be paid to the magistrate by the city of the first class.

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, the amendment changes the jurisdiction in cases where the defendant wishes it to be changed for the hearings in regard to Philadelphia parking tickets.

I am certain that many of the members of the House, as I do, face a problem with the myriad of incorrect parking tickets which are received by their constituents. The system works in some cases where the defendants know enough to contact their magistrate or contact their legislator so that if, in fact, there is an incorrect issuance of a parking ticket, they can get it handled. But in many cases they do not know that and they pay the fine grudgingly and unknowingly as to their right to change that parking ticket.

The amendment would create a situation in which the alleged violator of the Philadelphia parking ordinance could request through his district magistrate that a hearing be held in the local district magistrate's office.

The magistrate would take recognition of the parking ticket, would then hear the defendant's side of the story and would make a finding. He would find the defendant guilty and impose the fine and cost which would then be transmitted to the city of Philadelphia or he would find the defendant not guilty, in which case he would impose the costs of that proceeding upon the city of Philadelphia.

The reason for the amendment is really an effort to stem the flow of incorrect parking tickets which come in droves, as I said before, from the city. I would ask the members to remember their efforts on behalf of their constituents and vote in favor of the amendment to try to stem that flow of traffic tickets from the city.

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

Mr. ZEARFOSS. Mr. Speaker, I wonder if Mr. Dorr would consent to a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will, and the gentleman, Mr. Zearfoss, is in order and may proceed.

Mr. ZEARFOSS. Mr. Speaker, would the hearing before the district magistrate require testimony by a police officer from Philadelphia?

Mr. DORR. I do not believe it would, Mr. Speaker. The district magistrate could take judicial cognizance of the ticket and the fact that it had been issued and assume that it was issued in accordance with the procedures of the city, and then would hear the defendant's side of the story and make a decision.

Mr. ZEARFOSS. If you were defending a defendant charged in that hearing before the district magistrate, would you let that be the only evidence for conviction in that case?

Mr. DORR. I would not require, and it is not my intent to require, that a police officer be there. I do not know that they require them in the city if you have a hearing in the city.

Mr. ZEARFOSS. Thank you, Mr. Speaker, that is all of the interrogation. I would just like to make a brief statement.

I do not believe that it would be possible to get a conviction on a ticket charging illegal parking in Philadelphia before a magistrate somewhere else in the Commonwealth without some kind of testimony from somebody who has knowledge of the facts relating to that charge. That would probably mean that in order for any of these hearings to be held, Philadelphia would either have to send out a representative from the city who could testify to the act, probably the policeman who issued the ticket, or else there would never be any convictions on these tickets.

I would oppose the amendment. I understand what Mr. Dorr is trying to do and I think it is laudable. I think it is something that has to be taken care of. We have the problem, there is no question about it. But I do not think that this procedure would be right in the sense that it would not give Philadelphia any chance to get a conviction even if the person were guilty.

I think we are worried most about the situation where the ticket is issued erroneously when the person was never in the city. Sometimes they are in the city and sometimes there is illegal parking. Under this procedure, even if they were in fact violating the parking ordinances of the city, they would still be able to use this procedure and the city would never be able to get a conviction.

I do not think it is fair to the city of Philadelphia and I do not think that it is the proper way to take care of this situation that we have.

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

Mr. ARTHURS. I wonder if Mr. Dorr would stand for interrogation?

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

Mr. ARTHURS. Mr. Speaker, I presume that we realize that our counties and our magistrates could not do this without any payment for costs.

Looking at it very realistically, when you state in the last part of your amendment that the cost incurred shall be paid to the magistrate by the city of the first class, do you honestly believe that any magistrate out in western Pennsylvania would receive costs from the city of Philadelphia for any court action?

Mr. DORR. It is my feeling, Mr. Speaker—and this is the real reason for the amendment—that if in fact it became the law, and if in fact there grew to be a number of outstanding or a large amount of outstanding money not received by magistrates in the state, that there are existing legal remedies for that, and that action could be brought, that action would have to be brought, in the city of Philadelphia, but action could be brought against the city of Philadelphia to recover those fines. It could be done in a class-action type of litigation so that the city would be under court order to reimburse the magistrates.

Mr. ARTHURS. Thank you, Mr. Speaker. I would just like to make a short comment, Mr. Speaker.

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

Mr. ARTHURS. I agree with Mr. Dorr that we do need to do something about the tickets that come out of Philadelphia, and as I have written to their judge down there several times, how much money they would have if their people would just do things in the correct manner and have their police officers and their clerks be careful the way they handle these tickets. At \$11 a piece at the minimum, and from the amount of tickets that I get in Butler County alone, they might be able to solve a lot of their financial problems by being a little bit more careful.

But I am going to have to speak against this amendment because I do not believe that our courts back home, our district magistrates, can do this type of work at no charge. I do believe that it is just going to become almost impossible, if not impractical, for the cost of trying to collect these costs from the city of Philadelphia.

I think what we need to do is probably like most of us are doing now, put an article in the paper every once in a while to have our people contact us directly, and we do get cooperation from the traffic courts in Philadelphia, because all it takes is a letter from us stating that our people were not in the vicinity at the time of the accident.

As much as I appreciate what he is trying to do, for financial reasons I am going to have to oppose this amendment.

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

Mr. RITTER. Mr. Speaker, I thought Mr. Dorr talked about parking violations, but my amendment has some little mark and then there is a line and then there is handwritten "parking of motor vehicles", or something like that. I do not know if that is a proper amendment, Mr. Speaker.

But in any event, I think Mr. Arthurs hit it on the head pretty well. I do not think there have been that many problems with the citations issued by the city of Philadelphia. I used to get upset and then I called one time, and they invited me down.

I went down to see the kinds of cases and the tickets that they handle in any given day in the city of Philadelphia. And, there are literally thousands upon thousands of tickets that are issued. It is very difficult for somebody to look at that and say, well, there cannot be any mistakes. Everyone ought to recognize the fact that mistakes are going to be made.

I dare say that, in some of the areas of this Commonwealth, there are magistrates as well as legislators who are not particularly happy with Philadelphia and who would look upon that as an opportunity to say, I am going to find you not guilty and we are going to send the bill to Philadelphia, and then not only you will not have to pay the ticket, but we are going to get some money from Philadelphia on top of it.

I think Mr. Zearfoss raised a very good point. I do not know how—and I was a magistrate in traffic court in Allentown for a number of years. I do not know how—you can have a hearing, Mr. Speaker, when only one party shows up. I think if the defendant came and the police officer did not appear, that would be sufficient grounds to discharge the citation.

I think it unreasonable to expect that the police officer will be able to come from Philadelphia to the local office to have the hearing. That is why, as Mr. Arthurs pointed out, in most cases a letter, even from the individuals themselves as many times has been sufficient, if nothing else a notarized letter indicating that the person was not in Philadelphia. In my experience that has always been sufficient.

I just do not think that this amendment is practical. As I said, I think that it would automatically have every case thrown out, including, including those instances where people were in Philadelphia and did commit a parking violation. And that does happen also, Mr. Speaker. So, I think you are going to be throwing the baby out with the bath water if you accept this amendment and I think we ought to vote it down.

POINT OF ORDER ON CONSTITUTIONALITY

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 constitutional point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAPUTO. Mr. Speaker, I think the amendment offered by the gentleman, Mr. Dorr, is unconstitutional because it would deprive the defendant in this case of his right of confrontation and the right of cross-examination. I challenge the constitutionality of the amendment.

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Caputo, raises the point of order that the Dorr amendment is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does. The question before the House is on the point of order raised by the gentleman from Allegheny, Mr. Caputo, that the Dorr amendment 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 Dorr amendment to be constitutional.

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

Mr. DORR. May I ask Mr. Caputo a question?

The SPEAKER pro tempore. Will the gentleman, Mr. Caputo, stand for a period of interrogation?

The gentleman indicates that he will, and the gentleman, Mr. Dorr, will proceed.

Mr. DORR. Mr. Speaker, was the basis for your motion that the defendant does not get his right of confrontation?

Mr. CAPUTO. That is one of the basis, yes.

Mr. DORR. What was the other basis?

Mr. CAPUTO. Well, Mr. Ritter made the point. You cannot have a hearing of one person without a waiver by the other person.

Mr. DORR. Is that a constitutional requirement that you must have a waiver on the part of the prosecution? Is that your point?

Mr. CAPUTO. Yes, you cannot have a—

Mr. DORR. Where in the constitution does it say that, Mr. Speaker?

Mr. CAPUTO. It is a matter of an accusation. The prosecution has to make out a case. They cannot make it out by an information.

Mr. DORR. Is it not true, Mr. Speaker, that that is a jurisdictional requirement and that what we are dealing herewith is jurisdiction?

Mr. CAPUTO. Well, I think you are attempting to deal with jurisdiction by extending the jurisdiction of the Philadelphia Traffic Court to all traffic magistrates throughout the state. I do not think your amendment says that.

Mr. DORR. Mr. Speaker, I would have two comments here.

I thank the gentleman.

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

Mr. DORR. First of all, in respect to the defendant's right of confrontation, I would point out that the amendment is, in fact, a "may" amendment; that is, the defendant must make the choice of having the hearing in his local jurisdiction. Therefore, if he waives his right of confrontation in that manner, his constitutional rights have not been violated.

Secondly, with respect to the other matters that the gentleman raised, if I understood it accurately, I think it is a matter of jurisdiction. This legislature, to my knowledge, has power under the constitution to set jurisdiction of the various courts of this Commonwealth, and, therefore, it is my judgment that the constitutional points are well taken.

I would urge the members to vote, I think, in the negative in order to sustain the constitutionality, the way the Speaker put the question.

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

Mr. RITTER. On the question of constitutionality, I think the amendment is unconstitutional.

There is no provision in here other than the fact that the defendant would ask for a hearing in front of his local district

magistrate. There is no way that the local magistrate can have the case because it was not presented to him.

A person cannot walk in with a ticket and say, here it is. Now, you decide whether I am guilty or innocent. Someone has to present that case to the magistrate in order for there to be a hearing.

The defendant is not going to be able to do that by saying, here is a copy of a ticket I received. On that basis, without any provision for getting the case to the local magistrate, I think the amendment is unconstitutional, plus the fact that, as I said to you before, I do not see how you can have a hearing when only one party is represented. The only time that that occurs, in my opinion, is in civil court when you are talking about awarding some damages. Then the defendant, in most cases, does not show up, and it is automatically referred to court.

If this amendment is not unconstitutional, it certainly is lacking in a great deal of clarity, and I believe we ought to vote it as unconstitutional. Vote in the affirmative and sustain Mr. Caputo's point of order.

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

Mr. MISCEVICH. Mr. Speaker, what prohibits Philadelphia from sending anybody a citation?

I have, for example, one constituent, a college student, who has received 28 citations from Philadelphia.

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

Mr. GREENFIELD. Is the gentleman speaking on the constitutionality of the particular matter?

The SPEAKER pro tempore. The gentleman has not really said too much at this point; I mean at length. The gentleman, I am sure, will govern himself accordingly and speak to the question of the constitutionality of the Dorr amendment.

The gentleman is in order and may proceed.

Mr. MISCEVICH. What I am getting at is, this college student was put to the task of going to the dean 28 times to get verification that she was in fact in school and that her car was in the school parking lot.

I have another constituent who received a citation from Philadelphia. The citation gave such and such a plate number. The constituent called me and said, I do not even have this plate number. Three days later she called me back and said this new plate was issued to me with this number on it that was on the citation. So I am saying what rights do the constituent have if Philadelphia would be prohibited—

The SPEAKER pro tempore. The gentleman is straying. Could he address himself to the constitutionality of the Dorr amendment and not the merits of the legislation?

Mr. MISCEVICH. I am trying to question, Mr. Speaker, who would give the constituent the right to be able to refuse such a citation from the City of Brotherly Love or any other first class city that was never in fact in the city. Do they not have any rights? It is unconstitutional for Philadelphia to be mailing these citations out? Maybe the constitutionality question lies with the first class city and not with the constituent himself.

My constituents have to lose a day's work to go to a magistrate. I have an amendment being prepared now that just a no-

tarized letter from the constituent should be justification so this person does not have to appear before a magistrate or does not have to appear in court. He can take care of the situation as long as he verifies that he was at work or school or some other legal place, with a notarized signature on it, and then he is absolved of the charges.

The SPEAKER pro tempore. The Chair has had the same experience and he can understand the gentleman's reaction. Does that complete his comments on the constitutionality of the matter?

Mr. MISCEVICH. But I am having this amendment prepared and I am hoping the final vote will be held up until these amendments arrive.

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

Mr. ZEARFOSS. Mr. Speaker, that noted constitutional scholar, Mr. Misceovich, did point out one point in opposition to Mr. Caputo's statement. He said, what prohibits the city of Philadelphia from sending somebody to the hearing?

Actually, there is nothing in the amendment that says the city of Philadelphia may not send someone to the hearing. Therefore, there is no question of denial of confrontation and right to cross-examination. If they do show up, they do not make their case. But they can show up. The prosecutor and the defendant would then have the right to confront the accuser and cross-examine in testimony. So I do not think, whether this amendment is proper or not, it is unconstitutional. I plan to vote against the amendment, but I certainly think that we have to vote that it is constitutional.

The SPEAKER pro tempore. The Chair, in order to avoid any confusion, will repeat that those voting "aye" will vote to sustain the point of order raised by Mr. Caputo, thereby declaring the amendment to be unconstitutional. Those voting "no" will vote that the point of order is not well taken and thereby declare the Dorr amendment to be constitutional. Are there any questions in regard to the question as the Chair has stated it?

On the question,

Will the House sustain Mr. Caputo's point of order on the constitutionality of the amendments?

The following roll call was recorded:

YEAS—108

Abraham	Gallagher	McLane	Ruggiero
Arthurs	Gallen	Meluskey	Scanlon
Barber	Gamble	Milanovich	Schmitt
Bellomini	Garzia	Milliron	Schweder
Beloff	Gatski	Miscevich	Shuman
Bennett	George, C.	Morris	Shupnik
Berlin	George, M.	Mrkonic	Stapleton
Berson	Giammarco	Mullen, M. P.	Stewart
Bittinger	Gillette	Mullen, M. M.	Stuban
Borski	Gleeson	Musto	Sweet
Brown	Goodman	Novak	Taylor, F.
Brunner	Gray	O'Brien, B.	Trello
Caltagirone	Greenfield	O'Brien, D.	Valicenti
Caputo	Harper	O'Keefe	Wansacz
Cassidy	Hayes, D. S.	Oliver	Wargo
Cianciulli	Hoeffel	Pancoast	White
Cohen	Hutchinson, A.	Petrarca	Wiggins
DeMedio	Johnson	Polite	Williams

DeWeese	Jones	Pratt	Wise
DiCarlo	Kelly	Prendergast	Wright, D.
Dininni	Kolter	Rappaport	Yahner
Donatucci	Kowalshyn	Ravenstahl	Zeller
Duffy	Laughlin	Reed	Zitterman
Dumas	Letterman	Renwick	Zwinkl
Englehart	Lincoln	Richardson	
Fee	Logue	Rieger	Irvis,
Flaherty	McCall	Ritter	Speaker
Fryer	McIntyre		

NAYS—83

Anderson	Freind	Mackowski	Sirianni
Armstrong	Geesey	Madigan	Smith, E.
Bittle	Goebel	Manmiller	Smith, L.
Brandt	Greenleaf	McClatchy	Spencer
Burd	Halverson	McGinnis	Spitz
Burns	Hamilton	Mebus	Stairs
Butera	Hasay	Miller	Taddonio
Cessar	Haskell	Moehlmann	Taylor, E.
Cimini	Hayes, S. E.	Mowery	Tenaglio
Cole	Helfrick	Noye	Thomas
Cowell	Honaman	O'Connell	Vroon
Davies	Hopkins	Parker	Wass
DeVerte	Hutchinson, W.	Piccola	Weidner
Dietz	Itkin	Pitts	Wenger
Dombrowski	Katz	Pott	Wilson
Dorr	Kernick	Pyles	Wilt
Doyle	Klingaman	Ryan	Wright, J. L.
Fischer, R. R.	Lehr	Salvatore	Yohn
Fisher, D. M.	Levi	Scheaffer	Zearfoss
Foster, A.	Livengood	Scirica	Zord
Foster, W.	Lynch	Seltzer	

NOT VOTING—9

Geisler	Manderino	Pievsky	Shelton
Grieco	O'Donnell	Rhodes	Wagner
Knepper			

The question was determined in the affirmative and Mr. Caputo's point of order was well taken, and the amendments were declared unconstitutional.

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

Mr. A. C. FOSTER. Mr. Speaker, before we depart the subject of Philadelphia traffic tickets, I would like to insert upon the record an occurrence with one of my constituents where the people just moved in from the State of Maryland and they received a Philadelphia traffic ticket prior to the issuance of their Pennsylvania plates. In other words, their plates were validated on one day in the Bureau of Motor Vehicles, and they received a citation from the city of Philadelphia prior to that issuance. So I wish that something could be done on this matter.

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

For what purpose does the gentleman rise?

Mr. GARZIA. Mr. Speaker, may I respond to Mr. Foster's problem of how to handle that ticket from Philadelphia?

The SPEAKER pro tempore. The Chair is trying to get the bill into position for final vote. Could the gentleman do this tomorrow?

The Chair thanks the gentleman for expediting the business of the House.

**RECONSIDERATION OF VOTE
ON DININNI AMENDMENT TO HB 1171**

Mr. LAUGHLIN moved that the vote by which the Dininni amendment was agreed to on July 14, 1977, be reconsidered.

Mr. WILSON seconded the motion.

On the question,

Will the House agree to the motion?

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

Mr. LAUGHLIN. Mr. Speaker, last week when we passed the Dininni amendment, I had asked the gentleman for information relative to the amount of money that would be involved with the department. He was unable to provide that information. Today I have that information. I would like to make it available to the rest of the House members and I would ask them to vote for this reconsideration.

Would Mr. Dininni stand for interrogation, please?

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

Mr. DININNI. Yes, I will.

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Laughlin, is in order and may proceed.

Mr. LAUGHLIN. Mr. Speaker, last week I had asked you how much money would be lost by the Department of Transportation if your amendment was voted into HB 1171, and you were unable to answer me at that time. Would you please give me the answer today, for the edification of the rest of the House?

Mr. DININNI. Well, I told you the last time, I did not think it would cost them anything, because I was always under the impression that they never anticipated that income in the first place. But if you are asking what revenues would be lost if that was to stand, \$10 million. Is that what you wanted to hear?

Mr. LAUGHLIN. Yes. Mr. Speaker, that is exactly what I wanted to hear. Thank you.

Mr. Speaker, that \$10 million has been included in the Department of Transportation's budget for this upcoming year. Your amendment, effectively, has removed \$10 million from the Department of Transportation. That \$10 million that has been effectively removed by your amendment—

POINT OF ORDER

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

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. Are we on the reconsideration motion or are we on the amendment itself?

The SPEAKER pro tempore. The House is on the reconsideration motion.

The gentleman's point is well taken. The gentleman will confine his remarks to the reconsideration of the vote.

Mr. LAUGHLIN. I would ask the membership to vote for the reconsideration so that we can continue the information that Mr. Dininni and I have to offer today. I think it will result in the amendment being reconsidered and defeated. Thank you.

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

Mr. DININNI. Thank you, Mr. Speaker.

I would ask all the members to vote against the reconsideration. You know what this amendment does, and, therefore, I would request that you vote "no."

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

Mr. MORRIS. It might be helpful to some of us who have not got quite as clear a memory of everything that has happened here in the last 3 weeks as some others, to know just what in the dickens we are voting on. Before I vote to consider or reconsider, I would like to know what the problem is.

The SPEAKER pro tempore. The Chair is voting on reconsideration of the Dininni amendment. Could the chairman of the committee, Mr. Bellomini, offer a brief explanation for the information of the gentleman from Chester and other members of the House?

Mr. BELLOMINI. I will yield to Mr. Dininni. He can give an explanation.

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

Mr. DININNI. All the amendment does is simply state that when there is a title being issued, it would be one fee, \$5, instead of the way it is now. It is a double-dip, as far as I am concerned. You buy a new car. You send in for your title. You are charged \$5, and if there is an encumbrance, you are charged another \$5.

This was never the intent of the license fee when they were given the increase. All I was doing was correcting the original intent of the fees when they went up.

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

Mr. LAUGHLIN. Mr. Speaker, in view of the fact that you have opened up the area for Mr. Dininni to make a statement like that, I think that it is only fair that you allow me to state the fact that that encumbrance that he is speaking of—

The SPEAKER pro tempore. The Chair opened it up at the request of a member of the House who requested some additional information.

Mr. LAUGHLIN. Well, I think it is only fair to give this additional information then, Mr. Speaker.

The SPEAKER pro tempore. Will you give us a condensed form?

Mr. LAUGHLIN. Very much condensed.

The SPEAKER pro tempore. The Chair appreciates that and the Chair recognizes the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. The very simple explanation that the prior speaker gave is accurate. What he did not tell you was that that amount of money and the number of those encumbrances happen to be 2 million and, when multiplied by \$5, we are talking about a \$10-million hole in the budget of the Department of Transportation. That is why I am on the floor today, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—79

Abraham	Flaherty	Lincoln	Richardson
Barber	Gamble	Livengood	Rieger
Beloff	Garzia	Logue	Ruggiero
Borski	Gatski	Manderino	Scanlon
Brandt	George, M.	McCall	Schweder
Brown	Giammarco	McIntyre	Stuban
Burns	Gray	McLane	Sweet
Caltagirone	Greenfield	Milanovich	Tenaglio
Caputo	Harper	Miscevich	Trello
Cassidy	Hopkins	Morris	Valicenti
Cianciulli	Hutchinson, A.	Mrkonic	Wansacz
Cole	Itkin	Mullen, M. M.	Wargo
Cowell	Johnson	Novak	White
DeWeese	Jones	O'Brien, B.	Wiggins
Dombrowski	Kelly	O'Keefe	Williams
Donatucci	Kernick	Oliver	Wilson
Doyle	Kolter	Petrarca	Wright, J. L.
Duffy	Kowalyszyn	Rappaport	Zitterman
Dumas	Laughlin	Ravenstahl	Zord
Fisher, D. M.	Letterman	Reed	

NAYS—113

Anderson	Gallen	Meluskey	Shupnik
Armstrong	Geesey	Miller	Sirianni
Arthurs	George, C.	Milliron	Smith, E.
Bellomini	Gillette	Moehlmann	Smith, L.
Bennett	Gleeson	Mowery	Spencer
Berlin	Goebel	Mullen, M. P.	Spitz
Berson	Goodman	Musto	Stairs
Bittinger	Greenleaf	Noye	Stapleton
Bittle	Grieco	O'Brien, D.	Stewart
Brunner	Halverson	O'Connell	Taddonio
Burd	Hamilton	Pancoast	Taylor, E.
Butera	Hasay	Parker	Taylor, F.
Cessar	Haskell	Piccola	Thomas
Cimini	Hayes, D. S.	Pievsky	Vroon
Cohen	Hayes, S. E.	Pitts	Wass
Davies	Helfrick	Polite	Weidner
DeMedio	Hoeffel	Pott	Wenger
DeVerter	Honaman	Pratt	Wilt
Dietz	Hutchinson, W.	Prendergast	Wise
Dininni	Katz	Pyles	Wright, D.
Dorr	Klingaman	Renwick	Yahner
Englehart	Levi	Ritter	Yohn
Fee	Lynch	Ryan	Zearfoss
Fischer, R. R.	Mackowski	Salvatore	Zeller
Foster, A.	Madigan	Scheaffer	Zwinkl
Foster, W.	Manmiller	Schmitt	
Freind	McClatchy	Scirica	Irvis,
Fryer	McGinnis	Seltzer	Speaker
Gallagher	Mebus	Shuman	

NOT VOTING—8

DiCarlo	Knepper	O'Donnell	Shelton
Geisler	Lehr	Rhodes	Wagner

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

On the question recurring,

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

Mr. LETTERMAN offered the following amendments:

Amend Sec. 1 (Sec. 4571), page 87, line 19, by striking out "Fish and"

Amend Sec. 1 (Sec. 4571), page 87, line 20, by striking out "Pennsylvania Fish Commission and the"

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. A very short explanation: All this does is take out the words "Fish Commission" and takes away the right for them to use a red light on their vehicles. Other than that, I understand it is agreed to.

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

Mr. BELLOMINI. Mr. Speaker, now that they are corrected amendments, I suggest we all vote "yes" on these amendments.

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

Mr. DININNI. I would also suggest to our members on this side of the aisle that I am satisfied that the wording is proper now.

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

Mr. BITTINGER. Mr. Speaker, I think that the Fish Commission as well as the Game Commission should have permission to use red lights on their law enforcement vehicles, if they so desire. I oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

Abraham	Fryer	McClatchy	Scirica
Anderson	Gallagher	McGinnis	Seltzer
Armstrong	Gallen	McIntyre	Shuman
Arthurs	Gamble	McLane	Shupnik
Barber	Gatski	Mebus	Smith, E.
Bellomini	George, C.	Meluskey	Smith, L.
Bennett	George, M.	Milanovich	Spencer
Berlin	Giammarco	Miller	Spitz
Berson	Gillette	Milliron	Stairs
Bittle	Gleeson	Miscevich	Stapleton
Borski	Goebel	Moehlmann	Stewart
Brown	Goodman	Morris	Stuban
Brunner	Gray	Mowery	Sweet
Burd	Greenfield	Mrkonic	Taddonio
Burns	Greenleaf	Mullen, M. P.	Taylor, E.
Butera	Grieco	Mullen, M. M.	Taylor, F.
Caltagirone	Harper	Musto	Tenaglio
Caputo	Hasay	Novak	Thomas
Cassidy	Haskell	Noye	Trello
Cessar	Hayes, D. S.	O'Brien, B.	Valicenti
Cianciulli	Hayes, S. E.	O'Connell	Vroon
Cimini	Helfrick	O'Keefe	Wansacz
Cole	Hoeffel	Oliver	Wargo
Cowell	Honaman	Pancoast	Wass
DeMedio	Hopkins	Parker	Weidner
DeVerter	Hutchinson, A.	Petrarca	White
DeWeese	Hutchinson, W.	Pievsky	Wiggins
DiCarlo	Itkin	Pitts	Williams
Dietz	Kelly	Polite	Wilson
Dininni	Kernick	Pott	Wilt

Dombrowski	Klingaman	Pratt	Wise
Donatucci	Kolter	Prendergast	Wright, D.
Dorr	Laughlin	Pyles	Wright, J. L.
Doyle	Lehr	Ravenstahl	Yahner
Duffy	Letterman	Renwick	Yohn
Dumas	Levi	Richardson	Zearfoss
Englehart	Lincoln	Rieger	Zeller
Fee	Livengood	Ritter	Zitterman
Fischer, R. R.	Logue	Ryan	Zord
Fisher, D. M.	Lynch	Scanlon	Zwinkl
Flaherty	Mackowski	Scheaffer	
Foster, A.	Madigan	Schmitt	Irvis,
Foster, W.	Manderino	Schweder	Speaker
Freind	McCall		

NAYS—18

Bittinger	Geesey	Katz	Piccola
Brandt	Halverson	Kowalyshyn	Reed
Cohen	Hamilton	Manmiller	Salvatore
Davies	Johnson	O'Brien, D.	Sirianni
Garzia	Jones		

NOT VOTING—10

Beloff	O'Donnell	Ruggiero	Wagner
Geisler	Rappaport	Shelton	Wenger
Knepper	Rhodes		

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

GAVEL RETURNED TO SPEAKER

The SPEAKER pro tempore. The Chair returns the gavel to the Speaker.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman for presiding over a rather tumultuous session.

On the question recurring,

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

Mr. ZELLER 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) Exception.—The requirements of subsection (b) shall not apply to the issuance of a driver's license to be licensed non-resident upon application if the department, after investigation, finds that the licensing requirements in the state of the nonresident are equal to or higher than the standards of the department and that such state extends reciprocal courtesy to licensed drivers of this Commonwealth.

On the question,

Will the House agree to the amendments?

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

Mr. ZELLER. Thank you, Mr. Speaker.

Unless somebody wants an explanation, both sides have agreed. I have a copy of it. It is a reciprocal agreement between

states in regard to the handling of operators' licenses. It is number A1763.

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

Mr. BELLOMINI. These are agreed-to amendments, and I wish that everybody on this side of the aisle would vote "yes" for these amendments.

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, we did not caucus on this particular amendment, but I would recommend a "yes" vote on it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

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

NOT VOTING—11

Beloff	Johnson	Rhodes	Wagner
Donatucci	Knepper	Shelton	White
Geisler	O'Donnell	Vroon	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

MOTION TO PREPARE BILL FOR FINAL PASSAGE

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

Mr. ZEARFOSS. Mr. Speaker, I think this bill falls within the three-amendment rule and I would move that it be prepared for final passage.

The SPEAKER. Did the gentleman, Mr. Zearfoss, make a formal motion that this bill be placed on final passage postponed calendar?

Mr. ZEARFOSS. I move that it be reprinted and prepared for final passage.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—61

Anderson	Hamilton	Miscevich	Seltzer
Bittle	Hayes, S. E.	Moehlmann	Shuman
Brandt	Helfrick	Noye	Sirianni
Butera	Honaman	O'Brien, D.	Smith, E.
DeVerter	Itkin	O'Connell	Smith, L.
Dietz	Katz	Pancoast	Spitz
Dorr	Klingaman	Parker	Stairs
Foster, A.	Knepper	Piccola	Taylor, E.
Fryer	Laughlin	Pitts	Thomas
Gallen	Lehr	Pott	Vroon
Gamble	Levi	Ryan	Weidner
Garzia	Mackowski	Salvatore	Wenger
Geesey	Madigan	Scheaffer	Yohn
Gillette	Mebus	Schweder	Zearfoss
Goebel	Miller	Scirica	Zord
Halverson			

NAYS—134

Abraham	Englehart	Livengood	Rieger
Armstrong	Fee	Logue	Ritter
Arthurs	Fischer, R. R.	Lynch	Ruggiero
Barber	Fisher, D. M.	Manderino	Scanlon
Bellomini	Flaherty	Manmiller	Schmitt
Beloff	Foster, W.	McCall	Shupnik
Bennett	Freind	McClatchy	Spencer
Berlin	Gallagher	McGinnis	Stapleton
Berson	Gatski	McIntyre	Stewart
Bittinger	George, C.	McLane	Stuban
Borski	George, M.	Meluskey	Sweet
Brown	Giammarco	Milanovich	Taddonio
Brunner	Gleeson	Milliron	Taylor, F.

Burd	Goodman	Morris	Tenaglio
Burns	Gray	Mowery	Trello
Caltagirone	Greenfield	Mrkonic	Valicenti
Caputo	Greenleaf	Mullen, M. P.	Wansacz
Cassidy	Grieco	Mullen, M. M.	Wargo
Cessar	Harper	Musto	Wass
Cianciulli	Hasay	Novak	White
Cimini	Haskell	O'Brien, B.	Wiggins
Cohen	Hayes, D. S.	O'Keefe	Williams
Cole	Hoeffel	Oliver	Wilson
Cowell	Hopkins	Petrarca	Wilt
Davies	Hutchinson, A.	Pievsky	Wise
DeMedio	Hutchinson, W.	Polite	Wright, D.
DeWeese	Johnson	Pratt	Wright, J. L.
DiCarlo	Jones	Prendergast	Yahner
Dininni	Kelly	Pyles	Zeller
Dombrowski	Kernick	Rappaport	Zitterman
Donatucci	Kolter	Ravenstahl	Zwinkl
Doyle	Kowalshyn	Reed	
Duffy	Letterman	Renwick	Irvis,
Dumas	Lincoln	Richardson	Speaker

NOT VOTING—5

Geisler	Rhodes	Shelton	Wagner
O'Donnell			

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

On the question recurring, Shall the bill pass finally?

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

Mr. ZEARFOSS. I guess the Senate can always clean it up.

On the question recurring, Shall the bill pass finally?

Agreeable to the provision of the Constitution, the following roll call was recorded:

YEAS—179

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

DeVerter	Hutchinson, W.	Piccola	Wenger
DeWeese	Johnson	Pievsky	White
DiCarlo	Jones	Polite	Wiggins
Dietz	Katz	Pott	Williams
Dininni	Kelly	Pratt	Wilson
Dombrowski	Kernick	Prendergast	Wilt
Donatucci	Klingaman	Rappaport	Wise
Doyle	Knepper	Ravenstahl	Wright, D.
Duffy	Kolter	Reed	Wright, J. L.
Dumas	Kowalyszyn	Renwick	Yahner
Englehart	Lehr	Richardson	Yohn
Fee	Letterman	Rieger	Zeller
Fischer, R. R.	Levi	Ritter	Zitterman
Fisher, D. M.	Livengood	Ruggiero	Zwinkl
Flaherty	Logue	Ryan	
Foster, A.	Lynch	Salvatore	Irvis,
Foster, W.	Mackowski	Scanlon	Speaker
Freind			

NAYS—15

Anderson	Geesey	Mebus	Shuman
Caputo	Itkin	Miscevich	Zearfoss
Dorr	Laughlin	Pitts	Zord
Gallen	Lincoln	Pyles	

NOT VOTING—6

Geisler	Oliver	Shelton	Wagner
O'Donnell	Rhodes		

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

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

QUESTION OF PERSONAL PRIVILEGE

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

Mr. A. K. HUTCHINSON. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. A. K. HUTCHINSON. I was voted in the negative on HB 1171 and I wish to be voted in the affirmative.

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

STATEMENT BY MR. BELLOMINI

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

Mr. BELLOMINI. I will be very brief.

Mr. Speaker, as chairman of the Transportation Committee, I want to thank all the members for their important contributions and their work on HB 1171 under very difficult circumstances today.

This is very important legislation which touches almost every citizen of Pennsylvania and deserves our attention at any time of the year, including budget time. Thank you.

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

Mr. CAPUTO. I would like to be recognized for announcement before we adjourn for the day.

Thank you, Mr. Speaker.
The SPEAKER. The Chair will return to the gentleman for the gentleman's chance to make the announcement.

HB 1197 TABLED

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

Mr. YAHNER. Mr. Speaker, I move that HB 1197, PN 1598, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

HB 1197 TAKEN FROM TABLE

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

Mr. GREENFIELD. Would it be in order to move to remove it from the table so we can let it start running again?

The SPEAKER. Yes, that motion may be made instantaneously.

Mr. GREENFIELD. I so move, Mr. Speaker, that HB 1197, PN 1598, be taken from the table.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—178

Abraham	Foster, W.	Lynch	Salvatore
Anderson	Freind	Mackowski	Scanlon
Armstrong	Fryer	Madigan	Scheaffer
Arthurs	Gallagher	Mandirino	Schmitt
Barber	Gallen	Manmiller	Schweder
Bellomini	Gamble	McCall	Scirica
Beloff	Garzia	McClatchy	Seltzer
Bennett	Gatski	McGinnis	Shuman
Berlin	Geesey	McLane	Shupnik
Berson	George, C.	Mebus	Smith, E.
Bittinger	George, M.	Meluskey	Spencer
Bittle	Giammarco	Milanovich	Stairs
Borski	Gillette	Miller	Stapleton
Brandt	Gleeson	Milliron	Stewart
Brown	Goebel	Miscevich	Stuban
Brunner	Goodman	Moehlmann	Sweet
Burd	Gray	Morris	Taddonio
Burns	Greenfield	Mowery	Taylor, E.
Butera	Greenleaf	Mrkonic	Taylor, F.
Caltagirone	Grieco	Mullen, M. P.	Tenaglio
Caputo	Halverson	Mullen, M. M.	Thomas
Cassidy	Hamilton	Musto	Trello
Cessar	Harper	Novak	Valicenti
Cimini	Hasay	Noye	Vroon
Cohen	Hayes, D. S.	O'Brien, B.	Wansacz
Cole	Hayes, S. E.	O'Brien, D.	Wargo
Cowell	Helfrick	O'Connell	Wass
Davies	Hoeffel	O'Keefe	Weidner
DeMedio	Honaman	Oliver	Wenger
DeVerter	Hopkins	Pancoast	White
DeWeese	Hutchinson, A.	Parker	Wiggins
DiCarlo	Hutchinson, W.	Petrarca	Williams
Dietz	Itkin	Pitts	Wilt
Dininni	Katz	Polite	Wise
Dombrowski	Kelly	Pratt	Wright, D.
Donatucci	Kernick	Prendergast	Wright, J. L.
Dorr	Klingaman	Pyles	Yahner
Doyle	Kolter	Rappaport	Yohn

Duffy	Kowalyshyn	Ravenstahl	Zeller
Dumas	Laughlin	Reed	Zitterman
Englehart	Lehr	Renwick	Zord
Fee	Letterman	Richardson	Zwinkl
Fischer, R. R.	Levi	Ritter	
Flaherty	Livengood	Ruggiero	Irvis,
Foster, A.	Logue	Ryan	Speaker

NAYS—10

Fisher, D. M.	Lincoln	Sirianni	Wilson
Haskell	Piccola	Spitz	Zearfoss
Knepper	Pott		

NOT VOTING—12

Cianciulli	Jones	Pievsky	Shelton
Geisler	McIntyre	Rhodes	Smith, L.
Johnson	O'Donnell	Rieger	Wagner

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

ANNOUNCEMENTS

The SPEAKER. For the information of the members of the House, before we take the motion from the gentleman, Mr. Greenfield, the Chair has been informed that the two Senate conferees of the Conference Committee on SB 770 have resigned and they have been replaced by appointment by the President pro tempore. There is no need for the House to take any action in such a situation from a parliamentary point of view. The conferees are scheduled to meet tomorrow morning again.

For that reason, the House will not be in session tomorrow morning. The adjournment motion will be at 1 o'clock tomorrow afternoon, when, hopefully, we will have a committee of conference report to place before the two caucuses. If that committee of conference report is available, then all action on the floor of the House will cease so that we may recess for party caucuses on the report.

One other announcement while the Chair has the microphone and the attention of the members: The Speaker did talk to the Governor and to the budget people in the Governor's office on the query that was raised on this floor earlier and the Speaker was accurate in saying that everything would not come to a halt as of midnight tonight. But during this week—some people might want to hear this—the last pay checks which can be written will have been written by Friday. There will be no further pay checks except some very minor ones in certain small divisions written after Friday of this week. This is a fact and not just rumor.

RULES SUSPENDED TO ADD AND DELETE SPONSORS

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I move that the rules of the House of Representatives be suspended to permit additions and deletions of sponsors on the following bills:

ADDITIONS

HB 406, Carmel Sirianni #103; HB 693, Stewart J. Greenleaf #141; HB 1205, Stephen R. Reed #131; HB 1473, Stephen R.

Reed #131 and HB 1473, Marvin Miller, Jr. #107.

DELETIONS

HB 606, George Misceovich #136 and HB 511, Joseph Levi #86.

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

The following roll call was recorded:

YEAS—176

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

NAYS—7

Fisher, D. M.	Pratt	Weidner	Zearfoss
Piccola	Spitz	Wilson	

NOT VOTING—17

Cianciulli	McIntyre	Pievsky	Scanlon
Geisler	Noye	Ravenstahl	Shelton
Giammarco	O'Donnell	Rhodes	Wagner
Knepper	Oliver	Rieger	White
Logue			

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

ANNOUNCEMENT

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

Mr. CAPUTO. Mr. Speaker, I would like the Democratic members of the House from Allegheny County to meet with me tomorrow morning at 11 o'clock in the majority caucus room.

CONSUMER AFFAIRS MEETING CANCELLED

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

Mr. SCHMITT. Mr. Speaker, I would like to announce that the scheduled meeting of the Consumer Affairs Committee for tomorrow morning at 9 o'clock has been cancelled. However, there will be a meeting Wednesday morning at 9 o'clock, in room 401. But the meeting tomorrow morning is cancelled.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

LEGISLATION TO BE INTRODUCED

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I appreciate your dedicating 6 o'clock each evening to the David Wright Hour.

On Thursday, I spoke to the House briefly on a subject of some concern to me and, I was gratified to learn, of some concern to the other members of the House. I spoke, of course, with regard to the Committee of Conference being secret.

Since I spoke to you on that matter, the Commonwealth Court has ruled that those proceedings are in fact illegally held secretly. As a result of that ruling, certain Senators have said that they will appeal the ruling of that Court; failing the appeal, they will ask the Supreme Court to rule the "Sunshine" law unconstitutional as it relates to the actions of the legislature.

Now I do not know how you feel about that, but I am somewhat offended by it. It is a kind of an arrogance of power that says we will do what we want to do, when we want to do it, where we want to do it and to whom we want to do it. And, to the extent that it is possible, I wish to disassociate myself from that and, in order to do that, I am introducing legislation tonight that will make it illegal to expend Commonwealth

funds to litigate in any manner the appeal from the Brutto-Cianfrani case.

I have not asked anyone to sign this bill; it may be controversial. I have not thought to impose on you to do that.

I will leave it at the desk of the clerk. If you would like to associate yourself with this move, I would be very pleased to have you with me.

This is simply a move—perhaps ill-fated, but a move—to say that we do not want to associate ourselves with a move that would use public funds to shut out the public from its own business.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair is pleased to welcome to the hall of the House a former member of this House, the Honorable Charles Dager, who is a guest of the Montgomery County delegation.

Will the Honorable Charles Dager please rise to be greeted by his colleagues in the House?

WELCOME

The SPEAKER. The Chair wishes to make an announcement. The Chair welcomes Elaine Balaban and Rita Balaban, the daughters of a close friend of many members of the House, the former Parliamentarian, Thomas Balaban.

They are the guests of Representative Mowery of Cumberland County.

NO FURTHER BUSINESS

The SPEAKER. Does the majority whip have any further business?

Mr. GREENFIELD. No, Mr. Speaker.

The SPEAKER. Does the minority whip have any further business?

Mr. RYAN. No, Mr. Speaker.

ADJOURNMENT

Mr. MADIGAN moved that this House do not adjourn until Tuesday, July 19, 1977, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 6:03 p.m., e.d.t.) the House adjourned.