

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, FEBRUARY 5, 1980

Session of 1980

164th of the General Assembly

No. 9

HOUSE OF REPRESENTATIVES

The House convened at 10:30 a.m., e.s.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE CHARLES F. NAHILL, member of the House of Representatives and guest chaplain, offered the following prayer:

Our Father, as we gather here today to hear the Governor deliver his state-of-the-state address, let us be reminded anew that our deliberations and our votes will shape the future of Pennsylvania for generations to come. Let us constantly be aware of the importance of our task and guide us in these days ahead. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for February 4, 1980, will be postponed until printed.

RESOLUTION

COMMITTEE TO ESCORT THE SENATE

Mr. BELARDI offered the following resolution, which was read, considered and adopted:

In the House of Representatives, February 5, 1980

RESOLVED, That the Speaker appoint a committee of two to escort the members and officers of the Senate to the Hall of the House for the purpose of attending the Joint Session of the General Assembly.

COMMITTEE TO WAIT UPON THE SENATE APPOINTED

The SPEAKER. The Chair appoints to wait upon the Senate the lady from Lancaster, Mrs. Honaman, chairlady; and the gentleman from Allegheny, Mr. Gamble.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2148, PN 2735 (Unanimous) By Rep. GEESEY

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), expressly making the Commissioner of Professional and Occupational Affairs an ex officio member of the State Board of Physical Therapy Examiners and the State Board of Cosmetology.

PROFESSIONAL LICENSURE.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. GEESEY presented the Report of the Committee of Conference on SB 507, PN 1503.

The SPEAKER. The report will be laid over for printing under the rules.

LEAVE OF ABSENCE GRANTED

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

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I request leave of absence for Mr. WILLIAMS for today's session.

The SPEAKER. Without objection, leave is granted.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2220 By Representative DININNI.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the admissibility of certain evidence.

Referred to Committee on TRANSPORTATION, February 5, 1980.

No. 2221 By Representatives MRKONIC, DUFFY, KNIGHT, RICHARDSON, B. F. O'BRIEN, J. J. JOHNSON, FISHER, SALVATORE, BARBER, SEVENTY, TRELLO, NOVAK, CHESS AND AUSTIN.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding certain interest from the personal income tax.

Referred to Committee on FINANCE, February 5, 1980.

No. 2222 By Representatives PETRARCA, DININNI AND KOLTER.

An Act amending "The Aeronautical Code," approved May 25, 1933 (P. L. 1001, No. 224), repealing certain provisions relating to accident investigation and the instruction of student flyers and mechanics.

Referred to Committee on TRANSPORTATION, February 5, 1980.

No. 2223 By Representatives MRKONIC, DUFFY, KNIGHT, RICHARDSON, B. F. O'BRIEN, J. J. JOHNSON, FISHER, SALVATORE, BARBER, SEVENTY, TRELLO, NOVAK AND AUSTIN.

An Act amending the "Senior Citizens Property Tax or Rent Rebate and Older Persons Inflation Needs Act," approved March 11, 1971 (P. L. 104, No. 3), further defining "income" to exclude interest payments.

Referred to Committee on FINANCE, February 5, 1980.

No. 2224 By Representatives ALDEN, COCHRAN, J. L. WRIGHT, JR., TELEK, SALVATORE, GREENFIELD, GAMBLE, PRATT, VROON, REED, McINTYRE AND PERZEL.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates.

Referred to Committee on TRANSPORTATION, February 5, 1980.

No. 2225 By Representatives ALDEN, J. L. WRIGHT, JR., MILLER, TELEK, GREENFIELD, GAMBLE, PRATT, KANUCK, REED, E. Z. TAYLOR, McINTYRE AND PERZEL.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for processing fees for certain retired persons.

Referred to Committee on TRANSPORTATION, February 5, 1980.

No. 2226 By Representatives ALDEN, J. L. WRIGHT, JR., GAMBLE, PRATT AND McINTYRE.

An Act relating to certain franchise practices and providing penalties.

Referred to Committee on JUDICIARY, February 5, 1980.

No. 2227 By Representatives LIVENGOOD AND D. R. WRIGHT.

An Act amending the act of June 1, 1956 (1955 P. L. 1944, No. 655), referred to as the "Liquid Fuels Tax Municipal Allocation Law," defining the phrase "official population of a municipality."

Referred to Committee on STATE GOVERNMENT, February 5, 1980.

No. 2228 By Representatives CALTAGIRONE, COCHRAN, F. TAYLOR AND DiCARLO.

An Act amending the "Spirituuous and Vinous Liquor Tax Law," approved December 5, 1933 (Sp. Sess., P. L. 38, No. 6), changing the tax on wines.

Referred to Committee on LIQUOR CONTROL, February 5, 1980.

No. 2229 By Representative CALTAGIRONE.

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), requiring candidates for office to pay taxes before being nominated.

Referred to Committee on STATE GOVERNMENT, February 5, 1980.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 171 By Representatives IRVIS, GALLAGHER, MANDERINO, RICHARDSON, REED AND PICCOLA.

Education Committee investigate Harrisburg School District's proposal to sell the new middle school.

Referred to Committee on RULES, February 5, 1980.

No. 172 By Representatives McCALL, DeMEDIO, DOMBROWSKI, PETRARCA, RODGERS, GALLAGHER, YAHNER, FEE, FRYER, B. F. O'BRIEN, MILANOVICH, LIVE-NGOOD, D. R. WRIGHT, GAMBLE, MRKONIC, DUFFY, DAWIDA, MICHLOVIC, SHUPNIK, WARGO, GATSKI AND BARBER.

House memorialize Congress adopt a pension for all honorably discharged World War I veterans.

Referred to Committee on FEDERAL-STATE RELATIONS, February 5, 1980.

No. 173
(Concurrent) By Representatives CESSAR, McVERRY, FISHER, GEIST, MADIGAN, SIEMINSKI, GRUPPO, ROCKS, ALDEN, NAHILL, ARTY AND ZORD.

General Assembly extends its thanks to Canada for their assistance to six United States citizens.

Referred to Committee on RULES, February 5, 1980.

No. 174 By Representatives CESSAR, McVERRY, FISHER, GRUPPO, MADIGAN, ALDEN, GEIST, SIEMINSKI, TELEK, COSLETT, GRIECO, ARTY, ROCKS, BELARDI, HASAY AND ZORD.

House extends its thanks to Canada for its assistance to six United States citizens.

Referred to Committee on RULES, February 5, 1980.

No. 175

(Concurrent) By Representative CALTAGIRONE.

General Assembly urge Congress and the President of the United States exclude pensions from the Federal Income Tax.

Referred to Committee on FEDERAL-STATE RELATIONS, February 5, 1980.

MASTER ROLL CALL POSTPONED

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

Without objection, the Chair will temporarily postpone the master roll call until the members come to the floor.

Without objection, the Chair will turn to the calendar.

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 1111, PN 2654; HB 2003, PN 2656; HB 2004, PN 2657; HB 1066, PN 2826; HB 1067, PN 2827; HB 1845, PN 2271; HB 1888, PN 2540; HB 785, PN 2825; HB 1528, PN 2828; HB 1608, PN 2460; HB 1896, PN 2553; and SB 815, PN 892.

MASTER ROLL CALL RECORDED

The SPEAKER. Members will please report to the floor. The master roll is being taken.

The following roll call was recorded:

YEAS—190

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

DeWeese	Johnson, J. J.	Piccola	Wargo
DiCarlo	Jones	Pievsky	Wass
Davies	Kanuck	Pistella	Wenger
Dawida	Klingaman	Pitts	White
Dietz	Knepper	Polite	Wilson
Dininni	Knight	Pott	Wilt
Dombrowski	Kolter	Pratt	Wright, D. R.
Dorr	Kowalyshyn	Pucciarelli	Wright, Jr., J.
Duffy	Kukovich	Punt	Yahner
Dumas	Lashingner	Pyles	Yohn
Durham	Laughlin	Rappaport	Zeller
Earley	Lehr	Reed	Zitterman
Fee	Letterman	Rhodes	Zord
Fischer	Levi	Richardson	Zwinkl
Fisher	Levin	Rieger	
Foster, W. W.	Lewis	Ritter	Seltzer,
Foster, Jr., A.	Livengood	Rocks	Speaker

NAYS—0

NOT VOTING—6

Beloff	Giammarco	Weidner	Williams
Cohen	Hayes, D. S.		

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

REPORT OF COMMITTEE TO ESCORT THE SENATE

The SPEAKER. The Senate of Pennsylvania is about to enter the hall of the House.

The Chair recognizes the sergeant at arms of the House of Representatives.

The SERGEANT AT ARMS. Mr. Speaker, the committee of the House appointed to escort the Senate to the hall of the House.

The SPEAKER. The Chair recognizes the chairlady of the committee of the House escorting the Senate.

Mrs. HONAMAN. Thank you, Mr. Speaker.

Your committee appointed to escort the Senate has performed that duty and reports that the Senate is in attendance.

The SPEAKER. The Committee is discharged with the thanks of the House.

LIEUTENANT GOVERNOR WILLIAM W. SCRANTON III REQUESTED TO PRESIDE

The SPEAKER. The Chair requests that the Lieutenant Governor, The Honorable William W. Scranton III, preside over the proceedings of the Joint Session of the General Assembly.

The President pro tempore of the Senate, the Honorable Martin L. Murray, is invited to be seated on the rostrum.

The members of the Senate will please be seated.

The Chair is very happy to present to the members of this Joint Session the Lieutenant Governor of this Commonwealth, William W. Scranton III, who will preside.

**JOINT SESSION OF THE GENERAL
ASSEMBLY**

**LIEUTENANT GOVERNOR
WILLIAM W. SCRANTON III
PRESIDING**

The LIEUTENANT GOVERNOR. Thank you, Mr. Speaker. The General Assembly will be at ease while it awaits the arrival of His Excellency, the Governor of Pennsylvania.

**REPORT OF COMMITTEE
TO ESCORT THE GOVERNOR**

The SPEAKER. The Chair recognizes the chairman of the committee to escort the Governor, the Senator from Allegheny County, Senator Zemprelli.

SENATOR ZEMPRELLI. Thank you, Mr. President. As chairman of the committee to escort the Governor, I wish to report that His Excellency, the Governor, is present and is prepared to address this Joint Session. Thank you very much.

The LIEUTENANT GOVERNOR. Members of the General Assembly, I have the honor and the privilege of presenting His Excellency, the Governor, the Honorable Dick Thornburgh, who will now address this joint session.

**FISCAL YEAR 1980-81 BUDGET ADDRESS
OF
GOVERNOR DICK THORNBURGH**

Mr. President, Mr. Speaker and members of the General Assembly:

Nearly a year ago, on this occasion, I submitted to you what then was regarded as an austere, no-frills, no-nonsense budget—one that defied the national rate of inflation, kept spending within our means, and reflected a new, yet necessary, commitment to fiscal integrity in state government.

There is much that has changed since that time, yet much that remains the same.

What has changed the most, perhaps, is the climate in which we work...and the way in which others view that climate.

With your help and cooperation, an era of blind partisanship, old-time patronage abuse, wasteful spending and outright corruption is fading away in Harrisburg, and Pennsylvania's reputation as a model of honest, progressive self-government is being restored.

Your timely response to last year's budget proposal was symbolic, in fact, of a different kind of atmosphere in our capitol, one which I hope we have the wisdom to preserve and improve upon in the days and weeks to come.

For if the climate in which we work as a government is changing, the problems we face as a people remain essentially the same.

At the heart of virtually every one of those problems is the national nightmare of inflation.

Inflation continues to eat away our public and private resources—robbing us of jobs, food, fuel, housing, roads, schools and, of course, the tax revenues we need to cope with these and other limits on our development as a Commonwealth for the 1980s.

One of the cruel ironies of our time is that public money seems to be most needed when the public is least able to afford it.

We can't outspend inflation in this Commonwealth and we shouldn't even try.

But we can't surrender to it either, for doing so would deprive the most vulnerable among us of decent food and shelter, and the most productive among us of a better, more rewarding future.

What we can and must do in the year ahead, as we did a year ago, however, is deny inflation the pleasure of our company, and accomplish more with less than we've ever accomplished before.

That is the mission of the budget I'm proposing to you today.

The national rate of inflation last year was 13.3 percent.

The growth in general fund spending I propose to you today is 6.4 percent—less than half the national rate of inflation. The growth in spending by executive branch departments I propose to you today is no more than 3.9 percent—less than one-third the national rate of inflation.

By holding the general fund at \$6.8 billion, and the total budget at \$11.8 billion, the document I propose to you today falls well within every constitutional spending limit now under debate by this Assembly.

We shall not—I repeat, we shall not—give inflation the pleasure of our company in Pennsylvania this year.

We shall not give inflation a general tax increase in Pennsylvania this year.

We shall not give inflation the fuel of wasteful spending, bloated payrolls or costly obsolescence in the machinery of government this year.

What we shall do, however, is invest the limited resources we have as a foundation for a better future, when inflation has yielded, and growth can proceed at a steady and sensible pace.

From rebuilding our economy to reclaiming our roads, from conserving our communities to caring for our sick and needy, from fighting fraud to ending ignorance and unemployment, from cooperation with others to coordination of bureaucracy, we shall do more with less than ever has been done before.

And because it's the key to our limits as well as our dreams, we shall begin again, as we have before, with the task of keeping our fiscal house in order.

Our joint effort last year to restore this government's fiscal integrity has produced some encouraging results. We held the line on general taxes and continued to phase out the discriminatory prepayment of corporate income taxes. Yet we paid our bills as they became due, and held growth in government spending well within the limits of growth in our economy.

We also moved toward the kind of state financial support our local school systems need and deserve, the kind of inflation protection our elderly poor need and deserve, the kind of general assistance our most needy residents need and deserve and the kind of rebuilding effort our bridges, highways, cities and industries need and deserve.

We did this, in part, by reducing our payroll by more than 2,000 positions, by slashing an eventual 1,000 vehicles from the Commonwealth fleet, by generally waging war on waste, fraud, mismanagement and corruption and, above all, by passing a responsible and responsive budget in record time. As a result, our credit rating has been upgraded on Wall Street. We have gained a measure of credibility where it was sorely needed, and we have achieved some momentum in the selling of a new Pennsylvania to investors around the world.

But we have a long, long way to go.

For a government that can't sustain responsible management of its own affairs beyond a year is a government that never will be in the vanguard of a general economic recovery, and that's exactly what is required of us today.

To assure, therefore, that fiscal integrity becomes something more than a passing fancy in this Capitol, I recommend to you the following measures:

*Passage of a realistic plan for full funding of the massive bridge and highway restoration effort now underway throughout the Commonwealth.

*Passage of legislation, similar to that which I submitted to you last fall, to bring our general assistance effort into harmony with our means, and to see that the most needy among us are decently supported—for a change.

*The appropriation of an additional \$3.3 million to computerize our medical assistance and other welfare records, to further reduce the incidence of fraud and outright theft inflicted on that system.

*The appropriation of \$500,000 for additional auditors in the Department of Revenue—to remove the burdensome backlog on processing income tax returns, and to make the corporate tax a far more effective source of revenue than it has been in the past.

*Increased support for the Washington Office we opened last month, to return a truly fair share of federal tax dollars to the people of Pennsylvania in the years ahead.

*The establishment of fees more closely related to the cost of services they were meant to support.

*And the adoption of realistic approaches to the funding of a variety of programs we need in state government, approaches that are suggested throughout the document I am submitting today for your consideration.

These and other steps I intend to take—such as improving the state lottery operation and continuing to cut costs at virtually every level of our government—should help us keep our fiscal house in order, and convince skeptics that we are determined, indeed, to turn things around on the banks of the Susquehanna.

The growing problems of our coal and steel industries, however, and those faced by other private employers, both

large and small, have demonstrated that it will take more, much more, than setting a good example in Harrisburg to make Pennsylvania secure again for jobs—and the people who would fill them.

It will take sustained, intelligent and prudent use of our limited public resources to encourage the private economic growth and development we desperately need today.

I therefore recommend to you a \$20 million appropriation, up from the current level of \$15 million, and the previous year's level of \$4 million, for the Pennsylvania Industrial Development Authority (PIDA). With timely passage of the PIDA reform legislation now before you, in concert with administrative improvements already in place, this money can be used to promote industrial and small business expansion in those areas where high unemployment has been especially persistent.

Last year, you raised the PIDA appropriation by \$11 million. More than 4,000 Pennsylvania jobs will be created as a result of that action. Such an obviously good investment deserves not only to be repeated, it should be escalated, and as quickly as our means will allow.

Under new leadership, our Minority Business Development Authority is overcoming earlier problems of administration and operation, as witnessed by the recent decline in its rate of default on loan payments.

Because this program tends to supplement our broader economic effort, in precisely those areas of greatest need, and for reasons of social and economic justice as well, I recommend that we restore its capability to grant low-interest loans next year, with an appropriation of \$2 million.

While rebuilding our industrial and commercial vitality from within, we must not ignore Pennsylvania's potential for attracting investment from other states and nations.

To make the most of that potential, the 1980-81 budget calls for:

*A \$750,000 industrial development advertising campaign, to see that no employer misses the good news about our improved business climate.

*An agricultural sales effort to let the world know that we are, indeed, "growing better" here in Pennsylvania.

*A \$2.25 million tourist advertising campaign, to see that our historic, cultural and natural treasures no longer play "Second-Hand Rose" to slogans from the North and fantasies from the South.

*And a \$250,000 appropriation to help us create a climate for international trade in Pennsylvania products, and investment in Pennsylvania's skilled and experienced workforce and other industrial resources.

Because a favorable business climate begins at home, however, the budget also recommends that we continue to phase out the prepayment provisions of the corporate income tax.

Administratively, I'm establishing a "one-stop shop" in which small and large businesses can receive assistance in dealing with a panoply of permits and reports and other forms of regulatory runaround.

I also am taking steps to coordinate interdepartmental inspections at the state level, and to cut red tape wherever else it threatens to mummify our bid for a new economic future.

No attempt at economic recovery can succeed in this Commonwealth, so long as we fail to face the reality of our bridge and highway funding crisis.

If any agency of Pennsylvania government has been doing more with less in recent months, it is the Department of Transportation.

PennDOT cut its work force by 612 employes last year, but increased its contract awards by more than 70 percent, raised the number of contracts to minority businesses by more than 400 percent, increased the number of federal transportation dollars committed to Pennsylvania by more than 500 percent, and increased federal reimbursements for highway maintenance from \$55 million in the last year to a projected \$95 million this year.

Following my appointment of an inspector general, the Department also has institutionalized a system for deterring the wasteful abuses of the past.

Obviously, the team that can make our deteriorating network of roads and bridges safe again for industry, commerce and tourism is now in place.

I therefore am able to propose to you today a budget that denies inflation the pleasure of PennDOT's company in 1980-81, a budget that actually holds the Department's spending level at \$16 million less than I requested of you a year ago.

That request, as you know, was widely regarded as the right amount for a Department with such a massive assignment on its hands.

You approved it as such a year ago, and I ask you to do so again.

It would be irresponsible of us to ask for more, but unthinkable to ask for less.

As we hold the line on spending at PennDOT, therefore, we need a revenue system that will allow us to do at least that much.

While PennDOT's performance has been gratifying, its mission remains massive, and its means, by comparison, are becoming minute.

We all know the reason for that. A state that insists on tying its transportation budget to the level of gasoline consumption in the 1980s is a state at war with itself.

On the one hand, we tell Pennsylvanians to save energy and fight inflation by consuming less fuel. On the other hand, we tell them their roads and bridges will never be safe if they don't consume more fuel.

Because our conservation policy is succeeding, our transportation effort is headed for the jaws of defeat.

Our motor license fund is facing, in fact, a \$169 million shortage for fiscal year 1980-81.

Clearly, we can only lose a war with ourselves. Clearly, we must bring Pennsylvania's revenue system into harmony with Pennsylvania's policies and needs.

The transportation budget I am submitting to you today contains a proposal to do just that.

I call this proposal "SWAP," not only because it was designed to *Sustain the War Against Potholes*, but also it would "swap" six cents of our current tax on gallons of gasoline consumed for a six percent levy on the price of gasoline, regardless of consumption.

Should prices continue to rise, SWAP would correspondingly phase out the remaining five cents per gallon tax. It also would place an absolute cap on total revenues that could be collected under its provisions.

We don't seek windfall revenues, but we do seek the minimum required to give Pennsylvania the safe and decent system of transportation it so desperately needs.

We do seek to assure our people that potholes won't become the most obvious legacy of their conservation in the months and years ahead. I think it's appropriate to point out that our sister state of New York has such a system in effect and has reconciled its conservation policies with its revenue needs.

As part of this package, I also am recommending adjustments in our truck registration and automobile title transfer fees.

I want to make it clear that I don't claim to have all the right answers to our transportation funding, but I'm absolutely convinced we have posed for you the right question. I urge you to give that question the thoughtful attention it deserves.

If the theme of doing more with less has any validity at all as a strategy for our future, it is in the realm of energy conservation, energy use, and energy development.

This problem, more than anything else, has been the parent of our inflation and the nemesis of our economy.

If we solve it, we can gain control of our economic destiny, once again.

If we don't, virtually everything else we attempt will have been in vain.

Last fall, I proposed that you create a Pennsylvania Energy Development Authority—P.E.D.A.—to serve as a source of financial, technical and legal assistance to those who would develop our coal and other energy alternatives.

Last month, at the Governor's Coal Conference, I began an intensive effort to overcome the problems and fulfill the promise of the coal that we've always had in abundance in Pennsylvania.

That effort, however, needs your help.

Because it promises to address two great problems in one—energy needs and economic development—I recommend that you provide \$2 million in seed money for the energy authority—the one major new agency I have suggested as chief executive of this Commonwealth.

The budget also provides \$273,000 for additional inspectors and other improvements in our radiation monitoring capability at nuclear power plants now operating in Pennsylvania, and \$300,000 in additional planning funds for the Pennsylvania Emergency Management Agency.

While Three Mile Island has made the future of nuclear power uncertain in our society, the role of the reactor is an undeniably significant one in our energy mix today.

An investment in nuclear safety, then, is one we can ill afford to overlook in this our first full budget process to follow the traumatic events of last spring.

As we deal with problems of dollars and hardware, however, we must remember that the strength of our society is best measured by how we respond to the needs of our people. It is people, after all, who will make our society work, and people, after all, for whom it must be made to work.

Pennsylvania is not working as well as it can for thousands of citizens who are jobless, sick, poor, handicapped, or elderly.

This budget proposes to do a better job of responding to their needs with compassion, with discretion, and, most of all, with impact.

Perhaps the most tragic of our human problems is joblessness among the young, and especially the urban young. For it adds to the others and perpetuates a cycle that becomes increasingly difficult to break as the empty years of forlorn lives go hopelessly by.

Increased funding for the Minority Business Development Authority, and the Pennsylvania Industrial Development Authority, and for advertising and other initiatives in economic development can provide a base for creating long-term private job opportunities. But we must do more than that.

I am recommending that we redirect two existing programs—Community Action Assistance and Manpower Employment and Training—with \$4 million in state funds to form an alliance for jobs between this Commonwealth and its communities, with emphasis on the employment needs of minority young people.

This alliance would focus our intensified employment efforts where they have the greatest chance of success...in the neighborhoods that live with joblessness and despair 24 hours a day.

Truly needy citizens who aren't able to join the work force, meanwhile, have been surviving on less than what is widely regarded as necessary for a decent standard of living.

This is unacceptable for a Commonwealth that was founded in the spirit of compassion.

I therefore recommend that we increase our level of assistance to the most helpless among us by \$27 million.

Under this proposal, monthly public assistance checks to a family of four, for example, would rise by 12-1/2% next January, from \$381 to \$429 a month.

These employment and public assistance initiatives would be funded, of course, with savings from the welfare reform proposal I outlined last October, a proposal to remove the able-bodied from our general assistance rolls.

Our initiatives are contingent upon passage of that proposal—the thrust of which is already followed in 19 other states—and upon realization of the \$34 million in first-year savings that now are projected for it.

Also contingent upon the savings from welfare reform is more than \$3 million for registration, inspection and licensing of private boarding homes in Pennsylvania.

There is no excuse for our continued neglect of the health and safety of older Pennsylvanians who live in these homes.

I suggest we put an end to that neglect—once and for all.

Decent medical care cannot be reserved for the wealthy alone in Pennsylvania.

In an effort, therefore, to encourage the providers of such care to serve our low-income needy, this budget increases the fees we will pay them by \$12 million. Concurrent with these efforts, I will be introducing legislation designed to crack down on fraud among medical assistance providers as well as recipients.

The budget also includes \$31.7 million—an 18 percent increase—for community-based facilities for the mentally ill and mentally retarded.

Government can do more with less in many areas if it uses its resources in imaginative ways to enlist the help of private enterprise for social good as well.

An attempt to do that is represented in the \$330,000 appropriation this budget provides to encourage Pennsylvania merchants to help our senior citizens cope with inflation.

That money will be used to plant the seed of a statewide retail discount program for Pennsylvanians above the age of sixty-five.

Under this "Golden Keystone" plan, participating merchants would provide a 10 percent discount on all store items to those who bear the appropriate card issued by the Commonwealth.

As we seek to provide a secure retirement for the very old among us, we cannot forget that our future rests with the very young.

My long-range hopes for education in Pennsylvania are boundless, and my determination to provide 50 percent funding of the basic school subsidy remains undaunted.

While this budget seeks an additional \$159 million for elementary and secondary education, a figure that is up from the \$108 million increase of last year, most of the gain this year is committed to mandated increases in expenditures for teacher retirement and social security payments, special education and school transportation.

We are able to provide for a \$48 million increase in the subsidy for basic education, a raise equivalent to 6.4 percent per pupil; but we are forced to pause, this year, in our march to the goal of 50 percent funding.

It is my hope to end that pause and renew that march in future years, despite continued growth in commitments over which we have very little control.

Our system of higher education, meanwhile, has entered what looks to be another decade of difficulty, fueled, in part, again, by inflation.

This budget proposes to help our colleges and universities, and the students they serve, to cope with the higher costs they will face in the first year of that decade.

It recommends that aid to state-owned and state-related colleges and universities be raised by 6 percent, and that financial aid programs to needy students be increased by more than 5 percent.

Included in the budget, as well, is the first increase in the maximum reimbursable operating costs of our community colleges since 1974.

I would like to do more, of course, and I'm sure that most of you share that view.

In a time of declining enrollments, however, these figures represent a commitment to Pennsylvania's future that is real and prudent, and certainly more than justified.

The rebuilding of our Commonwealth begins with people and works its way into this chamber and beyond.

Somewhere in between, however, it must address those places in which people actually live and work and laugh and learn and plan the hopes and dreams which we, as their servants, are obligated to pursue.

I speak, of course, of our communities.

If we can, indeed, do more with less in Pennsylvania next year, community conservation certainly offers an appropriate opportunity to prove it.

Successful community conservation includes virtually all of what we've said today—from jobs to roads to schools to sources of energy to business and to the elimination of hopelessness and despair.

There are certain things peculiar to the very concept of community, however, things we would be ill advised to ignore if we attempt to make the most of our resources and put a decade of disappointment behind us.

One of these is decent housing.

This budget cannot build a new home for every Pennsylvanian who needs one, but it does set aside some \$2 million above current levels for the rehabilitation of those that were built so well by Pennsylvanians who came before us.

Another is cultural enrichment.

This budget cannot make an Athens or a Venice out of every borough and township, but it does provide an increase of 15 percent in grants to the arts and a 7 percent increase for local libraries throughout the Commonwealth.

Another is decent public transportation.

This budget cannot provide adequate bus or subway service for everyone who wants it, but it does provide \$15.8 million, an increase of 16 percent over current levels, for mass transit, and an additional \$6 million in transit subsidies for the elderly.

The budget represents a major push not only toward the predictable funding base our transit systems need and deserve, but toward our commitment, as well, to conserve energy as never before. Another element of community conservation is assurance of an environment that is free of hazards to the public health. This budget provides \$644,000 in additional state funds along with substantial federal funds to combat the dumping of hazardous wastes, an insult to the people that simply won't be tolerated in the Pennsylvania of the 1980s.

And finally, there is the question of crime. All Pennsylvanians have an inalienable right to communities in which they can move freely and safely, at any hour, on any day, in any part of the Commonwealth.

The budget provides for \$8.9 million additional funding for our State Police force, for \$300,000 in additional support for the work of the Pennsylvania Crime Commission, and for the elevation to cabinet status, of the Department of Corrections.

The advent of an elected attorney general and my plans for substantial reform of parole and other post-release services make it imperative that our system of corrections be treated as the cabinet-level function of government it clearly has become.

In closing, I'd like to say something about the process in which we now have been joined again.

Last year, we passed a responsible budget in timely fashion.

There was debate, certainly.

There was revision, of course.

There was partisanship, obviously,

And there was delay, unfortunately.

Only four days beyond the beginning of a new fiscal year, however, the future of Pennsylvania meant enough...to enough...soon enough...to convert the battle of the budget into an armistice.

Those of you on either side of the aisle who made it possible have every right to be proud of that achievement.

For it enabled us to go into the world with a new message about Pennsylvania's capacity to cope, as cope we must, without the consummate spending of an earlier day.

But now we're being tested—again.

We're being watched—again.

We're being challenged—again.

I believe we can meet the test. But I believe we can do better than that.

I believe we can pass a responsible and responsive budget—not "almost" on time, and not in the nick of time, but ahead of time, and I urge you to do just that.

Debate as you should. Revise if you must. But, by all means, let's get the job done for the good of this government, for the good of this Commonwealth...for the good of the people of Pennsylvania.

Thank you very much.

The LIEUTENANT GOVERNOR. Governor Thornburgh, on behalf of the members of the General Assembly we thank you for your excellent message.

The committee on the part of the Senate and the House will now escort His Excellency, the Governor, to his chambers, after which you will return to your respective chambers.

JOINT SESSION ADJOURNED

The LIEUTENANT GOVERNOR. The Chair asks that the members of the House and visitors remain seated for just a moment while the members of the Senate leave the hall.

The members of the Senate will please reassemble immediately in the Senate chamber upon adjournment of this meeting.

The business for which the joint session has been assembled having been transacted, the session is now adjourned.

**THE SPEAKER (H. JACK SELTZER)
IN THE CHAIR
MOTION TO PRINT
PROCEEDINGS OF JOINT SESSION**

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I move that the proceedings of the Joint Session of the Senate and House of Representatives, held this 5th day of February, 1980, be printed in full in this day's Legislative Journal.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**STATEMENT BY
MINORITY WHIP**

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Thank you, Mr. Speaker. Mr. Speaker, just a few observations on the Governor's Budget Message to the General Assembly.

I would think that all members of the Assembly both from the House and the Senate, first of all, would certainly like to meet the Governor's request that a budget be passed quickly and on time after due deliberation by the General Assembly. And I think that that is possible. We came awfully close to our fiscal year beginning last year, which was a vast improvement.

I do see some problem areas that I am sure that we are going to be addressing in the next several months here in the General Assembly, and some of these were kind of gone over a little quickly by the Governor and I thought that for members of the Assembly, after hearing the budget message, it might be well to delineate some of the problems as I see them from a very, very cursory look at the budget.

The Governor's balanced budget depends on several items of anticipated revenue or savings that are by no means at this time in anyone's mind, I think, a foregone conclusion that these anticipated revenues or savings will occur.

The first large item of savings that the balance of the budget depends upon is a \$34 million that the Governor anticipates saving by the elimination of general assistance. Now that proposal was made to this General Assembly probably at least a year ago, and the proposal has not made much headway. That is an area that I am sure will get considerable discussion and the balancing of the budget depends upon \$34 million from that source.

In addition, the balance of the budget depends upon \$26 million in additional revenues that the Governor is anticipating from the liquor store system of Pennsylvania, where

he is proposing a 10 percent increase or a 10 percent handling charge, or a 10 cent handling charge on all bottles going through the liquor stores and a reduction of the discount rate that tavern owners and clubs, et cetera, which buy at the liquor store will enjoy. Now that is an awful big chunk of money - \$26 million - anticipated from that source, when at best at this time that proposal for the handling charge and for the lowering of the discount that the taverns and clubs get at the liquor store, which is only 16 2/3 percent now, is questionable as to whether that will come about.

This Governor, as past Governors—and I think I have been hearing it now for 6 years—has proposed receiving some \$15 million from increases in fees that will be collected by the executive departments on various permits on licenses, et cetera, that are issued by the executive department. I think that those fees should be revised. They have not been revised for some time, but there has been in the past, evidently, much difficulty in getting to the General Assembly from the administration an increased fee bill for those licenses and fees. And I hope we do get it this year, but, again, that is another item of anticipated revenue that has been anticipated in the past and in several other budgets which never came about. That is a total of about \$75 million in revenues that must be generated in order to really make the budget balance.

I would also observe, Mr. Speaker, that the Governor is proposing additional spending in the area of the basic instruction subsidy. And this is now for an unprecedented 4 years in a row that there would be a call for increased expenditures in the basic subsidy formula. We used to do this when I first came to the Assembly; about once every 3 years we would make an increase in the basic school subsidy; then it came down to 2 years. And I hope we are not seeing an expenditure in the budget that is going to continue increasing at the proportions that it has been increasing each year.

Mr. Speaker, a general observation: Various times in the Governor's message to us he proposed increases, and it was curious to me that when increases were proposed in areas of housing and levels of assistance for the most unfortunate, as the Governor put it, the most unfortunate, among us, those particular increases in the budget depended upon corresponding savings that were going to be taken from those same people or from people in like or similar category. For instance, he proposed a \$26 million increase in the area of general assistance, but conditioned it upon the saving of \$34 million by the elimination of general assistance. He proposed a \$2 million increase in the area of housing rehabilitation, but in his same document, deducted the \$2 million from urban renewal.

In the area of increasing government expenditure not to the poor, but to the rich, perhaps, in the area of PIDA - Pennsylvania Industrial Development Authority - and in the area of tourist development, et cetera, we were going up \$15 million. Well, we have gone up from \$4 million and he proposes \$20 million in this new budget for PIDA. We were

at \$4 million when this Governor took over. No corresponding decrease anywhere in the budget; just an additional expenditure. The same in the tourist promotion, and that theme seems to follow through in the budget, and I just simply observe that that is a curious state of affairs or presentation.

In the transportation budget that he talked about, I think we have some major problems. He talked about a \$169 million deficit as he saw it in the transportation budget just to achieve the expenditure on our highways that we adopted last year. In fact, it is a few dollars less than we adopted last year, but the \$169 million deficit he hopes to make up by an increase by this General Assembly of fees for every one of the 8 million vehicles registered in Pennsylvania. It is my understanding, although it did not come out clearly, if it came out at all, in his message to us, he talked about increased fees for registration, but I think we are talking about a \$5 increase, from what I understand, which is a 20 percent increase in registration fees. And then by the big truck bill, the 80,000-pound bill, he is depending upon for \$30 million to balance that highway budget. So there is about \$70 million that will come from that source. Now, if we have \$169 million deficit, then the \$110 million or \$100 million has to be coming from what he is calling SWAP, the 6 cents for the 6 percent. And I say to you that that is not really a swap but it is an increase in the burden on the people of Pennsylvania over and above their tax burden for the motor license fund in previous years. That whole problem is compounded by the fact that he proposes to transfer \$33 million less to the motor license fund than was transferred to it from the general fund last year. So I do not see that the budget proposed is without problems.

It is being balanced, as I say, by the Governor in the general fund by \$75 million in anticipated revenue, some of which this General Assembly has very little control over; the liquor store increases, the fees for licenses and permits of the various executive branches of government account for some \$46 million of that \$75 million in anticipated revenue. I hope we get it. I hope we are able to balance the budget. Otherwise, we will have to take out our very sharp carving knife and find in the budget some \$75 million that can be trimmed. In the motor license fund, I will await to see the specific proposal on what he calls SWAP, which would indicate to me that he is trading even one proposal of 6 percent for the present 6 cents per gallon, or whatever it is, and coming out without an increase for the motorists. But when we talk about the deficit that he says will be there - the \$169 million for next year - I would think that it is more than a swap and that it is an increase in the motor license fund. I think we will have to take a hard look at that. Thank you, Mr. Speaker.

STATEMENT BY MAJORITY WHIP

The SPEAKER. The Chair recognizes the majority whip, Mr. Hayes, to hear the good parts of the budget.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

At this moment, there are press conferences being held throughout the Capitol. There are those who are asking for reactions to Governor Thornburgh's budget message for fiscal year 1980-81.

It is not going to be my intent here at this particular moment to engage in a rambling over-reaction to what the Governor did or did not say. It is a ritual that we have to go through, it seems, just moments after the Governor makes his annual budget message, but I doubt that there is anybody in this House of Representatives or in the other chamber who is yet prepared at this moment to take into account everything that the Governor said and reflect upon it accurately as to whether or not the public policies which were pronounced by the Governor are, in fact, proper public policies for this Commonwealth in fiscal year 1980-81. So, I am not going to engage in rambling over-reaction. But I would like to touch on what I believe to be a few themes in the Governor's message which are not numerical, but rather one of attitudinal.

I believe that everyone in this House of Representatives would have to say that Governor Thornburgh on this, the beginning of his second year in office, came to us as a leader of state. This Nation and this Commonwealth need leaders. We need leaders in this House of Representatives. We need Governors who are leaders. We need Presidents who are leaders. Again, I do not believe that it would be wrong to say that the gentleman, Mr. Thornburgh, came to us today as a confident leader. He spoke as a leader with confidence. I am a member of the legislative branch, and I have a general distrust of the executive branch. That is historical in the origins of our Republic. And I believe we should watch with a wary eye. But at this moment in history when our nation and our Commonwealth need leadership, I do not believe that the Governor came up short today in his responsibilities to us as citizens, as a man who came with the voice of a leader. I think that is important for us to note today.

Number two, those persons whom we represent - the citizens of Pennsylvania - are asking for frugality in government. Again, we are going to get about the business of wrestling with all those budgetary numbers. And we are going to put under the microscope through the budget hearings those numbers which the Governor has bound in the two documents which awaits all of our study on our desks. But I believe it is safe to say that the Governor spoke with a voice of frugality. He was not unattentive to what the people we represent are saying to us. These are difficult times. The minority whip talked about it being a budget with problems. I am not sure that there is any Pennsylvanian who could fashion a budget that was a document without problems. These are not easy times for the taxpayers of Pennsylvania and this Nation. It is playing a game of cat and mouse to act as though there are not problems in the economy. And it is difficult for a Governor, and it is difficult for legislative leadership to fashion a budget without problems. But I believe in terms of attitude and mood, the Governor did not come here today as one

bound and determined to spend recklessly tax dollars. Whether he is spending the limited revenues as we would will, that is for us to determine in the months ahead. But I do not think he was incompatible with the moods and attitudes of those whom we represent, those taxpayers who tell us to be frugal in the disbursement of their hardearned tax dollars.

Problem solving - a budget with problems.

I believe that there was a thread throughout the Governor's message that he is willing to look at those problems of Pennsylvania, problems that are not only internal, problems that we do not have unilateral control over but rather are affected by the national and international situation as it is today. But he was problem-solving in his outlook. He displayed an attitude of one willing to recognize these problems, not hide from them. I believe the Governor as the leader of this state tried to convey to us and the people he represents as their Governor as one who wants to make Pennsylvania better. I do not believe that that is inconsistent with the way each of us feels.

We may differ with the Governor as to how we should make Pennsylvania better. But he is not one who has said to us, everything is rosy. All you have to do is pass this budget. He recognized there are problems and I believe a Governor of a Commonwealth should be realist enough, pragmatist enough to recognize the problem.

The last mood - one of cooperation. In 1979-80, a new Governor came to this Commonwealth, and we were able to resolve the budget problem in a timely fashion. I do not believe that any one person in Pennsylvania can take more than his proper measure of credit for that accomplishment. Every Representative, every Senator, and the Governor can take credit for that achievement. I think, as another mood, he struck in his speech the desire to work with us again.

Now to date, he has met his responsibilities. Under the law, he met with members of legislative leadership in December. He has met again with legislative leadership in preparation of his presentation this morning. He has met with all of us today. Now, he has met his responsibilities to date. Differ with his solutions, we may, but he has, nevertheless, met his responsibilities, and now we must face our responsibilities. But I do not think he just threw it in our lap and said, there is my treatise for fiscal year 1980-81. He offered his hand of cooperation. I am willing to walk halfway towards the Governor's position and see if we can in fact, together, adopt a budget for fiscal year 1980-81 that satisfies the needs of Pennsylvania on the one hand as best possible and also does what the taxpayers of this Commonwealth are saying to us, - spend carefully those tax dollars we send to Harrisburg.

Again, in summary, I believe the Governor established four moods: One, he showed that he is a leader of state. Two, he tried to sound that tone of frugality. He was problem-solving in his approach and he offered to us his hand of cooperation.

I suggest to all who serve in this chamber that we now do our best to adopt a budget in a timely way for fiscal year 1980-81. Thank you, Mr. Speaker.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I believe the members would appreciate knowing what we intend to do as far as schedule.

It is my intention to consider SB 518 to include Mr. Micozzie's amendments, and after we have taken action finally on this piece of legislation, it is my intention, if there is no objection on the part of others, that we take lunch at the conclusion of that bill and come back this afternoon.

So, we are not going to go through the whole calendar at this time; we are just going to consider SB 518 and take lunch and then return to the floor for an afternoon session. Thank you, Mr. Speaker.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 518, PN 1426**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," permitting minors to enter licensed premises for social purposes under certain conditions.

On the question,

Will the House agree to the bill on third consideration?

Mr. MICOZZIE offered the following amendments:

Amend Title, page 1, line 16, by inserting after "laws," further providing for the number of licenses in certain municipalities and

Amend Bill, page 1, by inserting between lines 20 and 21

Section 1. Subsection (a) of section 461, act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," amended June 1, 1978 (P.L.451, No.56), is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each two thousand inhabitants in any municipality or part of a municipality where such municipality is split so that each part thereof is separated by another municipality, exclusive of licenses granted to airport restaurants, municipal golf courses, hotels and incorporated units of national veterans' organizations, as defined in this section, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses and except in that part of a split municipality where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality or part of a split municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels, municipal golf courses, airport restaurants and incorporated units of national veterans' organizations, as defined in this section, shall be granted so long as said limitation is exceeded.

Section 2. Section 472 of the act, amended June 28, 1957 (P.L.419, No.231), is amended to read:

Section 472. Local Option.—In any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years with respect to granting of licenses to wholesale distributors and importing distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality or part of a split municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities, or that part of a split municipality that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor and importing distributor licenses shall be initiated only in those municipalities or parts of split municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or part of a split municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Separate petitions must be filed for each question to be voted on. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in..... Yes of.....? No

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the..... Yes of.....? No

When the question is in respect to the granting of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor the granting of malt and brewed beverage wholesale distributor's and importing distributor's licenses not for consumption on premises where sold in the..... Yes of.....? No

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the..... Yes of.....? No

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality or part of a split municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

Amend Sec. 1, page 1, line 21, by striking out "1." and inserting 3.

Amend Sec. 1, page 1, line 21, by removing the comma after "493," and inserting of the

Amend Sec. 1, page 1, lines 21 and 22, by striking out "of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code,""

Amend Sec. 2, page 2, line 26, by striking out "2." and inserting 4.

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

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

Mr. MICOZZIE. Mr. Speaker, this amendment has to do with a split municipality, as far as liquor licenses being issued to a split municipality.

The House of Representatives passed this bill, HB 1255, last May. It is over in the Senate and it has been sitting in the Senate Judicial Committee.

To demonstrate what the amendment does, I would like to tell you about a local problem that I am having in my area.

Upper Darby Township is a first class township that has 72 precincts. One of those precincts is an island unto itself, surrounded by four other boroughs, two of which are dry boroughs. Under these split municipality provisions of the code, a license can be issued regardless of quota to that split municipality. My amendment would allow the residents of that one precinct to vote on a referendum at the next municipal election whether they want their area to be wet or dry. Without this provision, a person can come into that one precinct, request a license, and a license can be issued regardless of quota. I ask your support for this amendment.

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

(Members proceeded to vote)

VOTE STRICKEN

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

Mr. LETTERMAN. Mr. Speaker, I would like to have the vote stricken until I question Mr. Micozzie, please. I think there is a lot of confusion on this.

The SPEAKER. The clerk will strike the roll.

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

Mr. LETTERMAN. May I interrogate the gentleman, Mr. Micozzie.

The SPEAKER. The gentleman, Mr. Micozzie, indicates that he will stand for interrogation. The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, are you telling us now that because this municipality is sitting in the center of other dry municipalities, that someone could come in now and get a license without a vote of the people right now?

Mr. MICOZZIE. The way the provision reads in the Liquor Code is that if an area is separated from the government which the municipality is in, a license can be issued to that area regardless of what the quota is.

For instance, this area that I am talking about is an island unto itself; it is one precinct surrounded by other boroughs and a township apart from the main part of Upper Darby and the other 71 precincts. It is not contiguous. Therefore, a license can be issued under the present code.

Mr. LETTERMAN. How many people have to live there for the quota?

Mr. MICOZZIE. How many people— I did not hear the question.

Mr. LETTEMAN. How many people have to be in that area for the quota?

Mr. MICOZZIE. None. There is no quota on that one precinct. There is no quota whatsoever.

Mr. LETTERMAN. How many licensees are there now?

Mr. MICOZZIE. None.

Mr. LETTERMAN. Is it dry now?

Mr. MICOZZIE. It is dry now.

Mr. LETTERMAN. Okay. That explains it a little better. Thank you very much.

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

The following roll call was recorded:

YEAS—167

Alden	Foster, W. W.	Lynch, E. R.	Ryan
Anderson	Foster, Jr., A.	McCall	Salvatore
Armstrong	Freind	McKelvey	Scheaffer
Arty	Fryer	McMonagle	Schmitt
Austin	Gallagher	McVerry	Schweder
Barber	Gallen	Mackowski	Serafini
Belardi	Gamble	Madigan	Seventy
Bennett	Gannon	Manderino	Shupnik
Berson	Gatski	Manmiller	Sieminski
Bittle	Geesey	Michlovic	Sirianni
Bowser	Geist	Micozzie	Smith, E. H.
Brandt	George, C.	Milanovich	Smith, L. E.
Brown	George, M. H.	Miller	Spencer
Burd	Gladeck	Moehlmann	Spitz

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

NAYS—5

Fischer	Hutchinson, A.	Letterman	Livengood
Grabowski			

NOT VOTING—24

Beloff	Greenfield	Pievsky	Sweet
Borski	Hayes, D. S.	Pucciarelli	Weidner
Chess	Johnson, J. J.	Reed	White
Cohen	Jones	Rhodes	Williams
Giammarco	McClatchy	Rieger	Wilson
Gray	McIntyre	Shadding	Yohn

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 Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, I do not have an amendment to this bill, but I recall seeing an amendment circulated by Mr. White.

The SPEAKER. The gentleman, Mr. White, has informed the Chair he has withdrawn his amendment.

Mr. LEVIN. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—100

Alden	Fryer	McClatchy	Serafini
Anderson	Gallen	McKelvey	Seventy
Arty	Gamble	McVerry	Shupnik
Belardi	Gannon	Michlovic	Sieminski

Bennett	Gatski	Micozzie	Spitz
Burd	Geesey	Milanovich	Steighner
Burns	George, M. H.	Murphy	Stewart
Caltagirone	Gladeck	Musto	Street
Cappabianca	Goebel	Nahill	Stuban
Cessar	Goodman	Novak	Taddonio
Clark, B. D.	Gruppo	O'Brien, B. F.	Taylor, F.
Clark, M. R.	Halverson	O'Brien, D. M.	Telek
Cochran	Hasay	O'Donnell	Trello
Cole	Hoeffel	Perzel	Wachob
Coslett	Itkin	Petrarca	Wargo
DeWeese	Kanuck	Pistella	Wilson
DiCarlo	Knepper	Pott	Wright, Jr., J.
Davies	Knight	Pratt	Yahner
Dawida	Kolter	Pyles	Yohn
Dombrowski	Kowalshyn	Ritter	Zeller
Dorr	Kukovich	Rocks	Zitterman
Duffy	Lashinger	Rodgers	Zwilk
Durham	Lehr	Ryan	
Earley	Letterman	Schmitt	Seltzer,
Fisher	Lewis	Schweder	Speaker
Freind	McCall		

NAYS—81

Armstrong	Gallagher	Lynch, E. R.	Rieger
Austin	Geist	McIntyre	Salvatore
Barber	George, C.	McMonagle	Scheaffer
Bittle	Grabowski	Mackowski	Shadding
Borski	Grieco	Madigan	Sirianni
Bowser	Harper	Manderino	Smith, E. H.
Brandt	Hayes, Jr., S.	Manmiller	Smith, L. E.
Brown	Helfrick	Miller	Spencer
Chess	Honaman	Mowery	Stairs
Cimini	Hutchinson, A.	Mrkonic	Sweet
Cornell	Hutchinson, W.	Noye	Swift
Cowell	Irvs	Oliver	Taylor, E. Z.
Cunningham	Johnson, E. G.	Peterson	Thomas
DeMedio	Johnson, J. J.	Piccola	Vroon
DeVerter	Jones	Pitts	Wass
Dietz	Klingaman	Polite	Wenger
Dininni	Laughlin	Pucciarelli	White
Fee	Levi	Punt	Wilt
Fischer	Levin	Rappaport	Wright, D. R.
Foster, W. W.	Livengood	Richardson	Zord
Foster, Jr., A.			

NOT VOTING—15

Beloff	Giammarco	Moehlmann	Rhodes
Berson	Gray	Mullen	Weidner
Cohen	Greenfield	Pievsky	Williams
Dumas	Hayes, D. S.	Reed	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

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

Mr. LIVENGOOD. Mr. Speaker, just for the record, on three occasions yesterday, I voted on bills and amendments and when I looked up at the board, it was recorded, and a little bit later when I looked up, it was knocked off, and then I could not get recorded back on. I tried getting recognized yesterday several times, but I could not get recognized. But just for the record, I want it known that I have been voting on some of these amendments and bills and, for some reason, my votes are being knocked off.

The SPEAKER. The Chief Clerk has informed the Chair the gentleman is recorded in the negative on that bill.

REMARKS ON VOTE

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

Mr. ITKIN. Mr. Speaker, yesterday on the vote on concurrence in HB 173, PN 2724, I erroneously voted in the affirmative. I would like my record to be shown that it should have been in the negative. Thank you.

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

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would suggest that we recess now until 2 o'clock; that the Republicans report to the caucus room at 1 o'clock and return to the floor at 2, with the expectation that, among other things, we may run HB 1083 again, HB 538, and perhaps have the motion on SB 702, blind bidding. Thank you, Mr. Speaker.

NO DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. It appears from my marking on our calendar that the Democrats have caucused on all those bills which may be brought up this afternoon. Therefore, I do not think there is any need for me to call an immediate caucus. I must caution you, Mr. Speaker, if certain bills are called which are over temporarily, it may be necessary for me to call a caucus at that point in time but not now. Thank you.

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.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1106, PN 2450**, entitled:

An Act providing for certain authorized agencies to receive from insurance companies information relating to fire losses;*** providing for the exchange and confidentiality and providing penalties.

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—166

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

NAYS—0

NOT VOTING—30

Barber	Dumas	Jones	Stairs
Belardi	Fischer	Madigan	Sweet
Beloff	Giammarco	Pievsky	Taylor, E. Z.
Berson	Grabowski	Pucciarelli	Taylor, F.
Burd	Gray	Reed	Weidner
Cohen	Harper	Rhodes	Williams
DeWeese	Hayes, D. S.	Serafini	Wilt
Davies	Johnson, J. J.		

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 VOTE

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

Mr. GRABOWSKI. Mr. Speaker, I would like to be recorded in the affirmative on HB 1106.

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

CALENDAR CONTINUED

The House proceeded to third consideration of **HB 1208, PN 1361**, entitled:

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), permitting additional self-insurer policies for aggregate excess insurance.

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—171

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

NAYS—0
NOT VOTING—25

Barber	Dorr	Johnson, J. J.	Reed
Belardi	Dumas	Jones	Rhodes
Beloff	Giammarco	McClatchy	Serafini
Berson	Gray	Madigan	Weidner
Burd	Harper	Noye	Williams
Cohen	Hayes, D. S.	Pievsky	Yohn
DeWeese			

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 2123, PN 2726**, entitled:

An Act making an appropriation to the Department of State for payment to county boards of election for expenses incurred in the special election of March, 1980.

On the question,

Will the House agree to the bill on third consideration?

Messrs. STUBAN, McCALL and Miss SIRIANNI offered the following amendments:

Amend Title, page 1, line 1, by striking out "an appropriation" and inserting appropriations

Amend Title, page 1, line 3, by striking out "election" and inserting elections

Amend Title, page 1, line 3, by removing the period after "1980" and inserting and April, 1980.

Amend Sec. 1, page 1, line 6, by inserting before "The" (a)

Amend Sec. 1, page 1, line 8, by inserting after "for" where it appears the last time the actual

Amend Sec. 1, page 1, by inserting between lines 9 and 10

(b) The sum of \$250,000, or as much thereof as may be necessary, is hereby appropriated to the Department of State for payment to the county boards of election in the Eleventh Congressional District for the actual expenses incurred by the boards in the special congressional election of April, 1980.

Amend Sec. 2, page 1, line 12, by inserting after "for" the actual expenses in

Amend Sec. 2, page 1, line 13, by insertig after "the" March, 1980

Amend Sec. 2, page 1, by inserting between lines 13 and 14

(c) The appropriation for the actual expenses incurred in the Eleventh Congressional District for the special election of April, 1980 shall be allocated to the county boards of election as follows:

- (1) Carbon.....\$ 30,000
- (2) Columbia..... 35,000
- (3) Luzerne..... 155,000
- (4) Montour..... 20,000
- (5) Sullivan..... 10,000

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Mr. Speaker, this is amendment No. A5000. I do not know if it has been distributed, but I am sure that it has been reprinted. It has been introduced by myself, Mr. McCall and Miss Sirianni from our districts.

I wrote a letter to the Speaker concerning the bill that is before the House and I also wrote a letter to the Governor concerning the special election. And I never thought that I would see this day, that a fiscal conservative like myself from Columbia County would rise here—after our Executive Officer, the Governor, was here today and said that the cupboard was bare and we would have to tighten up on spending and funds—to ask this House to appropriate \$250,000 to pay for a special election that was called for by the Governor of this Commonwealth, that could have been taken care of just 3 weeks later and would have been a savings to the taxpayers of not only my district but also of the State of Pennsylvania. I ask that this amendment be approved because I know the counties of Carbon, Columbia, Luzerne, Montour and Sullivan sure cannot afford an extra election. I know that the County of Montour, which I represent a part of, will have three elections within a 6-weeks period, so they sure cannot afford this. So I feel if our Speaker and our Governor have called for these special elections, we here in the State of Pennsylvania ought to pay the bill. So I ask everybody to vote in the affirmative for this amendment.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. I rise to support the amendment.

If any of the members will recall, last fall we had a circumstance in Carbon County which necessitated a second election, and as a result the cost to the county was double. Now once again the county is faced with an additional cost. But I want to bring to the attention of the members a situation in my county.

We have the voting machines. Now on April 1, which by the way is the Jewish Passover, after the votes are made, the machines will have to remain closed and sealed for 20 days, which brings us to the 2 days prior to the primary election of April 22. Carbon County would have to, therefore, opt for the paper ballots. My voters have not used paper ballots in years. We will have to, number one, have the paper ballots printed; number two, have ballot boxes made, and in addition to that the special booths would have to be built at each polling place.

I would appreciate if the membership would join with Mr. Stuban and Miss Sirianni and myself in supporting this amendment. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—176

Alden	Fryer	McIntyre	Salvatore
Anderson	Gallagher	McKelvey	Scheaffer
Armstrong	Gallen	McMonagle	Schmitt
Arty	Gamble	McVerry	Schweder
Austin	Gatski	Mackowski	Serafini
Barber	Geesey	Madigan	Seventy
Belardi	Geist	Manderino	Shadding
Bennett	George, C.	Manmiller	Shupnik
Berson	George, M. H.	Michlovic	Sieminski
Bittle	Gladeck	Micozzie	Sirianni
Borski	Goodman	Milanovich	Smith, E. H.
Bowser	Grabowski	Miller	Smith, L. E.

Brandt	Greenfield	Moehlmann	Spencer
Brown	Grieco	Mowery	Spitz
Burd	Gruppo	Mrkonic	Stairs
Burns	Halverson	Mullen	Steighner
Caltagirone	Hasay	Murphy	Stewart
Cappabianca	Hayes, Jr., S.	Musto	Street
Cessar	Helfrick	Nahill	Suban
Chess	Hoeffel	Novak	Sweet
Cimini	Honaman	Noye	Swift
Clark, B. D.	Hutchinson, W.	O'Brien, B. F.	Taddonio
Clark, M. R.	Irvis	O'Brien, D. M.	Taylor, E. Z.
Cochran	Itkin	O'Donnell	Taylor, F.
Cole	Johnson, E. G.	Oliver	Telek
Cornell	Johnson, J. J.	Perzel	Thomas
Coslett	Jones	Peterson	Trello
Cowell	Kanuck	Petrarca	Wachob
DeMedio	Klingaman	Pievsky	Wargo
DiCarlo	Knepper	Pistella	Wass
Davies	Knight	Pitts	Wenger
Dawida	Kolter	Polite	White
Dietz	Kowalyszyn	Pott	Wilson
Dininni	Kukovich	Pucciarelli	Wilt
Dombrowski	Lashinger	Punt	Wright, D. R.
Dorr	Laughlin	Pyles	Wright, Jr., J.
Duffy	Lehr	Rappaport	Yahner
Durham	Letterman	Rhodes	Yohn
Earley	Levi	Richardson	Zeller
Fee	Levin	Rieger	Zitterman
Fischer	Lewis	Ritter	Zwikl
Fisher	Livengood	Rocks	
Foster, W. W.	Lynch, E. R.	Rodgers	Seltzer,
Foster, Jr., A.	McCall	Ryan	Speaker
Freind	McClatchy		

NAYS—6

Cunningham	Goebel	Vroon	Zord
DeVerter	Piccola		

NOT VOTING—14

Beloff	Gannon	Hayes, D. S.	Reed
Cohen	Giammarco	Hutchinson, A.	Weidner
DeWeese	Gray	Pratt	Williams
Dumas	Harper		

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

REMARKS ON VOTE

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

Mr. GOEBEL. I would like to be recorded in the affirmative on the Suban amendment to HB 2123.

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

CONSIDERATION OF HB 2123 CONTINUED

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—168

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

NAYS—10

Austin	Dawida	Mackowski	Piccola
Clark, B. D.	Duffy	Mrkonic	Rodgers
DeVerter	Livengood		

NOT VOTING—18

Beloff	Gray	Reed	Weidner
Cohen	Harper	Rieger	White
DeWeese	Hayes, D. S.	Sirianni	Williams
Geist	McIntyre	Stairs	Wilt
Giammarco	Oliver		

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.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE

The Senate informed that it insists on concurrence in Senate amendments to **HB 173, PN 2724**, and has appointed Messrs. MESSINGER, LINCOLN and O'CONNELL a Committee of Conference to confer with a similar committee of the House of Representatives, (if the

House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

MOTION INSISTING UPON NONCONCURRENCE
AND
APPOINTMENT OF A CONFERENCE COMMITTEE

Mr. RYAN moved that the House insist upon nonconcurrency in Senate amendments to HB 173, PN 2724, and that a committee of conference be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 173, PN 2724: Messrs. S. E. HAYES, GALLEN and PETRARCA.
Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

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

Mr. REED. Mr. Speaker, I was temporarily out of my seat on HB 1106 and HB 1208. I wish the record to record an affirmative vote for me.

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

The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I was also out of my seat on HB 1106 and HB 1208. 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 Lackawanna, Mr. Belardi.

Mr. BELARDI. Mr. Speaker, I, too, was out of my seat on the rollcall vote for HB 1106 and HB 1208. I would like the record to show that I would like to be recorded in the affirmative.

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

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

Mr. ZELLER. Mr. Speaker, had I been in my seat when HB 1106 and HB 1208 were voted, I would have voted in the affirmative. Thank you.

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

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

Mr. MADIGAN. Mr. Speaker, I was temporarily off the floor. I would like to be recorded in the affirmative on HB 1106 and HB 1208.

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

CONSIDERATION OF CALENDAR CONTINUED
BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,
The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed consideration on final passage of **HB 1083, PN 2787**, entitled:

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

On the question recurring,
Shall the bill pass finally?

RECONSIDERATION OF VOTE ON HB 1083

The SPEAKER. The Chair recognizes the majority leader.

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

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

The following roll call was recorded:

YEAS—163

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

Freind Fryer	Livengood	Ryan	Speaker
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NAYS—10

Austin	Knight	Novak	Street
Clark, B. D.	Kukovich	Richardson	Trello
Gamble	Mrkonic		

NOT VOTING—23

Alden	Dawida	McIntyre	Shadding
Beloff	Dumas	Mackowski	Weidner
Bowser	Gallagher	Mullen	Williams
Cohen	Giammarco	Musto	Yohn
DeVerter	Gray	Peterson	Zwikl
DeWeese	Hayes, D. S.	Rhodes	

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. KANUCK offered the following amendments:

Amend Sec. 1 (Sec. 5537), page 1, line 10, by striking out all of said line and inserting (a) General statute of repose.—(1) No product liability

Amend Sec. 1, (Sec. 5537), page 1, line 11, by inserting after "definitions)," arising out of consumer goods, as defined in 13 Pa.C.S. § 9109 (relating to classification of goods: "consumer goods"; "equipment"; "farm products"; "inventory"),

Amend Sec. 1 (Sec. 5537), page 2, by inserting between lines 2 and 3 (2) No product liability action, as defined in section 8352, arising out of nonconsumer products may be brought more than 25 years from the time the person who is primarily responsible for manufacturing the final product parted with its possession and control, or sold it, whichever occurred last.

Amend Sec. 1 (Sec. 5537), page 2, line 4, by inserting after "year" or twenty-fifth year respectively

On the question,

Will the House agree to the amendments?

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

Mr. KANUCK. Mr. Speaker, very simply, this amendment that I have—I believe it is circulated by this time—provides for a change in the statutes of repose in the products liability bill. What I have done was create two classes of statutes of limitation. The first would remain at 12 years, and that is for consumer goods, but creates for the first time a separate class or category for nonconsumer goods, and that would be 25 years.

The concern that I have has to do with the needs of the workers, and I believe that the complaints of the labor unions in this Commonwealth are well-founded, especially in the area of workers who are forced, if you will, by conditions of their employment, to use equipment which lasts in general for more than or at least as long as 25 years. I think that it is well agreed that any piece of equipment that is used in a workplace will last longer than 25 years or will certainly last longer than 12 years, and some adjustment must be made.

If you are injured in the workplace under present law, you are relegated to a suit for workmen's compensation. While workmen's compensation may be adequate for many purposes, I believe that it is inadequate for the employe who is injured through no fault of his own and perhaps is totally or partially disabled on a piece of equipment that is manufactured, and I believe he has the right to sue the manufacturer of that equipment. Passage of HB 1083 would remove that right, and all I am saying is that there is room here for some consideration of the worker's rights, and I think what his rights are certainly at least include a period of time that is reasonable in light of the age and longevity of equipment that he is forced to use as a condition of his employment. It is a compromise. I tell you without it, I could not support the bill, as I have not supported it in the past, and I think that this is a step that is necessary to balance those rights between the manufacturers and the workers. I ask for your support of this amendment.

PARLIAMENTARY INQUIRY

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

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, I rise to a point of parliamentary inquiry in relationship as to how we got to amendments on HB 1083. Is it not correct that the gentleman has asked for reconsideration on final passage of this particular bill and had not put the motion before the members of this House that he would revert them back to receiving amendments? I did not hear it.

The SPEAKER. The gentleman is correct. The Chair did that, and the members voted on it.

Mr. RICHARDSON. Voted on what, Mr. Speaker? Mr. Speaker, if my memory serves me correctly, I would indicate that there was not any parliamentary procedure in accordance with our rules that got us from reconsideration of final passage of HB 1083 which we voted on. Right after that we went straight into amendments. At that time there was no consideration given at the Chair that we would then reconsider our decision that we move to final passage and revert back to accepting amendments. I am just asking a parliamentary inquiry as to whether or not that is correct or not correct.

The SPEAKER. The gentleman is correct. Before amendments could be offered, we had to reconsider the vote by which the bill passed third reading. The Chair put that motion to the House; the House voted on it and we reconsidered the vote, and now the bill is available for amendments. The gentleman is correct. That was a parliamentary procedure that must be followed, and the House followed it.

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

Mr. YOHN. Mr. Speaker, I support the amendment offered by the gentleman. I think that all of us realize that in this House there has been a great concern about the statute of repose, and I think that this is a reasonable compromise trying to adjust to the differences of opinion between those persons who feel that the statute of repose was too stringent and those persons who felt we should have no statute of repose at all or felt that we should so muddy the waters with some concept that would virtually mean that there would be no statute of repose.

I think that there is a logical distinction between consumer goods and those goods that are capital goods that are used in plants that have a much longer lifetime. And therefore for that reason the gentleman's amendment makes sense, and I would urge in the spirit of compromise that we try to get the matter resolved and that all the members support the amendment. Thank you.

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

Mr. ZELLER. Mr. Speaker, would the gentleman who is introducing this amendment please consent to a brief interrogation?

The SPEAKER. The gentleman, Mr. Kanuck, indicates he will stand for interrogation, and Mr. Zeller may proceed.

Mr. ZELLER. Mr. Speaker you mentioned—I agree with what you you are saying but I wanted to get one thing straight, and that is the difference that you mentioned in regard to this is the first time that this is being introduced into this bill. I understand that Mr. Kukovich introduced it last week or the week before on the HB 1225, it was named differently, but there is a difference in regard to whether or not anyone can sue after that point in time. Would you explain to the House the statute of repose, because I believe what you did is you cut off the limit after the 12 and the 25 and that is it—which I happen to agree with—I believe that this is what you are doing. so will you please explain to the House what you mean by that? Because it was introduced by Mr. Kukovich before.

Mr. YOHN. I think if I am in order, I will try to respond to the question.

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

Mr. YOHN. I think, Mr. Speaker, what happened last week is the Kukovich proposal included the 12 and the 25-year concept, but on top of that also placed a useful safe life concept, which was the nebulous concept that we were concerned about because it would then generate litigation rather than terminate it. And I think that this is a compromise between those who supported that approach and those who opposed that approach by taking a portion of his amendment but yet still keeping the degree of certainty that is necessary to have any kind of meaningful statute of repose.

Mr. ZELLER. I thank you very much. I agree with the amendment. Thank you.

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

Mr. DiCARLO. Mr. Speaker, will the gentleman, Mr. Yohn, submit to a brief interrogation?

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

Mr. DiCARLO. Mr. Speaker, just to clear up my mind and some of the members on this side of the aisle. I am right in assuming that we are taking the present statute of repose which is now 12 years and extending that to 25 years and we are still allowing that person in the workplace to sue under terms of strict liability up to 25 years. Is that right?

Mr. YOHN. Yes. In terms of the person who is dealing with capital goods, who is the employe in the manufacturing plant.

Mr. DiCARLO. Can you define capital goods?

Mr. YOHN. Well, I think it is defined as anything that is not a consumer good under the definition in the Uniform Commercial Code. Basically what we are talking about here is the employe who is working in a manufacturing plant and is dealing with machinery. In this situation there would be a 25-year—if the amendment is accepted—statute of repose, during which time we could bring suit in strict liability or in negligence, whichever he chose. After the 25-year period under the bill as it presently exists, and it would remain the same, he can still bring suit after the 25-year period based on a theory of negligence.

Mr. DiCARLO. Thank you, Mr. Speaker, I agree with the Kanuck amendment and ask for its endorsement. Thank you.

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

Mr. BURD. Mr. Speaker, I rise in opposition to the Kanuck amendment. There are a couple of things that I would like to point out to the floor of the House for the general body. They talk about this amendment being a compromise amendment. The numerous phone calls that my office received over the past week about the bill in discussion at this time, indicated to me that industries producing goods to be used by consumers were having to pay insurance premiums like \$8,000 and because of the past lawsuits that have been involved with product liability, some of those premiums have jumped in the area of from \$8,000 to \$30,000 in some cases. That is not in all cases. But for the members of this House who feel that this is a compromise or that this is a consumerism bill, I must point out to you that I feel that if we allow this amendment to come in, this would be an anti-consumerism bill for the simple reason that we know—and if we do not know, we should know—that on the bottom line, that consumer is going to pay for that extra insurance coverage. So I do not know how we can go along and say that this is protecting the consumer. It is actually costing that consumer, and I oppose this amendment, and I ask the members on both sides of this aisle to please look at this. Once again we are asking industry to go out and perform and produce something that they have to be liable for for 25 years, and I say

that somewhere along the line there has to be room for human error. Thank you, Mr. Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair gives notice that the conference committee on HB 173 is meeting now in room 245, which is the conference room on the Committee on Appropriations.

CONSIDERATION OF HB 1083 CONTINUED

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

Mr. MURPHY. Would Mr. Yohn submit to some interrogation please?

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

Mr. MURPHY. Mr. Speaker, on Mr. Kanuck's amendment, you indicated that it would cover workers hurt in the workplace. As I read the amendment, it really does not cover that. It covers capital goods. My concern is that there are any number of products that can be defined either as capital or consumer goods; stepladders, power saws, any number of items, and my concern is that the amendment does not do what you suggested that it does.

Mr. YOHN. I think your understanding is incorrect. The amendment talks about consumer goods as defined under the Uniform Commercial Code, and my understanding of that—I do not profess to be an expert on it—but it is the example, for instance, you gave of a stepladder; that if a stepladder were used in your home or my home, it is a consumer good. If the stepladder is used in business and industry, it would then be part of the equipment of that business and industry and then would be subject to the 25-year statute of repose. It would depend not just solely on what type of good it was, but what use was made of it.

That distinction is part of a body of law that has gone into interpretation of the Uniform Commercial Code, which has been enacted in most if not all of the states in the Nation, and is something that has been interpreted by courts throughout the country so that you would be able to have a defined body of law expressing which category the goods would fall into.

Mr. MURPHY. If that were the intent of the amendment, would it not have been better to draft it so that would have covered anybody who would have qualified for worker's compensation in regard to an injury? That would have more clearly defined the protection you were giving the worker?

Mr. YOHN. No, I do not agree with that because whether the person is covered by Workmen's Compensation or not is not the issue. For instance, in one of the amendments that were proposed last week, that approach was taken and it said that anyone who was covered by Workmen's Compensation which would mean that if the husband was at home—who was an employe—and was at home and injured, since he was technically covered by

Workmen's Compensation, even though not at that time, he would have been entitled to the longer statute of repose where his wife, injured in the same way, would not be.

Mr. MURPHY. For the record then, Mr. Speaker, you are suggesting that this amendment is to protect workers hurt in the workplace be it on products that could be clearly viewed as capital items or on products that would be viewed either as consumer or capital items, if they were hurt in the workplace, they would be viewed as a capital item, such as the stepladder or some other consumer item?

Mr. YOHN. Yes. That is my understanding of the purpose of the amendment, and perhaps Mr. Kanuck can speak on that on his own, since he is the drafter of the amendment. I understand that to be the intent of the amendment.

Mr. MURPHY. Mr. Speaker, could I ask for your intent on this amendment?

The SPEAKER. Would the gentleman, Mr. Kanuck, permit himself to be interrogated? The gentleman indicates that he will, and Mr. Murphy, may proceed.

Mr. MURPHY. Mr. Speaker, is it your intent that workers hurt in the workplace be it on a product that would be viewed normally as a consumer item rather than a capital good would be covered under this amendment?

Mr. KANUCK. Yes, they would be covered because by definition anyone who uses a product in the workplace cannot be using consumer goods. They are using nonconsumer goods, under the definition of The Uniform Commercial Code, and I chose that definition because there has already developed since 1957 in this Commonwealth, a large body of law telling you what, in courts' opinions, consumer goods are.

Mr. MURPHY. Thank you.

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

Mr. D. M. FISHER. I rise also in support of the Kanuck amendment.

In addition to what Mr. Yohn has added as to reasons why this amendment should be supported, I think one other factor should be added when we consider this in relation to either the Kukovich concept or the concept that might be embodied in the amendment which I see on my desk with Mr. Murphy's name on it. Both of those amendments contain the useful life concept. You have heard me in the last week and Mr. Yohn and others talk about the fact that we feel that it is so important in this bill to place some certainty after which time a manufacturer will not be liable for suit.

In attempting to arrive at a compromise amendment, which all of the interested parties—and not just the parties sitting on the floor of the House, but all of the people throughout the Commonwealth who may have an interest—I feel that in offering the Kanuck amendment that we have come with a statutory scheme which rationally divides and makes a distinction between consumer and nonconsumer goods.

My good friend and colleague, Mr. Burd, just took this microphone a couple minutes ago and I can see where Mr. Burd, if he had misread this amendment, as perhaps he did, would have been led to say oppose the amendment. But what the amendment does is, place the 25-year statute for nonconsumer goods, not consumer goods, but nonconsumer goods. So the consumer goods which are defined in the Uniform Commercial Code, in Section 9109, those are the goods to which the same 12-year statute of limitations which is presently in HB 1083, would apply. Basically all the Kanuck amendment does is make the second exception or additional exception to say that when dealing with the nonconsumer goods—the good that in most instances will be the capital good, the machinery in the workplace—that a person injured can have up to 25 years in which to bring the cause of action. But after 25 years there cannot be a cause of action. This is the difference between this and the Kukovich amendment, and in my opinion, this provides the certainty; this provides the rate-making certainty under which hopefully we can have some relief in this very flexible field of product liability. I think this is a good amendment. I think that it is a compromise amendment, something as a prime sponsor of this bill that I can live with, and I would urge the support of all of the members of this House. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Helfrick.

Mr. HELFRICK. Mr. Speaker, I opposed this bill right from the beginning. I voted twice against it and I will probably vote against it this next time around. But in this particular case, I stand to support the Kanuck amendment. I believe we have an anti-consumer bill here and I do not think it is a good bill at all. This amendment, I believe, would certainly make it a little more palatable for many of us and make it just a little better. So I ask everyone, especially those who voted against the bill, to support the Kanuck amendment. Thank you.

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

Mr. BURD. I want to clarify what I was talking about. If you take the nonconsumer's side of this argument—as a matter of fact, would Mr. Kanuck stand for interrogation?

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

Mr. BURD. Mr. Speaker, in your amendment, on the nonconsumer argument of your amendment, is there anything in your amendment that says that if I am a company and I buy, let us say, a milling machine and I set it up in my place of business and I find it necessary to alter that milling machine to do a specific or a certain job, does that still make the original manufacturer responsible for that milling machine?

Mr. KANUCK. I am not sure that this amendment addresses that problem. I think the rest of the bill would speak to that problem. I do not think this amendment applies to that.

Mr. BURD. Do you not think that it is necessary to address that problem, Mr. Speaker? I can see this to be a tremendous problem. How can I be responsible for 25 years for something that someone else did something else with it? Does this become a case where attorneys can sue two people instead of one or what does this become a case of?

Mr. KANUCK. Mr. Speaker, I believe, as I said earlier, that this is a compromise bill. There are many things about the bill that I have personal difficulty with. Nonetheless, while the manufacturer may be on the hook for 25 years versus 12 years, on the other hand, where is the liability to the employe? Where are they protected by having a right taken away from them, a right which says that, first of all, putting it in perspective, they must work on the equipment as a condition of employment. They apply to a job; they must go to that job and they must work at that job. They are told what equipment they can use. If you do not like the equipment, you can get a job somewhere else or not work. I know some people would think that is the right kind of reasoning. I think that is archaic and it is not appropriate. So let us take into consideration the fact that they are at work, they must use this equipment. Now are you going to say that if they are maimed for life, unable to work for life or temporarily or permanently disabled to some degree that they have no cause of action? I disagree with you.

Mr. BURD. Okay, Mr. Speaker, I have another question. In your amendment, is there any area in the language that you cover the possibility of human error being the cause of an accident on that equipment? And if it does cover it, does that exonerate the original manufacturer or the person who altered that particular machine?

Mr. KANUCK. Mr. Speaker, again, the question that you raised is an appropriate question, but not for this amendment. I will, however, direct you to section 8355, or page 7 of the present printer's number of this bill.

Mr. BURD. You do not have to direct me to the language. I am asking you if it is there; does it cover it? Does it do it, and do you think if it is not there, it may not be a good amendment? Because you really have not covered the problem here.

Mr. KANUCK. I think the issue was addressed in the bill, and I am not into that. If you would like to change the bill, you have a right to add an amendment. I am sure the Speaker would work with you on that. Thank you.

Mr. BURD. Thank you, Mr. Speaker. I have a couple comments that I would like to make. Clarifying what I said before, I still feel that I should caution this General Assembly, number one, this is an anti-consumer amendment. I do not care who is paying the bill; that consumer at the back end is going to be the one to pick up the tab whether a person is responsible for 12 years or 25 years. If the industry has to buy the insurance on a thing and protect it for 25 years, he has got to pass the bill with the extra insurance premium along to the consumer, and anybody who thinks this is not an anti-consumer amendment has got to be out of their mind, because somebody has to pay that

tab, and the consumer is the person who is going to have to do it, and I oppose this amendment. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, would Mr. Burd consent to interrogation?

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

Mr. COWELL. Mr. Speaker, I have not debated on this bill at all, but I was struck with a little bit of curiosity with the remarks that you have made twice now about this amendment being anti-consumer. I interpret your remarks to suggest that it is anti-consumer in the sense that because the consumer would have certain rights or the worker in the workplace might have certain rights, insurance coverage would have to be purchased by the manufacturer in this case. Are you suggesting then that that would be passed through to the customer, whoever that might ultimately be?

Mr. BURD. That is right, Mr. Speaker.

I have received a number of phone calls over the weekend about this particular legislation and I was really amazed to find out how insurance premiums on this particular type of coverage have really gone completely out of proportion. That is the reason I think that it is so important for us to get a time limit on it, so the actuarians of the insurance companies can set a rate on this thing. We are playing around with 12 and 25 years. It makes no difference; if you are going to go for 25 years, that company who insures that particular machine is going to ask for a rate that they know that through liability is going to cost them a tremendous amount of money. So the company that buys that machine or the company that produced that machine and puts it out after they sell it, they know they are going to be liable for it for 25 years, so does the insurance company; and in some cases companies are paying the difference between \$8,000 and \$30,000 for their product liability insurance, and they have got to pass that along to someone. You know, companies are not in business just to employ people. They are in business to make money, and they have got to pass that along to somebody and they have to pass it along to the obvious person who is the consumer. So the consumer pays in the end on this particular thing with the very thing that the consumer's people feel that they are trying to protect them with.

Mr. COWELL. Mr. Speaker, may I make a brief remark, please?

The SPEAKER. The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Mr. Speaker, I would urge that we reject the thinking that we just heard explained. If we accept that kind of logic and extend it a little bit further, we could best make this very proconsumer by completely denying the consumer all rights, because there would be no insurance to be purchased and no costs to be passed on to a customer. I do not think that makes a whole lot of sense. I think that we ought to adopt the amendment which is before us.

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

Mr. KUKOVICH. I hesitated to rise again on this issue. Actually, I am a little tired of speaking about product liability. I, however, feel that the intentions of the Kanuck amendment are good. I think it is an improvement over the status of the bill. I do not think it goes as far as some of the amendments that were offered last week. I do not think that whether or not this amendment is adopted should really affect, however, the vote on final passage. However, it does make some improvement, and I still think it makes enough improvement to make this a decent bill.

Regarding the argument about this being anticonsumer and once again throwing out this argument about insurance rates, I made the argument last week that insurance rates were going up in a very arbitrary manner. They are not tied in whatsoever with claims, the amount of claims, how large the awards are, and I commented on one specific example of a company whose rates went up drastically in the year whenever their claims went down. So once again, the argument is unsound that excessive claims brought about by a bad, faulty strict liability law have caused insurance premiums to climb. That is simply not the case. Whether this amendment is adopted or not, whether this bill is passed or not, none of these things will affect the rate of insurance premiums and product liability. So we are not addressing this problem today, and I would urge you to defeat this bill, because all it will do is cut down on rights the consumers desperately need in this area. Thank you, Mr. Speaker.

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

Mr. BURD. Mr. Speaker, I was just wondering as I was watching the floor proceedings going on here, Mr. Speaker, if the sponsor of the amendment could tell me whether that is a 12-year or 25-year ladder we have being used over here. And that is partly what this argument is all about.

To answer Mr. Cowell's testimony, I do not think there have been too many times where a person has been hurt on the job in industry, be it by machine failure, be it by his own negligence or be it by any means that he was hurt, that the system did not work and that person was not compensated for whatever type injury he incurred. So I do not think that you can use that as an argument for this type of amendment, because the system as we have it today and the law that we have today does protect that person. So that is not an argument, and I still oppose the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I think that the problem we are all having with the 12-year statute of limitation and the 25-year statute of limitation, I think that it is finally coming across to many of us that it is morally wrong to deny recovery to a person who has been hurt when he has been hurt by a product that had a useful safe life longer than the statute of limitation that the state imposes. That is what is bothering, I think, Mr. Kanuck when he talks about

capital goods in the workplace and tries to make a distinction between consumer goods and nonconsumer goods. I think he is being bothered by the morality of cutting off someone's right of action when he has been hurt by a piece of machinery or any product that was expected to have a useful safe life beyond the date which the legislature said you can no longer make a claim, and he is trying to make a compromise with this amendment. Unfortunately, Mr. Speaker, I do not believe that this amendment accomplishes the purpose, and we ought to direct ourselves to useful safe life rather than arbitrary distinctions between consumer goods and nonconsumer goods.

The Uniform Commercial Code, which has been mentioned so far as describing in definition what a consumer good is, simply says, in section 9-109, consumer goods: "Goods are consumer goods if they are used or bought for use primarily for personal, family or household purposes...." That is the end of the definition.

It seems to me that if a piece of machinery, a product, a power saw, a ladder—which Mr. Burd wanted to know was a 12-or 25-year ladder—whether or not it was bought for commercial use or whether it was bought for household use, if it was defective, it was defective. If it had a useful safe life beyond the statutes that you are trying to impose, you ought not to impose that statute. What difference does it make if a man has his fingers cut off by a power saw that was defective, whether he is working in the factory with that power saw or whether he is carefully and prudently using the power saw in his home? It is still four fingers off his hand; it is still a disability and a maim; and it was still a defective product. The test ought to be, was that product that was manufactured by someone—and I do not want to go back to the Timbuktu argument—was it manufactured to have a useful safe life beyond 12 years? If it was and if he is hurt beyond the 12-year limit, he ought to have a right to recover. A statute of repose is a nice name for saying you will no longer be able to bring a claim; we are sorry about the four fingers that you have lost. It is a loss that you will have to accept as a member of society. I do not think we ought to ask our people to accept those kinds of losses. I suggest that we defeat the Kanuck amendment and adopt the amendment that will be offered as to useful safe life by the gentleman from Allegheny who intends to offer that after the Kanuck amendment. Mr. Speaker, I urge the defeat of the amendment.

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

Mr. DAWIDA. Would Mr. Kanuck stand for a brief interrogation?

The SPEAKER. Whom does the gentleman, Mr. Dawida, wish to interrogate?

Mr. DAWIDA. Mr. Kanuck.

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

Mr. DAWIDA. Mr. Speaker, I am basically in favor of your amendment, but I have a concern about what I feel

may be a defect in it. For subsection 2, when you talk about nonconsumer products, it was my understanding that you felt that that was governed by section 9-109 of the Uniform Commercial Code?

Mr. KANUCK. That is my understanding.

Mr. DAWIDA. Okay. I have section 9-109 of the UCC - Uniform Commercial Code - with me, and it does not define nonconsumer goods; it defines consumer goods.

Mr. KANUCK. That is correct. It defines consumer goods and all other goods. According to the amendment it says that it is nonconsumer goods. That is the whole purpose, to make it nice and simple so no one could misunderstand what the purpose is.

Mr. DAWIDA. Okay. Then there is a minor problem in that you are amending section 1-5537. You refer to the Uniform Commercial Code, but you do not refer in subsection 2 that you are still using the same Uniform Commercial Code; so it is not clear, and I wanted it on the record.

Mr. KANUCK. All right. If you look—and that is a fair question—in the balance of the bill as we are amending it, you will see that there are other references to that section of the Uniform Commercial Code definition. I think that taken collectively you will see that it does modify each of the sections that we are talking about.

Mr. DAWIDA. Mr. Speaker, I believe you add to my argument, though, because if it is specifically enumerated in a number of other sections, the lack of enumeration in reference to the Uniform Commercial Code in this subsection might lead the courts to believe that you are not intending that.

Mr. KANUCK. My intent is to make a distinction between consumer goods and nonconsumer goods based on the definition provided under the Uniform Commercial Code. I think a fair reading of the bill as amended, if this amendment is successful, is obvious to anyone, including a court of law. That is my opinion. You asked for the record and that is what I would say.

Mr. DAWIDA. Mr. Speaker, may I address a few words?

The SPEAKER. The gentleman, Mr. Dawida, is in order and may proceed.

Mr. DAWIDA. I am basically in favor of the Kanuck amendment, but I have some concerns that it may not do what we think it does, and that leaves me in a position that I do not know whether or not I can support this amendment. I would wish that Mr. Kanuck would consider withdrawing his amendment and redrafting it. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, would the gentleman, Mr. Kanuck, consent to an interrogation?

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

Mr. MANDERINO. Mr. Speaker, in the first part of the amendment where you refer to consumer goods, you specifically define that the consumer goods that you are talking about are consumer goods as described in section 9109 of the Uniform Commercial Code. Is that correct?

Mr. KANUCK. It is.

Mr. MANDERINO. Mr. Speaker, what is captioned 2, which is the second part of the amendment, I guess, you talk about no product liability action being brought in section 8352—that is 8352 of this bill—arising out of nonconsumer products. Now we have not used the words that you just defined, consumer goods or nonconsumer goods, as they would be defined in the Uniform Commercial Code; and I have some great concern of what a court may call nonconsumer products. It is not defined in this act, to the best of my knowledge, and it is not defined in the Uniform Commercial Code. Do you understand that to be correct?

Mr. KANUCK. May I answer that?

Mr. MANDERINO. Yes, please.

Mr. KANUCK. Mr. Speaker, I think, as I stated to the gentleman before you, that you must take a look at the entire bill as amended if this amendment is successful. A fair reading of the bill at that point would answer your question. We have defined consumer goods; all other goods, obviously, are nonconsumer goods and they fall within the 25-year period of statute.

Mr. MANDERINO. Yes, but you do not call them goods; you call them nonconsumer products.

Mr. KANUCK. Products and goods, I think, are defined evenly. I think that it is understood that we are talking about the same thing.

Mr. MANDERINO. I wish I could have the same confidence that you do that when you use in one paragraph of a bill the word “goods” it means exactly the same thing as “products” in the next section of the bill. I would suggest that the gentleman, Mr. Dawida, was entirely correct that this amendment ought to be redrafted; and if not, it ought to be defeated.

Mr. KANUCK. Mr. Speaker, if I may make a comment. I think the problem arises here that if you have a problem understanding consumer goods, “useful safe life” is going to be a lot more of a problem, and I think you have highlighted the reason why we are using these two time certain.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—115

Alden	Gallen	Levi	Serafini
Anderson	Gamble	Lewis	Seventy
Arty	Geesey	Livengood	Sieminski
Belardi	Geist	Lynch, E. R.	Sirianni
Bittle	George, C.	McClatchy	Smith, E. H.
Bowser	George, M. H.	McKelvey	Spencer
Brandt	Gladeck	McVerry	Spitz
Brown	Goebel	Manmiller	Stairs
Caltagirone	Goodman	Michlovic	Steighner
Cessar	Grabowski	Mowery	Stewart
Chess	Grieco	Murphy	Stuban
Cimini	Gruppo	Nahill	Sweet
Clark, M. R.	Halverson	Noye	Swift
Cornell	Hayes, Jr., S.	O'Donnell	Taddonio
Coslett	Hoeffel	Perzel	Taylor, E. Z.
Cowell	Honaman	Peterson	Telek
Cunningham	Hutchinson, A.	Petrarca	Thomas
DeVerter	Hutchinson, W.	Piccola	Wachob
DeWeese	Itkin	Pistella	Wass

DiCarlo	Johnson, E. G.	Pitts	Wilson
Davies	Kanuck	Polite	Wilt
Dawida	Klingaman	Pott	Wright, Jr., J.
Dietz	Knepper	Punt	Yahner
Dorr	Kolter	Pyles	Yohn
Durham	Kowalshyn	Reed	Zeller
Earley	Kukovich	Ritter	Zwick
Fisher	Lashingier	Rocks	
Foster, Jr., A.	Laughlin	Ryan	Seltzer,
Freind	Lehr	Salvatore	Speaker
Fryer			

NAYS—63

Armstrong	Dumas	Mackowski	Rieger
Austin	Fee	Madigan	Rodgers
Barber	Fischer	Manderino	Scheaffer
Bennett	Foster, W. W.	Micozzie	Schmitt
Berson	Gallagher	Milanovich	Shupnik
Borski	Gannon	Miller	Street
Burd	Gatski	Mullen	Taylor, F.
Burns	Greenfield	Novak	Trello
Cappabianca	Harper	O'Brien, B. F.	Vroon
Clark, B. D.	Hasay	O'Brien, D. M.	Wargo
Cochran	Irvis	Oliver	Wenger
Cole	Knight	Pievsy	White
DeMedio	Letterman	Pucciarelli	Wright, D. R.
Dininni	Levin	Rappaport	Zitterman
Dombrowski	McCall	Rhodes	Zord
Duffy	McMonagle	Richardson	

NOT VOTING—18

Beloff	Helfrick	Mrkonic	Shadding
Cohen	Johnson, J. J.	Musto	Smith, L. E.
Giammarco	Jones	Pratt	Weidner
Gray	McIntyre	Schweder	Williams
Hayes, D. S.	Moehlmann		

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. MURPHY offered the following amendments:

Amend Sec. 1 (Sec. 5537), page 1, lines 10 through 13; and 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) Statute of repose.—For product liability actions 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 15, by striking out "(a)" and inserting (b)

On the question,

Will the House agree to the amendments?

The SPEAKER. Is the gentleman, Mr. Murphy, offering amendment No. A5055?

Mr. MURPHY. Yes, Mr. Speaker.

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

Mr. MURPHY. Mr. Speaker, this amendment A5055 attempts to add some balance to this piece of legislation. It adds a useful life concept to the statute of repose. It continues to provide for a 12-year statute of repose. It provides for a useful life concept after that 12 years, whereby there would be a rebuttable presumption that a product had a longer useful life than 12 years.

I think it is important that we agree to this amendment. The 12-year statute of repose and the 25 years for nonconsumer goods that we just added are very arbitrary kinds of numbers, and they are arbitrary to the point that they can hurt the consumer. The life of so many pieces of equipment in consumer and nonconsumer goods depends solely on the use. Take, for example, farm equipment. A baler for hay might be used once or twice a year by one farmer, and maybe by a cooperative that baler would be used 20 times in a year, so that you would have a variety of uses and the defect might not show up as rapidly with one use as it would with the other.

Secondly, there has been criticism of the useful life amendment because it would have caused additional legal fees. But the drafters of this bill did not hesitate to put in additional legal steps when they thought it was to their advantage. For example, in the state of the art argument, in comparative responsibility, and in the recent amendment just accepted, there will be substantial litigation in determining the difference between consumer and nonconsumer goods.

Thirdly, many have criticized the useful life concept saying it will take away the whole impact of the bill. That is entirely untrue. The bill as it now stands gives the manufacturers of a product substantial improvement over the situation which they now face in court. It provides them with a 12-year statute of repose, with the burden on the plaintiff to prove the useful life. It provides the manufacturers with a number of defenses, misuse, alteration, and the state of the art. It provides for comparative responsibility, and it also states very clearly that the manufacturer is not the guarantor of his product. I therefore think that the useful life concept is important; it will provide balance to this whole issue; and I hope you will support the amendment. Thank you.

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

Mr. YOHN. Mr. Speaker, basically the result of this amendment would be the same result that would have been achieved had we accepted one of the amendments that was defeated last week. I basically am opposed to the useful life concept and would ask the members to oppose the amendment.

We have just amended this bill with the Kanuck amendment in order to provide for the 12-and 25-year statute of repose depending upon the situation involved. Now Mr. Murphy is seeking to add on top of that another concept, the useful safe life concept, and I would repeat what I said last week that this type of concept is just going to encourage litigation because it talks about all types of words of art that are subject to interpretation by lawyers, judges and juries, and any lawyer worth his salt if he has a case he is going to be able to argue that for some reason or another and the product involved in that case is going to be within the useful safe life of that product.

You have words like "reasonably can be expected to perform in a safe manner." What do all those words mean? You have to consider the effect of deterioration from natural causes, climatic conditions, repairs, renewals and replacements, instructions and warnings, modifications, many things that are going to encourage litigation and encourage more law suits, which will only add to the problem that we are trying to clear up with this bill. I would, therefore, urge the defeat of the amendment.

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

Mr. CUNNINGHAM. Mr. Speaker, very briefly, I am going to make one argument that the gentleman, Mr. Yohn, has made indirectly, but I want to spell it out even more specifically. One of the reasons we find ourselves in need of reform in this area is because the courts have so liberalized the doctrines of liability here that we now find ourselves needing to more clearly define the parameters of liability. I can virtually assure you that if we insert this language, we will ultimately, because of the courts' tendency to liberalize theories of recovery, we will have virtually no statute of repose at all. The concept of useful life of the product will become meaningless and manufacturers will be held liable in perpetuity. I think it is vitally important that we specifically spell out the parameters of liability if we are going to resist what will be the inevitable tendency of the courts to liberalize the doctrine, and I encourage a "no" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—80

Austin	Gallagher	McMonagle	Rieger
Barber	Gatski	McVerry	Ritter
Bennett	George, C.	Manderino	Rodgers
Berson	Greenfield	Michlovic	Schmitt
Borski	Harper	Milanovich	Seventy
Brown	Hoeffel	Mrkonic	Shupnik
Burns	Hutchinson, A.	Mullen	Steighner
Caltagirone	Irvis	Murphy	Stewart

Cappabianca	Itkin	Musto	Street
Chess	Johnson, J. J.	Novak	Stuban
Clark, B. D.	Jones	O'Brien, B. F.	Sweet
Cochran	Knight	O'Donnell	Taylor, F.
Cowell	Kolter	Oliver	Telek
DeMedio	Kowalshyn	Petrarca	Trello
DeWeese	Kukovich	Pievsy	Wachob
Dawida	Lashingier	Pistella	Wargo
Dombrowski	Laughlin	Pucciarelli	White
Duffy	Letterman	Reed	Yahner
Fee	Levin	Rhodes	Zitterman
Fischer	McCall	Richardson	Zwikl

NAYS—102

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

NOT VOTING—14

Beloff	Gray	Pratt	Shadding
Cohen	Hayes, D. S.	Rappaport	Weidner
Dumas	McIntyre	Schweder	Williams
Giammarco	Moehlmann		

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. RHODES offered the following amendments:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting Creating the Product Liability Review Commission as a temporary body to investigate and review product liability law and practice, providing staff, powers and duties and subpoena power, and requiring the submission of a report of its findings, recommendations and proposed legislation to the Governor, the General Assembly, the Judiciary and the public and making an appropriation.

Amend Bill, page 1, lines 6 through 13; pages 2 through 18, lines 1 through 30; page 19, lines 1 through 9, by striking out all of said lines on said pages and inserting

Section 1. There is hereby created a temporary commission to be known as the Product Liability Review Commission for the purpose of reviewing and studying the state of product liability protection in Pennsylvania as it applies to consumers, sellers and producers.

Section 2. It is hereby determined and declared as a matter of legislative finding:

(1) That numerous legislative proposals have been made before the General Assembly in this and previous sessions which would significantly realign the burdens presently carried by consumers, sellers and producers with respect to product liability burdens, responsibilities and rights.

(2) That in studying these proposals many varied and conflicting statements have been made concerning the state of the law as it relates to product liability and the need for changes in that law.

(3) That before any significant changes are made in this important and expanding area of the law, the General Assembly and the people of the Commonwealth should have available to them all of the pertinent and reliable information available from knowledgeable individuals and published reports.

(4) That matters to be studied shall include the need, if any, for a legislatively provided statute of repose, for legislative changes in the present liability of manufacturers and sellers under the theory of strict liability in tort, for an elimination of punitive and exemplary damages in such cases, for a defense against legal action based on the state of the art or on government or industry standards, for the implementation of comparative negligence theories in such actions, for the restructuring of the trial format to implement a seriated trial of the product, for expanding pretrial procedures to define the litigated questions regarding the qualities of the product, for redefining the role of the expert witness to be more significant, for the reduction of judicial awards based on collateral benefits received by a successful individual and other important issues which come to the attention of those conducting the study.

(5) That a temporary commission representing all interested parties should be established to thoroughly review and study product liability proposals and the present state of the law.

Section 3. The Product Liability Review Commission shall consist of 14 members as follows:

(1) A chairman to be appointed within 30 days of passage of this act, by agreement of the President pro tempore of the Senate and the Speaker of the House of Representatives: Provided That, should agreement not be reached within the 30-day period specified, a chairman shall be appointed by majority vote of the other 13 members of the commission.

(2) One member of the Majority Party in the Senate to be appointed by the President pro tempore of the Senate.

(3) One member of the Majority Party in the House of Representatives to be appointed by the Speaker of the House.

(4) One member of the Minority Party in the Senate to be appointed by the Minority Leader of the Senate.

(5) One member of the Minority Party in the House of Representatives to be appointed by the Minority Leader of the House.

(6) Two attorneys who shall be engaged in a law practice which includes significant experience in product liability litigation, to be appointed one each by the President pro tempore of the Senate and the Speaker of the House of Representatives.

(7) Five members to be appointed by the Governor in the following manner:

(i) Two persons who shall be members in good standing of a Pennsylvania trade union. A list of suggested individuals may be made available to the Governor by the Pennsylvania AFL-CIO to aid in his selection process.

(ii) One person who shall be an owner or executive of a Pennsylvania retail establishment with signifi-

cant retail liability insurance experience. A list of suggested individuals may be made available to the Governor by the Pennsylvania Retailers Association to aid in his election process.

(iii) One person who shall be an owner or executive of a Pennsylvania based small manufacturing company with significant liability insurance experience. A list of suggested individuals may be made available to the Governor by the Pennsylvania Small Manufacturers Council.

(iv) One person who shall be an owner or executive of a Pennsylvania based large manufacturing company with significant liability insurance experience. A list of suggested individuals may be made available to the Governor by the Pennsylvania Chamber of Commerce.

(8) The Insurance Commissioner of Pennsylvania.

(9) The Director of the Pennsylvania Bureau of Consumer Protection.

Section 4. (a) The commission shall meet at the call of the chairman at such times and places as shall be necessary to fulfill the requirements provided by this act.

(b) No member of the commission shall receive salary or compensation for his services, although members of the commission shall be reimbursed for travel expenses and expenses incurred as part of their duties as members of the commission. Reimbursement of the aforementioned expenses shall come from commission funds and shall be subjected to the same regulations governing similar expenditures of State funds.

Section 5. The chairman shall appoint, with the approval of a majority of the commission members, a director who shall be the chief administrative officer to the commission. The director shall be responsible for the employment of such other staff as may be necessary to carry out the provisions of this act.

Section 6. The commission shall have the power and its duties shall be:

(1) To investigate commercial, trade, manufacturing, sales, insurance, legal and other practices as they may directly or indirectly affect all aspects of product liability, including but not limited to the availability of consumer redress for losses caused by product defects, the availability of insurance and the cost thereof to manufacturers and sellers to protect against possible losses resulting from consumer action and those matters set forth in section 2(4).

(2) To hold such hearings, examine witnesses and documents, review such material and conduct studies and research as shall be necessary to complete its mandate.

(3) To report to the Executive, Legislative and Judicial Branches of the government and to the general public on its findings, recommendations and proposed legislation by way of such preliminary reports as may be necessary during the course of its investigation and a final report to be issued upon the completion of its study and review.

Section 7. (a) In aid of its powers and duties the commission shall be authorized to require the attendance and testimony of witnesses and the production of any books, accounts, papers, records, documents and files which may be necessary to investigate fully the matters set forth in this act. For this purpose the chairman, in the name of the commission, upon majority vote of the commission, shall be authorized to issue and sign subpoenas and administer oaths. Failure to comply with a subpoena issued in the name of the commission shall be punishable as a contempt.

(b) No documentary material produced pursuant to a subpoena or other demand under this act, shall at the request of the person producing the material, be produced for inspection or copying by, nor shall the contents thereof be disclosed

to, any person other than a commission member or authorized staff member of the commission, if such documentary material contains information the public release of which would hinder the legitimate business or personal interests of the individual or company or would require the breach of a confidential relationship: Provided, That such documentary material may be produced and made available to the public if portions thereof are deleted which might reveal the names of any persons, manufacturers or sellers or might otherwise serve to hinder legitimate interests.

(c) The provisions of any other statute, rule or regulation of the Commonwealth notwithstanding, portions of any session of the commission held to review, discuss or otherwise act upon documentary material covered by subsection (b), or to hear witnesses who request confidentiality to protect testimony which contains material the public release of which would hinder the legitimate business or personal interests of the individual or company involved, or would require the breach of a confidential relationship, may be closed to the public and the press.

Section 8. Each department, bureau, agency, officer or employee of the Commonwealth shall cooperate with the commission in carrying out its functions and shall aid it in gathering information.

Section 9. Upon submission of its final report or upon the expiration of two years from the effective date of this act, whichever is earlier, this commission shall expire.

Section 10. There is hereby appropriated from the General Fund of the Commonwealth the sum of \$100,000 for the operation of the commission and its staff until June 30, 1980, and \$125,000 from July 1, 1980 to its termination.

Section 11. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. RHODES. Mr. Speaker, I would like to draw the attention of my colleagues to this amendment because it is substantially different than any other amendment that has been offered to HB 1083. The amendment as it was originally circulated was drawn to the previous printer's number, and if you have that on hand, it is amendment No. A4536. The one that is being offered is amendment No. A5115, which is essentially and in fact is identical to the original amendment A4536 only it is drawn to the correct printer's number the printer's number that is before us.

Mr. Speaker, my amendment is not a tinkering amendment. It does not seek to tinker with HB 1083 in any sense of the word. It does not improve it or adjust it or make it a little better or worse. It is not that kind of an amendment at all. So I want the members to understand what is the thrust, the concept behind this amendment.

It obliterates HB 1083. That is the first thing that it does and some of us refer to that as a gut. This bill amends HB 1083 from the first line to the last line. It eliminates the bill. That is the first thing that it does. What it substitutes in its place is really what we have all been talking about and what we have all been saying we really want in this area.

The problem facing industry and business in the Commonwealth in the area of product liability law is not

the state of tort law governing product liability. The problem facing industry in the Commonwealth in the area of product liability law is the rapid escalation of insurance premiums for product liability insurance. Now from all of the debate that we have heard about ways to improve the product liability tort law, ways to adjust it a little bit this way, a little bit that way, extend the statute of repose, cut it in half, make different phases, do all kinds of different things to strict liability, allow negligence liability cases after 12 years and change that around. All of this goes to why do we have a product liability alleged crisis in this Commonwealth? The reason we have it is because your businesses, as have mine, have been calling up you as they have been calling up me and telling us that their product liability premiums have been going through the ceiling, which they have been doing. And yet there has been no case made before the House in behalf of HB 1083 or before the Insurance Committee that justifies the behavior of the insurance companies of this country to underwrite product liability.

Mr. Speaker, I allege the consumer and the businessmen of this state are being ripped off by the insurance companies with one more artificially created scare. They have promulgated product liability horror story after horror story and they have not substantiated those arguments with facts. We all know that. We know the consumer and the businessmen of this state are about to get a ring job on product liability. We know that. That is a fact, and instead of going around tinkering with the tort law of liability related to products, Mr. Speaker, I recommend, I suggest and so do a number of businessmen in this state and the state AFL-CIO and certain retailers of the Commonwealth recommend that instead of changing the liability law, we ought to investigate the insurance companies and make them make a case for this substantial change in tort law. There is no crisis that they have yet established. We have an obligation to the average worker who works around this equipment, the average consumer and to the average businessman to establish the case for or against this change in tort law from the expense of insurance companies.

I just talked to a businessman a few minutes ago in my district, a substantial manufacturer and he tells me, do you know what we are doing now with these huge deductibles? We are just eating the cost. We are just absorbing the cost of any action, and the premiums are just being used by the insurance companies. They are ripping us off. We are just eating liability costs because they are so small. Yet the insurance premiums are astronomical and they keep going up.

My amendment, briefly, Mr. Speaker, calls for a total rewriting of HB 1083. Instead of our rushing into this one more time in the area of product liability, it calls for creating a special commission that would report back to this General Assembly, made up of liability people, I mean insurance people, manufacturers, small and large labor people, consumer advocates of the Commonwealth, and average citizens appointed by the Governor, the Speaker, the President Pro Tempore and majority leaders of both

Houses. This commission will have powerful subpoena powers to do what our Insurance Department has not been able to do, which is to establish a case one way or the other for a change in tort law, based on the facts of product liability insurance underwriting experience in this Commonwealth and nationally.

This amendment protects the consumer; it protects the businessman; it stops us from a headlong plunge into a whole new area of changes in the law which we have no justification for. All this tinkering with tort law, we have no justification for. Let the commission do its investigation - It has powerful subpoena power - and then come back to the General Assembly with a law one way or the other. We are not qualified today to change the tort law of Pennsylvania. That is my amendment, Mr. Speaker. Thank you, Mr. Speaker.

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

Mr. YOHN. I rise to oppose the amendment. I think it is important for the members to understand basically what the amendment does, and basically what it does is it deletes the entire bill and calls for a commission to study the problem for 2 more years. I do not think that is the answer to what this House has been struggling with for the last 2 weeks, 3 weeks on the floor. I do not think that is the answer to what the Insurance Committee was struggling with during the days of public hearings and meetings on this bill. I do not think that is the answer to what the Senate of this state did last year or the answer to the joint hearings that were held last year between the House and the Senate for this particular issue. I think the answer is to try to do something now. and the answer is to take HB 1083 in its current form as it has been worked over by people of varying viewpoints from throughout this state and as it has been amended substantially in the Insurance Committee and then again on the floor during the last 3 weeks of debate.

The proposal before us in HB 1083 does speak to the problems Mr. Rhodes is concerned about. It does contain provisions that the insurance companies must disclose volumes and reams of information to the Insurance Department in order to make determinations. It does require the Insurance Department to review the rates that are being charged for product liability insurance at the present time and to make the adjustments that are required within a 1-year period from the date of the passage of this act.

I would submit to you that the amendment being offered is merely a delaying tactic. It would result in another study; it would result in 2 years of delay of any meaningful action on this subject. It basically is the Manderino amendment that was the very first amendment considered to this bill when we first brought it up for debate and which was defeated, except that the Manderino amendment did not provide for an appropriation. This amendment provides that we spend \$100,000 for this committee in order to get the information that we already have, and I would oppose the amendment.

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

Mr. DiCARLO. Mr. Speaker, I rise also to oppose the Rhodes amendment. I have some concern and I think the problem of product liability is a problem that is not going to go away. It is a problem that this General Assembly has tried to cope with, not just in the last 2 or 3 weeks, but it is a problem we have been trying to deal with in the last two terms of this General Assembly. And I am somewhat upset that at this last point in time someone is offering an amendment which will simply delay any more action in this term in the House of Representatives. And I would think that Mr. Rhodes, after 8 years—and I came down here with Mr. Rhodes—and I am sure you all remember he sponsored and he has pushed through more special investigations and special task forces and spent more money of the Commonwealth's tax dollars but I am still waiting for a report that shows some final conclusions of something that we have done. And I submit to you that this is one more time, that we are seeing another delaying tactic, we are seeing another study, something that is going to come back with results that are not going to say anything.

Mr. Speaker, the issue of product liability is a tough concern. It is an issue that I think all of us, no matter how we vote, are going to have some doubts and some misgivings about, but the point is, we do not have an effective statute in this state; we do not have any real things to deal with. And if you want to talk about economics, if you want to talk about the need for employment opportunities, and if you want to talk about workers being preserved in this state, I think you ought to look at what has been happening by not having an adequate product liability bill before us. In my area alone, we have seen companies that could consolidate, that could merge, we have seen companies, that could start new product lines, simply refuse to do that because of the unavailability or because of the extensive extreme costs of trying to obtain product liability.

Mr. Speaker, I am saying that we have a bill in front of us; it is not the perfect bill, and we are probably going to end up in court with it time after time. I am sure the trial lawyers around this Commonwealth are going to find loopholes in it, and it is going to be tested, but it is a vehicle, it is something that we have in front of us and can work with, and we should pursue those efforts.

Mr. Speaker, I think that we ought to discard the Rhodes amendment, and look at it for what it is. It is simply a tactic to put it aside and to try to push the problem away from everybody's minds. Believe me, it is not going to go away, and if you do not act on product liability now, the problem is going to be here 6 months from now. It is going to be here before your general election, and it is going to be here in next term's legislature. It is out in front and let us deal with the problem and make some intelligent decisions.

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

Mr. ZELLER. Mr. Speaker, to save time, I also echo the remarks of Mr. DiCarlo, but just to add, just a couple of

sentences in regard to that I believe the bill has just about been amended to death. As a matter of fact, I think there has been a tremendous compromise to this point in time with the Kanuck amendment. I believe, really, that this is the first time we have come to a point where we can find something that just about takes care of both sides. There is never a perfect bill, but at least we are at a point where I believe we have to go. We started out with 7 years; we have wound up with 12, and now 25, and we have the statute of repose. I believe we have hit the peak, and I believe with that—and I say again, I thank Mr. DiCarlo for saying exactly my feelings—so let us, in other words, do away with the Rhodes idea, which is just another means of another committee and just a waste of time. I would like to have you vote, if you would, against the Rhodes amendment. Thank you.

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

Mr. RHODES. First, Mr. Speaker, I was amused by the comments of my dear friend and colleague from Erie County about past investigations. I would like you to think back on the last session when the Subcommittee on Crime and Corrections, which I was honored to lead, conducted an investigation which resulted, as I recall, in substantial changes in the law of the Commonwealth, not just in just a report. If you do not believe that, ask any criminal or would-be corrupter in the Commonwealth about the change in the law of the Commonwealth in terms of prosecutorial authority which that study led to. Studies do lead to things, Mr. Speaker; they do.

Now briefly back to the substance. I know we wrangled over this legislation and I had this amendment offered in committee, and the reason I am offering it to the bill is because my bill, which I introduced which dealt with this, was never reported from the committee, which obviously was determined to report out a change in tort law.

Now, to the essence of what my dear colleague, Mr. Yohn from Montgomery County, made about the provisions of HB 1083 that make any study of the insurance companies unnecessary, I think Mr. Yohn has essentially made the strongest argument for this amendment. House bill 1083 does indeed include in it a series of mandates to the Insurance Department and to insurance industries of the Commonwealth that they have to come forward with a whole series of data dealing with their underwriting experience in the Commonwealth on product liability. Do we not usually put the horse before the cart, or vice versa? Is that not an admission on the part of the bill that we do not have that information right now? If we have to mandate it in the bill, do you not think what we are saying is we do not have that information? And what I am saying, Mr. Speaker, is that we should not be making this massive change in tort law, which obviously we have wrangled about—and there have been some close votes on the structure on HB 1083—until we have that information. That is logical, that is reasonable, that is the way we ought to make law in this very delicate area which desperately affects the lives of every citizen of this Commonwealth.

What I am asking for, Mr. Speaker, is that instead of our making this change in tort law, we should first find out the facts which HB 1083 calls for, but it also calls for this change in tort law. Now I would be perfectly glad if my dear friend from Montgomery County would amend out all the changes in tort law and just leave it mandated information. That would be fine, but I do not think he will agree to that. Therefore, Mr. Speaker, I am asking the House to not do this terrible hatchet job on tort law of the Commonwealth in relation to product liability until we have the facts, and this amendment will guarantee us the facts. It is not a delay tactic; it is an attempt to get at the truth of this issue. Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, just very briefly, had Mr. Rhodes been a member of the Insurance Committee or been at the meetings or hearings or talked to any members of the committee, he would know that the Insurance Department testified on a number of occasions that they do have all the information available to them now that is necessary in order to make determinations in this area. However, there was a concern by a number of members to make sure that that information was being made readily available to them and would continue to be available to them in the future, and therefore the provisions were placed in the bill that are there today. And I might add they were primarily members from Mr. Rhodes' party who were concerned about that, and this was done as an accommodation to them to make sure that information always would be available at some time in the future. The information is available today. The issue has been studied ad infinitum by this legislature and many others, and I would propose that we move forward with the proposals that have been the product of all that work, rather than trying to say, no, we are not going to do anything, we are going to think about it another 2 years and then come back to the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—50

Austin	Fee	Levin	Rhodes
Barber	Fischer	McMonagle	Richardson
Berson	Gallagher	Manderino	Rieger
Borski	Greenfield	Mrkonic	Rodgers
Cappabianca	Hoeffel	Mullen	Seventy
Clark, B. D.	Hutchinson, A.	Novak	Shupnik
Cochran	Irvis	O'Donnell	Stewart
DeMedio	Johnson, J. J.	Oliver	Street
DeWeese	Knight	Petrarca	Taylor, F.
Dombrowski	Kolter	Pievsky	Trello
Dumas	Kukovich	Pistella	Wargo
Durham	Lashinger	Pucciarelli	White
Earley	Laughlin		

NAYS—132

Alden	Fryer	McCall	Schmitt
Anderson	Gallen	McClatchy	Serafini
Armstrong	Gamble	McKelvey	Sieminski
Arty	Gannon	McVerry	Sirianni
Belardi	Gatski	Mackowski	Smith, E. H.
Bennett	Geesey	Madigan	Smith, L. E.

Bittle	Geist	Manmiller	Spencer
Bowser	George, C.	Michlovic	Spitz
Brandt	George, M. H.	Micoozie	Stairs
Brown	Gladeck	Milanovich	Steighner
Burd	Goebel	Moehlmann	Sweet
Burns	Goodman	Mowery	Swift
Caltagirone	Grabowski	Murphy	Taddonio
Cessar	Grieco	Musto	Taylor, E. Z.
Chess	Gruppo	Nahill	Telek
Cimini	Halverson	Noye	Thomas
Clark, M. R.	Hasay	O'Brien, B. F.	Vroon
Cole	Hayes, Jr., S.	O'Brien, D. M.	Wachob
Cornell	Helfrick	Perzel	Wass
Coslett	Honaman	Peterson	Wenger
Cowell	Hutchinson, W.	Piccola	Wilson
Cunningham	Itkin	Pitts	Wilt
DeVerter	Johnson, E. G.	Polite	Wright, D. R.
DiCarlo	Jones	Pott	Wright, Jr., J.
Davies	Kanuck	Punt	Yahner
Dawida	Klingaman	Pyles	Yohn
Dietz	Knepper	Rappaport	Zeller
Dininni	Kowalshyn	Reed	Zitterman
Dorr	Lehr	Ritter	Zord
Duffy	Letterman	Rocks	Zwilk
Fisher	Levi	Ryan	
Foster, W. W.	Lewis	Salvatore	Seltzer,
Foster, Jr., A.	Livengood	Scheaffer	Speaker
Freind	Lynch, E. R.		

NOT VOTING—14

Beloff	Harper	Pratt	Stuban
Cohen	Hayes, D. S.	Schweder	Weidner
Giammarco	McIntyre	Shadding	Williams
Gray	Miller		

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—104

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

Foster, W. W.	Levi	Sirianni	Speaker
Foster, Jr., A.	Lewis		

NAYS—77

Alden	Fischer	McMonagle	Richardson
Armstrong	Gallagher	Manderino	Rieger
Austin	Gannon	Michlovic	Rodgers
Barber	Gatski	Micozzie	Salvatore
Belardi	George, C.	Milanovich	Schmitt
Bennett	Greenfield	Mrkonic	Schweder
Berson	Harper	Mullen	Serafini
Borski	Helfrick	Musto	Seventy
Burns	Hoeffel	Novak	Shupnik
Cappabianca	Irvis	O'Brien, B. F.	Stewart
Clark, B. D.	Johnson, J. J.	O'Brien, D. M.	Street
Cochran	Jones	O'Donnell	Stuban
Cowell	Knight	Oliver	Taylor, F.
DeMedio	Kolter	Perzel	Telek
DeWeese	Kukovich	Pievsky	Trello
Dombrowski	Lashingier	Pistella	Wargo
Dumas	Laughlin	Pucciarelli	White
Durham	Levin	Reed	Yahner
Earley	McCall	Rhodes	Zitterman
Fee			

NOT VOTING—15

Beloff	Hayes, D. S.	Moehlmann	Shadding
Cohen	Hutchinson, A.	Petrarca	Weidner
Giammarco	Letterman	Pratt	Williams
Gray	McIntyre	Rappaport	

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

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

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House Mary Cooling and Glenn Weber of Bowmansville, Pennsylvania. They are here today as the guests of Mr. Cunningham.

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. GAMBLE. I would just like to know the cause of the delay, Mr. Speaker. Would we be safe in going to our offices and doing some meaningful work?

The SPEAKER. The question that we are attempting to decide right now is when to run another reconsideration motion on HB 1083, which has been filed by the Democratic floor leader.

Mr. GAMBLE. I would say never.

RECONSIDERATION OF VOTE
ON HB 1083

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I move that the vote by which HB 1083 passed on the 5th day of February be reconsidered.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I second the motion.

On the question,

Will the House agree to the motion?

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

For what purpose does the gentleman rise?

Mr. GAMBLE. I rise to speak against the reconsideration motion.

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

Mr. GAMBLE. Mr. Speaker, I stand in opposition to the reconsideration motion. Really, I believe that enough is enough. I voted earlier today against the reconsideration motion, and I have been in favor of this bill. Just how many Pennsylvanians will benefit or not benefit from this piece of legislation? I do not believe there are that many. We have 1.6 million people in Allegheny County, and how many do you think have entered into suit in the last year on a product liability case? Ten thousand? One thousand? No, it is less than 100.

We have important legislation awaiting us. We have a new school code to scrutinize. We have a new state budget to scrutinize. We have a motor license budget to scrutinize. These are important pieces of legislation that affect the masses of people. We have now been relegated into puppets on a string, if you will. The string is being pulled by labor on one hand and by the Chamber of Commerce on the other. One leg is being pulled by the insurance industry and the other by the trial lawyers. We are getting pretty well stretched out, do you not think? I ask that we vote down this reconsideration motion and let us get on with some of the business that really affects the masses of the people whom we are here to represent.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, it will probably take us less time to take the reconsideration vote and the final vote again than the speech that Mr. Gamble made.

Mr. Speaker, I think that we ought to support the reconsideration motion. I did not intend to file such, but it came to my attention that there were some people who voted in error and some people who voted who were not here. I think that ought to be corrected.

The SPEAKER. The question recurs, Will the House agree to the motion? Those in favor of reconsideration will vote "aye"; opposed "no."

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, will you keep the roll open? There are some absentees I would like to check.

Is the gentleman, Mr. Wright, here?

The SPEAKER. The gentleman, Mr. Wright, is in the hall of the House.

Mr. MANDERINO. I think the gentleman, Mr. Wilson, is here, but I do not see him in his seat.

The SPEAKER. The gentleman, Mr. Wilson, is in the rear of the hall of the House.

Mr. MANDERINO. Thank you, Mr. Speaker. I said I had seen him. Is the gentleman, Mr. Pyles, here?

The SPEAKER. The gentleman, Mr. Pyles, is not recorded.

Mr. MANDERINO. He voted on the passage of the bill, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Pyles, is not recorded.

Mr. MANDERINO. Who said he just left? Do you want to say that under oath?

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

The following roll call was recorded:

YEAS—89

Alden	Fee	Levin	Rieger
Austin	Fischer	McCall	Ritter
Barber	Fryer	McMonagle	Rodgers
Bennett	Gallagher	Manderino	Schmitt
Berson	Gatski	Michlovic	Schweder
Borski	George, C.	Micozzie	Seventy
Brown	George, M. H.	Milanovich	Shupnik
Burns	Goodman	Mrkonic	Steighner
Caltagirone	Greenfield	Mullen	Stewart
Cappabianca	Harper	Murphy	Street
Clark, B. D.	Helfrick	Musto	Stuban
Cochran	Hoeffel	Novak	Sweet
Cole	Irvis	O'Brien, B. F.	Taylor, F.
Cowell	Itkin	O'Donnell	Telek
DeMedio	Johnson, J. J.	Oliver	Trello
DeWeese	Jones	Petrarca	Wachob
DiCarlo	Knight	Pievsky	Wargo
Dawida	Kolter	Pistella	White
Dombrowski	Kowalyszyn	Pucciarelli	Wright, D. R.
Duffy	Kukovich	Rappaport	Yahner
Dumas	Laughlin	Reed	Zitterman
Durham	Letterman	Richardson	Zwikl
Earley			

NAYS—93

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

NOT VOTING—14

Beloff	Gray	Pratt	Shadding
Chess	Hayes, D. S.	Pyles	Weidner
Cohen	McIntyre	Rhodes	Williams
Giammarco	Moehlmann		

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

REMARKS ON VOTE

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

Mr. ARMSTRONG. Mr. Speaker, on the final passage of HB 1083, I want the record to show that I inadvertently voted in the negative. I wanted to vote in the positive. Thank you.

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

SB 544 PASSED OVER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask that SB 544 not be considered now, and that we break for a caucus for a period of 20, or 25 minutes on the Conference Committee Report on HB 173; then come back to the floor and vote the conference report.

The SPEAKER. Does the gentleman, Mr. Rocks, withdraw his amendment?

Mr. ROCKS. Temporarily, Mr. Speaker, yes.

The SPEAKER. The Chair thanks the gentleman.

The Chair reverses its decision as to the bill being called up. Without objection, the bill will be passed over temporarily.

REPUBLICAN CAUCUS

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to ask that we recess now until 5:15; that the Republicans report to the caucus room to discuss the Conference Committee Report on HB 173. I am going to ask for an immediate meeting of the Rules Committee. I do not believe there is anything controversial. I have given copies of it to the Democratic leadership. We will have a quick meeting right here by the piano, if it is all right with everyone, and go over that, and make a Rules Committee report too, sir.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I request a caucus of the Democratic party immediately in order that the Committee

of Conference Report on HB 173 may be considered and ask that the Democrats report promptly to the caucus.

RECESS

The SPEAKER. This House will now stand in recess until 5:15.

AFTER RECESS

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

SENATE MESSAGE

SENATE INSISTS ON NONCONCURRENCE IN HOUSE AMENDMENTS AND APPOINTED CONFERENCE COMMITTEE

The Senate informed that the Senate insists on nonconcurrence in House amendments to **SB 915, PN 1504**, and has appointed Messrs. SMITH, ORLANDO and JUBELIRER a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee), on the subject of the differences existing between the two houses in relation to said bill.

MOTION INSISTING UPON CONCURRENCE AND APPOINTMENT OF A CONFERENCE COMMITTEE

Mr. RYAN moved that the House insist upon Senate concurrence in House amendments to SB 915, PN 1504, and that a committee of conference be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House on SB 915, PN 1504: Messrs. DININNI, GEIST and ZITTEMAN.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE RESOLUTION FOR CONCURRENCE

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

SR 228

Referred to Committee on Rules, February 5, 1980.

REPORT FROM RULES COMMITTEE

BILLS REMOVED FROM TABLE AND PLACED ON CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. The Rules Committee has instructed me to make a motion to remove the following bills from the table to the active calendar, and I so move:

HB 1549, PN 1826;
HB 1704, PN 2086;
HB 1859, PN 2301;
HB 1899, PN 2356;
HB 1954, PN 2444;
HB 1989, PN 2499;
HB 1990, PN 2500;
HB 1991, PN 2501;
HB 1992, PN 2502;
HB 1993, PN 2790;
HB 2184, PN 2792;
SB 86, PN 1442;
HB 1527, PN 2631; and
HB 2101, PN 2829.

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

BILL REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bill from the table and rerefer it to the Appropriations Committee for the purpose of a fiscal note, and I so move:

HB 2012, PN 2544

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 157, PN 2626

By Rep. RYAN

House directs Urban Affairs Subcommittee on Second Class Cities investigate delay in construction of Pittsburgh Convention-Exposition Center.

Rules.

SR 228

By Rep. RYAN

The General Assembly requests the Governor to designate the week of February 11, 1980 through February 17, 1980 as Polish National Alliance Week in the Commonwealth of Pennsylvania.

Rules.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. S. E. HAYES presented the Report of the Committee of Conference on **HB 173, PN 2832**.

The SPEAKER. The report will appear on the supplemental calendar.

**SUPPLEMENTAL CALENDAR
REPORT OF COMMITTEE OF
CONFERENCE CONSIDERED**

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **HB 173, PN 2832**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), removing certain incompatible offices and providing for leaves of absence for certain public officials.

On the question,

Will the House adopt the Report of the Committee of Conference?

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

YEAS—126

Anderson	Gannon	McClatchy	Salvatore
Arty	Gatski	McKelvey	Schmitt
Barber	Geesey	McMonagle	Seventy
Bennett	Geist	Mackowski	Shupnik
Berson	George, C.	Manderino	Smith, E. H.
Bittle	Goodman	Manmiller	Smith, L. E.
Borski	Greenfield	Micozzie	Spencer
Burns	Grieco	Milanovich	Stairs
Caltagirone	Halverson	Miller	Steighner
Cappabianca	Harper	Mullen	Stewart
Cessar	Hayes, Jr., S.	Musto	Street
Chess	Helfrick	Novak	Stuban
Clark, B. D.	Hutchinson, A.	Noye	Sweet
Cochran	Hutchinson, W.	O'Brien, D. M.	Taylor, F.
Cole	Irviss	O'Donnell	Telek
Cowell	Itkin	Oliver	Thomas
DeWeese	Johnson, E. G.	Perzel	Trello
DiCarlo	Johnson, J. J.	Peterson	Wachob
Davies	Jones	Petrarca	Wargo
Dietz	Klingaman	Piccola	Wass
Dininni	Knepper	Pievsky	White
Dombrowski	Knight	Pistella	Wilson
Duffy	Kolter	Polite	Wright, D. R.
Dumas	Kowalshyn	Pucciarelli	Wright, Jr., J.
Earley	Kukovich	Rappaport	Yahner
Fee	Laughlin	Reed	Yohn
Fischer	Letterman	Richardson	Zeller
Fisher	Levi	Rieger	Zitterman
Foster, W. W.	Levin	Ritter	Zwinkl
Fryer	Livengood	Rocks	
Gallagher	Lynch, E. R.	Rodgers	Seltzer,
Gallen	McCall	Ryan	Speaker

NAYS—54

Alden	Dawida	Lashinger	Punt
Armstrong	Dorr	Lehr	Scheaffer
Austin	Durham	Lewis	Serafini
Belardi	Foster, Jr., A.	McVerry	Sieminski
Bowser	Freind	Madigan	Sirianni
Brandt	Gamble	Michlovic	Spitz
Brown	George, M. H.	Mowery	Swift
Burd	Gladeck	Mrkonic	Taddonio
Clark, M. R.	Grabowski	Murphy	Taylor, E. Z.
Cornell	Gruppo	Nahill	Vroon
Coslett	Hasay	O'Brien, B. F.	Wenger
Cunningham	Hoeffel	Pitts	Wilt
DeMedio	Honaman	Pott	Zord
DeVertter	Kanuck		

NOT VOTING—16

Beloff	Goebel	Moehlmann	Schweder
Cimini	Gray	Pratt	Shadding
Cohen	Hayes, D. S.	Pyles	Weidner
Giammarco	McIntyre	Rhodes	Williams

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

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

Mr. BENNETT. Mr. Speaker, I would like the record to show that I voted in error. I would like to be voted in the negative on the adoption of the Conference Report on HB 173.

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. Mr. Speaker, I would like to be recorded as voting "no" on the Conference Report to HB 173.

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

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would move to adjourn now except for the fact that there is certain administrative business to pass over the desk. I am suggesting that we come into session tomorrow at 11 o'clock and that an adjournment motion be made at the proper time. In the meantime, the desk will remain open to transfer messages. Mr. Speaker, as I said, there will be no further votes tonight. We will come in tomorrow at 11 o'clock, and I have no further business.

BILLS AND RESOLUTIONS PASSED OVER

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

The Chair hears no objection.

REMARKS ON VOTES

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

Mr. NOYE. Mr. Speaker, earlier today we voted HB 1208, PN 1361, and I was out of the hall of the House at that time. I wish my vote to be recorded in the affirmative.

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

Mr. ZELLER. Mr. Speaker, first I would like to have the record state that on the Conference Report on HB 173, I voted in error. I would like to have recorded "no."

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

STATEMENT BY MR. ZELLER

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

Mr. ZELLER. Mr. Speaker, I would like to mention to the members that you can say thanks to the people who made the little flags that we passed out yesterday about freeing the hostages by looking on the back for their names, but the gentleman who really brought it to bear was a long-time veteran of this House and a long-time veteran of the military - a real veteran, Joe Wargo, our fine minority secretary. Say thanks to Joe Wargo for making these available, and I know you will put them on your car somewhere so they can be seen by people. Thank you very much.

Mr. Speaker, one final item: We did have flags that we gave out before we left on the holiday recess, and I do not know what happened to them. Would you please look into it and find out what happened to all the American flags we made available? Somebody has them. I do not know who. Somebody took them.

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

Mr. MOWERY. Mr. Speaker, I understood that HR 166 was going to be called up today. The only reason for the haste is that next week is the week of the 10th to the 16th.

The SPEAKER. In response to the inquiry of the gentleman, it is the intention of the majority leader to call that up as one of the first items of business tomorrow morning.

Mr. MOWERY. Thank you.

REMARKS ON VOTE

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

Mr. DORR. Mr. Speaker, my switch apparently malfunctioned and I am not recorded on HB 1208. I would like to be recorded in the affirmative.

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

SENATE MESSAGE**SENATE ADOPTS REPORT
OF COMMITTEE OF CONFERENCE**

The Senate informed that it has adopted the Report of the Committee of Conference on **HB 173, PN 2832**.

BILL SIGNED BY SPEAKER

The following bill, having been prepared for presentation to the Governor, was signed by the Speaker.

HB 173, PN 2832

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), removing certain incompatible offices and providing for leaves of absence for certain public officials.

COMMUNICATION**WESTMORELAND COUNTY
EMPLOYMENT AND TRAINING ADMINISTRATION**

January 30, 1980

The Honorable H. Jack Seltzer
Speaker of the House
Commonwealth of Pennsylvania
House of Representatives
Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Seltzer:

Westmoreland County has submitted an Annual Plan modification 003 to the U.S. Department of Labor for funding under the Comprehensive Employment and Training Act (CETA). The Annual Plan modification with the program sections describe changes in the CETA employment and training activity for the period, October 1, 1979 to September 30, 1980. These activities cover both adult and youth programs. In accordance with Federal regulations I am enclosing a copy of the Annual Plan modification with the program sections. Please distribute the information to interested parties within your legislative body. Any comments should be forwarded to either of the following within thirty (30) days: Mr. William J. Haltigan, Acting Regional Administrator for Employment and Training, Region III, Box 8796, Philadelphia, PA 19101; or the Westmoreland County Board of Commissioners, Courthouse Square, Greensburg, PA 15601.

Very truly yours,

Carl J. Bartolomucci
Executive Director

CJB/gp
Enclosures

(Copy of Plan on file in House of Representatives.)

ADJOURNMENT

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

Mr. GEIST. Mr. Speaker. I move that this House of Representatives do now adjourn until Wednesday, February 6, 1980, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:17 p.m., e.s.t., the House adjourned.