

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JANUARY 29, 1980

Session of 1980

164th of the General Assembly

No. 6

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE STEVE SEVENTY, member of the House of Representatives and guest chaplain, offered the following prayer:

Almighty Father, we thank You for letting us share in the fellowship of each other.

May we discover Your will through the wisdom and justice of what we legislate here today.

Help us to seek the common good of all our people by sharing together in what is best for those who depend on our judgment and our sense of fair play.

This we ask in the name of Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, January 28, 1980, will be postponed until printed.

JOURNAL APPROVAL

The SPEAKER. Are there any corrections to the Journal of Monday, January 21, 1980?

If not, and without objection, the Journal is approved.

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I know that a number of the members are still in their offices preparing to come to the floor. I think they should come prepared to work on SB 65 immediately. So those of you who are within the sound of my voice, bring your amendments. There are some 27 amendments scheduled to be considered.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2185 By Representatives HASAY, SHUPNIK, COSLETT, MUSTO AND B. F. O'BRIEN.

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing a procedure for the review and approval by legislative committees of proposed State mental hospital closings or substantial reductions in patients or staff.

Referred to Committee on STATE GOVERNMENT.

No. 2186 By Representatives LIVENGOOD, WHITE, PETRARCA, J. J. JOHNSON, GALLEN, OLIVER, SCHMITT, WASS, BURD, C. GEORGE, D. R. WRIGHT, STEIGHNER, RODGERS, FEE, ZITTEMAN, F. TAYLOR, YAHNER, LETTERMAN, B. F. O'BRIEN, McCALL, KUKOVICH, GREENFIELD, PIEVSKY, MULLEN, B. D. CLARK, DeWEESE, COWELL, CHESS, WACHOB AND HALVERSON.

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled "An act providing for the spouse or children of firemen or law enforcement officers killed in the performance of their duties," extending the benefits of the act to parents of unmarried firemen and law enforcement officers.

Referred to Committee on STATE GOVERNMENT.

No. 2187 By Representative LAUGHLIN.

An Act amending the "Fuel Use Tax Act," approved January 14, 1952 (1951 P. L. 1965, No. 550), excluding public transportation vehicles operated under contract with a transit authority from the tax.

Referred to Committee on TRANSPORTATION.

No. 2188 By Representative LAUGHLIN.

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), excluding public transportation vehicles operated under contract with a transit authority from the tax.

Referred to Committee on TRANSPORTATION.

No. 2189 By Representatives EARLEY, LEVIN AND RYAN.

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the payment of interest on certain judgments.

Referred to Committee on JUDICIARY.

No. 2190 By Representatives DAWIDA, IRVIS, SEVENTY, MURPHY, KNIGHT, KUKOVICH, MICHLOVIC, ITKIN, CHESS AND McVERRY.

An Act providing for the release of certain Project 500 Land situated in the City of Pittsburgh, Allegheny County from restrictions on use or other encumbrances so that it may be conveyed for use in conjunction with nonprofit senior citizens housing.

Referred to Committee on APPROPRIATIONS.

No. 2191 By Representative McCLATCHY.

An Act making an appropriation to the Beaver County Association for the Blind.

Referred to Committee on APPROPRIATIONS.

No. 2192 By Representatives YAHNER, THOMAS, HELFRICK, COLE, STUBAN, CALTAGIRONE, BENNETT, C. GEORGE, WACHOB, FEE, A. K. HUTCHINSON, LIVENGOOD, LETTERMAN AND D. R. WRIGHT.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for the exclusion of certain tree seedlings from the sales and use tax.

Referred to Committee on FINANCE.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 165
(Concurrent) By Representatives MOWERY, JONES, MILLER, PETERSON, CORNELL, SCHEAFFER, REED, ARTY AND GANNON.

General Assembly recognize the week of February 10-16, 1980, as Pennsylvania "Rock 'N Roll Jamboree Week," in cooperation with the American Health Care Association.

Referred to Committee on RULES.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

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

SB 373, PN 377

Referred to Committee on Urban Affairs.

LEAVE OF ABSENCE GRANTED

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

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Mr. Speaker, I request leave of absence for Mr. PIEVSKY for today's session.

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report to the floor. The Chair is about to take the master roll. Only those members in their seats will be recorded. The members will proceed to vote.

The following roll call was recorded:

YEAS—189

Alden	Foster, W. W.	Livengood	Ryan
Anderson	Foster, Jr., A.	Lynch, E. R.	Salvatore
Armstrong	Freind	McCall	Scheaffer
Arty	Fryer	McClatchy	Schmitt
Austin	Gallagher	McIntyre	Schweder
Barber	Gallen	McKelvey	Serafini
Belardi	Gamble	McMonagle	Seventy
Beloff	Gannon	McVerry	Shadding
Bennett	Gatski	Mackowski	Shupnik
Berson	Geesey	Madigan	Sieminski
Bittle	Geist	Manderino	Sirianni
Borski	George, C.	Manmiller	Smith, E. H.
Bowser	George, M. H.	Michlovic	Smith, L. E.
Brandt	Gladeck	Micozzie	Spencer
Brown	Goebel	Milanovich	Spitz
Burd	Goodman	Miller	Stairs
Burns	Grabowski	Moehlmann	Steighner
Caltagirone	Gray	Mowery	Stewart
Cappabianca	Greenfield	Mrkonic	Street
Cessar	Grieco	Mullen	Stuban
Chess	Gruppo	Murphy	Sweet
Cimini	Halverson	Musto	Swift
Clark, B. D.	Harper	Nahill	Taddonio
Clark, M. R.	Hasay	Novak	Taylor, E. Z.
Cochran	Hayes, Jr., S.	Noye	Taylor, F.
Cohen	Helfrick	O'Brien, B. F.	Telek
Cole	Hoeffel	O'Brien, D. M.	Thomas
Cornell	Honaman	O'Donnell	Trello
Coslett	Hutchinson, A.	Oliver	Vroon
Cowell	Hutchinson, W.	Perzel	Wachob
Cunningham	Itkin	Peterson	Wargo
DeMedio	Johnson, E. G.	Petrarca	Wass
DeVerter	Johnson, J. J.	Piccola	Wenger
DeWeese	Jones	Pistella	White
DiCarlo	Kanuck	Pitts	Wilson
Davies	Klingaman	Polite	Wilt
Dawida	Knepper	Pott	Wright, D. R.
Dietz	Knight	Pratt	Wright, Jr., J.
Dininni	Kolter	Pucciarelli	Yahner
Dombrowski	Kowalyshyn	Punt	Yohn
Dorr	Kukovich	Pyles	Zeller
Duffy	Lashinger	Rappaport	Zitterman
Dumas	Laughlin	Reed	Zord
Durham	Lehr	Richardson	Zwilk
Earley	Letterman	Rieger	
Fee	Levi	Ritter	Seltzer,
Fischer	Levin	Rocks	Speaker
Fisher	Lewis	Rodgers	

NAYS—0

NOT VOTING—7

Giammarco	Irvs	Rhodes	Williams
Hayes, D. S.	Pievsky	Weidner	

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

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 2123, PN 2726; HB 1369, PN 1546; and SB 188, PN 1440.

SPECIAL ORDER OF BUSINESS

RESOLUTION ADOPTED

Mr. GOEBEL called up **HR 51, PN 2756**, entitled:

General Assembly urge Congress reallocate originally eligible funds for construction and reconstruction of highways and bridges.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—182

Alden	Foster, W. W.	Lewis	Ryan
Anderson	Foster, Jr., A.	Livengood	Salvatore
Armstrong	Freind	Lynch, E. R.	Scheaffer
Arty	Fryer	McCall	Schmitt
Austin	Gallagher	McClatchy	Schweder
Barber	Gallen	McIntyre	Serafini
Belardi	Gamble	McKelvey	Seventy
Beloff	Gannon	McMonagle	Shadding
Bennett	Gatski	McVerry	Shupnik
Berson	Geesey	Mackowski	Sieminski
Bittle	Geist	Manderino	Sirianni
Borski	George, C.	Manmiller	Smith, E. H.
Bowser	George, M. H.	Michlovic	Smith, L. E.
Brandt	Gladeck	Micozzie	Spencer
Brown	Goebel	Milanovich	Spitz
Burns	Goodman	Miller	Stairs
Caltagirone	Grabowski	Moehlmann	Steighner
Cappabianca	Gray	Mowery	Stewart
Cessar	Greenfield	Mrkonic	Stuban
Chess	Grieco	Mullen	Sweet
Cimini	Gruppo	Murphy	Swift
Clark, B. D.	Halverson	Musto	Taddonio
Clark, M. R.	Harper	Nahill	Taylor, E. Z.
Cochran	Hasay	Novak	Taylor, F.
Cohen	Hayes, Jr., S.	Noye	Telek
Cole	Helfrick	O'Brien, B. F.	Thomas
Cornell	Hoeffel	O'Brien, D. M.	Trello
Coslett	Honaman	O'Donnell	Vroon
Cowell	Hutchinson, A.	Oliver	Wachob
Cunningham	Itkin	Perzel	Wargo
DeMedio	Johnson, E. G.	Peterson	Wass
DeVerter	Johnson, J. J.	Petrarca	Wenger
DeWeese	Jones	Piccola	White
DiCarlo	Kanuck	Pistella	Wilson
Davies	Klingaman	Pitts	Wilt
Dawida	Knepper	Pott	Wright, D. R.
Dietz	Knight	Pratt	Wright, Jr., J.
Dininni	Kolter	Pucciarelli	Yahner
Dombrowski	Kowalshyn	Punt	Yohn

Dorr	Kukovich	Pyles	Zeller
Duffy	Lashinger	Rappaport	Zitterman
Dumas	Laughlin	Reed	Zord
Durham	Lehr	Rieger	Zwilk
Earley	Letterman	Ritter	
Fee	Levi	Rocks	Seltzer,
Fischer	Levin	Rodgers	Speaker

NAYS—0

NOT VOTING—14

Burd	Hutchinson, W.	Polite	Street
Fisher	Irvs	Rhodes	Weidner
Giammarco	Madigan	Richardson	Williams
Hayes, D. S.	Pievsky		

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

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1057, PN 2037**, entitled:

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), prohibiting fee sharing among borough officers, employes and consultants or persons contracting for personal services with the borough.

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

Mr. PRATT offered the following amendment:

Amend Sec. 1 (Sec. 1402), page 1, lines 13 through 20; page 2, lines 1 through 25, by striking out all of said lines on said pages and inserting

(f) No person, consultant, firm or corporation contracting with the borough for purposes of rendering personal or professional services to the borough shall share with any borough officer or employe, and no borough officer or employe shall accept, any portion of the compensation or fees paid by the borough for the contracted services provided to the borough except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the council of the borough.

(2) The council of the borough must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

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

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

Mr. PRATT. Mr. Speaker, this amendment basically guts my own bill which is currently on the calendar. In speaking with the members of the House Local Government Committee and leadership, I found that the language currently in the bill would have a far-reaching effect which would be detrimental to the operation of the borough.

Therefore, Mr. Speaker, what I have done is, I have, in working with the research staff of the House Local Government Committee, come up with satisfactory language which would do the same thing that we wanted to do in HB 1057, but using more accurate, if you will, language to correct the deficiency in the present bill.

Basically, what the amendment says is that if you are a consultant firm, corporation or person and you are contracting with a borough for the purposes of rendering personal or professional services to the borough, you cannot share any of your fee or compensation nor can any borough officer or employe accept any of that shared fee or compensation for those professional or personal services unless certain conditions are followed.

What this does, Mr. Speaker, is prohibit fee splitting without the consent of borough council. You must make disclosure to borough council that you are going to share the fee; council must approve it. You must actually do the work for the shared fee and you must not accept a fee which is greater than normally charged for those services being performed.

I do not believe that the leadership on the Republican side of the aisle has any problems with this language, but I ask that this language be adopted to amend HB 1057.

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

The following roll call was recorded:

YEAS—175

Alden	Fischer	Levi	Reed
Anderson	Fisher	Levin	Rieger
Armstrong	Foster, W. W.	Lewis	Ritter
Arty	Foster, Jr., A.	Livengood	Rocks
Austin	Freind	Lynch, E. R.	Rodgers
Barber	Fryer	McCall	Ryan
Belardi	Gallagher	McClatchy	Salvatore
Bennett	Gallen	McIntyre	Scheaffer
Berson	Gamble	McKelvey	Schmitt
Bittle	Gannon	McMonagle	Schweder
Borski	Gatski	McVerry	Serafini
Bowser	Geesey	Mackowski	Shadding
Brandt	Geist	Madigan	Shupnik
Brown	George, C.	Manderino	Sieminski
Burd	George, M. H.	Manmiller	Smith, E. H.
Burns	Gladeck	Michlovic	Smith, L. E.
Caltagirone	Goebel	Micozzie	Spencer
Cappabianca	Goodman	Milanovich	Stewart
Cessar	Grabowski	Miller	Steighner
Chess	Gray	Moehimann	Stewart
Cimini	Greenfield	Mowery	Suban
Clark, B. D.	Grieco	Mrkonic	Sweet
Clark, M. R.	Gruppo	Mullen	Swift
Cochran	Halverson	Murphy	Taddonio
Cohen	Harper	Musto	Taylor, E. Z.
Cole	Hasay	Nahill	Taylor, F.
Cornell	Hayes, Jr., S.	Novak	Telek
Coslett	Helfrick	Noye	Thomas
Cowell	Hoeffel	O'Brien, D. M.	Trello
Cunningham	Honaman	O'Donnell	Vroon
DeMedio	Hutchinson, W.	Oliver	Wachob
DeVerter	Itkin	Perzel	Wargo
DeWeese	Johnson, E. G.	Peterson	Wass
DiCarlo	Kanuck	Petrarca	Wenger
Davies	Klingaman	Piccola	Wilson
Dawida	Knepper	Pistella	Yahner
Dietz	Knight	Pitts	Yohn
Dininni	Kolter	Polite	Zeller
Dombrowski	Kowalyshyn	Pott	Zitterman

Dorr	Kukovich	Pratt	Zord
Duffy	Lashinger	Pucciarelli	Zwikl
Dumas	Laughlin	Punt	
Durham	Lehr	Pyles	Seltzer,
Earley	Letterman	Rappaport	Speaker
Fee			

NAYS—0

NOT VOTING—21

Beloff	Jones	Seventy	White
Giammarco	O'Brien, B. F.	Sirianni	Williams
Hayes, D. S.	Pievsky	Stairs	Wilt
Hutchinson, A.	Rhodes	Street	Wright, D. R.
Iris	Richardson	Weidner	Wright, Jr., J.
Johnson, J. J.			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—176

Alden	Fisher	Lewis	Ritter
Anderson	Foster, W. W.	Livengood	Rocks
Armstrong	Foster, Jr., A.	Lynch, E. R.	Rodgers
Arty	Freind	McCall	Ryan
Austin	Fryer	McClatchy	Salvatore
Barber	Gallen	McIntyre	Scheaffer
Belardi	Gamble	McKelvey	Schmitt
Bennett	Gannon	McMonagle	Serafini
Bittle	Gatski	McVerry	Shadding
Borski	Geesey	Mackowski	Shupnik
Bowser	Geist	Madigan	Sieminski
Brandt	George, C.	Manderino	Sirianni
Brown	George, M. H.	Manmiller	Smith, E. H.
Burd	Gladeck	Michlovic	Spitz
Burns	Goebel	Micozzie	Stairs
Caltagirone	Goodman	Milanovich	Steighner
Cappabianca	Grabowski	Miller	Stewart
Cessar	Gray	Moehimann	Sweet
Chess	Greenfield	Mowery	Swift
Cimini	Grieco	Mrkonic	Taddonio
Clark, B. D.	Gruppo	Murphy	Taylor, E. Z.
Clark, M. R.	Halverson	Musto	Taylor, F.
Cochran	Harper	Nahill	Telek
Cohen	Hasay	Novak	Thomas
Cole	Hayes, Jr., S.	Noye	Trello
Cornell	Helfrick	O'Brien, B. F.	Vroon
Coslett	Hoeffel	O'Brien, D. M.	Wachob
Cowell	Honaman	O'Donnell	Wargo
Cunningham	Hutchinson, A.	Oliver	Wass
DeMedio	Hutchinson, W.	Perzel	Wenger
DeVerter	Itkin	Peterson	White
DeWeese	Johnson, E. G.	Petrarca	Wilson
DiCarlo	Kanuck	Piccola	Wilt
Davies	Klingaman	Pistella	Wright, D. R.
Dawida	Knepper	Pitts	Wright, Jr., J.
Dietz	Knight	Polite	Yahner
Dininni	Kolter	Pott	Yohn
Dombrowski	Kowalyshyn	Pratt	Zeller
Dorr	Kukovich	Pucciarelli	Zitterman
Duffy	Lashinger	Punt	Zord
Dumas	Laughlin	Pyles	Zwikl
Durham	Lehr	Rappaport	
Earley	Letterman	Reed	Seltzer,

Fee	Levi	Rieger	Speaker
Fischer	Levin		

NAYS—0

NOT VOTING—20

Beloff	Irvis	Rhodes	Spencer
Berson	Johnson, J. J.	Richardson	Street
Gallagher	Jones	Schweder	Stuban
Giammarco	Mullen	Seventy	Weidner
Hayes, D. S.	Pievsky	Smith, L. E.	Williams

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.

REMARKS ON VOTES

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

Mr. SEVENTY. Mr. Speaker, I wanted to vote "yes" on the Pratt amendment A4392, and "yes" on the vote on HB 1057. My button does not seem to be working.

Have I been recorded in the affirmative?

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

CALENDAR CONTINUED

The House proceeded to third consideration of **HB 383, PN 2453**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

HB 383 RECOMMITTED

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

Mr. COWELL. Mr. Speaker, did I hear you say HB 333? I believe we are on HB 383.

The SPEAKER. We are on HB 383, on page 5 of today's calendar.

Mr. COWELL. Mr. Speaker, I move that we recommit HB 383 to the State Government Committee.

If I may, Mr. Speaker, I would like to make a brief remark to explain my reasons.

The SPEAKER. It has been moved by the gentleman from Allegheny, Mr. Cowell, that HB 383 be recommitted to the Committee on State Government.

The question is on the motion.

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

Mr. COWELL. Mr. Speaker, I think there are two major reasons why we should recommit HB 383 to the State Government Committee from which it came.

First of all, although this bill, in its current form, attempts to amend certain provisions of the election law, unfortunately, this law has for quite some time—or this proposed law for quite some time—has been stigmatized as a right to work bill. I continued until this current week to receive letters on both sides of this issue, for this bill and against this bill, characterizing it as something to do with right to work. I think proponents as well as opponents of the bill in this chamber recognize that that is not necessarily so. But, unfortunately, too many people among the general public, too many voters who have been lobbied for action on this bill on one side of the issue or another have been led to believe that it has something to do with the right to work. I think it would be wrong for us to consider the bill at this time as long as it remains stigmatized.

Secondly, the bill does propose certain important changes to the election law at a time when we are approaching an election. I think that perhaps rather than clarifying the law, it might add more confusion to the process at this point in time. I am concerned about the provisions because they remain inconsistent with Federal law as they seek to address the issues that are addressed or seek to be addressed by HB 383. So I think that additional work needs to be done in committee.

Therefore, I ask that we recommit HB 383 to the State Government Committee.

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

Mr. FREIND. I oppose the motion to recommit HB 383 to the State Government Committee.

First, as the prime sponsor of this bill, I have never, in any way, indicated it was a right to work bill. If it were, I would be more than happy to say so. It is not. So, I do not think we should be penalized for what certain people may believe. As a matter of fact, I think one of the problems with the bill is because the particular organization that happens to support it is becoming an emotional issue.

Secondly, a tremendous amount of work has gone into this bill. It was reported out of the State Government Committee. Several months ago I requested that it be recommitted. Several amendments were drafted to it and were passed. The State Government Committee and I have attempted to work very closely with all parties, including labor, on this bill. We have taken into consideration some 10 of their objections and drafted an amendment which passed and changed the bill with respect to these 10 objections.

I will not discuss the merits of the bill now, but it is an important one and I think we owe it to ourselves to at least vote the issue one way or another. Referring it to the State Government Committee will do nothing. The work has been done; it is either yes or no. I do hope we have the courage to vote it up or vote it down. I would ask your assistance in voting down this motion. Thank you, Mr. Speaker.

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

Mr. GALEN. Mr. Speaker, the State Government Committee did a tremendous amount of work and attempted to meet all of the objections that were voiced in opposition to this bill. We think we did clean it up. It is a good bill, and I ask that the bill not be recommitted.

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

Mr. GLADECK. Mr. Speaker, I would just like to urge my fellow members in the General Assembly to vote against this proposal.

I think that it is deplorable, as a new member in this House, that we refuse to face the issues that are of utmost importance to many, many people in the State of Pennsylvania. It seems to be the policy of this House that when we refuse or when we do not care to put a controversial vote on the board, we recommit a bill.

I feel that what Mr. Freind has said is absolutely correct. The issues are evident and it is evident that you can either vote "yes" or "no."

I feel that this bill itself is not a right to work bill. I feel that it benefits the rank-and-file union members and I challenge anyone of you to try and explain a "no" vote on the bill to an individual member, and not, of course, to the leadership of the unions.

I would certainly urge a "no" vote on this proposal. Thank you.

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

Mr. RITTER. Mr. Speaker, I urge a vote to recommit.

As I read over the bill, I find again that there have been some extensive changes in terms of campaign reporting and campaign disclosure. If you can recall the chaos that we created the last time we changed the election laws, I would suggest to you that we ought to recommit this bill. We are in the midst of an election ourselves. This bill takes effect in 60 days. The penalty for any candidate, et cetera, who accepts these contributions is severe and I think we are making a bad mistake and we are taking a chance on having innocent candidates and political committees subjected to this law. I think it is not fair to do it in this atmosphere, and we ought to recommit the bill and take another look at it. I urge a vote to recommit.

The SPEAKER. The question is on the motion to recommit HB 383 to the State Government Committee. Those in favor of recommitting will vote "aye"; those opposed, "no." The members will proceed to vote.

(Members proceeded to vote.)

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

The SPEAKER. Will the gentleman yield until the rollcall is completed?

Mr. RICHARDSON. I was trying to get on the master roll, Mr. Speaker.

The SPEAKER. The gentleman's name can only be added to the master roll when this roll has been completed.

Mr. RICHARDSON. I am in my seat and I cannot vote?

The SPEAKER. Will the gentleman, Mr. Richardson, indicate how he would like to be recorded?

Mr. RICHARDSON. I want to be recorded in the affirmative on this motion to recommit HB 383, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and he will be so recorded. His name will be added to the master roll at the end of this vote, but he will be recorded on this vote.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—125

Arty	Fee	Laughlin	Ritter
Austin	Fryer	Letterman	Rocks
Barber	Gallagher	Levin	Rodgers
Belardi	Gamble	Livengood	Schmitt
Beloff	Gannon	McCall	Schweder
Bennett	Gatski	McIntyre	Serafini
Berson	George, C.	McKelvey	Seventy
Borski	George, M. H.	McMonagle	Shadding
Brown	Goebel	Manderino	Shupnik
Burns	Goodman	Michlovic	Sieminski
Caltagirone	Grabowski	Micozzie	Spitz
Cappabianca	Gray	Milanovich	Stairs
Chess	Greenfield	Miller	Steighner
Cimini	Grieco	Mrkonic	Stewart
Clark, B. D.	Gruppo	Mullen	Stuban
Clark, M. R.	Halverson	Murphy	Sweet
Cochran	Harper	Musto	Taddonio
Cohen	Hasay	Novak	Taylor, F.
Cole	Helfrick	O'Brien, B. F.	Telek
Coslett	Hoefel	O'Donnell	Trello
Cowell	Hutchinson, A.	Oliver	Wachob
DeMedio	Hutchinson, W.	Perzel	Wargo
DeVerter	Itkin	Petrarca	Wass
DeWeese	Johnson, J. J.	Piccola	White
DjCarlo	Jones	Pistella	Wright, D. R.
Davies	Kanuck	Pratt	Wright, Jr., J.
Dawida	Klingaman	Pucciarelli	Yahner
Dombrowski	Knight	Rappaport	Yohn
Duffy	Kolter	Reed	Zeller
Dumas	Kowalyshyn	Richardson	Zitterman
Durham	Kukovich	Rieger	Zwilk
Earley			

NAYS—61

Alden	Foster, Jr., A.	Mackowski	Scheaffer
Anderson	Freind	Madigan	Sirianni
Armstrong	Gallen	Manmiller	Smith, E. H.
Bittle	Geesey	Moehlmann	Spencer
Bowser	Geist	Mowery	Swift
Brandt	Gladeck	Nahill	Taylor, E. Z.
Burd	Hayes, Jr., S.	Noye	Thomas
Cessar	Honaman	O'Brien, D. M.	Vroon
Cornell	Johnson, E. G.	Peterson	Wenger
Cunningham	Lashinger	Pitts	Wilson
Dietz	Lehr	Polite	Wilt
Dininni	Levi	Pott	Zord
Dorr	Lewis	Punt	
Fischer	Lynch, E. R.	Pyles	Seltzer,
Fisher	McClatchy	Ryan	Speaker
Foster, W. W.	McVerry	Salvatore	

NOT VOTING—10

Giammarco	Knepper	Smith, L. E.	Weidner
Hayes, D. S.	Pievsky	Street	Williams
Irvis	Rhodes		

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

The SPEAKER. The bill is so recommitted.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House Miss Elizabeth Anne Gilbert, a history teacher at Haverford Township Senior High School, and 15 Haverford seniors, who are participating in a special law seminar course. They are here today as the guests of Mr. Freind.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Mr. Speaker, I ask unanimous consent for the immediate consideration of a condolence resolution on the death of a former member of this House.

The following resolution was read by the clerk:

HOUSE OF REPRESENTATIVES

Harrisburg, Pa.

RESOLUTION

WHEREAS, John L. Brunner, a member of the Pennsylvania House of Representatives serving the forty-sixth Legislative District, passed away January 1, 1980, at the age fifty; and

WHEREAS, Mr. Brunner graduated from Duquesne University and Georgetown University Law School and served in the United States Army during the Korean War. He was a member of the Washington County and Pennsylvania Bar Associations and served as an assistant district attorney in Washington County from 1957 until 1960. He was first elected to the Pennsylvania House of Representatives in 1964 and reelected every consecutive term thereafter. He was minority chairman of the House Finance Committee and a member of the House Liquor Control Committee; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of John L. Brunner, a dedicated public servant and member of the Pennsylvania House of Representatives; and extends its heartfelt condolences to his wife, Frances Byrne Brunner; son, Michael; daughters, Mary Margaret and Monica; mother, Violet Brunner; brother, William and sisters, Geraldine Darras, Virginia Robertson and Alice Carnoli; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Frances Byrne Brunner, 15 Frederick Street, Burgettstown, Pennsylvania.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable K. Leroy Irvis, and adopted by the House of Representatives on the 22nd day of January 1980.

K. LEROY IRVIS, SPONSOR

H. JACK SELTZER,
SPEAKER

ATTEST:

CHARLES F. MEBUS,
Chief Clerk

On the question,

Will the House adopt the resolution?

The SPEAKER. Those in favor will rise and remain standing as a mark of respect.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to suggest that we recess now until 2 o'clock; that the Republicans report to the caucus room at 12:30 and be prepared to caucus on, and vote on, this afternoon, SB 65, the condominium bill; HB 1083, products liability, with a reconsideration of the amendment that Mr. Kukovich placed in that bill yesterday. I would ask that the Democratic caucus chairman also caucus on SB 764 with amendments so that it may be run first thing tomorrow morning, without the need of a further caucus on that particular bill. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority caucus chairman, Mr. Greenfield.

Mr. GREENFIELD. We will do likewise and go to caucus at 12:30. Please report promptly in the minority caucus room, so we can get started.

The SPEAKER. There will be a Democratic and Republican caucus at 12:30.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 2 p.m. The Chair hears none.

AFTER RECESS

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

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is my intention to first call HB 1083 for reconsideration of the Kukovich amendment, move to SB 915 on page 3, HB 1491, HB 1865, HB 2104, SB 65, and then adjourn for the day.

The SPEAKER. Would the majority leader like to have dinner sent in?

Mr. RYAN. Yes, Mr. Speaker. I saw one of your trucks out back with Lebanon bologna.

CALENDAR

BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 1083, PN 2775**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to product liability actions.

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

The question is, shall the bill pass finally?

RECONSIDERATION OF HB 1083

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

Mr. YOHN. Mr. Speaker, I move that the vote by which HB 1083 passed third reading as amended be reconsidered.

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

Mr. D. M. FISHER. I second the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RECONSIDERATION OF VOTE
ON AMENDMENT TO HB 1083

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

Mr. YOHN. Mr. Speaker, I move that the vote by which the Kukovich amendment A4531 was passed on the 28th day of January be reconsidered.

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

Mr. D. M. FISHER. I second the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

Mr. KUKOVICH reoffered the following amendments:

Amend Sec. 1 (Sec. 5537), page 1, lines 10 through 13; page 2, lines 1 through 9, by striking out all of said lines and inserting

(a) Useful safe life.—A manufacturer as defined in section 8352 (relating to definitions) may be liable for harm caused by the manufacturer's product during the useful safe life of that product. A manufacturer shall not be liable for injuries or damages caused by a product beyond its useful safe life unless the manufacturer has expressly warranted a longer useful safe life period during which such injuries or damages occurred. "Useful safe life" refers to the time during which the product reasonably can be expected to perform in a safe manner. In determining whether a product's useful safe life has expired, the trier of fact may consider:

(1) The effect on the product of wear and tear or deterioration from natural causes.

(2) The effect of climatic and other local conditions in which the product was used.

(3) The policy of the user and similar users as to repairs, renewals and replacements.

(4) Representations, instructions and warnings made by the product seller about the product's useful safe life.

(5) Any modification or alteration of the product by a user or third party.

(b) Statutes of repose.—

(1) A claimant entitled to compensation under the act of June 2, 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's Compensation Act," may bring a product liability action against a manufacturer under this subchapter for harm that occurs within 25 years after delivery of the completed product to its first purchaser or lessee who was not engaged in the business of selling products of that type. For a product liability claim involving harm which occurred more than 25 years after delivery of the completed product to its first purchaser or lessee who was not engaged in the business of selling products of that type, the presumption is that the product has been utilized beyond its useful safe life as established in subsection (a). Such presumption may be rebutted by a preponderance of the evidence. For the purposes of this title, a self-employed individual bringing a product liability action for harm caused by product use while such individual was engaged within the scope of his employment shall be deemed to be a claimant under this subsection.

(2) For product liability actions not included in paragraph (1) that involve harm occurring more than 12 years after delivery of the completed product to its first purchaser or lessee who was not in the business of selling products of that type, the presumption is that the product has been utilized beyond its useful safe life as established in subsection (a). Such presumption may be rebutted by a preponderance of the evidence.

Amend Sec. 1 (Sec. 5537), page 2, line 21 by striking out "(a)" and inserting (b)

Amend Sec. 1 (Sec. 5537), page 3, line 11, by striking out "(a)" and inserting (b)

On the question recurring,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, I am not exactly sure why we are reconsidering this. I do not think any new arguments have come to light. When we finished yesterday, the vote was 99 to 88. I am not going to reiterate any arguments that were made. However, I think it is important that we keep in mind the purpose of the amendment, in that it is a compromise and one which I argued yesterday evening was a reasonable compromise.

I think it is unfair to have an absolute bar to strict liability actions, and I think that the amendment that was put in last night was reasonable in that it addresses the difference between two very different types of products. It is also reasonable in that many of these product liability cases, whenever we are talking about so many varied types of product that have to be handled on a case-by-case basis, the useful safe life concept is the only logical way to proceed legally. I would like to give a couple of examples of why I think this is the proper approach.

I was fortunate enough to see a Sears 1979 third-quarter report to their stockholders which talked about their appliances, their products, and that they felt that they had a 15-year safe life. I talked to some executives of a manufacturing company, which will go unnamed, and their product was one that they felt should last at least 25 years, and it was interesting to me in some of the figures I saw that there was absolutely no correlation between the number of claims brought against them and the increase in their product liability rates.

As a matter of fact, in 1976, that was the year that they had the least number of claims for quite a period of time and that was the year that their insurance rates jumped the largest; obviously, that was an arbitrary increase. I would also add that the main argument for a statute of repose has been that the underwriters need certainty. I think that is a specious argument. I think that the current amendment provides certainty, probably even a little more certainty than the current law, and the fact remains that claims seem to have leveled off. There is no great excess right now in claims or in awards. So I can see no valid argument for going back to the original language of HB 1083, which has the statute of repose, and I would ask you to keep this amendment in the bill. Thank you, Mr. Speaker.

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

Mr. BURD. I wonder if the gentleman, Mr. Kukovich, would consent to a brief interrogation?

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

Mr. BURD. Mr. Speaker, in earlier testimony you made mention of the fact that the company, Sears, had made mention in a report that they felt that their manufactured products had a longevity of better than 15 years. I am not aware of anything that that company manufactures, Mr. Speaker. Could you tell me one thing that they actually manufacture?

Mr. KUKOVICH. Could I tell you one thing that they manufacture?

Mr. BURD. Yes.

Mr. KUKOVICH. Just about any household appliance.

Mr. BURD. They manufacture them or do they buy from a manufacturer?

Mr. KUKOVICH. They probably are involved in retailing and manufacturing.

Mr. BURD. I am sorry, I could not hear you.

Mr. KUKOVICH. They are involved in retailing and manufacturing.

Mr. Speaker, if I could finish answering the question. I think it is totally irrelevant. My point was we are talking about products that can or cannot be defective, and whether somebody is manufacturing and selling them. Whoever is holding that out is saying that these products will last for a certain amount of time. My point is that the 12-year period and the 25-year period for workplace or non-workplace products is a reasonable one. As a matter of fact, you even threw the 12-year period into the statute of repose. That is my point.

Mr. BURD. Well, my point being, Mr. Speaker, that I would like the Speaker to explain to me what items Sears actually manufactures that they would have the expertise to say that their products have a longevity or a better life than 12 or 15 years. That is the point I am trying to get across and what I am trying to understand in that testimony you just gave.

Mr. KUKOVICH. I did not hear the last part of that question.

Mr. BURD. Pardon?

Mr. KUKOVICH. I did not hear the last part of that question.

Mr. BURD. I am asking you what products Sears actually produces themselves. It was my understanding that Sears merely is a wholesale or retail outlet; that they buy from other companies. I am wondering where their expertise is, saying that their products are good for better than 12 years.

Mr. KUKOVICH. I do not know the workings of the Sears conglomerate, but I would assume since they would obviously enter into various agreements—

Mr. BURD. Well then, how can you substantiate your figures if you do not know the workings of the so-called conglomerate? That is what I do not understand.

Mr. KUKOVICH. Mr. Speaker, I do not intend to substantiate my figures. I am saying that the very company that wants this bill is admitting to my argument.

Mr. BURD. But do you not think it is reasonable to point out that the testimony you are giving may be even good testimony?

The SPEAKER. Will the gentleman yield? The gentleman, Mr. Kukovich, is entitled to respond to the question.

Has the gentleman, Mr. Kukovich, completed his answer?

Mr. KUKOVICH. I am not sure if he is still questioning me or not. I have been given information that Sears owns various companies such as Craftsman, which manufactures the tools they sell. I think the point of the questioning is totally irrelevant and I think the individual is trying to confuse this issue.

Mr. BURD. Mr. Speaker, I am not trying to confuse the issue; I am trying to clarify to the members of this House that I do not think the Sears Company actually manufactures any of the materials that they really sell. They are a wholesale-retail outlet and they buy from concerns that make these materials that they sell. And I wonder if your testimony is valid testimony, saying that they said that their materials were good for better than 15 years. That is the point I am trying to get across.

Mr. KUKOVICH. Mr. Speaker, if Sears does not know that, they had better get out of business.

Mr. BURD. Mr. Speaker, I have another question for Mr. Kukovich, if I may continue. You also, in testimony, said that you have figures from a factory that indicated that their products were worth more or had a longevity of better than 15 years. Can you elaborate further on that and tell me specifically what factory and what materials we are talking about?

Mr. KUKOVICH. It is Wean United of Pittsburgh, and they make drill presses, Mr. Speaker.

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

Mr. KUKOVICH. The factory is Wean United; it is based in Pittsburgh, and they make drill presses.

Mr. BURD. They make drill presses, and they are saying to you, in the form of a letter, that the machinery or the drill press or machine that they produce has a longevity of better than 15 years? Correct me if I am wrong. Was that your answer?

Mr. KUKOVICH. Could you repeat that, Mr. Speaker?

Mr. BURD. They are saying to you in the form of a letter, or they are saying to you or indicating to you that the machine that they are producing or the drill press that they produce in their company has a life expectancy of better than 15 years? Is that what you said?

Mr. KUKOVICH. That was a verbal communication, Mr. Speaker.

Mr. BURD. Mr. Speaker, on your amendment, may I ask this question: If that machine, that drill press that you are referring to, was bought by company A and altered in any way, would then that same machine company be liable for any malfunction that would cause an accident?

Mr. KUKOVICH. Are you talking about the original manufacturer?

Mr. BURD. Yes, I am.

Mr. KUKOVICH. Yes, they still could be.

Mr. BURD. Thank you, Mr. Speaker. I have a couple of comments, if you do not mind.

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

Mr. BURD. Mr. Speaker, we have worked long and hard on this particular product liability bill, and I think, through House and Senate, everyone has pretty well agreed that 12 years would be a time when a manufacturer would be liable, or a good time, an adequate time that a manufacturer would be liable for something that they would produce. We are dealing here not only with the manufacturer and the malfunctions of what he manufactures; we are dealing—and I am not a metallurgist, so I do not want to get into that field, but I do know that we are dealing—with certain things known as mental fatigue; we are dealing with people themselves who sometimes will bring on accidents that they do not want but, because of their own ignorance, they do not perform the proper things to keep themselves safe when running these types of machines. I therefore am asking that my colleagues on both sides of the aisle take a very close look at this Kukovich amendment and decide to vote “no” in this particular case for the simple reason that we are talking about business in this state of ours and in this country of ours. We are trying to do everything we can to help business, and, to me, this would be another deterrent to say to somebody from out of state, come to Pennsylvania; it is a good place to do business.

I feel very strongly about this particular subject and I would urge my colleagues on both sides of the aisle to vote down the Kukovich amendment. Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, I would also rise in opposition to the amendment. I think that the basic problem with the amendment proposed by the gentleman is the concept of useful safe life, because if there is anything that would be a lawyer's dream it is to have this concept introduced into our law. I think as a result of introducing this concept into our law, it would result in more rather than less litigation, because I think that any lawyer who had a case of this nature, lawyers on both sides of the issue, would be involved in many, many factual questions that would have to be determined by either the judge or the jury as to what a useful safe life was for that particular product. They would have to be concerned with whether the product had one use or many uses and what the useful safe life for those different uses would be. They would have to be concerned about the useful safe life for the component parts of the product, whether one part of the product had a better or longer safe life and another part had a shorter safe life. They would have to be concerned about variations in temperature and other environmental factors. They would have to be concerned about variations in usage of the product. So it seems to me that what this concept would introduce into our law is a lot of great uncertainty that would result in more and more litigation and more and more disputes between parties rather than less, as we would prefer.

For that reason, I think that the amendment should be defeated, because what we need is some certainty in the law. What we are trying to approach with HB 1083 is some certainty in the law so that plaintiffs, defendants, judges and juries will have a better idea of just what the law is in Pennsylvania, and that we can approach this with a statute that will be a balanced approach to the problem and one that can be interpreted with some certainty. I would, therefore, urge the members to oppose the amendment.

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

Mr. EARLEY. Mr. Speaker, I rise in support of the Kukovich amendment for the following reasons: The first thing that we must consider is that HB 1083 addresses itself to attempting to resolve a problem of the business community and, primarily, the insurance industry. There has been a great deal of talk regarding the rapid and astronomical increase in insurance rates, and HB 1083 has been offered as a solution to that problem. Nevertheless, in public hearings pertaining to that problem, it was testified that the nonpassage of HB 1083 would have no impact whatsoever on insurance rates.

In this legislation you have placed a statute of repose that no matter what the product is after 12 years, one who has been injured because of the unsafe condition of that product cannot recover. We are not talking about minor injuries when we talk about product liability. We are talking about severe injuries, often crippling injuries, devastating injuries, injuries that quite frequently take lives or create paraplegics in this state.

The useful safe life concept that is being offered by Mr. Kukovich is, in my opinion, the most realistic approach to the statute of repose if we are indeed to have this type legislation at all. We know that there are many items of machinery, many products, that are put out that have a safe life of much, much, much more than 12 years. You are saying to the worker in a machine shop that this particular piece of machinery that can be shown and guaranteed, in fact, by the manufacturer to have a useful safe life of 15 to 20 years, that if he sustains crippling damage as a result of the malfunctions at that machine, because of the unsafe conditions of that machine, and this injury occurs 12 1/2 years after the practice of that machine by his employer, he cannot recover.

I submit that the useful safe life concept does not introduce anything new into the law. What we have here in product liability is a development of the law of product liability in this state over a period of some 50 or 60 years.

The courts of this state have given fair and serious consideration to all aspects of these problems as it has come before us, and the useful safe life concept is already in the product liability law of this state.

We have here the business community and, particularly the insurance industry, attempting to undo 60 to 70 years of legal development to the detriment of the consumer without having any input from the consumer into the concept of this legislation, and we are asking the consumer to be willing to accept a limitation on 12 years of his life. And I submit that a paraplegic, one who has lost a loved one, an industrial employe who has been crippled for the rest of his life should not be expected to agree to that kind of condition and this kind of legislation, and I ask that this Assembly approve again the Kukovich amendment.

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

Mr. KUKOVICH. Mr. Speaker, I wanted to respond to a couple points, but I thank the previous speaker for clearing that up. Mr. Earley is right, useful safe life is not a new concept. It has always been available as a defense, and, once again, I think the opponents of this amendment are trying to confuse the issue. I have also been told regarding the Sears situation that all of their products are manufactured to their specifications; that the company that I mentioned previously, Craftsman, gives Sears a lifetime guarantee, which is something that the consumers certainly do not get. And I am beginning to be offended by this continual argument of certainty in the law.

The statute of repose does not necessarily provide certainty, except in that it is going to cut off consumers' rights; it is going to cut off workers' rights; it is going to do it in an unfair fashion. It is going to cut off good cases and bad cases, and if anybody had been truly concerned about certainty in the law, they would have voted for the seriated trial concept yesterday, which would cut off bad cases and not good cases. No matter what certainty we have in the law, the party is going to get the windfall, the insurance companies. They are not going to be hampered by this

amendment, by HB 1083, by the current law. They are still getting away free.

Mr. Speaker, do not be confused by some of the arguments that you have heard. The question is, whether we are going to be reasonable and whether we are going to be fair, and, unfortunately, we are hearing from the companies who are being squeezed by the insurance companies, who are not going to hear from our constituents who do not anticipate being maimed or injured in some way in the future. Somebody has got to look out for them, and this amendment does not do it all; it does it partially. I think that we owe at least that to the workers and consumers of this Commonwealth. Thank you, Mr. Speaker.

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

Mr. BURD. Mr. Speaker, in rebuttal to some of the statements that Mr. Kukovich made, he mentioned the firm, Craftsman, which, from Sears and Roebuck, uses their tools. I have used a lot of Craftsman tools in my time, and, as a matter of fact, I own a set of them yet today and work on my car when I get a chance with those tools.

I still do not understand why he keeps saying that Sears says, our tools, our products are for better than 15 years. I would like to point out what their guarantee really is. Craftsman has a guarantee with their tools that, yes, if I break a socket wrench, if I break a ratchet, if I break an end wrench or it goes out of shape, their guarantee is that they will merely replace it, because they know, just as Zippo Lighter knows, that that thing you will get will have metal fatigue, and they realize that this is good business to replace that tool if somebody is using that tool that much. And it has nothing to do with guaranteeing a product that will last 12, 15, or 25 years. And I still say it is not right for us to go out and ask industry, ask a producer, ask anybody to make a product that they have got to be liable for over 12 years. I would rather see it be 6 years; but in this case I am ready to compromise and say 12 years. But, for heaven sakes, we cannot go out and tell the world, the industrial world today, that you have got to be responsible for something for the rest of their lives. For that reason I am saying, Mr. Speaker, to the members of this House, please be reasonable about this bill and please vote against the Kukovich amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—93

Alden	Durham	Letterman	Rieger
Austin	Fee	Levin	Ritter
Barber	Gallagher	McCall	Schmitt
Belardi	Gatski	McIntyre	Schweder
Beloff	George, C.	McMonagle	Serafini
Bennett	George, M. H.	Manderino	Seventy
Berson	Goodman	Michlovic	Shadding
Borski	Grabowski	Micozzie	Shupnik
Brown	Gray	Milanovich	Steighner
Burns	Greenfield	Mrkonic	Stewart
Caltagirone	Harper	Mullen	Street
Cappabianca	Hoeffel	Murphy	Stuban
Chess	Hutchinson, A.	Musto	Sweet

Clark, B. D.	Itkin	Novak	Taylor, F.
Cochran	Johnson, J. J.	O'Brien, B. F.	Telek
Cohen	Jones	O'Donnell	Trello
Cowell	Kanuck	Oliver	Wachob
DeMedio	Knight	Petrarca	Wargo
DeWeese	Kolter	Pistella	White
Dawida	Kowalyszyn	Pratt	Yahner
Dombrowski	Kukovich	Pucciarelli	Zeller
Dorr	Lashinger	Reed	Zitterman
Duffy	Laughlin	Richardson	Zwikl
Dumas			

NAYS—96

Anderson	Fryer	McKelvey	Scheaffer
Armstrong	Gallen	McVerry	Sieminski
Arty	Gamble	Mackowski	Sirianni
Bittle	Gannon	Madigan	Smith, E. H.
Bowser	Geesey	Manmiller	Smith, L. E.
Brandt	Geist	Miller	Spencer
Burd	Gladeck	Moehlmann	Spitz
Cessar	Goebel	Mowery	Stairs
Cimini	Grieco	Nahill	Swift
Clark, M. R.	Gruppo	Noye	Taddonio
Cole	Halverson	O'Brien, D. M.	Taylor, E. Z.
Cornell	Hasay	Perzel	Thomas
Coslett	Hayes, Jr., S.	Peterson	Vroon
Cunningham	Helfrick	Piccola	Wass
DeVerter	Honaman	Pitts	Wenger
DiCarlo	Hutchinson, W.	Polite	Wilson
Davies	Johnson, E. G.	Pott	Wilt
Dietz	Klingaman	Punt	Wright, D. R.
Dininni	Knepper	Pyles	Wright, Jr., J.
Earley	Lehr	Rappaport	Yohn
Fischer	Levi	Rocks	Zord
Fisher	Lewis	Rodgers	
Foster, W. W.	Livengood	Ryan	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Salvatore	Speaker
Freind	McClatchy		

NOT VOTING—7

Giammarco	Irvis	Rhodes	Williams
Hayes, D. S.	Pievsky	Weidner	

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. MANDERINO offered the following amendments:

Amend Analysis, page 5, lines 29 and 30; by striking out all of line 29 and "8360" in line 30 and inserting 8359

Amend Analysis, page 6, line 1, by striking out "8361" and inserting 8360

Amend Analysis, page 6, line 2, by striking out "8362" and inserting 8361

Amend Analysis, page 6, line 3, by striking out "8363" and inserting 8362

Amend Analysis, page 6, line 4, by striking out "8364" and inserting 8363

Amend Sec. 1 (Sec. 8359), page 13, lines 11 through 30; page 14, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 8360), page 14, line 3, by striking out "8360" and inserting 8359

Amend Sec. 1 (Sec. 8361), page 14, line 14, by striking out "8361" and inserting 8360

Amend Sec. 1 (Sec. 8362), page 15, line 2, by striking out "8362" and inserting 8361

Amend Sec. 1 (Sec. 8363), page 15, line 22, by striking out "8363" and inserting 8362

Amend Sec. 1 (Sec. 8364), page 16, line 7, by striking out "8364" and inserting 8363

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, yesterday, in discussing an amendment that would have taken a number of sections out of the bill, I discussed briefly some of the objections that I had for the bill.

This amendment addresses itself to one single section of the bill, except as that section is related in the title and definitions. But one single section of the bill in substance is addressed by this amendment, and that section of the bill is section 8359, which is entitled "Government Standards." Mr. Speaker, this section of the bill says, in essence, that if the court makes a determination that there was some governmental standard, whether a municipal standard, whether a county standard, whether a state standard, or whether a Federal standard, the entire burden of proof shifts to the plaintiff to prove that that governmental standard was developed or not developed as a result of independent and careful, thorough product testing or that the consumer's safety interests were not considered when that governmental standard was adopted or the standard conformed to the state of the art. Those are a lot of words that are difficult to understand, and I will try as best I can to put them in perspective.

What the section says is that there must be an instruction to the jury. There must be an instruction to the jury that the product was not defective, and that the manufacturer was not negligent if there was a governmental standard that it measured up to. Let me repeat that. The jury must be instructed that the product was not defective—the presumption was that the product was not defective—or that the manufacturer was not negligent so long as the article met some governmental standard, regardless of whether it was municipal, county, et cetera.

Now, there is a case that easily demonstrates the evil of this section, and it is the case that has been much in the news of late. We are all familiar, I would hope, at this time, in considering this product liability bill with the Ford Pinto case in California, where the plaintiff was able to prove that the Ford Pinto gas tank was defectively placed in a position on the automobile so as to create a great hazard to life and limb.

Mr. Speaker, the attorney was able to prove with his client in that case that the Ford Motor Company knew that the placement of the gas tank in the Pinto automobile was placed in such a manner as to create that great hazard to life and limb, and also that the Ford Company knew that there was an alternative design that would cost from \$6 to \$11 that was much, much preferable and corrected the defect, costing \$6 to \$11.

Further, they were able to prove that the Ford Company, by its internal memoranda, not only knew of the defect but had calculated how many deaths would occur throughout the United States because of that defect, and they elected

not to adopt an alternative but to pay damage to all of those people who might be maimed, who might be crippled, or who might be killed by the design they elected to put in that automobile. That is on the record and it is in the case, yet that particular automobile gas tank placement met the standard of the Federal Government.

If the law of Pennsylvania would have been what we are trying to adopt, there would have been a presumption, and the jury would have been so instructed, that the product was not defective and that the manufacturer was not negligent, even though all of that could have been proven. That is what you are adopting when you say that so long as it meets the governmental standard of some kind, there is a presumption that the defect does not exist—even though it does exist—and that the manufacturer is not negligent.

The burden then shifts to the defendant who must prove—listen to the burden that you are given and you would have given the victim in the Ford Pinto case had he had to contend with the law that you are trying to adopt. He would have to then prove—that the standard—this is how he rebuts the presumption, and you judge whether or not you could rebut such a presumption, or if, in the Ford Pinto case, that plaintiff would have been able to rebut this presumption. Here is what he must use to rebut the presumption: Number one, the standard—was not developed as a result of independent and careful, thorough product testing and formal product safety evaluation of the governmental agency responsible for promulgating that regulation.

I submit to you that that plaintiff in California could not have proven that the governmental standard adopted in Washington, D.C. was not adopted after thorough testing of the product and after safety evaluation of that product. He would have not been able to prove it because that standard was adopted under those conditions. It was a standard for safety. It was a standard for safety adopted by the Federal Government, and he would have not been able to get over the hurdle of rebutting that presumption under the first manner in which we would allow him to get over the hurdle. But we give him another hurdle. We give him another manner to get over the hurdle of the presumption. We say that he must prove that consumer safety interests were not considered in formulating the standard. Could he have gotten over that presumption in the Pinto case in California?

Certainly those standards were adopted by the Federal Government with consumer safety interests in mind. He would not have been able to meet the burden of proof required by the second way that we allow in this statute to get over the presumption. And we give him one other way to get over the presumption and that is that the standard was not up to date in light of - not in light of what we knew could have been done as an alternative, but in light of—the state of the art. And that means that so long as Ford was doing it and Chrysler was doing it on their products, and General Motors was doing it on their products, and American Motors was doing it on their products, then he cannot get over this hurdle yet either.

I am saying to you that you are creating such a burden by the governmental standard section of this bill that the poor people who were injured by the Ford Pinto gas tank defect would have failed to recover because their jury would have been instructed that there was a presumption that the product was not defective and that the manufacturer was not negligent. That is what instruction would have been given, because the three conditions that we set forth in this bill to allow that presumption to be rebutted would have been an insurmountable burden of proof for the plaintiff to have brought forward; not only insurmountable, but, in my opinion, impossible to prove. He would have had to prove that the standard was not developed after thorough study, and how would he have been able to prove that the Federal Government did not thoroughly study it before they adopted the standard? I submit to you that he would not have been able to prove that, or that consumer safety was not part of why the government adopted that standard—I submit to you that that was precisely why they adopted the standard—or that the product did not conform to the state of the art. And the testimony was—and one of the defenses of Ford Pinto in California was—that they had conformed to the state of the art, but they were not far off what the Gremlin had and what American Motors and what General Motors and the others had on their cars, so far as their compact models were concerned. I am saying to you that you are making a drastic law change that should not be made. You are denying people the possibility of recovery because some government—and not necessarily the Federal Government as in the example I have given you. Their standards are adopted after, I think, as much deliberation as can be given to them in light of the pressures that they receive from special-interest groups that lobby them not to make the standards tougher. I have given you the example of the Federal Government, but what you are adopting is a rule of law that talks not only of Federal standards but of state standards, even a county standard, or Podunk U municipality standard that shifts that burden, which I have explained to you, which is almost, if not virtually, impossible to overcome.

I would submit to you that perhaps in the smaller communities it may be possible to overcome the presumption by the introduction of the evidence which is allowed to be introduced to overcome it, but I have demonstrated to you that I think in the Ford Pinto case, where the Federal standard was there, that poor individual in California and the hundreds and hundreds more across these United States that were injured by a defective gas tank, that the company knew was defective—calculated to be defective but unwilling to spend the money in a cost-benefit decision—and said that we will pay the damages for those who are maimed or crippled or killed rather than recall the cars and spend \$6 to \$11, and it will be cheaper for us to do that. And this is who you are showing sympathy for if you adopt this section on governmental standards in the bill. I ask you to support the amendment that takes it from the bill. Thank you, Mr. Speaker.

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

Mr. D. M. FISHER. I rise in opposition to the Manderino amendment.

First of all, let me point out one thing that I do not think was brought out very clearly in Mr. Manderino's eloquent argument, that the standards we are talking about are not just advisory standards. It very clearly states in the bill that it is a mandatory administrative or statutory standard. In other words, this is a standard in which a manufacturer has no choice but to follow this standard in manufacturing the given product. It is not just merely a standard that has been promulgated. In fact, the provisions of HB 1083, in their current form, I submit, provide more protection to the consumer than does the current law of the Commonwealth of Pennsylvania. At the present time, current law in the Commonwealth would allow at least the admission of testimony concerning government standards, and HB 1083 clearly only talks about mandatory standards. I think that is the most important part of this particular amendment.

Now for those members—I hope my friend Mr. DeWeese is here—for those members who may be confused with what a rebuttable presumption is, there are a lot of rebuttable presumptions in the law, in the civil law and the criminal law.

The exceptions in section 8359 which would allow a plaintiff to overcome the mandatory government standards, I submit, are not that onerous, and Mr. Manderino has referred to some of them. The standard clearly states—and some of the language, I submit, was adopted in the Insurance Committee. The Insurance Committee made this section even stronger than it was when initially introduced. The Insurance Committee—in subsection 1, in added language that the study had to be an independent and careful study, and that the product safety evaluation had to be done by the governmental agency responsible for promulgating such standards, not just any governmental agency.

In subsection 2, the bill originally talked about consumer interests. The Insurance Committee added the word "safety" so that it could be shown by the plaintiff that consumers' safety interests were not taken into consideration and that presumption could be rebutted.

Mr. Speaker, I think that this section is very important to the bill. It is very important in providing balance for both the manufacturer and it is very important in providing balance for the consumer. To strip this provision is going to return product liability law in the area of government standards to current law. I think this is deficient on both sides and I urge you not to adopt the Manderino amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, would Mr. Fisher consent to interrogation?

The SPEAKER. The gentleman indicates that he will, and the gentleman, Mr. Manderino, may proceed.

Mr. MANDERINO. Mr. Speaker, would you concede the point that the governmental standard in the Ford Pinto case was a minimum safety standard?

Mr. D. M. FISHER. Yes, Mr. Speaker.

Mr. MANDERINO. And most of the governmental standards set up by the Federal Government are minimum safety standards?

Mr. D. M. FISHER. Yes, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, would you concede that the standard set up by the Federal Government was a standard—and I am talking about the safety standards of the Federal Government generally—developed as a result of independent and careful, thorough product testing?

Mr. D. M. FISHER. Mr. Speaker, I cannot answer that one, but, from my knowledge, I would say "no." I cannot answer it fully.

Mr. MANDERINO. Are you saying to me that you do not think that the Federal Government develops their standards as a result of independent and careful, thorough product study, yet you want me to adopt that standard as allowed in Pennsylvania?

Mr. D. M. FISHER. You asked me about the Pinto case, I believe, Mr. Speaker.

Mr. MANDERINO. No. I am asking about governmental standards in general that they develop for safety. How are they developed? Are you saying that they do not test automobiles and decide what safety standards there should be before they adopt them at the Federal level?

Mr. D. M. FISHER. Mr. Speaker, I am not sure when we are speaking of minimum standards whether they are the same as mandatory standards.

Mr. MANDERINO. They are mandatory minimum standards.

Mr. D. M. FISHER. I am not certain that that is what those standards are. They are minimum standards; they are not mandatory standards.

Mr. MANDERINO. Mr. Speaker, do you think that those standards are created at the Federal level with the consumers' interests at heart?

Mr. D. M. FISHER. I think generally.

Mr. MANDERINO. And that is the number two reason that you rebut the presumption?

Mr. D. M. FISHER. I think so.

Mr. MANDERINO. So I got you one out of two so far, right? So we would not be able to meet in the Ford Pinto case that particular second one under any circumstance because most of those standards are developed for consumer safety?

Mr. D. M. FISHER. No. I do not agree that the Ford Pinto case is a mandatory standard, so I cannot answer your question in the affirmative.

Mr. MANDERINO. It was a governmental standard, was it not?

Mr. D. M. FISHER. It was not a mandatory standard, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, my information is that in the Ford Pinto case, the standard that we are talking

about most definitely was a mandatory minimum safety standard of the Federal Government, and I submit that number two reason for rebutting the presumption just will not make it.

Are you aware that in the Ford Pinto case one of the defenses in California was that Ford had conformed to the state of the art? If you do not know that, then I should talk to somebody else, because you do not know what that case is all about.

Mr. D. M. FISHER. I think that was some of the testimony. Yes, Mr. Speaker.

Mr. MANDERINO. Can you suggest to me how the victim of the Ford Pinto defect can ever get over the rebuttable presumption?

Mr. D. M. FISHER. Mr. Speaker, I think that clearly the Ford Pinto case is an unusual case; it is a landmark case in our justice system. There is no question about that. I would submit that if the Ford Pinto case were tried in Pennsylvania under the law in HB 1083, with the standards contained within section 8359, even assuming—and I will not agree on the record with you on the fact that the standard was mandatory, but even assuming—it was mandatory, I would submit that the evidentiary finding by the jury under the facts of the Ford Pinto case, I would submit, if nothing else, that subsection 2, on consumer safety interest, the Federal Government or the testing agency, the fact finder could easily find that those interests were not thoroughly considered and that the presumption could be rebutted by the testimony presented by the plaintiff. So I do not think, Mr. Speaker, that the burden that you were trying to picture contained within the sections applicable to rebut the presumption is as onerous as you are attempting to portray it.

Mr. MANDERINO. Thank you, Mr. Speaker. I have no further questions.

The SPEAKER. The Chair recognizes Mr. Manderino.

Mr. MANDERINO. Let me try to understand what was developed there. Mr. Fisher wants us to believe that the Federal Government adopts standards by which it tells the manufacturers, you can conform to this standard or you cannot conform to this standard. We have adopted this standard, but it is up to you whether or not you conform to it because he is saying it was not a mandatory standard. That is obviously ludicrous. When the government adopts the safety standards, they are all mandatory standards that every automobile manufacturer must live up to. That is a mandatory standard. Now accepting that those standards are mandatory, then you have to understand that what we are saying, is, if we change the laws of Pennsylvania, that that Ford Pinto was not defective and that manufacturer was not negligent. If he met that governmental standard, that is the presumption, and is not negligent; he is not producing a car which is defective. And that just was not the case. They knew it was defective. They had calculated the deaths it would cause, but there was a government standard that they met, and we ought not to allow minimum standards that governmental agencies adopt govern the

burden that we place on manufacturers to continue to strive to make their products as safe as possible for people to use. That is what you are doing if you adopt it.

A rebuttable presumption yes, but a rebuttable presumption is not a conclusive presumption. The law talks in terms of rebuttable presumptions. When you can introduce evidence that will wipe out the instruction—in this case, the instruction that the product was not defective or that the manufacturer was not negligent—you can wipe that out because it is only a rebuttable presumption. But what do you have to do to wipe it out? We say that what you have to do to wipe it out; we have to say that the standard was adopted without thorough testing of the product and without safety evaluation of the product. And I submit to you that we would not have been able to show that in the Ford Pinto case. Or you have another alternative - you can show that the consumers' safety interests were not considered when the standard was adopted, and I submit, equally, that is not the case. Certainly, those standards were developed for that purpose. Or, third, that the standard was not up to date. Not in light of the available alternative; that is not what we are saying. We are saying it was not up to date, viewing the state of the art, and state of the art is a legal terminology which talks about what the other manufacturer's doing. And one of the defenses of Ford, as I said, in the Pinto case, was that every other manufacturer was doing the same thing, and I submit to you that we are placing an impossible burden to rebut that presumption. So, as a practical matter, what you are saying is, if you meet any governmental standards, even of a municipality, there will be an instruction to the jury, which will remain the instruction to the jury, that they must find that the product was not defective and the manufacturer was not liable, which means there would be no recovery in those cases. And I think that result is not a result that we should want the people of Pennsylvania to be saddled with.

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

Mr. YOHN. Mr. Speaker, I think a great deal of confusion has been engendered about this amendment because I think many of the comments that Mr. Manderino is making relate to the section of the bill as it existed prior to the time the Insurance Committee made a number of amendments to it.

The first major amendment that the Insurance Committee made to the bill is to strike out section (c) of the section which said that if you met the governmental standards, there was a conclusive presumption. We felt that was a harsh result and we struck that section of the bill. As was indicated in the debate, the only thing now in the bill is that if you meet the governmental standard, then there is a rebuttable presumption, which merely means that you have at that point a statement or a conclusion to the effect that there was no negligence or no defect, I should say, but it can be rebutted by evidence to the contrary.

The second major change—and this is probably the most important major change—that the committee made to the

bill was that it said that this only applied to mandatory governmental standards, not to the minimum standards that Mr. Manderino was talking about, but to mandatory governmental standards that say to the manufacturer, this is the way this product must be manufactured, and you cannot do it any other way. That is the type of standard that we are talking about here today.

Mr. Manderino makes a great to-do about the state of the art, and he defines the state of the art as being what other manufacturers of similar products are doing. That is not correct.

If you would look to the definition of state of the art, as set forth in section 8360 of the bill, you will find that "state of the art" is defined as the safety, technical, mechanical and scientific knowledge in existence and reasonably feasible for use at the time of the manufacture of the product. It does not mean that other people are actually using it. They do not have to be using it. Just that it is based on scientific knowledge available at that time, something that is available to the community and to the industry and they could have used had they so chosen.

It is not what they are in fact using. It is not the customary usage within the industry but is what is available and what is technologically available for use by the manufacturer.

This amendment and this section of the bill was drastically reworded in the Insurance Committee. I think that, as I recall, when the rewording was completed, it had unanimous support of the committee.

The bill as it is presently drafted only calls for a rebuttable presumption. It is not a conclusive presumption. And it only applies to mandatory standards, not to minimum standards. I would, therefore, urge defeat of the bill.

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

Mr. W. D. HUTCHINSON. Would the gentleman from Westmoreland, Mr. Manderino, stand for interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Hutchinson, may proceed.

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman tell me whether or not, if his amendment is inserted in the bill deleting this section, whether or not evidence that the standard had been met would still be relevant and could be introduced by the defendant?

Mr. MANDERINO. Absolutely, Mr. Speaker. Present state of the law in Pennsylvania, my understanding of such, anyway, is that that evidence is admissible. The jury makes of it what it will but does not give it anymore weight than the testimony presented.

Mr. W. D. HUTCHINSON. And one more brief question, Mr. Speaker, and then a comment, if I may.

Mr. Speaker, and would the gentleman then be of the opinion that the attorneys for the defendant could argue, having that evidence in that they had met the standard, that the product was not defective because it had met the standard?

Mr. MANDERINO. Absolutely, they could make that argument. In fact, in California the argument was made.

Mr. W. D. HUTCHINSON. Mr. Speaker, a brief comment.

The SPEAKER. The gentleman is in order and may proceed. Mr. W. D. HUTCHINSON. I support the amendment.

I think that it is true as Mr. Yohn as said that this is just a rebuttable presumption. However, if the presumption once appears in the case and the plaintiff is then unable to produce evidence to rebut it, he is going to be in a nonsuit position. I do not think that is right. I think that many of the standards are minimum standards and I believe that the evidence should be relevant. It should go in and let the jury make the decision on this. I urge support of the amendment.

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

Mr. BURD. Thank you, Mr. Speaker. I wonder if the gentleman, Mr. Manderino, would consent to a brief interrogation?

Mr. MANDERINO. Yes, Mr. Speaker, I will yield.

Mr. BURD. Mr. Speaker, before I start speaking on this subject, I want it known to the general body that the Ford Pinto incident which Mr. Manderino made reference to in his testimony to the general body here today, I do not condone what the company's actions were.

However, you did bring out a couple points that are not clear in my mind, and I would like to interrogate you on those particular items.

Number one, Mr. Speaker, how long after the Ford Pinto went on the market was it discovered that there was a defect in the location of the gas tank? Are you aware of how long this might have taken?

Mr. MANDERINO. It depends on whom you talk about discovering it. There was internal memoranda at the Ford Company that they knew as they were putting it on the market before it was being used that what they had manufactured was going to cause injury and damage.

Mr. BURD. Yes, Mr. Speaker, I understand that. I have heard that from news media and talking to other officials, car dealers and what have you.

Mr. MANDERINO. It was proven. I talked to the attorney in the California case and he proved it in court.

Mr. BURD. But it was well within the 12-year limit of what product liability would be calling for in this particular case. In other words, those cars were not running around out there for 12 years before someone discovered that problem.

Mr. MANDERINO. That is true.

Mr. BURD. Okay. After the court case that you referred to in California and after a due and timely notice to the Ford Motor Company on the Pinto situation, was not restitution made to all peoples involved as far as claimants, as far as property damage, loss of life, loss of limbs? Were they or were they not made?

Mr. MANDERINO. I do not know whether everybody was made whole. I do not know how you make people whole who lost lives, and I understand there were a lot of lives lost. I do know that it cost that plaintiff in California \$200,000 in investigative costs and discovery costs before he was ever able to try the case and show what Ford really had done to the people of the United States.

Mr. BURD. Yes, I understand that, Mr. Speaker, but my question was; was restitution made?

Mr. MANDERINO. I imagine there was a jury award, thank God.

Mr. BURD. Okay. Can you answer me, Mr. Speaker, did the Ford Motor Company then make a total recall of the Pinto and correct the situation?

Mr. MANDERINO. Mr. Speaker, it is my understanding that there was a recall after the action was brought to force the recall.

Mr. BURD. In other words, after due and timely notice by court proceedings and decisions by courts, the system told Ford Motor Company that you were wrong and that now you must pay restitution to those who are injured and you must recall your cars and correct a situation. Is that what you said?

Mr. MANDERINO. It is my understanding that they recalled the cars. First, they changed the governmental standards.

Mr. BURD. Okay, one more question, Mr. Speaker. You made reference to the Ford Pinto having a defective gas tank. Would you care to elaborate on what you referred to as a defective gas tank?

Mr. MANDERINO. It is my understanding, Mr. Speaker, that the attorney was able to show that the gas tank was placed in such proximity to the bumper that the several bolts that held the bumper together to the car penetrated the gas tank whenever there was an impact to the back of the car allowing gas to spill on the ground, which in a number of accidents ignited and blew up the car.

Mr. BURD. In other words, then you are saying—I think you said—that it was not a defective gas tank. It was defective design or location of the gas tank that actually caused the problem? Is that what you are saying?

Mr. MANDERINO. I think I indicated that, Mr. Speaker.

Mr. BURD. Well, then my question to this general body and to the Speaker and to you is, is your particular amendment germane to what we are talking about, because we are not talking about product liability; we are talking about bad design and bad location?

Mr. MANDERINO. You have not read the bill very well, Mr. Speaker.

Mr. BURD. I will not raise the question of germaneness, but I wanted to, for testimonial purposes, get this across to the general body. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Yohn, in his comments to the body today, indicated that the committee changed a conclusive presumption to a

rebuttable presumption. And they did. But I submit to you that if you change a conclusive presumption to a rebuttable presumption and then enumerate the manner in which the presumption can be rebutted, and if you make the conditions under which the presumption can be rebutted impossible to obtain, then you have what amounts to a conclusive presumption. You may have changed some words, but in essence you made a rebuttable presumption, and if you look at the three factors, any of which will rebut the presumption in the Ford Pinto case, it would have been impossible to do that.

Now, Mr. Yohn goes to my third standard, being the state of the art, and he tells me that this is not a legal term which is well defined in the law cases. He said just look at page 14 and look at what we say at lines 9, 10, 11 and 12, where we say that the "state of the art" means safety, technical, mechanical and scientific knowledge in existence and reasonably feasible for the use at the time of the manufacture.

That is what he pointed to you to define "state of the art." I hope he did it unintentionally, but he failed to say that that sentence that he read was preceded by these words: "For the purposes of this section the state of the art...." is thus and so; not necessarily for the section that I am trying to delete and he knows it.

Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, just one brief comment: I wish that a Pinto was a fish instead of a horse so that I could call the whole Pinto argument a red herring. But I think that it is, because in the Pinto case, we were dealing with a governmental minimum standard. The bill talks about mandatory standards, standards that must be complied with by the manufacturer and from which there can be no deviation.

For that reason, I would submit to you that the Pinto situation—because as far as I know there was no governmental standard that said that that gas tank had to be located that closely to those bolts. The Pinto situation—is not applicable to this governmental standard situation. It was applicable to the original governmental standards section, but not to the section as was amended by the Insurance Committee. I would, therefore, oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—99

Alden	Fee	Letterman	Rieger
Austin	Fryer	Levin	Ritter
Barber	Gallagher	McCall	Rodgers
Belardi	Gamble	McIntyre	Schmitt
Bennett	Gannon	McMonagle	Schweder
Borski	Gatski	McVerry	Seventy
Brown	George, C.	Manderino	Shadding
Burns	George, M. H.	Michlovic	Shupnik
Caltagirone	Goebel	Micozzie	Steighner
Cappabianca	Goodman	Milanovich	Stewart
Chess	Grabowski	Mrkonic	Street

Clark, B. D.	Gray	Mullen	Stuban
Cochran	Greenfield	Murphy	Sweet
Cohen	Hoeffel	Musto	Taylor, F.
Cole	Hutchinson, A.	Novak	Telek
Cowell	Hutchinson, W.	O'Brien, B. F.	Trello
DeMedio	Itkin	O'Donnell	Wachob
DeWeese	Johnson, J. J.	Oliver	Wargo
DiCarlo	Jones	Petrarca	White
Dawida	Kanuck	Pistella	Wright, D. R.
Dombrowski	Knight	Pratt	Yahner
Duffy	Kolter	Pucciarelli	Zeller
Dumas	Kowalshyn	Rappaport	Zitterman
Durham	Kukovich	Reed	Zwilk
Earley	Laughlin	Richardson	

NAYS—87

Anderson	Gallen	Mackowski	Sieminski
Armstrong	Geesey	Madigan	Sirianni
Arty	Geist	Manmiller	Smith, E. H.
Bittle	Gladeck	Miller	Smith, L. E.
Bowser	Grieco	Moehlmann	Spencer
Brandt	Gruppo	Mowery	Spitz
Burd	Halverson	Nahill	Stairs
Cessar	Hasay	Noye	Swift
Cimini	Hayes, Jr., S.	O'Brien, D. M.	Taddonio
Clark, M. R.	Helfrick	Perzel	Taylor, E. Z.
Cornell	Honaman	Peterson	Thomas
Coslett	Johnson, E. G.	Piccola	Vroon
Cunningham	Klingaman	Pitts	Wass
DeVerter	Knepper	Polite	Wenger
Davies	Lashingner	Pott	Wilson
Dietz	Lehr	Punt	Wilt
Dininni	Levi	Pyles	Wright, Jr., J.
Dorr	Lewis	Rocks	Yohn
Fischer	Livengood	Ryan	Zord
Fisher	Lynch, E. R.	Salvatore	
Foster, W. W.	McClatchy	Scheaffer	Seltzer,
Foster, Jr., A.	McKelvey	Serafini	Speaker
Freind			

NOT VOTING—10

Beloff	Harper	Pievsky	Weidner
Berson	Hayes, D. S.	Rhodes	Williams
Giammarco	Irvis		

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. MANDERINO offered the following amendments:

Amend Sec. 2 (Subchapter analysis), page 5, line 30, by striking out all of said line

Amend Sec. 2 (Subchapter analysis), page 6, line 1, by striking out "8361." and inserting 8360.

Amend Sec. 2 (Subchapter analysis), page 6, line 2, by striking out "8362." and inserting 8361.

Amend Sec. 2 (Subchapter analysis), page 6, line 3, by striking out "8363." and inserting 8362.

Amend Sec. 2 (Subchapter analysis), page 6, line 4, by striking out "8364." and inserting 8363.

Amend Sec. 2 (Sec. 8360), page 14, lines 3 through 13, by striking out all of said lines

Amend Sec. 2 (Sec. 8361), page 14, line 14, by striking out "8361." and inserting 8360.

Amend Sec. 2 (Sec. 8362), page 15, line 2, by striking out "8362." and inserting 8361.

Amend Sec. 2 (Sec. 8363), page 15, line 22, by striking out "8363." and inserting 8362.

Amend Sec. 2 (Sec. 8364), page 16, line 7, by striking out "8364." and inserting 8363.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment addresses itself to that section of the proposed products liability law which allows a defense by the defendant manufacturer of the product, that he might be excused from any defect in his product because he can show as a defense that his product conformed to the state of the art regarding that particular product.

Now, the case that I have been talking about in California is a case commonly referred to as the "Grimshaw case." In that case, the Ford Motor Company attempted to escape liability by proving that that Pinto gas tank conformed to the state of the art for compact cars.

Ford argued that the Pinto gas tank design was really no different from that on the Vega, the Gremlin and the Chevette. Had HB 1083, with this section on state of the art that we are proposing to adopt, been in effect in California, the victim might well have faced the additional burden of overcoming a presumption that the Pinto again was not defective because other manufacturers were using the same design, even though, as I indicated in the former amendment, Ford knew that it was a dangerous thing that they were putting on the market.

This means that the judge would have had to instruct the jury that they were to presume that the product was not defective if it conformed to the state of the art within the industry. To avoid being knocked out of court by this presumption, the plaintiff Grimshaw in the California case would have been forced to take on not only the design of the Pinto, which he did; he would have had to take on the design of the Vega, the Gremlin, the Chevette, et cetera.

With HB 1083 heaping, Mr. Speaker, this additional burden of proof on the victim in addition to the burdens imposed under the strict liability section of this bill, the design defect section of the bill, the most tenacious, the most optimistic attorney, I submit to you, would have been very reluctant to take the civil case to trial.

A trial with all the barriers that this bill provides placed between the victim and recovery is nothing better than a long-odds crap game.

Under current Pennsylvania law, Mr. Speaker, the state of the art at the time the product was manufactured is admissible, just as Mr. Hutchinson elicited that governmental standards are presently admissible. The state of the art evidence is admissible presently in Pennsylvania and it will be given whatever weight by the jury that the jury believes it deserves.

If the jury finds that we ought to give weight to the fact that everybody else is doing it the same way, they can give that weight. And I guess they would give it weight if they felt that everybody else was doing it the same way, because that is the best we can do at this time.

Mr. Speaker, to, however, automatically create a presumption that there was no defect simply because there is a compliance with the state of the art would allow an entire industry, I submit, to escape liability for unsafe products by ignoring, ignoring research and innovation in product safety.

In effect, in the California case, Mr. Speaker, Ford was arguing, if everyone is making subcompact cars with defective gas tanks, why should we be liable because we are doing it? That is like arguing that if everyone is running a particular red light, you should not get a ticket because everyone is doing it and I am the only one who got caught.

If our law allows a manufacturer to escape responsibility by arguing innocence by association, there will be little economic incentive, I submit to you, for the industry to consciously and intensively pursue safety innovations.

Mr. Speaker, I do not think that state of the art should have no place in a products liability trial. It should be there. The jury ought to be able to hear evidence of the state of the art but that should not be a presumption. It should be given whatever weight the jury wants to give it, and if you allow me to remove this section from the bill, that is what will take place in trials. The evidence will be admitted, but there will be no presumption that because we did it like everyone else did it, the product was not defective or the manufacturer was not negligent.

Mr. Speaker, I submit that this minor change ought also be made in this bill. Thank you, Mr. Speaker.

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

Mr. D. M. FISHER. In essence, what Mr. Manderino said in his closing statement probably is correct: One way or the other, this amendment may only bring about a minor change from the bill to current law.

However, I think it is important to point out that the language in section 8360 providing for a state of the art is only providing the defendant with a defense which he cannot offer evidence on, and if, in fact, he offers evidence showing what the state of the art was at the time of the manufacture of the product, then we have created what we have called before, that rebuttable presumption.

I think one of the important parts of keeping this section in a product liability bill which attempts to redefine the tort law, is to clarify the fact that a defendant or a manufacturer should be held to the state of the art in existence at the time of the manufacture and not to leave that ambiguous area which may permit or may require some defendant in some court in Pennsylvania to have to defend a case on the basis that there was a better state of the art, that there was another state of the art further down the road that he should have been responsible for. All we are saying is that if he can show what the state of the art was at the time of the manufacture of the product, he has a rebuttable presumption. The plaintiff can overcome that rebuttable presumption, and I urge the defeat of this Manderino amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Will the gentleman submit to interrogation?

The SPEAKER. The gentleman, Mr. Fisher, indicates that he will. The gentleman, Mr. Manderino, may proceed.

Mr. MANDERINO. Mr. Speaker, would the gentleman think that I would be correct if I would make the statement that automobile design in these United States is placed in the hands of about five or six companies in Detroit?

Mr. D. M. FISHER. That is correct.

Mr. MANDERINO. Pretty true. So that five or six companies and their engineers can design similar automobiles or similar parts of automobiles, and most of us in these United States would think that that was the state of the art? Is that correct?

Mr. D. M. FISHER. That is correct.

Mr. MANDERINO. Thank you, Mr. Speaker. I have no further questions.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman, I think, answered those truthfully and honestly. The design of automobiles in these United States is in the hands of five or six companies. And there are very technical aspects to the manufacturer of automobiles. And the state of the art, as he indicated in response to my question, by most people's knowledge and consciousness in these United States, would be determined by those five or six companies and their engineers. And as long as those five or six companies did the same thing, that would be the state of the art. And that would be what would call into play the presumption that the product was not defective and the manufacturer was not negligent, because they all got together and did it the same way or they did it the same way whether they got together or not.

Now, take that and apply it to the Ford Pinto case. When the facts were that they all did it about the same way in the subcompact cars so far as the fuel tank is concerned, and take the fact that the way they were doing it—at least one company knew—was going to cause death and damage and destruction and cripples, is it right for us to say that because that product conformed to the state of the art, that the jury must be instructed that the product was not defective and that the manufacturer was not negligent. I say that that presumption should not exist, and that evidence should come in as to the state of the art without carrying with it a presumption that must be overcome, which is another obstacle to recovery. Mr. Speaker, I ask for the adoption of the amendment.

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

Mr. D. M. FISHER. Thank you, Mr. Speaker, just on two points that I think I have to make in response to Mr. Manderino's latest argument. First of all, in the Pinto case or in a defective car manufacturing case, the plaintiff would have the opportunity to show, I think, that the entire standard or the entire state of the art was defective. And that in and of itself would rebut the presumption that we are talking about here.

Secondly, as far as the state of the art, the state of the art would not merely be the state of the art that was being used by all others, but it is defined specifically in this section to say that the state of the art means the safety, technical, mechanical and scientific knowledge in existence and reasonably feasible for use at the time of the manufacture of the product. As in the Pinto case, if they knew a better design was available, it could be shown by the plaintiff that this was the state of the art, not the state of the art being used, and that the presumption that we are talking about that would be given in this section to the defendant would not be applicable. I think it is important that we define state of art in this bill. This is the point that I think is so important in trying to preserve this section.

The section, in and of itself, defines state of the art. Without a definition, what we would be doing is leaving the state of the art up to the individual decisions of each court, of each jury, and I think if we are to have a sensible bill, we should have some definition in here. It is not an onerous definition. It is a definition that quite frankly creates quite a burden for the defendant and is not unfair to the plaintiff.

I urge the opposition of the amendment. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this bill as it is written in section 8352 has a number of definitions. I fail to see state of the art defined in the bill in the definition section. Am I wrong?

Mr. D. M. FISHER. It is defined in section 8360.

Mr. MANDERINO. It is not in the definition section. And in section 8360—

Mr. D. M. FISHER. That is the section we are talking about, Mr. Speaker, section 8360.

Mr. MANDERINO. Mr. Speaker, I submit to you the state of the art is not defined in section 8360. The words are used. And it does not say what the state of the art means, but lawyers know and people trying products liability cases know.

The statement made by the gentleman when he opened his remarks, that you would be able to show that the product was defective by showing that all those manufacturers who used the same design should not have used that design, Mr. Speaker, that is what the state of the art is - what is available for use.

Now, of course, if we all had knowledge and it was not just those five or six engineers for those five or six companies designing, if you and I had intimate knowledge of designing automobiles, maybe we could prove that the state of the art was different. Maybe we could say that in Venezuela and Japan, they do this and do that. Can you see the burden that you are putting on a plaintiff in these United States? The fact is, in these United States there are only several manufacturers of automobiles, and they, themselves, set what is the state of the art. And they ought not to be able to take what they set, which may not be safe, and was proven not to be safe in the Ford Pinto case, we ought not to allow them to set their own standards and

then hide behind them when they are sued. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—86

Alden	Fee	McIntyre	Rodgers
Austin	Fryer	McMonagle	Schmitt
Barber	Gallagher	Manderino	Schweder
Bennett	Gamble	Michlovic	Seventy
Berson	Gannon	Micozzie	Shadding
Borski	Gatski	Milanovich	Shupnik
Burns	George, C.	Mrkonic	Steighner
Caltagirone	George, M. H.	Mullen	Stewart
Cappabianca	Gray	Musto	Street
Chess	Greenfield	Novak	Stuban
Clark, B. D.	Harper	O'Brien, B. F.	Taylor, F.
Cochran	Hoefel	O'Donnell	Telek
Cohen	Johnson, J. J.	Oliver	Trello
Cole	Jones	Pistella	Wachob
Cowell	Knight	Pratt	Wargo
DeMedio	Kolter	Pucciarelli	White
DiCarlo	Kowalyszyn	Rappaport	Wright, D. R.
Dombrowski	Kukovich	Reed	Yahner
Duffy	Laughlin	Richardson	Zeller
Dumas	Letterman	Rieger	Zitterman
Durham	Levin	Ritter	Zwilk
Earley	McCall		

NAYS—100

Anderson	Gallen	McClatchy	Scheaffer
Armstrong	Geesey	McKelvey	Serafini
Arty	Geist	McVerry	Sieminski
Belardi	Gladeck	Mackowski	Sirianni
Bittle	Goebel	Madigan	Smith, E. H.
Bowser	Goodman	Manmiller	Smith, L. E.
Brandt	Grabowski	Miller	Spencer
Brown	Grieco	Moehlmann	Spitz
Burd	Gruppo	Mowery	Stairs
Cessar	Halverson	Murphy	Sweet
Cimini	Hasay	Nahill	Swift
Clark, M. R.	Hayes, Jr., S.	Noye	Taddonio
Cornell	Helfrick	O'Brien, D. M.	Taylor, E. Z.
Coslett	Honaman	Perzel	Thomas
Cunningham	Hutchinson, A.	Peterson	Vroon
DeVerter	Hutchinson, W.	Petrarca	Wass
Davies	Itkin	Piccola	Wenger
Dawida	Johnson, E. G.	Pitts	Wilson
Dietz	Kanuck	Polite	Wilt
Dininni	Klingaman	Pott	Wright, Jr., J.
Dorr	Lashinger	Punt	Yohn
Fischer	Lehr	Pyles	Zord
Fisher	Levi	Rocks	
Foster, W. W.	Lewis	Ryan	Seltzer,
Foster, Jr., A.	Livengood	Salvatore	Speaker
Freind	Lynch, E. R.		

NOT VOTING—10

Beloff	Hayes, D. S.	Pievsky	Weidner
DeWeese	Irvis	Rhodes	Williams
Giammarco	Knepper		

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

RECONSIDERATION OF VOTE ON
AMENDMENT TO HB 1083

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I move that the vote by which the Kukovich amendment No. 4531 to HB 1083 was defeated on the 29th day of January be reconsidered.

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

Mr. KUKOVICH. Mr. Speaker, I second the motion.

On the question?

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

Mr. KUKOVICH reoffered the following amendments:

Amend Sec. 1 (Sec. 5537), page 1, lines 10 through 13; page 2, lines 1 through 9, by striking out all of said lines and inserting

(a) Useful safe life.—A manufacturer as defined in section 8352 (relating to definitions) may be liable for harm caused by the manufacturer's product during the useful safe life of that product. A manufacturer shall not be liable for injuries or damages caused by a product beyond its useful safe life unless the manufacturer has expressly warranted a longer useful safe life period during which such injuries or damages occurred. "Useful safe life" refers to the time during which the product reasonably can be expected to perform in a safe manner. In determining whether a product's useful safe life has expired, the trier of fact may consider:

(1) The effect on the product of wear and tear or deterioration from natural causes.

(2) The effect of climatic and other local conditions in which the product was used.

(3) The policy of the user and similar users as to repairs, renewals and replacements.

(4) Representations, instructions and warnings made by the product seller about the product's useful safe life.

(5) Any modification or alteration of the product by a user or third party.

(b) Statutes of repose.—

(1) A claimant entitled to compensation under the act of June 2, 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's Compensation Act," may bring a product liability action against a manufacturer under this subchapter for harm that occurs within 25 years after delivery of the completed product to its first purchaser or lessee who was not engaged in the business of selling products of that type. For a product liability claim involving harm which occurred more than 25 years after delivery of the completed product to its first purchaser or lessee who was not engaged in the business of selling products of that type, the presumption is that the product has been utilized beyond its useful safe life as established in subsection (a). Such presumption may be rebutted by a preponderance of the evidence. For the purposes of this title, a self-employed individual bringing a product liability action for harm caused by product use while such individual was engaged within the scope of his employment shall be deemed to be a claimant under this subsection.

(2) For product liability actions not included in paragraph (1) that involve harm occurring more than 12 years after delivery of the completed product to its first purchaser or lessee who was not in the business of selling products of that type, the presumption is that the product has been utilized beyond its useful safe life as established in subsection (a). Such presumption may be rebutted by a preponderance of the evidence.

Amend Sec. 1 (Sec. 5537), page 2, line 21 by striking out "(a)" and inserting (b)

Amend Sec. 1 (Sec. 5537), page 3, line 11, by striking out "(a)" and inserting (b)

On the question recurring,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, I will be very brief. I think in the interim some of the members have had a chance to think about some of the problems that would occur without this amendment. I think—and I want this to be absolutely clear—Mr. Speaker, this amendment does change the law. As a matter of fact, in my opinion, I think it might even go too far in taking away some rights from the consumer, but I think we have to understand the insidiousness of the statute of repose; how it differs from a statute of limitations.

It is only right and it is only proper, if you have a cut-off from a point where somebody is injured, but when you talk about a statute of repose, you talk about a time that begins to toll whenever a product leaves a manufacturer's hands. We might have a problem even deciding when that point in time is. And when we talk about many manufacturing products, they do last must longer than 12 years. It is only fair that we do not leave the statute of repose the way it is.

Mr. Speaker, I would ask everybody's consideration of this very important amendment, and, please, this time, keep all your thoughts not just on any special-interest group but on everybody you represent. And I would please ask your affirmative vote.

PARLIAMENTARY INQUIRY

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

Mr. D. M. FISHER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. D. M. FISHER. Mr. Speaker, is there not a provision in our rules that prohibits reconsidering a matter that has been twice defeated previously?

The SPEAKER. There is nothing in the rules which prohibits the reconsideration of amendments more than twice.

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

PARLIAMENTARY INQUIRY

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

Mr. PICCOLA. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICCOLA. I believe rule 26 provides for a rollcall vote on any reconsideration motion, and I believe there was no rollcall vote on the last motion.

The SPEAKER. There was a voice rollcall taken. The question was put to the body.

Mr. PICCOLA. Mr. Speaker, the rule speaks specifically of a rollcall vote by a majority vote; it does not speak of a voice vote.

The SPEAKER. The Chair put the question, and the House voted on the issue.

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

The following roll call was recorded:

YEAS—91

Alden	Fee	Levin	Rieger
Austin	Gallagher	McCall	Ritter
Barber	Gamble	McIntyre	Schmitt
Belardi	Gatski	McMonagle	Schweder
Bennett	George, C.	McVerry	Serafini
Berson	Goebel	Manderino	Seventy
Borski	Goodman	Michlovic	Shadding
Brown	Grabowski	Micozzie	Shupnik
Burns	Gray	Milanovich	Steighner
Caltagirone	Greenfield	Mrkonic	Stewart
Cappabianca	Hoeffel	Mullen	Street
Chess	Hutchinson, A.	Murphy	Stuban
Clark, B. D.	Itkin	Musto	Sweet
Cochran	Johnson, J. J.	Novak	Taylor, F.
Cohen	Jones	O'Brien, B. F.	Telek
Cowell	Kanuck	O'Donnell	Trello
DeMedio	Knight	Oliver	Wachob
Dawida	Kolter	Petrarca	Wargo
Dombrowski	Kowalyszyn	Pistella	White
Duffy	Kukovich	Pratt	Zeller
Dumas	Lashinger	Pucciarelli	Zitterman
Durham	Laughlin	Reed	Zwilk
Earley	Letterman	Richardson	

NAYS—94

Anderson	Freind	McClatchy	Scheaffer
Armstrong	Fryer	McKelvey	Sieminski
Arty	Gallen	Mackowski	Sirianni
Bittle	Gannon	Madigan	Smith, E. H.
Bowser	Geesey	Manmiller	Smith, L. E.
Brandt	Geist	Miller	Spencer
Burd	George, M. H.	Moehlmann	Spitz
Cessar	Gladeck	Mowery	Stairs
Cimini	Grieco	Nahill	Swift
Clark, M. R.	Gruppo	Noye	Taddonio
Cole	Halverson	O'Brien, D. M.	Taylor, E. Z.
Cornell	Hasay	Perzel	Thomas
Coslett	Hayes, Jr., S.	Peterson	Vroon
Cunningham	Helfrick	Piccola	Wass
DeVerter	Honaman	Pitts	Wenger
DiCarlo	Hutchinson, W.	Polite	Wilson
Davies	Johnson, E. G.	Pott	Wilt
Dietz	Klingaman	Punt	Wright, D. R.
Dininni	Knepper	Pyles	Wright, Jr., J.
Dorr	Lehr	Rappaport	Yohn
Fischer	Levi	Rocks	Zord
Fisher	Lewis	Rodgers	
Foster, W. W.	Livengood	Ryan	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Salvatore	Speaker

NOT VOTING—11

Beloff	Harper	Pievsky	Williams
DeWeese	Hayes, D. S.	Rhodes	Yahner
Giammarco	Irvic	Weidner	

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. MICHLOVIC offered the following amendment:

Amend Sec. 2 (Sec. 8360), page 14, lines 4 and 5, by striking out "it shall be a rebuttable presumption" and inserting an inference shall be created

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

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

Mr. MICHLOVIC. Mr. Speaker, this amendment simply changes the language under the state of the art provision from a rebuttable presumption to a creation of an inference. I am offering this amendment as an attempt to lighten the burden on the plaintiff in pursuing a product liability case. If we leave in the rebuttable presumption language, we are shifting the burden of the proof from the manufacturer to the plaintiff as it is under current law, and I think this is going too far. I submit that we ought to, instead of provide a rebuttable presumption on this for the manufacturer, simply create an inference that the product was not defective. Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, I agree to the amendment.

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

The following roll call was recorded:

YEAS—180

Alden	Foster, Jr., A.	Lynch, E. R.	Salvatore
Anderson	Freind	McCall	Scheaffer
Armstrong	Fryer	McClatchy	Schmitt
Arty	Gallagher	McIntyre	Schweder
Austin	Gallen	McKelvey	Serafini
Barber	Gamble	McMonagle	Seventy
Belardi	Gannon	McVerry	Shupnik
Bennett	Gatski	Mackowski	Sieminski
Berson	Geesey	Madigan	Sirianni
Bittle	Geist	Manderino	Smith, E. H.
Bowser	George, C.	Manmiller	Smith, L. E.
Brandt	George, M. H.	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Goebel	Milanovich	Stairs
Burns	Goodman	Miller	Steighner
Caltagirone	Grabowski	Moehlmann	Stewart
Cappabianca	Gray	Mowery	Street
Cessar	Greenfield	Mrkonic	Stuban
Chess	Grieco	Mullen	Sweet
Cimini	Gruppo	Murphy	Swift
Clark, B. D.	Halverson	Musto	Taddonio
Clark, M. R.	Hasay	Nahill	Taylor, E. Z.
Cochran	Hayes, Jr., S.	Novak	Taylor, F.
Cohen	Helfrick	Noye	Telek
Cole	Hoeffel	O'Brien, B. F.	Thomas
Cornell	Honaman	O'Brien, D. M.	Trello
Coslett	Hutchinson, A.	O'Donnell	Vroon
Cowell	Hutchinson, W.	Oliver	Wachob
Cunningham	Itkin	Perzel	Wargo
DeMedio	Johnson, E. G.	Peterson	Wass
DeVerter	Johnson, J. J.	Petrarca	Wenger
DiCarlo	Jones	Piccola	White
Davies	Kanuck	Pistella	Wilson
Dawida	Klingaman	Polite	Wilt

Dietz	Knight	Pott	Wright, D. R.
Dininni	Kolter	Pratt	Wright, Jr., J.
Dombrowski	Kowalshyn	Pucciarelli	Yahner
Dorr	Kukovich	Punt	Yohn
Duffy	Lashingier	Pyles	Zeller
Dumas	Laughlin	Rappaport	Zitterman
Durham	Lehr	Reed	Zord
Earley	Letterman	Richardson	Zwikl
Fee	Levi	Rieger	
Fischer	Levin	Ritter	Seltzer,
Fisher	Lewis	Rocks	Speaker
Foster, W. W.	Livengood		

NAYS—0

NOT VOTING—16

Beloff	Harper	Pievsky	Ryan
Borski	Hayes, D. S.	Pitts	Shadding
DeWeese	Irvis	Rhodes	Weidner
Giammarco	Knepper	Rodgers	Williams

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?

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 RECOMMIT HB 1083

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

Mr. EARLEY. Mr. Speaker, at this point I rise to make a motion that HB 1083 be recommitted to the Committee on Consumer Affairs and I would like to state my reasons for that motion.

The SPEAKER. Will the gentleman yield? It has been moved by the gentleman from Delaware, Mr. Earley, that HB 1083 be recommitted to the Committee on Consumer Affairs.

The Chair recognizes the gentleman to debate the motion only as it pertains to the recommittal of the bill. The gentleman may proceed.

Mr. EARLEY. Mr. Speaker, HB 1083 purports to be a comprehensive enactment of the product liability law of Pennsylvania. House bill 1083 was conceived by the business community; it was processed through the Insurance Committee; the hearings were conducted by the Insurance Committee, and all of the input, or substantially all of the input into HB 1083 comes from that special-interest area, the business interests, the insurance interests. Nevertheless, Mr. Speaker, the history of product liability in this country and in this state shows that the law developed over a period of some 60 or 70 years, and as the law developed there was one thing paramount in the minds of those courts, those judges, those litigants, they were concerned with it, and that was the best interests and the protection of the end user of the product. As so many people know, prior to the advent of the product liability laws, we had, running rampant, a doctrine of caveat emptor in which it was stated

that the buyer must beware. The manufacturer, the seller, had no responsibility whatsoever for any injuries or other damage arising out of the purchase and use of—

The SPEAKER. The Chair asks the gentleman to confine his remarks to the reasons for recommittal, and the gentleman may proceed.

Mr. EARLEY. As the doctrine developed, Mr. Speaker, beginning with the case of McPherson v. Buick, the question arose as to what rights did the end user of the product have. These rights were developed over the years with the consumer in mind, and yet we have a bill here which purports to change 70 years of the development of the law without one iota of input from those people most affected by the bill. We have here in Pennsylvania some 12 million persons - men, women and children - who are using products and will be using products every day as they go through their lives, and we are purporting here, by this bill, to take from them rights, rights that have been developed through the years, and they are not aware and have had nothing to say about these rights being taken from them. I submit that it is important that the appropriate committee—and I am suggesting the Committee on Consumer Affairs—take this legislation, conduct hearings and analyze it from that point of view. Therefore, I urge this House to approve a recommittal of this bill to the Consumer Affairs Committee.

The SPEAKER. The question is on the recommittal.

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

Mr. YOHN. Mr. Speaker, I would oppose the motion. This bill and the issue of product liability reform was before the General Assembly in the last session; it was the subject of public hearings by the Senate and the House at that time. There was a bill passed by the Senate at that time. The bill this year was the subject of public hearings by the House Insurance Committee. We had several days of meetings to work on the bill, and this House has now debated the bill at length and inserted a number of amendments to the bill. I think it is time that we take final action on the bill and I would, therefore, oppose the motion to recommit.

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

Mr. COHEN. Mr. Speaker, as the Democratic vice chairman of the Consumer Affairs Committee, I think the Consumer Affairs Committee would do a very good job of fully investigating this and producing a bill that would not take such a long time to debate because of all the evident agreements and disagreements on it. I think the Consumer Affairs Committee has the capability of producing a product that everybody can unite on and I, therefore, support this motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—64

Alden	Dumas	McCall	Rieger
Austin	Durham	McIntyre	Rodgers
Barber	Earley	McMonagle	Schmitt
Belardi	Fee	Manderino	Schweder
Bennett	Gallagher	Micozzie	Serafini
Berson	Gatski	Milanovich	Shadding
Burns	Goebel	Mrkonic	Shupnik
Caltagirone	Gray	Mullen	Street
Cappabianca	Greenfield	Musto	Stuban
Chess	Harper	Novak	Sweet
Clark, B. D.	Hoeffel	O'Brien, B. F.	Taylor, F.
Cochran	Kanuck	O'Donnell	Telek
Cohen	Knight	Oliver	Trello
DeMedio	Kolter	Pratt	Wargo
DeWeese	Kukovich	Pucciarelli	White
Dombrowski	Levin	Richardson	Zitterman

NAYS—120

Anderson	Gamble	McClatchy	Seventy
Armstrong	Gannon	McKelvey	Sieminski
Arty	Geesey	McVerry	Sirianni
Bittle	Geist	Mackowski	Smith, E. H.
Bowser	George, C.	Madigan	Smith, L. E.
Brandt	George, M. H.	Manmiller	Spencer
Brown	Gladeck	Michlovic	Spitz
Burd	Goodman	Miller	Stairs
Cessar	Grabowski	Moehlmann	Steighner
Cimini	Grieco	Mowery	Stewart
Clark, M. R.	Gruppo	Murphy	Swift
Cole	Halverson	Nahill	Taddonio
Cornell	Hasay	Noye	Taylor, E. Z.
Coslett	Hayes, Jr., S.	O'Brien, D. M.	Thomas
Cowell	Helfrick	Perzel	Vroon
Cunningham	Honaman	Peterson	Wachob
DeVerter	Hutchinson, A.	Petrarca	Wass
DiCarlo	Hutchinson, W.	Piccola	Wenger
Davies	Itkin	Pistella	Wilson
Dawida	Johnson, E. G.	Pitts	Wilt
Dietz	Johnson, J. J.	Polite	Wright, D. R.
Dininni	Jones	Pott	Wright, Jr., J.
Dorr	Klingaman	Punt	Yahner
Duffy	Knepper	Pyles	Yohn
Fischer	Kowalshyn	Reed	Zeller
Fisher	Lashingier	Ritter	Zord
Foster, W. W.	Lehr	Rocks	Zwilk
Foster, Jr., A.	Levi	Ryan	
Freind	Lewis	Salvatore	Seltzer,
Fryer	Livengood	Scheaffer	Speaker
Gallen	Lynch, E. R.		

NOT VOTING—12

Beloff	Hayes, D. S.	Letterman	Rhodes
Borski	Irviss	Pievsky	Weidner
Giammarco	Laughlin	Rappaport	Williams

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 minority whip

—
Mr. MANDERINO. Mr. Speaker, I understood Mr. Levin wanted to be recognized.

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

Mr. LEVIN. Mr. Speaker, I have listened very, very attentively to all of the speeches on this floor and, with rare exceptions when we dealt with certain complicated sections, where Mr. Manderino or Mr. Yohn or Mr. Fisher gave you

specific information, the tragedy of this bill is that the intent, the overwhelming intent of this bill, has not been discussed at all. This bill is an anti-consumer, anti-union bill, promoted by the Chamber of Commerce, and the real serious question arises as to why, because the manufacturers in Pennsylvania will not benefit from this bill.

Now I repeat that for you, because those of you who do not understand that yet are kidding yourselves. Pennsylvania manufacturers will not benefit from that bill, and the reason is very clear: This bill can only apply to Pennsylvania. If I am an insurance company and a man is manufacturing an item in Pennsylvania, I have no idea where that product will be sold, where it will ultimately be used. I cannot reduce his rates because Pennsylvania has changed its law. The product could end up in Utah, in California, in New York, and the law applies to the area where the party is injured. So, the manufacturers who had this bill promoted were given a false bill and a false illusion. Where does the bill help, who does it help, in Pennsylvania? One group of people - retailers, retailers who wish to avoid their responsibility to the public to whom they hold out a quality product.

This bill relieves the retailers in Pennsylvania from any responsibility for a product that they sell in Pennsylvania which damages someone, which hurts them. Now that is the heart of the bill. You have not heard from anyone about that section. You have heard about manufacturers; you have heard about periods of statutes of limitations; you have heard about inferences. That did not matter. None of that was the heart of the bill.

This bill says to a consumer that if you go to Sears Roebuck and buy an item in Sears and it explodes and your kid's eye is taken out, you have got to go find where the product was made. You cannot sue Sears. Now we have had 70 years of that kind of litigation. And not this body, but the courts all over the United States concurred that the old system did not work. And the courts found a solution in 402 (a), and it took 70 years to develop that consumer protection, and this body, after 2 days—as Mr. Yohn says, 2 important days of hearings—boy, I would have liked to have been there to hear who stacked that committee; 2 days of hearings. Who testified for the consumers, Mr. Yohn? It is very obvious from this bill that they were not heard from because no one organized them. No one had an opportunity to bring them up there and tell them what kind of ripper bill this was.

I stand here annoyed because it appears to me that this bill is going to pass. It appears to me that the votes are here to pass it. Therefore, I am not here to change your mind; I am just here to tell you the truth. When you pass this bill, take a good look in the mirror, because Pennsylvania citizens have been hurt.

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

Mr. KUKOVICH. Needless to say, I am a little disappointed. I think some of the amendments that have gone in have made some improvements in the bill, but the most

important and the most far-reaching amendments did not go in. And I think that too often we vote in here on erroneous perceptions, and I think we are doing that on this bill. We are not voting on what is right or what is logical or what is going to solve a problem; we are voting on what we have been told by different groups and different factions. I just do not think that is right.

I think it should be clear before we vote that if people think we are going to provide certainty in the law, and if we are going to bring down insurance rates in the product liability field, that is simply not true. If we are going to deal with this problem, it is going to have to be dealt with at the Federal level. It is going to have to be dealt with across this entire country, and it is going to have to be dealt with in a way that is going to affect those insurance companies who are carrying casualty insurance, of which product liability is a part.

All we are going to do today is provide a windfall for insurance companies and cut off the rights of certain innocent, injured people.

I would like you to keep that in mind and keep the facts in mind, not the perceptions that you have been fed, whenever you vote on this bill.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to HB 1083. We were told—and the only justification that I have heard for the passage of such a drastic change in Pennsylvania law—the only reason revolves around the manufacturer's or the retailer's cost for product liability insurance and an attempt to get some certainty into what claims will have to be paid. Now I do not think anyone will dispute that those are the reasons that we are doing all these things to a law of Pennsylvania.

Mr. Speaker, I submit to you that no one has yet promised that liability premiums for products liability are going to go down; no one has promised that. The insurance industry says they cannot promise it; Mr. Fisher says he is not sure what is going to happen. You are not accomplishing that purpose of the bill.

The purpose of having some certainty in the amount of money that will eventually be paid on claims and to have a statute of repose is accomplished, Mr. Speaker, by that section of the bill that speaks to statute of repose. It is not accomplished by any other section of the bill, and we are making many, many other changes in the bill. And as Mr. Levin pointed out, all those other changes in the bill are anti-consumer and anti-victim and anti-family of victims who happen to be injured in a product liability use.

Mr. Speaker, the morning paper carried a story wherein Ralph Nader made a statement where he described this particular bill as, "Pennsylvania is trying to pass the most hazardous product liability legislation in any major industrial state." He says that it is an unprecedented attack on Pennsylvania's consumers and workers. That is exactly what it is.

Under the guise of a certainty, a certainty of what will have to be paid out in claims—which was taken care of by

the statute of repose—we have made any number of changes that make it more difficult, if not impossible, for persons to be awarded damages when they have been injured.

An aspect of the bill that has not been addressed, except by Mr. Levin, is that we are changing the law of Pennsylvania. Presently, if you are injured by a product, you may sue the person you came into contact with it in acquiring that product. You can sue the person who sold you the product. The person who sold you the product has a perfect right to say, hey, I did not do anything wrong. The guy who sold it to me did something wrong. That man has the right to go to the manufacturer and say, hey, I did not do anything either. I am a distributor. Mr. Manufacturer, you come into this lawsuit and defend. And with that process, Mr. Speaker, an injured person deals locally with the person whom he came in contact with when he obtained that product, and he does not have to worry about going to Japan or Taiwan or Timbuktu to find somebody who is responsible for his injuries. This bill says he has to go to Timbuktu or to Taiwan or to Japan or Germany to sue in many cases.

Mr. Speaker, if I were to assume that a company producing in a foreign country did business in this country or in this state—I know that we have what is commonly referred to as a "long arm statute" where you can sue that particular manufacturer in Taiwan or Japan or in California in this state because they do enough business in this state to come under the jurisdiction of our courts—we have said that if you do enough business in this state so that you are presently in a business manner within the state, you can be sued in the courts of Pennsylvania. I know that.

I submit to you that when Sears buys from Taiwan, Taiwan is not coming to the United States. Sears is going to Taiwan and making the purchase, and the transaction is in Taiwan or Japan or in Germany. And it is not that manufacturer who manufactured a defective product that is doing business in this state; it is our retailers that perhaps are doing business there, and they will not be subject to our products liability law because we are saying that you can only sue the manufacturer. Well, you go try and sue that manufacturer. You have to take your case out of state; you have to take your case out of the country, and you no longer can sue that person who sold the product to you and to whom an obligation is owed to you.

Mr. Speaker, to write all those people out of the law and deny recovery because we cannot sue the ultimately responsible manufacturer—and that is what we are doing—is unconscionable, all under the guise of making it certain what those insurance premiums ought to be and what recovery might be, which, again, is all taken care of by the statute of repose.

Mr. Speaker, if this product liability bill were only a 12-year statute of repose, I would say that even that is going too far. But I would say that both the Chamber of Commerce and labor, that is vehemently opposed to this bill, were laying their eggs in baskets that we should not

pay much attention to, because there are very few suits brought after 12 years. I do not even agree that we ought to shut those out that legitimately could be brought after 12 years, but we are talking about a so small portion of the problem that I would not be concerned about this bill if it were only a statute of repose. It is much more than a statute of repose. It is all sorts of inferences and burdens of proof. It is knocking out the retailer with whom you dealt and perhaps denying you recovery totally.

When Ralph Nader says this is the worst legislation he has seen in an industrial state, he is telling the truth. And I repeat what I said yesterday when I first took the microphone on this subject: We ought to be ashamed to pass this particular piece of legislation in the form that it is in. Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. SALVATORE. Mr. Speaker, I think we have heard enough about this bill. I am going to submit my remarks for the record.

The SPEAKER. The gentleman will send his remarks to the desk.

Mr. SALVATORE presented the following remarks for the Legislative Journal:

The Case Against A Products Liability Law

During the past 10 years there has been a movement, under the guise of consumerism, to deprive the American citizen of much of his constitutional civil rights.

This movement has been led by the insurance industry, and they have been in the forefront in leading the battle of TORT REFORM as an expediency to achieve a simplified insurance process based upon the concept of indemnity rather than compensation for damages suffered. The bait they dangle at the end of the stick is the lure to the consumer of reduced insurance premiums.

The first battle for the consumer was no-fault insurance. Advocates of no-fault said, "If we take away the right of the injured automobile accident victim to exercise his legal rights to a jury trial in the majority of accidents we will reduce his insurance costs."

We can still hear the words of Herb Denenberg echoing in these halls, promising the consumer that if you get your legislator to vote for this no-fault, your premiums will be reduced 30 percent or 40 percent or more and you will get paid more in claims and get it faster.

I am from Philadelphia, and I know what automobile insurance costs there now and I knew what it cost then. I also know a number of people who have come to me about their involvement in accidents who are unable to collect for their losses in full because some people were not insured or they cannot go to court because the legislature took their rights away as a trade-off for lowered premiums.

In 1976 the insurance companies made their next move by joining forces with the medical profession. They again

moved for tort reform. The legislature was a little wiser this time. They did not buy tort reform in the sense the insurance industry wanted. The legislature recognized that there were some incompetent doctors who were making fortunes while practicing bad medicine.

What we chose to do was to make the medical profession accountable and to modify the procedure for litigating malpractice lawsuits by sending them to arbitration.

Today the insurance industry has joined forces with the business community generally to make it more difficult for the consumer to hold a manufacturer or seller of defective merchandise responsible for injuries and damages caused by defective merchandise.

We are spending millions of dollars of taxpayers' money at the Federal level through the Consumer Product Safety Commission to force manufacturers to design and make products that are safe for you and me and our spouses and our children to use without the fear of losing an eye or a limb or even life itself.

HB 1083 is painted as a "compromise"; it is being promoted by the insurance industry and its latest ally, American business, as a responsible middle-of-the-road approach to a major problem.

What is the problem? American business does not want to be held accountable for the death, crippling, and injuries suffered by thousands of Americans every day as a result of using a defectively designed or manufactured product.

You and I are being asked to buy the product and to assume the burden of our injuries when that product causes us harm. I think we have a right to expect that when a businessman sells us a car, that it will safely transport us to our destination. We know, the manufacturer knows, that highway accidents will happen. We assume that risk when we turn the key in the ignition. But did we assume the risk that the gas tank on our Pinto would explode on impact and consume us in flames? Or did we assume the risk of the VW Beetle's seat catapulting us backward in a rear-end collision as a human projectile into the engine compartment? I think not.

Ford could have prevented the Pinto situation by a slight design modification at the production line that would have cost \$11 a car to fix. VW finally, in 1973, corrected their defective seat with a sturdier design at a similarly ridiculous small cost.

Who can fix the bodies and minds of those victims of the Pinto and Volkswagen? Do you really want to let Ford, General Motors, Toyota, Honda, Volkswagen, Mattel, Hooker Chemical Co., du Pont, Exxon, and all the other giants of American free enterprise escape from their duty to you, your spouse, and your children and grandchildren to design and manufacture products that are safe to use without maiming or killing?

Product liability insurance - reform of the laws of negligence that permit an injured person to hold the manufacturer accountable for his mistakes has been studied to death at the Federal and state level.

What have some of these studies shown?

First, let us take the Inter Agency Task Force on Product Liability study under the direction of the United States Department of Commerce. This was an exhaustive, seven-volume legal study of product liability completed in May of 1977, under contract No. 6-36250 with Research Group, Inc., Charlottesville, Virginia. Pennsylvania was one of the sample states used by the Research Group in making the study of product liability for the U.S. Department of Commerce.

The findings were that with one exception - Pennsylvania - the large majority of cases - 75 percent - were brought in state court. If that is so, how will the Pennsylvania law being proposed here today keep people out of Federal court?

One-third of all product liability cases involved the automobile.

One-half of the products involved in litigation were manufactured between 1959 and 1966. Less than 10 percent of the products were over 20 years old; less than 4 percent over 25 years old.

Half of the injuries occurred between 1964 and 1969. Half of the court decisions reviewed were made between 1969 and 1974.

This tells me there is indeed a products liability problem. It tells me that people are not only getting hurt but that they are getting hurt at an increasing rate.

A large percentage of the injuries are work related. Thirty-nine percent of the defects are design defects; 37 percent of the defects are manufacturing defects; and 21 percent were due to the manufacturer's failure to provide adequate warning.

In 1971 the average award for injuries and damage for the previous 6 years - 1965-1971 - was \$104,000. From 1971 to 1977 the average increased to \$222,000.

This tells me that American manufacturers are making products that are more hazardous and that they want us, as legislators, to protect them against the harm caused by their defects.

I was always brought up to believe that the best way to reduce accidents and thereby the cost of accidents was to take those steps necessary to prevent the accident whenever and wherever possible. I was never told that the way to reduce accident costs was to limit or restrict the right of the injured party to recover his or her damages.

What incentive do we provide the manufacturers to design and make safe products if we minimize his liabilities for the harm his negligence causes?

Another study - one very critical to this bill - was made by the Department of Engineering and Public Policy and School of Urban and Public Affairs of Carnegie-Mellon University. Their study pertained to Pennsylvania statistics only; in fact, was limited to cases brought in Allegheny County.

The Carnegie-Mellon findings were, and I quote: "The basic conclusion reached by the operation of courts and the data evaluation groups is that there does not seem to be a

crisis in product liability litigation. The term crisis, in this context, is concerned with the number of cases being litigated and the size of settlement awards."

Further, the study concluded: "It seems there are certain size businesses and industries that are faced with problems in attaining product liability coverage at a reasonable price.... A major cause of the product liability problem is the uncertainty involved in evaluating insurance rates. The reason for the uncertainty is the limited claims experience with most product types. Actual data is not readily available...."

"In conclusion, from the data collected during the course of this project, it does not seem that a widespread crisis in product liability exists. However, in certain areas problems do exist. As legislation is aimed at alleviating the product liability 'crisis,' and no widespread crisis seems to exist, it is suggested that the enactment of the pending legislation be deferred."

The Carnegie-Mellon study also made these recommendations:

"Based on the conclusions as to the existence of a crisis, it is recommended that a comprehensive reporting and/or monitoring system of product liability be initiated. Pertinent items to be reported would be insurance claims data, settlement figures, number of claims, etc.

"An additional reason to delay the implementation of legislation is that its effects are not fully known. As there does not presently seem to be a crisis, the addition of an unknown effect may, in fact, cause more uncertainty. Since there is no immediate need for crisis remedies it is suggested that the effects of the proposed legislation be more fully studied before enactment."

Carnegie-Mellon and the U.S. Department of Commerce are neutral parties. They do not have an ax to grind and they are not tooting anyone's horn. Their assessment of the problem is that there is not a crisis. Their assessment is good enough for me.

Now, Mr. Speaker, I would like to ask the sponsors of the bill the following questions:

1. By how much will this bill reduce product liability insurance rates in Pennsylvania?
2. When will these rates be reduced as a result of the enactment of this bill?
3. How can the proposals now pending before the Insurance Department calling for a reduction in product liability rates be explained when the bill has not even passed? In other words, present rates cannot be justified and reductions now pending have nothing to do with this bill.

Mr. Speaker, I urge the members of this General Assembly not to be stampeded like cattle into enacting legislation to protect manufacturers against a crisis that they, in concert with the insurance industry, have manufactured to take away the rights of the working men and women in order to increase the profits of the manufacturer and the insurance companies.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Mr. Speaker, I wish I had my remarks written and I would do the same, but I would just like to make an observation at the moment.

The SPEAKER. The Chair makes an observation: You can always submit them tomorrow.

Mr. MOWERY. Thank you, Mr. Speaker, but I think I will take my option and do it today.

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

Mr. MOWERY. My secretary has already gone home, Mr. Speaker.

The SPEAKER. The Chair will be very happy to loan you one.

Mr. MOWERY. And get on with the show.

Mr. Speaker, we have been listening for the past 2 days about attorneys, about insurance company premiums, and we have had an awful lot of rhetoric which I really do not understand as a layman. But I would like to draw our attention as we vote that this is probably not the worst piece of legislation that has been voted on or considered by this House of Representatives. I believe that we have some very major problems in Pennsylvania. I know, as Mr. Levin said, that probably it would only apply in some regards to the State of Pennsylvania. There are an awful lot of good things that can happen if it just applies here in the State of Pennsylvania.

The time is fast coming that we on the chamber of commerce and we on the labor force in Pennsylvania have got to begin to get together. There is one thing that is giving us all a lot of problems today. We all want high employment. It makes it easy for us legislators when everybody is employed. We do not have a lot of money that we have to tax our people for to provide for jobs and for unemployment and for workmen's compensation benefits.

I would like to challenge you that today we should take a good, hard look at exactly what we are going to do and begin to take a step forward to allow Pennsylvania, an industrial state that we in the legislature are so dependent upon the tax dollars of business and we are so dependent upon the tax dollars of our labor force, to begin to try to get to a point where Pennsylvania can be strong again and not limping along trying to find itself. The eighties is a decade that if we in this room do not begin to make some good decisions and get off one side or the other and come somewhere in between, we are going to have more problems than I think any of us here would like to be a part of. And so I challenge you, and the attorneys have spoken well about areas I am not that familiar with, but one thing I am sure: Just as they have challenged the insurance industry, are they going to lower the premiums? I do not know that, but are the attorneys going to get less fees if this bill goes through? I would just like to say that as we think about this, let us think of it as maybe one little step towards trying to improve the atmosphere for labor and business in the State of Pennsylvania. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, how do we go about moving to reconsider the vote by which this measure went from third consideration to final passage? Mr. Yahner and I were in the men's room, not together, of course—

The SPEAKER. Can the gentleman prove it?

Mr. DeWEESE. —and, Mr. Speaker—

RECONSIDERATION OF VOTE ON HB 1083

The SPEAKER. In response to the inquiry by the gentleman, the motion to make is the one which he has presented to me and which the Chair will read: Moved by the gentleman, Mr. DeWeese, and seconded by the gentleman, Mr. Murphy, that the vote by which HB 1083 was put on final passage on the 29th day of January be reconsidered.

Mr. DeWEESE. Mr. Speaker, I so move.

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

Mr. MURPHY. I second the motion.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is my understanding, having talked to the Chair, that the purpose of this motion is to make a subsequent motion to again reconsider the Kukovich amendment for the fifth time. Because of that, Mr. Speaker, and because we have time and time again considered that particular amendment, I oppose the motion presented by Mr. DeWeese.

If I may, Mr. Speaker, we have customarily—and I have been one of the leaders in the forefront over the years—we have customarily as a matter of courtesy extended to all of the members the right to reconsider votes. I think we have gone far enough in this particular case when five times we have voted on the same amendment, and it is for that reason and that reason alone that I would oppose the motion to take this bill back from the final passage posture it is now in.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, yesterday we took a number of votes, and every time the position advocated by a member of this side of the aisle was up for a vote, the vote was taken very hurriedly, and every time the opposite case, where the amendment proposed by this side of the aisle was winning instead of losing, the vote took a little longer to take, and I pointed that out at the microphone. I indicated, Mr. Speaker, that we were taking a little longer to take some votes than others. The particular vote that Mr. DeWeese is asking be reconsidered was a vote that was taken very hurriedly. There were three members of my side of the aisle who voted each time that amendment was considered who were unable to vote because of the quickness with which the vote was taken, and their votes are not recorded. They are Mr. DeWeese, Mrs. Harper, and Mr. Yahner and they were all in the back, as Mr. DeWeese described.

That is the reason that I think in fairness we ought to reconsider the vote. That is the reason that Mr. DeWeese

makes the motion. I support his motion, and I think that we ought to be allowed to take the vote again.

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

The following roll call was recorded:

YEAS—98

Alden	Fee	Levin	Ritter
Austin	Fischer	McCall	Rodgers
Barber	Fryer	McIntyre	Schmitt
Belardi	Gallagher	McMonagle	Schweder
Bennett	Gamble	Manderino	Serafini
Berson	Gatski	Michlovic	Seventy
Borski	George, C.	Micozzie	Shadding
Brown	George, M. H.	Milanovich	Shupnik
Burns	Goodman	Mrkonic	Steighner
Caltagirone	Grabowski	Mullen	Stewart
Cappabianca	Gray	Murphy	Street
Chess	Greenfield	Musto	Suban
Clark, B. D.	Harper	Novak	Sweet
Cochran	Hoefel	O'Brien, B. F.	Taylor, F.
Cohen	Hutchinson, A.	O'Donnell	Telek
Cole	Itkin	Oliver	Trello
Cowell	Johnson, J. J.	Petrarca	Wachob
DeMedio	Jones	Pistella	Wargo
DeWeese	Kanuck	Pratt	White
DiCarlo	Knight	Pucciarelli	Wright, D. R.
Dawida	Kolter	Rappaport	Yahner
Dombrowski	Kowalyshyn	Reed	Zeller
Duffy	Kukovich	Richardson	Zitterman
Dumas	Laughlin	Rieger	Zwinkl
Durham	Letterman		

NAYS—89

Anderson	Gallen	McClatchy	Sieminski
Armstrong	Gannon	McKelvey	Sirianni
Arty	Geesey	McVerry	Smith, E. H.
Bittle	Geist	Madigan	Smith, L. E.
Bowser	Gladeck	Manmiller	Spencer
Brandt	Goebel	Miller	Spitz
Burd	Grieco	Moehlmann	Stairs
Cessar	Gruppo	Mowery	Swift
Cimini	Halverson	Nahill	Taddonio
Clark, M. R.	Hasay	Noye	Taylor, E. Z.
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Thomas
Coslett	Helfrick	Perzel	Vroon
Cunningham	Honaman	Peterson	Wass
DeVerter	Hutchinson, W.	Piccola	Wenger
Davies	Johnson, E. G.	Pitts	Wilson
Dietz	Klingaman	Polite	Wilt
Dininni	Knepper	Pott	Wright, Jr., J.
Dorr	Lashingner	Punt	Yohn
Earley	Lehr	Pyles	Zord
Fisher	Levi	Rocks	
Foster, W. W.	Lewis	Ryan	Seltzer,
Foster, Jr., A.	Livengood	Salvatore	Speaker
Freind	Lynch, E. R.	Scheaffer	

NOT VOTING—9

Beloff	Irvis	Pievsky	Weidner
Giammarco	Mackowski	Rhodes	Williams
Hayes, D. S.			

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

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 1083

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I move that the vote by which the Kukovich amendment No. A4531 was defeated on the 29th day of January be reconsidered.

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

Mr. MURPHY. I second the motion.

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

The following roll call was recorded:

YEAS—99

Alden	Earley	Letterman	Ritter
Austin	Fee	Levin	Rodgers
Barber	Fischer	McCall	Schmitt
Belardi	Gallagher	McIntyre	Schweder
Bennett	Gamble	McMonagle	Serafini
Berson	Gatski	McVerry	Seventy
Borski	George, C.	Manderino	Shadding
Brown	Goebel	Michlovic	Shupnik
Burns	Goodman	Micozzie	Steighner
Caltagirone	Grabowski	Milanovich	Stewart
Cappabianca	Gray	Mullen	Street
Chess	Greenfield	Murphy	Suban
Clark, B. D.	Harper	Musto	Sweet
Cochran	Hoefel	Novak	Taylor, F.
Cohen	Hutchinson, A.	O'Brien, B. F.	Telek
Cole	Itkin	O'Donnell	Trello
Cowell	Johnson, J. J.	Oliver	Wachob
DeMedio	Jones	Petrarca	Wargo
DeWeese	Kanuck	Pistella	White
DiCarlo	Knight	Pratt	Wright, D. R.
Dawida	Kolter	Pucciarelli	Yahner
Dombrowski	Kowalyshyn	Rappaport	Zeller
Duffy	Kukovich	Reed	Zitterman
Dumas	Lashingner	Richardson	Zwinkl
Durham	Laughlin	Rieger	

NAYS—88

Anderson	Gallen	McKelvey	Sieminski
Armstrong	Gannon	Mackowski	Sirianni
Arty	Geesey	Madigan	Smith, E. H.
Bittle	Geist	Manmiller	Smith, L. E.
Bowser	George, M. H.	Miller	Spencer
Brandt	Gladeck	Moehlmann	Spitz
Burd	Grieco	Mowery	Stairs
Cessar	Gruppo	Nahill	Swift
Cimini	Halverson	Noye	Taddonio
Clark, M. R.	Hasay	O'Brien, D. M.	Taylor, E. Z.
Cornell	Hayes, Jr., S.	Perzel	Thomas
Coslett	Helfrick	Peterson	Vroon
Cunningham	Honaman	Piccola	Wass
DeVerter	Hutchinson, W.	Pitts	Wenger
Davies	Johnson, E. G.	Polite	Wilson
Dietz	Klingaman	Pott	Wilt
Dininni	Knepper	Punt	Wright, Jr., J.
Dorr	Lehr	Pyles	Yohn
Fisher	Levi	Rocks	Zord
Foster, W. W.	Lewis	Ryan	
Foster, Jr., A.	Livengood	Salvatore	Seltzer,
Freind	Lynch, E. R.	Scheaffer	Speaker
Fryer	McClatchy		

NOT VOTING—9

Beloff	Irvis	Pievsky	Weidner
Giammarco	Mrkonic	Rhodes	Williams
Hayes, D. S.			

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

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

Mr. KUKOVICH reoffered the following amendments:

Amend Sec. 1 (Sec. 5537), page 1, lines 10 through 13; page 2, lines 1 through 9, by striking out all of said lines and inserting

(a) Useful safe life.—A manufacturer as defined in section 8352 (relating to definitions) may be liable for harm caused by the manufacturer's product during the useful safe life of that product. A manufacturer shall not be liable for injuries or damages caused by a product beyond its useful safe life unless the manufacturer has expressly warranted a longer useful safe life period during which such injuries or damages occurred. "Useful safe life" refers to the time during which the product reasonably can be expected to perform in a safe manner. In determining whether a product's useful safe life has expired, the trier of fact may consider:

(1) The effect on the product of wear and tear or deterioration from natural causes.

(2) The effect of climatic and other local conditions in which the product was used.

(3) The policy of the user and similar users as to repairs, renewals and replacements.

(4) Representations, instructions and warnings made by the product seller about the product's useful safe life.

(5) Any modification or alteration of the product by a user or third party.

(b) Statutes of repose.—

(1) A claimant entitled to compensation under the act of June 2, 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's Compensation Act," may bring a product liability action against a manufacturer under this subchapter for harm that occurs within 25 years after delivery of the completed product to its first purchaser or lessee who was not engaged in the business of selling products of that type. For a product liability claim involving harm which occurred more than 25 years after delivery of the completed product to its first purchaser or lessee who was not engaged in the business of selling products of that type, the presumption is that the product has been utilized beyond its useful safe life as established in subsection (a). Such presumption may be rebutted by a preponderance of the evidence. For the purposes of this title, a self-employed individual bringing a product liability action for harm caused by product use while such individual was engaged within the scope of his employment shall be deemed to be a claimant under this subsection.

(2) For product liability actions not included in paragraph (1) that involve harm occurring more than 12 years after delivery of the completed product to its first purchaser or lessee who was not in the business of selling products of that type, the presumption is that the product has been utilized beyond its useful safe life as established in subsection (a). Such presumption may be rebutted by a preponderance of the evidence.

Amend Sec. 1 (Sec. 5537), page 2, line 21 by striking out "(a)" and inserting (b)

Amend Sec. 1 (Sec. 5537), page 3, line 11, by striking out "(a)" and inserting (b)

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

The following roll call was recorded:

YEAS—94

Alden	Fee	Levin	Rieger
Austin	Fischer	McCall	Ritter
Barber	Gallagher	McIntyre	Schmitt
Belardi	Gamble	McMonagle	Schweder
Bennett	Gatski	McVerry	Serafini
Berson	George, C.	Manderino	Seventy
Borski	Goodman	Michlovic	Shadding
Brown	Grabowski	Micozzie	Shupnik
Burns	Gray	Milanovich	Steighner
Caltagirone	Greenfield	Mrkonic	Stewart
Cappabianca	Harper	Mullen	Street
Chess	Hoeffel	Murphy	Stuban
Clark, B. D.	Hutchinson, A.	Musto	Sweet
Cochran	Itkin	Novak	Taylor, F.
Cohen	Johnson, J. J.	O'Brien, B. F.	Telek
Cowell	Jones	O'Donnell	Trello
DeMedio	Kanuck	Oliver	Wachob
DeWeese	Knight	Petrarca	Wargo
Dawida	Kolter	Pistella	White
Dombrowski	Kowalshyn	Pratt	Yahner
Duffy	Kukovich	Pucciarelli	Zeller
Dumas	Lashingier	Reed	Zitterman
Durham	Laughlin	Richardson	Zwilk
Earley	Letterman		

NAYS—94

Anderson	Fryer	McClatchy	Scheaffer
Armstrong	Gallen	McKelvey	Sieminski
Arty	Gannon	Mackowski	Sirianni
Bittle	Geesey	Madigan	Smith, E. H.
Bowser	Geist	Manmiller	Smith, L. E.
Brandt	George, M. H.	Miller	Spencer
Burd	Gladeck	Moehlmann	Spitz
Cessar	Goebel	Mowery	Stairs
Cimini	Grieco	Nahill	Swift
Clark, M. R.	Gruppo	Noye	Taddonio
Cole	Halverson	O'Brien, D. M.	Taylor, E. Z.
Cornell	Hasay	Perzel	Thomas
Coslett	Hayes, Jr., S.	Peterson	Vroon
Cunningham	Helfrick	Piccola	Wass
DeVerter	Honaman	Pitts	Wenger
DiCarlo	Hutchinson, W.	Polite	Wilson
Davies	Johnson, E. G.	Pott	Wilt
Dietz	Klingaman	Punt	Wright, D. R.
Dininni	Knepper	Pyles	Wright, Jr., J.
Dorr	Lehr	Rappaport	Yohn
Fisher	Levi	Rocks	Zord
Foster, W. W.	Lewis	Rodgers	
Foster, Jr., A.	Livengood	Ryan	Seltzer,
Freind	Lynch, E. R.	Salvatore	Speaker

NOT VOTING—8

Beloff	Hayes, D. S.	Pievsky	Weidner
Giammarco	Irvis	Rhodes	Williams

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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—109

Anderson	Freind	Livengood	Scheaffer
Armstrong	Fryer	Lynch, E. R.	Sieminski
Arty	Gallen	McClatchy	Sirianni
Bennett	Gamble	McKelvey	Smith, E. H.
Bittle	Geesey	McVerry	Smith, L. E.
Bowser	Geist	Mackowski	Spencer
Brandt	George, M. H.	Madigan	Spitz
Brown	Gladeck	Manmiller	Stairs
Burd	Goebel	Miller	Steighner
Caltagirone	Goodman	Moehlmann	Sweet
Cessar	Grabowski	Mowery	Swift
Cimini	Grieco	Murphy	Taddonio
Clark, M. R.	Gruppo	Nahill	Taylor, E. Z.
Cole	Halverson	Noye	Thomas
Cornell	Hasay	O'Brien, B. F.	Vroon
Coslett	Hayes, Jr., S.	O'Donnell	Wass
Cunningham	Hoefel	Peterson	Wenger
DeVerter	Honaman	Petrarca	Wilson
DiCarlo	Hutchinson, A.	Piccola	Wilt
Davies	Hutchinson, W.	Pistella	Wright, D. R.
Dawida	Itkin	Pitts	Wright, Jr., J.
Dietz	Johnson, E. G.	Polite	Yohn
Dininni	Klingaman	Pott	Zeller
Dorr	Knepper	Punt	Zord
Duffy	Kowalyszyn	Pyles	
Fisher	Lehr	Reed	Seltzer,
Foster, W. W.	Levi	Rocks	Speaker
Foster, Jr., A.	Lewis	Ryan	

NAYS—78

Alden	Fischer	McIntyre	Salvatore
Austin	Gallagher	McMonagle	Schmitt
Barber	Gannon	Manderino	Schweder
Belardi	Gatski	Michlovic	Serafini
Berson	George, C.	Micozzie	Seventy
Borski	Gray	Milanovich	Shadding
Burns	Greenfield	Mrkonic	Shupnik
Cappabianca	Harper	Mullen	Stewart
Chess	Helfrick	Musto	Street
Clark, B. D.	Johnson, J. J.	Novak	Stuban
Cochran	Jones	O'Brien, D. M.	Taylor, F.
Cohen	Kanuck	Oliver	Telek
Cowell	Knight	Perzel	Trello
DeMedio	Kolter	Pratt	Wachob
DeWeese	Kukovich	Pucciarelli	Wargo
Dombrowski	Lashingier	Richardson	White
Dumas	Laughlin	Rieger	Yahner
Durham	Letterman	Ritter	Zitterman
Earley	Levin	Rodgers	Zwilk
Fee	McCall		

NOT VOTING—9

Beloff	Irvis	Rappaport	Weidner
Giammarco	Pievsky	Rhodes	Williams
Hayes, D. S.			

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.

BILL ON THIRD CONSIDERATION POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. LETTERMAN, the House resumed third consideration of **SB 915, PN 1274**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," establishing a credit against gross receipts tax for railroad expenditures on maintenance or right-of-way improvements.

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?

RECONSIDERATION OF VOTE
ON SB 915

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

Mr. LETTERMAN. Mr. Speaker, I move that the vote by which SB 915, PN 1485, passed third reading as amended be reconsidered.

Mr. MANDERINO. I second the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

Mr. LETTERMAN offered the following amendment:

Amend Sec. 1 (Sec. 1101.2), page 3, line 18, by inserting after "TRANSFERRED" to the Department of Environmental Resources at fair market value

On the question,

Will the House agree to the amendment?

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. LETTERMAN. Mr. Speaker, I sent a page down to get the new printer's number of this bill, and they informed me that it was not in print at this time. I am wondering if it has been done. I would like to have a copy of that bill. I do not know how this came about, but they tell me that it was not in print at the time that I asked, about 15 minutes ago.

The SPEAKER. For the information of the gentleman, SB 915 is in print and has been circulated to the members. The proper printer's number is 1485, and for the information of the gentleman, his amendment is drawn to the proper printer's number.

Mr. LETTERMAN. Okay; I have everything now. It was just handed to me. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, the purpose of my amendment is that the way my amendment read before, it could have meant that every section of railroad adjacent to a person's property could have been turned back to them.

Then at any time that a railroad might have wanted to buy that land and go into business again with that same roadbed, they would have had to deal with every one of those people as a single entity. This would have made a problem for them where they might not have ever been able to buy back the railroad bed.

So what I am asking for is for this to read that every piece of road should be turned back to the Department of Environmental Resources at a fair market value. This way they will only have to deal with the Department of Environmental Resources. If, like in a case where they start to mine a lot of coal in an area, they decide they want to put the railroad bed back in, they could acquire this without too much hassle. I would ask for an affirmative vote, please.

The SPEAKER. It is the understanding of the Chair that this is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—182

Alden	Foster, W. W.	Lewis	Rodgers
Anderson	Foster, Jr., A.	Livengood	Ryan
Armstrong	Freind	Lynch, E. R.	Salvatore
Arty	Fryer	McCall	Scheaffer
Austin	Gallagher	McClatchy	Schmitt
Barber	Gallen	McKelvey	Schweder
Belardi	Gamble	McMonagle	Serafini
Bennett	Gannon	McVerry	Seventy
Berson	Gatski	Mackowski	Shadding
Bittle	Geesey	Madigan	Shupnik
Borski	Geist	Manderino	Sieminski
Bowser	George, C.	Manmiller	Sirianni
Brandt	George, M. H.	Michlovic	Smith, E. H.
Brown	Gladeck	Micozzie	Smith, L. E.
Burd	Goebel	Milanovich	Spencer
Burns	Goodman	Miller	Spitz
Caltagirone	Grabowski	Moehlmann	Stairs
Cappabianca	Greenfield	Mowery	Steighner
Cessar	Grieco	Mrkonic	Stewart
Chess	Gruppo	Mullen	Street
Cimini	Halverson	Murphy	Stuban
Clark, B. D.	Harper	Musto	Sweet
Clark, M. R.	Hasay	Nahill	Swift
Cochran	Hayes, Jr., S.	Novak	Taddonio
Cole	Helfrick	Noye	Taylor, E. Z.
Cornell	Hoeffel	O'Brien, B. F.	Taylor, F.
Coslett	Honaman	O'Brien, D. M.	Telek
Cowell	Hutchinson, A.	O'Donnell	Thomas
Cunningham	Hutchinson, W.	Oliver	Trello
DeMedio	Itkin	Perzel	Vroon
DeVerter	Johnson, E. G.	Peterson	Wachob
DeWeese	Johnson, J. J.	Petrarca	Wargo
DiCarlo	Jones	Piccola	Wenger
Davies	Kanuck	Pistella	White
Dawida	Klingaman	Pitts	Wilson
Dietz	Knepper	Polite	Wilt
Dininni	Knight	Pott	Wright, D. R.
Dombrowski	Kolter	Pratt	Wright, Jr., J.
Dorr	Kowalshyn	Pucciarelli	Yohn
Duffy	Kukovich	Punt	Zeller
Dumas	Lashingier	Pyles	Zitterman
Durham	Laughlin	Rappaport	Zord
Earley	Lehr	Reed	Zwinkl
Fee	Letterman	Richardson	
Fischer	Levi	Ritter	Seltzer,
Fisher	Levin	Rocks	Speaker

NAYS—0

NOT VOTING—14

Beloff	Hayes, D. S.	Rhodes	Weidner
Cohen	Irvis	Rieger	Williams
Giammarco	McIntyre	Wass	Yahner
Gray	Pievsky		

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. MANDERINO offered the following amendment:

Amend Sec. 1 (Sec. 1101.2), page 2, lines 2 through 4, by striking out "however, in no taxable" in line 2, all of lines 3 and 4 and inserting however, in order to qualify for the credit each year, a railroad company must spend, in Pennsylvania, an amount equivalent to at least twice the amount of the tax credit granted for the prior year; and, further, in no taxable year shall the amount of the credit allowed exceed the total of the tax due.

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. MANDERINO. Mr. Speaker, this amendment would guarantee that a tax credit given in any particular year would insure that in the next year at least twice the dollar amount of the tax credit would be invested in the roadbed in Pennsylvania in the following year.

Mr. Speaker, when this bill was originally debated, we tried similar amendments, and we were defeated on all the similar amendments. We tried an amendment to ask the railroads simply to disclose what they planned in future years, and we were defeated on that.

I feel that although we are not getting the guarantee of investment in the railroad bed that I would like to see in exchange for the tax credit given, we at least, by this amendment, guarantee a substantial investment in the roadbed in Pennsylvania in an amount twice as much as the tax credit in the ensuing fiscal or calendar year. I urge the adoption of the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—179

Armstrong	Gallagher	McClatchy	Ryan
Arty	Gallen	McIntyre	Salvatore
Austin	Gamble	McKelvey	Scheaffer
Barber	Gatski	McMonagle	Schmitt
Belardi	Geesey	McVerry	Schweder
Bennett	Geist	Mackowski	Serafini
Berson	George, C.	Madigan	Seventy
Bittle	George, M. H.	Manderino	Shadding
Borski	Gladeck	Manmiller	Shupnik
Bowser	Goebel	Michlovic	Sieminski
Brandt	Goodman	Micozzie	Sirianni
Brown	Grabowski	Milanovich	Smith, E. H.
Burd	Greenfield	Miller	Smith, L. E.
Burns	Grieco	Moehlmann	Spencer

Caltagirone	Gruppo	Mowery	Spitz
Cappabianca	Halverson	Mrkonic	Stairs
Cessar	Harper	Mullen	Steighner
Chess	Hasay	Murphy	Stewart
Cimini	Hayes, Jr., S.	Musto	Street
Clark, B. D.	Helfrick	Nahill	Stuban
Clark, M. R.	Hoeffel	Novak	Sweet
Cochran	Honaman	Noye	Swift
Cohen	Hutchinson, A.	O'Brien, B. F.	Taddonio
Cole	Hutchinson, W.	O'Brien, D. M.	Taylor, E. Z.
Coslett	Itkin	O'Donnell	Taylor, F.
Cowell	Johnson, E. G.	Oliver	Telek
Cunningham	Johnson, J. J.	Perzel	Thomas
DeMedio	Jones	Peterson	Trello
DeVerter	Kanuck	Petrarca	Wachob
DeWeese	Klingaman	Piccola	Wargo
DiCarlo	Knepper	Pistella	Wass
Davies	Knight	Pitts	Wenger
Dawida	Kolter	Polite	White
Dietz	Kowalyszyn	Pott	Wilson
Dombrowski	Kukovich	Pratt	Wilt
Dorr	Lashinger	Pucciarelli	Wright, D. R.
Duffy	Laughlin	Punt	Wright, Jr., J.
Dumas	Lehr	Pyles	Yohn
Durham	Letterman	Rappaport	Zeller
Earley	Levi	Reed	Zitterman
Fee	Levin	Richardson	Zord
Fischer	Lewis	Rieger	Zwikel
Foster, W. W.	Livengood	Ritter	
Foster, Jr., A.	Lynch, E. R.	Rocks	Seltzer,
Freind	McCall	Rodgers	Speaker
Fryer			

NAYS—6

Alden	Cornell	Gannon	Vroon
Anderson	Dininni		

NOT VOTING—11

Beloff	Gray	Pievsky	Williams
Fisher	Hayes, D. S.	Rhodes	Yahner
Giammarco	Irvis	Weidner	

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

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

Mr. ZELLER. Mr. Speaker, I had the wrong number when we talked earlier. I do have an amendment to SB 915, but I have a problem with it.

This morning I note that SB 915 was amended. Well, my amendment is not drawn up to that printer's number. It is drawn up to the previous printer's number, PN 1274, which is on the day's calendar, and I was not aware of it being amended. Therefore, my amendment is not germane to the present printer's number, but it is a very simple amendment, merely dealing with American-made products, that is all.

How do you want to deal with it, or do you want me—unless somebody else has it drawn up. I do not know whether somebody else has it drawn up to meet this printer's number. I would be glad to yield.

The SPEAKER. The Chair is in no position to accept the amendment drawn to a wrong printer's number. The Chair awaits guidance from the majority and minority leaders on what step they would like to take in this matter.

Mr. MANDERINO. Mr. Speaker, I would have to ask that the bill be passed over.

I was not aware that Mr. Zeller had an amendment, but the printer's number that he drew his amendment to is the printer's number that is on the calendar. I think the new printer's number appears on a supplemental calendar, and I can understand that Mr. Zeller did not know that there was going to be a new printer's number. I had to, in fact, redraw the amendment that I offered from this morning to this afternoon to the new printer's number to be in conformity with the rules.

I think the member ought not to be denied an opportunity to offer an amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. 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. The gentleman will state it.

Mr. RITTER. I think that if it would be possible to simply change the numbers on this amendment, where it says lines 4 and 5, to 28 and 29 and make subsection (d) subsection (g), that would take care of it, Mr. Speaker. That is all it would do.

The SPEAKER. The Chair believes that it is possible and feasible to accept the amendment offered by the gentleman from Lehigh, Mr. Zeller.

On the question recurring,

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

Mr. ZELLER offered the following amendment:

Amend Sec. 1 (Sec. 1101.2), page 3, by inserting between lines 4 and 5 (g) All rails used in future maintenance replacement and new railroad bed construction shall be American made.

On the question,

Will the House agree to the amendment?

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

Mr. ZELLER. Mr. Speaker, thank you very much and the members who helped.

What this amendment will do, it says: "All rails used in future maintenance replacement and new railroad bed construction shall be American made."

It is a very simple amendment. We did this in products and steel and in other areas of manufacturing, and there is no reason why we should not do it here. I would appreciate your support. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. MANDERINO. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Just for future reference, in the event that I have an occasion to present an amendment that is drawn to the improper printer's number, how do you do that? What did you do up there that made it okay? I just want to know. I want to try it sometime, Matt.

Mr. RYAN. He saw that it was a "buy America", and he did not have the nerve not to do it.

Mr. MANDERINO. If we are establishing a precedent that as long as everyone understands it and the Legislative Reference Bureau can mold it, I will go along with that. But I would like to know if that is what we are doing. Not for next year; just this year's precedent. Cessar said, "Just today."

The SPEAKER. The gentleman, Mr. Zeller, indicated that this was "Buy America Day," and in recognition of "Buy America Day," the Chair thought it was possible to make a minor change.

Mr. MANDERINO. Mr. Speaker, I do not object to that.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—185

Alden	Foster, W. W.	Livengood	Ryan
Anderson	Foster, Jr., A.	Lynch, E. R.	Salvatore
Armstrong	Freind	McCall	Scheaffer
Arty	Fryer	McClatchy	Schmitt
Austin	Gallagher	McIntyre	Schweder
Barber	Gallen	McKelvey	Serafini
Belardi	Gamble	McMonagle	Seventy
Bennett	Gannon	McVerry	Shadding
Berson	Gatski	Mackowski	Shupnik
Bittle	Geesey	Madigan	Sieminski
Borski	Geist	Manderino	Sirianni
Bowser	George, C.	Manmiller	Smith, E. H.
Brandt	George, M. H.	Michlovic	Smith, L. E.
Brown	Gladeck	Micozzie	Spencer
Burd	Goebel	Milanovich	Spitz
Burns	Goodman	Miller	Stairs
Caltagirone	Grabowski	Moehlmann	Steighner
Cappabianca	Gray	Mowery	Stewart
Cessar	Grieco	Mrkonic	Street
Chess	Gruppo	Mullen	Stuban
Cimini	Halverson	Murphy	Sweet
Clark, B. D.	Harper	Musto	Swift
Clark, M. R.	Hasay	Nahill	Taddonio
Cochran	Hayes, Jr., S.	Novak	Taylor, F.
Cohen	Helfrick	Noye	Telek
Cole	Hoeffel	O'Brien, B. F.	Thomas
Cornell	Honaman	O'Brien, D. M.	Trello
Coslett	Hutchinson, A.	O'Donnell	Vroon
Cowell	Hutchinson, W.	Oliver	Wachob
Cunningham	Itkin	Perzel	Wargo
DeMedio	Johnson, E. G.	Peterson	Wass
DeVerter	Johnson, J. J.	Petrarca	Wenger
DeWeese	Jones	Piccola	White
DiCarlo	Kanuck	Pistella	Wilson
Davies	Klingaman	Polite	Wilt
Dawida	Knepper	Pott	Wright, D. R.
Dietz	Knight	Pratt	Wright, Jr., J.
Dininni	Kolter	Pucciarelli	Yahner
Dombrowski	Kowalshyn	Punt	Yohn
Dorr	Kukovich	Pyles	Zeller
Duffy	Lashinger	Rappaport	Zitterman
Dumas	Laughlin	Reed	Zord
Durham	Lehr	Richardson	Zwikl

Earley	Letterman	Rieger	
Fee	Levi	Ritter	Seltzer,
Fischer	Levin	Rocks	Speaker
Fisher	Lewis	Rodgers	

NAYS—0

NOT VOTING—11

Beloff	Hayes, D. S.	Pitts	Weidner
Giammarco	Irvis	Rhodes	Williams
Greenfield	Pievsky	Taylor, E. Z.	

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

On the question recurring,

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

Mr. GEORGE offered the following amendment:

Amend Sec. 1 (Sec. 1101.2), page 2, line 12, by inserting after "Accounts." The term shall also mean any bridge maintenance, reconstruction or repair ordered by the Public Utility Commission pursuant to a finding by the Department of Transportation that a bridge is unsafe or otherwise in need of maintenance, reconstruction or repair in order that the bridge may sustain its original load capacity.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Mr. Speaker, I do not take issue with the importance of the bill which is before us. I do insist, from the many people whom I have discussed this with during our vacation, that they feel as I do; that if we are going to in some way subsidize, then they feel that these moneys in part—and if we should be so naive, in total—should be spent in the Commonwealth of Pennsylvania, for indeed they are Commonwealth funds.

Because of the inception of the new Federal mandate, as to the stress and condition of the bridges in Pennsylvania, it seems that it is going to be an overwhelming factor that many counties and many municipalities within the coming months will not be able to use these bridges that do have a relationship with the railroads. And because of the public utilities' involvement in this, but where they insist that many municipalities should pay—and they do not belong to the municipalities—and they further insist that the counties should pay for the upgrade of these bridges—and they do not belong to the counties—and they further insist that the Department of Transportation should fix these bridges—and they claim they do not have any money—I feel that if we are going to turn the funds back, I would hope that the railroads would be most agreeable to allowing this amendment to be accepted and put into this bill. I would hope that as individual legislators, who in the coming months will face the same situation as many of us have already, where our bridges have been downgraded to 5,000 pounds or 6,000 pounds and the school buses are not allowed to go over them, that we would place these moneys not only on our bridges in Pennsylvania but within the Commonwealth of Pennsylvania. Thank you.

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

Mr. DeVERTER. Mr. Speaker, I would rise to oppose the amendment. This amendment was considered before by the House—not this one exactly, but one similar to it—and it was felt at that time—and the members did defeat it—it would be extremely difficult for us to legislatively enact where the funds for the maintenance should go. There may be a situation where, in fact, the roadbed is more unsafe than perhaps the bridge. I would ask the members to please vote in the negative on the amendment. Thank you.

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

Mr. GEORGE. Mr. Speaker, I could not care how many times this amendment has been before us. I think it is up to us as members of this Assembly to really make this choice of whether these moneys should be placed in a manner where they will benefit the people of Pennsylvania. I certainly do not want to put any emphasis on any member, but when I read and I watch TV, and I know that they claim that they are going to lay off the little people on the railroads because there is not any funding, then I insist that the best way, if the Governor in fact really believes in the economy of Pennsylvania, he, too, would want to see that these bridges are upgraded and that the rails, because this money is given back to them, should in part be responsible to some small degree. Thank you very much.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—91

Alden	Fee	Levin	Ritter
Austin	Fryer	Livengood	Rodgers
Barber	Gallagher	McIntyre	Schmitt
Bennett	Gamble	McMonagle	Seventy
Berson	Gatski	Manderino	Shadding
Borski	George, C.	Michlovic	Shupnik
Brown	George, M. H.	Micozzie	Spitz
Caltagirone	Gray	Milanovich	Steighner
Cappabianca	Greenfield	Mrkonic	Stewart
Chess	Harper	Mullen	Street
Clark, B. D.	Hoeffel	Murphy	Sweet
Clark, M. R.	Hutchinson, A.	Musto	Taylor, F.
Cochran	Itkin	Novak	Telek
Cohen	Johnson, J. J.	O'Donnell	Trello
Cowell	Jones	Oliver	Wachob
DeMedio	Kanuck	Petrarca	Wargo
DeWeese	Klingaman	Pistella	White
DiCarlo	Knight	Pratt	Wright, D. R.
Dawida	Kolter	Pucciarelli	Yahner
Dombrowski	Kowalshyn	Rappaport	Zeller
Duffy	Kukovich	Reed	Zitterman
Dumas	Laughlin	Richardson	Zwikel
Durham	Letterman	Rieger	

NAYS—95

Anderson	Gallen	McClatchy	Scheaffer
Armstrong	Gannon	McKelvey	Schweder
Arty	Geesey	McVerry	Serafini
Belardi	Geist	Mackowski	Sieminski
Bittle	Gladeck	Madigan	Sirianni
Bowser	Goebel	Manmiller	Smith, E. H.
Brandt	Goodman	Miller	Smith, L. E.
Burd	Grabowski	Moehlmann	Spencer
Burns	Grieco	Mowery	Stuban
Cessar	Gruppo	Nahill	Swift

Cimini	Halverson	Noye	Taddonio
Cole	Hasay	O'Brien, B. F.	Taylor, E. Z.
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Thomas
Coslett	Helfrick	Perzel	Vroon
Cunningham	Honaman	Peterson	Wass
DeVerter	Hutchinson, W.	Piccola	Wenger
Davies	Johnson, E. G.	Pitts	Wilson
Dietz	Knepper	Polite	Wilt
Dininni	Lashingner	Pott	Wright, Jr., J.
Dorr	Lehr	Punt	Yohn
Earley	Levi	Pyles	Zord
Fisher	Lewis	Rocks	
Foster, W. W.	Lynch, E. R.	Ryan	Seltzer,
Foster, Jr., A.	McCall	Salvatore	Speaker
Freind			

NOT VOTING—10

Beloff	Hayes, D. S.	Rhodes	Weidner
Fischer	Irvis	Stairs	Williams
Giammarco	Pievsky		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—182

Alden	Fisher	Livengood	Ryan
Anderson	Foster, W. W.	Lynch, E. R.	Salvatore
Armstrong	Foster, Jr., A.	McCall	Scheaffer
Arty	Freind	McClatchy	Schmitt
Austin	Fryer	McIntyre	Schweder
Barber	Gallen	McKelvey	Serafini
Belardi	Gamble	McMonagle	Seventy
Bennett	Gannon	McVerry	Shadding
Berson	Gatski	Mackowski	Shupnik
Bittle	Geesey	Madigan	Sieminski
Borski	Geist	Manmiller	Sirianni
Bowser	George, C.	Michlovic	Smith, E. H.
Brandt	George, M. H.	Micozzie	Smith, L. E.
Brown	Gladeck	Milanovich	Spencer
Burd	Goebel	Moehlmann	Spitz
Burns	Goodman	Mowery	Stairs
Caltagirone	Grabowski	Mrkonic	Stewart
Cappabianca	Gray	Mullen	Street
Cessar	Greenfield	Murphy	Stuban
Chess	Grieco	Musto	Sweet
Cimini	Gruppo	Nahill	Swift
Clark, B. D.	Halverson	Novak	Taddonio
Clark, M. R.	Harper	Noye	Taylor, E. Z.
Cochran	Hasay	O'Brien, B. F.	Taylor, F.
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Telek
Cole	Helfrick	O'Donnell	Thomas
Cornell	Honaman	Oliver	Trello
Coslett	Hutchinson, A.	Perzel	Vroon
Cowell	Hutchinson, W.	Peterson	Wachob
Cunningham	Itkin	Petrarca	Wargo
DeMedio	Johnson, E. G.	Piccola	Wass
DeVerter	Johnson, J. J.	Pistella	Wenger
DeWeese	Jones	Pitts	White
DiCarlo	Kanuck	Polite	Wilson
Davies	Klingaman	Pott	Wilt
Dawida	Knepper	Pratt	Wright, D. R.
Dietz	Knight	Pucciarelli	Wright, Jr., J.
Dininni	Kolter	Punt	Yahner
Dombrowski	Kowalshyn	Pyles	Yohn

Dorr	Kukovich	Rappaport	Zeller
Duffy	Lashinger	Reed	Zitterman
Dumas	Laughlin	Richardson	Zord
Durham	Lehr	Rieger	Zwinkl
Earley	Letterman	Ritter	
Fee	Levi	Rocks	Seltzer,
Fischer	Lewis	Rodgers	Speaker

NAYS—6

Gallagher	Levin	Miller	Steighner
Hoeffel	Manderino		

NOT VOTING—8

Beloff	Hayes, D. S.	Pievsky	Weidner
Giammarco	Irvis	Rhodes	Williams

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **1491, PN 1738**, entitled:

An Act making an appropriation to the Lehigh County Branch of the Pennsylvania Association for the Blind.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—184

Alden	Foster, W. W.	McCall	Salvatore
Anderson	Freind	McClatchy	Scheaffer
Armstrong	Fryer	McIntyre	Schmitt
Arty	Gallagher	McKelvey	Schweder
Austin	Gallen	McMonagle	Serafini
Barber	Gamble	McVerry	Seventy
Belardi	Gannon	Mackowski	Shadding
Bennett	Gatski	Madigan	Shupnik
Berson	Geesey	Manderino	Sieminski
Bittle	Geist	Manmiller	Sirianni
Borski	George, C.	Michlovic	Smith, E. H.
Bowser	George, M. H.	Micozzie	Smith, L. E.
Brandt	Gladeck	Milanovich	Spencer
Brown	Goebel	Miller	Spitz
Burd	Grabowski	Moehlmann	Stairs
Burns	Gray	Mowery	Steighner
Caltagirone	Greenfield	Mrkonic	Stewart
Cappabianca	Grieco	Murphy	Street
Cessar	Gruppo	Musto	Stuban
Chess	Halverson	Nahill	Sweet
Cimini	Harper	Novak	Swift
Clark, B. D.	Hasay	Noye	Taddonio
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Taylor, E. Z.
Cochran	Helfrick	O'Brien, D. M.	Taylor, F.
Cohen	Hoeffel	O'Donnell	Telek
Cole	Honaman	Oliver	Thomas
Cornell	Hutchinson, A.	Perzel	Trello
Coslett	Hutchinson, W.	Peterson	Vroon
Cowell	Itkin	Petrarca	Wachob
Cunningham	Johnson, E. G.	Piccola	Wargo

DeMedio	Johnson, J. J.	Pistella	Wass
DeVerter	Jones	Pitts	Wenger
DeWeese	Kanuck	Polite	White
DiCarlo	Klingaman	Pott	Wilson
Davies	Knepper	Pratt	Wilt
Dawida	Knight	Pucciarelli	Wright, D. R.
Dietz	Kolter	Punt	Wright, Jr., J.
Dininni	Kowalyszyn	Pyles	Yahner
Dombrowski	Kukovich	Rappaport	Yohn
Dorr	Lashinger	Reed	Zeller
Duffy	Laughlin	Richardson	Zitterman
Dumas	Lehr	Rieger	Zord
Durham	Letterman	Ritter	Zwinkl
Earley	Levi	Rocks	
Fee	Levin	Rodgers	Seltzer,
Fischer	Lewis	Ryan	Speaker
Fisher	Lynch, E. R.		

NAYS—1

Livengood

NOT VOTING—11

Beloff	Goodman	Mullen	Weidner
Foster, Jr., A.	Hayes, D. S.	Pievsky	Williams
Giammarco	Irvis	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.

The House proceeded to third consideration of **HB 1865, PN 2307**, entitled:

An Act making an appropriation to the Northeastern Pennsylvania Society for Crippled Children and Adults for the provision of services to crippled children and adults.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—187

Alden	Foster, Jr., A.	Lynch, E. R.	Ryan
Anderson	Freind	McCall	Salvatore
Armstrong	Fryer	McClatchy	Scheaffer
Arty	Gallagher	McIntyre	Schmitt
Austin	Gallen	McKelvey	Schweder
Barber	Gamble	McMonagle	Serafini
Belardi	Gannon	McVerry	Seventy
Bennett	Gatski	Mackowski	Shadding
Berson	Geesey	Madigan	Shupnik
Bittle	Geist	Manderino	Sieminski
Borski	George, C.	Manmiller	Sirianni
Bowser	George, M. H.	Michlovic	Smith, E. H.
Brandt	Gladeck	Micozzie	Smith, L. E.
Brown	Goebel	Milanovich	Spencer
Burd	Goodman	Miller	Spitz
Burns	Grabowski	Moehlmann	Stairs
Caltagirone	Gray	Mowery	Steighner
Cappabianca	Greenfield	Mrkonic	Stewart
Cessar	Grieco	Mullen	Street
Chess	Gruppo	Murphy	Stuban
Cimini	Halverson	Musto	Sweet
Clark, B. D.	Harper	Nahill	Swift
Clark, M. R.	Hasay	Novak	Taddonio

Cochran	Hayes, Jr., S.	Noye	Taylor, E. Z.
Cohen	Helfrick	O'Brien, B. F.	Taylor, F.
Cole	Hoeffel	O'Brien, D. M.	Telek
Cornell	Honaman	O'Donnell	Thomas
Coslett	Hutchinson, A.	Oliver	Trello
Cowell	Hutchinson, W.	Perzel	Vroon
Cunningham	Itkin	Peterson	Wachob
DeMedio	Johnson, E. G.	Petrarca	Wargo
DeVerter	Johnson, J. J.	Piccola	Wass
DeWeese	Jones	Pistella	Wenger
DiCarlo	Kanuck	Pitts	White
Davies	Klingaman	Polite	Wilson
Dawida	Knepper	Pott	Wilt
Dietz	Knight	Pratt	Wright, D. R.
Dininni	Kolter	Pucciarelli	Wright, Jr., J.
Dombrowski	Kowalshyn	Punt	Yahner
Dorr	Kukovich	Pyles	Yohn
Duffy	Lashinger	Rappaport	Zeller
Dumas	Laughlin	Reed	Zitterman
Durham	Lehr	Richardson	Zord
Earley	Letterman	Rieger	Zwikl
Fee	Levi	Ritter	
Fischer	Levin	Rocks	Seltzer,
Fisher	Lewis	Rodgers	Speaker
Foster, W. W.			

NAYS—1

Livengood

NOT VOTING—8

Beloff	Hayes, D. S.	Pievsky	Weidner
Giammarco	Irvis	Rhodes	Williams

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.

The House proceeded to third consideration of **HB 2104, PN 2711**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for reporting by political committees.

On the question,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendments:

Amend Sec. 1 (Sec. 1627), page 3, line 24, by striking out "ONE HUNDRED DOLLARS (\$100)" and inserting two hundred fifty dollars (\$250)

Amend Sec. 1 (Sec. 1627), page 3, line 25, by striking out "ONE HUNDRED DOLLARS (\$100)" and inserting two hundred fifty dollars (\$250)

Amend Sec. 1 (Sec. 1627), page 3, line 29, by removing the period after "BODY" and inserting or to a political action committee of a corporation or unincorporated association.

On the question,

Will the House agree to the amendments?

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

Mr. FRYER. Mr. Speaker, this amendment is proposed to bring HB 2104 into conformity with the existing provisions of the Election Code. First, the amendment raises, from \$100 to \$250, the threshold above which political

clubs would have to file an annual report. The figure of \$250 is the one used throughout the current law, and it was felt that it would be too confusing to our local people to have two different cutoff points. Second, we are specifically stating that the exemption provided by the bill shall not apply to political action committees administered or established by corporations or unincorporated associations.

I personally believe this later amendment to be unnecessary on account of the low \$250 threshold. Any PAC - Political Action Committee - of any importance would spend more than that amount in the course of a year; however, some people have raised the concern that the bill in its present form possibly could be creating a loophole for some special-interest group. In order to solve that problem, therefore, we are proposing this language which we feel clarifies the matter once and for all. Mr. Speaker, I seek the adoption of this amendment.

The following roll call was recorded:

YEAS—187

Alden	Freind	Lynch, E. R.	Ryan
Anderson	Fryer	McCall	Salvatore
Armstrong	Gallagher	McClatchy	Scheaffer
Arty	Gallen	McIntyre	Schmitt
Austin	Gamble	McKelvey	Schweder
Barber	Gannon	McMonagle	Serafini
Belardi	Gatski	McVerry	Seventy
Bennett	Geesey	Mackowski	Shadding
Berson	Geist	Madigan	Shupnik
Bittle	George, C.	Manderino	Sieminski
Borski	George, M. H.	Manmiller	Sirianni
Bowser	Gladeck	Michlovic	Smith, E. H.
Brandt	Goebel	Micozzie	Smith, L. E.
Brown	Goodman	Milanovich	Spencer
Burd	Grabowski	Miller	Spitz
Burns	Gray	Moehlmann	Stairs
Caltagirone	Greenfield	Mowery	Steighner
Cappabianca	Grieco	Mrkonic	Stewart
Cessar	Gruppo	Mullen	Street
Chess	Halverson	Murphy	Stuban
Cimini	Harper	Musto	Sweet
Clark, B. D.	Hasay	Nahill	Sweet
Clark, M. R.	Hayes, Jr., S.	Novak	Taddonio
Cochran	Helfrick	Noye	Taylor, E. Z.
Cohen	Hoeffel	O'Brien, B. F.	Taylor, F.
Cole	Honaman	O'Brien, D. M.	Telek
Cornell	Hutchinson, A.	O'Donnell	Thomas
Cowell	Hutchinson, W.	Oliver	Trello
Cunningham	Itkin	Perzel	Vroon
DeMedio	Johnson, E. G.	Peterson	Wachob
DeVerter	Johnson, J. J.	Petrarca	Wargo
DeWeese	Jones	Piccola	Wass
DiCarlo	Kanuck	Pistella	Wenger
Davies	Klingaman	Pitts	White
Dawida	Knepper	Polite	Wilson
Dietz	Knight	Pott	Wilt
Dininni	Kolter	Pratt	Wright, D. R.
Dombrowski	Kowalshyn	Pucciarelli	Wright, Jr., J.
Dorr	Kukovich	Punt	Yahner
Duffy	Lashinger	Pyles	Yohn
Dumas	Laughlin	Rappaport	Zeller
Durham	Lehr	Reed	Zitterman
Earley	Letterman	Richardson	Zord
Fee	Levi	Rieger	Zwikl
Fischer	Levin	Ritter	
Fisher	Lewis	Rocks	Seltzer,
Foster, W. W.	Livengood	Rodgers	Speaker
Foster, Jr., A.			

NAYS—0

NOT VOTING—9

Beloff	Hayes, D. S.	Pievsky	Weidner
Coslett	Irvis	Rhodes	Williams
Giammarco			

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?

The Chair recognizes the gentleman from Northampton, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, I wonder if the prime sponsor of the bill or someone could stand for interrogation?

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

Mr. SCHWEDER. Mr. Speaker, would this remove local officials such as those at the minor level, whether they be a constable or assessor, if they expend no money and collect no contributions, would this bill, as it is drafted now, exempt them from those requirements?

Mr. FRYER. Mr. Speaker, this particular bill does not address itself to that subject matter.

MOTION TO PASS OVER BILL

Mr. SCHWEDER. Well, if it does not, then I would ask the Chair to pass this over until I can have an amendment drafted to do that.

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, I will withdraw the motion I was going to make to pass this over, after the explanation. I think it cures the problem I am interested in and I would ask for its passage.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. Ageeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—183

Alden	Foster, Jr., A.	Livengood	Ryan
Anderson	Freind	Lynch, E. R.	Salvatore
Armstrong	Fryer	McCall	Scheaffer
Arty	Gallagher	McClatchy	Schmitt
Austin	Gallen	McIntyre	Schweder
Barber	Gamble	McKelvey	Serafini
Belardi	Gannon	McMonagle	Seventy
Bennett	Gatski	McVerry	Shadding
Berson	Geesey	Mackowski	Shupnik
Bittle	Geist	Madigan	Sieminski
Borski	George, C.	Manderino	Sirianni
Bowser	George, M. H.	Manmiller	Smith, E. H.
Brandt	Gladeck	Michlovic	Smith, L. E.

Brown	Goebel	Micozzie	Spencer
Burd	Goodman	Milanovich	Spitz
Burns	Grabowski	Moehlmann	Stairs
Caltagirone	Gray	Mowery	Steighner
Cappabianca	Greenfield	Mrkonic	Stewart
Cessar	Grieco	Mullen	Stuban
Chess	Gruppo	Murphy	Sweet
Cimini	Halverson	Musto	Swift
Clark, B. D.	Harper	Nahill	Taddonio
Clark, M. R.	Hasay	Novak	Taylor, E. Z.
Cochran	Hayes, Jr., S.	Noye	Taylor, F.
Cohen	Helfrick	O'Brien, B. F.	Telek
Cole	Honaman	O'Brien, D. M.	Thomas
Cornell	Hutchinson, A.	O'Donnell	Trello
Coslett	Hutchinson, W.	Oliver	Vroon
Cowell	Itkin	Perzel	Wachob
Cunningham	Johnson, E. G.	Peterson	Wargo
DeMedio	Johnson, J. J.	Petrarca	Wass
DeVerter	Jones	Piccola	Wenger
DeWeese	Kanuck	Pistella	White
DiCarlo	Klingaman	Pitts	Wilson
Davies	Knepper	Polite	Wilt
Dawida	Knight	Pott	Wright, D. R.
Dietz	Kolter	Pratt	Wright, Jr., J.
Dininni	Kowalshyn	Pucciarelli	Yahner
Dombrowski	Kukovich	Punt	Yohn
Dorr	Lashinger	Pyles	Zeller
Duffy	Laughlin	Rappaport	Zitterman
Dumas	Lehr	Reed	Zord
Durham	Letterman	Richardson	Zwikl
Earley	Levi	Ritter	
Fee	Levin	Rocks	Seltzer,
Fisher	Lewis	Rodgers	Speaker
Foster, W. W.			

NAYS—1

Hoeffel

NOT VOTING—12

Beloff	Hayes, D. S.	Pievsky	Street
Fischer	Irvis	Rhodes	Weidner
Giammarco	Miller	Rieger	Williams

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.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am not going to call any additional bills up for a vote. There will be a meeting tomorrow morning at 9 o'clock of the Rules Committee, and I would appreciate it if the members would be there promptly.

HB 963 REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would at this time move that HB 963 be removed from the table and rereferred to the Appropriations Committee for the purpose of a fiscal note.

On the question,

Will the House agree to the motion?
Motion was agreed to.

**HB 1908 REMOVED FROM TABLE
TO CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1908 be moved from the table to the active calendar.

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

The SPEAKER. The Chair recognizes the majority leader. Does the majority leader wish to make any additional announcements?

Mr. RYAN. I am sorry, Mr. Speaker, I did not hear you. No. Does the minority whip have any announcements to make?

Mr. MANDERINO. No, Mr. Speaker. Mr. Speaker, there is a member on our side of the aisle seeking recognition.

REMARKS ON VOTES

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

Mr. RICHARDSON. Mr. Speaker, earlier this afternoon I was called from my seat. On HR 51 I would like to be recorded in the affirmative. On HB 1057, amendment A4392, the Pratt amendment, I would like to be recorded in the affirmative; and on final passage of HB 1057 I would like to be recorded in the affirmative.

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

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

Mr. A. C. FOSTER. Mr. Speaker, apparently my switch malfunctioned on HB 1491, PN 1738. I would like to be recorded in the affirmative.

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

BILLS PASSED OVER

The SPEAKER. Without objection, all remaining bills on today's calendar will be passed over.

The Chair hears no objection.

**SUPPLEMENTAL REPORT OF COMMITTEE
ON COMMITTEES**

The SPEAKER. The Chair lays before the House a supplemental report of the Committee on Committees.

**SUPPLEMENTAL REPORT
OF
COMMITTEE ON COMMITTEES**

In the House of Representatives
January 1980

RESOLVED, That Kenneth E. Brandt, 98th District, Lancaster County, is hereby elected a member of the State Government Committee vice George O. Wagner resigned.

SIGNED: John Hope Anderson, Chairman
James W. Knepper, Jr.
Carmel Sirianni
L. Eugene Smith
Rudolph Dininni
William H. Yohn, Jr.
James J. Manderino
Fred J. Shupnik
William W. Rieger
Ivan Itkin
Reid L. Bennett
H. Jack Seltzer, Speaker

**COMMUNICATION AND LOBBYIST LIST
PRESENTED**

The SPEAKER. The Chair lays before the House a report of the Chief Clerk of the House and the Secretary of the Senate, which the clerk will read.

The following report was read:

**SENATE OF PENNSYLVANIA
January 29, 1980**

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

In compliance with Act No. 712 of the 1961 Session and Act

No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered to date for the 164th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK GRUELL, JR.
Secretary of the Senate
CHARLES F. MEBUS
Chief Clerk
House of Representatives

The SPEAKER. The lobbyist list will be noted in the record.

(For report, see Appendix.)

COMMUNICATION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF JUSTICE
STRAWBERRY SQUARE
HARRISBURG, PA. 17120

January 23, 1980

The Honorable H. Jack Seltzer
Speaker of the House of Representatives
Room 139, Capitol Building
Harrisburg, PA. 17120

Dear Representative Seltzer:

Pursuant to Act 1978-152 (Sovereign Immunity) § 3(b) (Rules & Regulations), attached is a copy of the Rules & Regulations promulgated by the Attorney General designating the official offices of departments and agencies of the Commonwealth for service of process of tort claims actions. These regulations have been filed in accordance with "the Commonwealth Documents Law." 45 P.S. § 1102.

Thank you for your most kind consideration and if there is anything further that you require, please advise me.

Very truly yours,
Herbert L. Olivieri
Chief,
Torts Litigation Unit

HLO/dsk
Attachment

The SPEAKER. The publication will appear in the Appendix.

(For publication, see Appendix.)

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 1544, PN 1821.**

SENATE MESSAGE

**HOUSE AMENDED SENATE BILLS
CONCURRED IN**

The Senate informed that it has concurred in House amendments to **SB137, PN1402** and **SB 1005, PN 1445.**

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The Senate informed that the Senate has concurred in House Resolution concerning the 1980 Summer Olympic Games.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE**

The Senate returned the following House bill with amendments in which concurrence of the House is requested:

HB 173, PN 2724.

The SPEAKER. The bill will appear on the calendar.

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. I just want to make sure that the reconsideration motion is logged in that I sent up there on HB 1083 for today.

No, the bill is down there in our file. I checked that before I filed the motion. Thank you.

The SPEAKER. The Chair has been advised that the bill is still in the possession of the House.

Mr. MANDERINO. I just want to make sure that we take the reconsideration motion as of today, Mr. Speaker, so I can know when to count whatever days have to be counted, if any.

That is the only other piece of business that I have, the filing of the reconsideration motion with the desk, Mr. Speaker.

The SPEAKER. The Chair has received a reconsideration motion from the minority whip, yes.

Mr. MANDERINO. Thank you, Mr. Speaker.

ADJOURNMENT

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

Mr. EARLEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 30, 1980, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:41 p.m., e.s.t., the House adjourned.