

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, NOVEMBER 18, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 72

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

THE HONORABLE RICHARD A. GEIST, member of the House of Representatives and guest chaplain, offered the following prayer:

Father, as we gather here today in this General Assembly, we ask that You grant us a dose of infinite wisdom by Your hand. Let us who are elected by the population of this State make decisions that reflect sincere and honest thought.

At this time I would like to ask for a moment of silence so that each and every one of us may ask in his or her own way for guidance. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, November 17, 1981, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2062 By Representatives ITKIN, DeWEESE, SEVENTY, SHUPNIK, KUKOVICH, WACHOB, RASCO and MICHLOVIC

An Act amending the "Surface Mining Conservation and Reclamation Act," approved May 31, 1945 (P. L. 1198, No. 418), fixing minimum bond amounts.

Referred to Committee on CONSERVATION, November 17, 1981.

No. 2063 By Representatives WILSON, BELARDI, CAWLEY, SERAFINI, GREENWOOD, CORDISCO, STEVENS and CLYMER

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding provisions relating to the valuation and assessment of real property subject to local taxation, *** prescribing penalties and making repeals.

Referred to Committee on LOCAL GOVERNMENT, November 17, 1981.

No. 2064 By Representatives SIEMINSKI, GRUPPO, CLYMER, GALLAGHER, CORDISCO, BURNS, GREENWOOD, WILSON, J. L. WRIGHT, KOWALYSHYN, RYBAK and W. W. FOSTER

An Act declaring those portions of Pennsylvania State Highway Route 611, Legislative Route 168, that follow adjacent to the Delaware River to be beautiful and scenic.

Referred to Committee on TRANSPORTATION, November 17, 1981.

No. 2065 By Representatives DORR, A. K. HUTCHINSON, NOYE and B. SMITH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining poverty income.

Referred to Committee on FINANCE, November 17, 1981.

No. 2066 By Representatives SERAFINI, GRUITZA and ARTY

An Act amending "The Dental Law," approved May 1, 1933 (P. L. 216, No. 76), prohibiting the licensing of certain dental students as dental hygienists.

Referred to Committee on PROFESSIONAL LICENSURE, November 17, 1981.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 1011, PN 1190

Referred to Committee on INSURANCE, November 17, 1981.

SB 1056, PN 1241

Referred to Committee on STATE GOVERNMENT, November 17, 1981.

SB 1101, PN 1412

Referred to Committee on GAME AND FISHERIES, November 17, 1981.

SB 1110, PN 1392

Referred to Committee on LOCAL GOVERNMENT, November 17, 1981.

SB 1156, PN 1376

Referred to Committee on GAME AND FISHERIES, November 17, 1981.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 128

(Concurrent) By Representative PRATT

General Assembly memorialize President and Congress to amend the Federal Power Act of 1935.

Referred to Committee on FEDERAL-STATE RELATIONS, November 17, 1981.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence.

Mr. CESSAR. Thank you, Mr. Speaker.

I do request a leave for the gentleman from Philadelphia, Mr. SALVATORE, for today's session; and the lady from Montgomery, Mrs. LEWIS, for today's session.

The SPEAKER. Without objection, leaves will be granted. The Chair hears no objection.

The Chair understands the minority whip has no requests for leaves of absence.

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 349, PN 2302; HB 1442, PN 1645; HB 1443, PN 1646; HB 1441, PN 1644; and SB 962, PN 1431.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's master roll call. Members please report immediately to the floor. Members in their seats will proceed to vote.

The following roll call was recorded:

PRESENT—195

| | | | |
|-----------|-----------------|-----------|--------------|
| Alden | Fee | Livengood | Rocks |
| Anderson | Fischer | Lloyd | Rybak |
| Armstrong | Fleck | Lucyk | Saurman |
| Arty | Foster, W. W. | McCall | Serafini |
| Barber | Foster, Jr., A. | McClatchy | Seventy |
| Belardi | Frazier | McIntyre | Showers |
| Belfanti | Freind | McMonagle | Shupnik |
| Beloff | Fryer | McVerry | Sieminski |
| Berson | Gallagher | Mackowski | Sirianni |
| Bittle | Galien | Madigan | Smith, B. |
| Blaum | Gamble | Maiale | Smith, E. H. |
| Borski | Gannon | Manderino | Smith, L. E. |
| Bowser | Geist | Manmiller | Snyder |

| | | | |
|-------------|----------------|------------|-----------------|
| Boyes | George | Marmion | Spencer |
| Brandt | Gladeck | Merry | Spitz |
| Brown | Grabowski | Michlovic | Stairs |
| Burd | Gray | Micozzie | Steighner |
| Burns | Greenfield | Miller | Stevens |
| Caltagirone | Greenwood | Miscevich | Stewart |
| Cappabianca | Grieco | Moehlmann | Stuban |
| Cawley | Gruitza | Morris | Swaim |
| Cessar | Gruppo | Mowery | Sweet |
| Cimini | Hagarty | Mrkonic | Swift |
| Civera | Haluska | Mullen | Taddonio |
| Clark | Harper | Murphy | Taylor, E. Z. |
| Clymer | Hasay | Nahill | Taylor, F. E. |
| Cochran | Hayes | Noye | Tigue |
| Cohen | Heiser | O'Donnell | Trello |
| Colafrella | Hoeffel | Olasz | Van Horne |
| Cole | Honaman | Oliver | Vroon |
| Cordisco | Horgos | Pendleton | Wachob |
| Cornell | Hutchinson, A. | Perzel | Wambach |
| Coslett | Hutchinson, W. | Peterson | Wargo |
| Cowell | Itkin | Petrarca | Wass |
| Cunningham | Jackson | Petrone | Wenger |
| DeVerter | Johnson | Phillips | Weston |
| DeWeese | Kanuck | Piccola | Wiggins |
| Daikeler | Kennedy | Pievsky | Williams, H. |
| Davies | Klingaman | Pistella | Williams, J. D. |
| Dawida | Kolter | Pitts | Wilson |
| Deal | Kowalyszyn | Pott | Wogan |
| Dietz | Kukovich | Pratt | Wozniak |
| Dininni | Lashinger | Punt | Wright, D. R. |
| Dombrowski | Laughlin | Rappaport | Wright, J. L. |
| Donatucci | Lehr | Rasco | Wright, R. C. |
| Dorr | Lescovitz | Reber | Zwikel |
| Duffy | Letterman | Richardson | |
| Durham | Levi | Rieger | Ryan, |
| Evans | Levin | Ritter | Speaker |
| Fargo | | | |

ADDITIONS—2

DeMedio Telek

NOT VOTING—0

EXCUSED—5

Emerson Lewis Pucciarelli Salvatore
Irvis

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. DeMedio, who asks that his name be added to the master roll call.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 752, PN 2351**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending direct criminal contempt of court powers to district justices.

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—182

| | | | |
|-------------|----------------|------------|-----------------|
| Alden | Durham | Levin | Rocks |
| Anderson | Evans | Livengood | Rybak |
| Armstrong | Fargo | Lloyd | Saurman |
| Arty | Fee | Lucyk | Serafini |
| Barber | Fischer | McCall | Seventy |
| Belardi | Fleck | McClatchy | Showers |
| Belfanti | Foster, W. W. | McIntyre | Shupnik |
| Beloff | Frazier | McMonagle | Sieminski |
| Berson | Freind | McVerry | Sirianni |
| Blaum | Fryer | Mackowski | Smith, B. |
| Borski | Gallagher | Madigan | Smith, E. H. |
| Bowser | Gallen | Maiale | Smith, L. E. |
| Boyes | Gamble | Manmiller | Snyder |
| Brandt | Gannon | Marmion | Spencer |
| Brown | Geist | Merry | Spitz |
| Burd | George | Michlovic | Stairs |
| Burns | Gladeck | Micozzie | Steighner |
| Caltagirone | Grabowski | Miller | Stewart |
| Cappabianca | Gray | Miscevich | Sweet |
| Cawley | Greenfield | Morris | Swift |
| Cessar | Greenwood | Mowery | Taddonio |
| Cimini | Grieco | Mrkoncic | Taylor, E. Z. |
| Civera | Gruppo | Mullen | Taylor, F. E. |
| Clark | Hagarty | Murphy | Tigue |
| Clymer | Haluska | Nahill | Trello |
| Cochran | Harper | Noye | Van Horne |
| Cohen | Hasay | O'Donnell | Vroon |
| Colafella | Hayes | Olasz | Wachob |
| Cole | Heiser | Oliver | Wambach |
| Cordisco | Hoeffel | Pendleton | Wargo |
| Cornell | Honaman | Perzel | Wass |
| Coslett | Horgos | Peterson | Wenger |
| Cowell | Hutchinson, A. | Petrarca | Weston |
| Cunningham | Hutchinson, W. | Petrone | Wiggins |
| DeMedio | Itkin | Phillips | Williams, H. |
| DeVerter | Johnson | Piccola | Williams, J. D. |
| DeWeese | Kanuck | Pievsky | Wilson |
| Daikeler | Klingaman | Pistella | Wogan |
| Davies | Kolter | Pott | Wozniak |
| Dawida | Kowalyszyn | Pratt | Wright, D. R. |
| Deal | Kukovich | Punt | Wright, J. L. |
| Dietz | Laughlin | Rappaport | Wright, R. C. |
| Dininni | Lehr | Rasco | Zwikel |
| Dombrowski | Lescovitz | Richardson | |
| Dorr | Letterman | Rieger | Ryan, |
| Duffy | Levi | Ritter | Speaker |

NAYS—5

| | | | |
|---------|-----------|-------|---------|
| Gruitza | Moehlmann | Reber | Stevens |
| Jackson | | | |

NOT VOTING—10

| | | | |
|-----------------|------------|--------|-------|
| Bittle | Kennedy | Pitts | Swaim |
| Donatucci | Lashingner | Stuban | Telek |
| Foster, Jr., A. | Manderino | | |

EXCUSED—5

| | | | |
|---------|-------|-------------|-----------|
| Emerson | Lewis | Pucciarelli | Salvatore |
| Irvis | | | |

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 874, PN 945**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for unlawful acts relative to liquor, malt and brewed beverages and licensees.

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—158

| | | | |
|-------------|----------------|-----------|---------------|
| Alden | Dorr | Laughlin | Rybak |
| Anderson | Duffy | Lehr | Saurman |
| Armstrong | Durham | Lescovitz | Serafini |
| Arty | Evans | Levin | Showers |
| Barber | Fee | Lucyk | Shupnik |
| Belardi | Fleck | McCall | Sieminski |
| Belfanti | Foster, W. W. | McClatchy | Smith, B. |
| Beloff | Frazier | McIntyre | Smith, E. H. |
| Berson | Freind | McMonagle | Smith, L. E. |
| Bittle | Fryer | McVerry | Snyder |
| Blaum | Gallagher | Mackowski | Spencer |
| Borski | Gallen | Madigan | Spitz |
| Bowser | Gannon | Maiale | Stairs |
| Boyes | Geist | Manderino | Steighner |
| Brandt | Gladeck | Marmion | Stevens |
| Brown | Gray | Merry | Stewart |
| Burd | Greenfield | Michlovic | Stuban |
| Burns | Greenwood | Micozzie | Swift |
| Caltagirone | Grieco | Moehlmann | Taddonio |
| Cappabianca | Gruitza | Mowery | Taylor, E. Z. |
| Cawley | Gruppo | Mullen | Taylor, F. E. |
| Cessar | Hagarty | Murphy | Tigue |
| Cimini | Hasay | Nahill | Van Horne |
| Civera | Hayes | Noye | Vroon |
| Clark | Heiser | O'Donnell | Wachob |
| Clymer | Hoeffel | Oliver | Wambach |
| Cochran | Honaman | Perzel | Wargo |
| Colafella | Horgos | Petrarca | Weston |
| Cole | Hutchinson, A. | Petrone | Wiggins |
| Cordisco | Hutchinson, W. | Phillips | Williams, H. |
| Cornell | Itkin | Pievsky | Wilson |
| Coslett | Jackson | Pott | Wogan |
| Cowell | Johnson | Pratt | Wozniak |
| Cunningham | Kanuck | Punt | Wright, D. R. |
| DeVerter | Kennedy | Rappaport | Wright, J. L. |
| DeWeese | Klingaman | Rasco | Wright, R. C. |
| Daikeler | Kolter | Reber | Zwikel |
| Davies | Kowalyszyn | Rieger | |
| Dawida | Kukovich | Ritter | Ryan, |
| Dombrowski | Lashingner | Rocks | Speaker |

NAYS—33

| | | | |
|-----------------|-----------|-----------|-----------------|
| Cohen | George | Miller | Pistella |
| DeMedio | Grabowski | Miscevich | Richardson |
| Deal | Haluska | Morris | Seventy |
| Dietz | Harper | Mrkoncic | Sirianni |
| Dininni | Levi | Olasz | Trello |
| Fargo | Livengood | Pendleton | Wass |
| Fischer | Lloyd | Peterson | Wenger |
| Foster, Jr., A. | Manmiller | Piccola | Williams, J. D. |
| Gamble | | | |

NOT VOTING—6

| | | | |
|-----------|-------|-------|-------|
| Donatucci | Pitts | Sweet | Telek |
| Letterman | Swaim | | |

EXCUSED—5

| | | | |
|---------|-------|-------------|-----------|
| Emerson | Lewis | Pucciarelli | Salvatore |
| Irvis | | | |

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.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Telek, who asks that his name be added to the master roll call.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to Mike Ross of television station WHTM, Harrisburg, to silent-film for a period of 10 minutes.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 930, PN 1407, entitled:

An Act providing for adoption of capital projects to be financed from current revenues of the General Fund and making appropriations.

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—190

| | | | |
|-------------|-----------------|-----------|--------------|
| Alden | Fargo | Levin | Ritter |
| Anderson | Fee | Livengood | Rocks |
| Armstrong | Fischer | Lloyd | Rybak |
| Arty | Fleck | Lucyk | Saurman |
| Barber | Foster, W. W. | McCall | Serafini |
| Belardi | Foster, Jr., A. | McClatchy | Seventy |
| Belfanti | Frazier | McIntyre | Showers |
| Beloff | Freind | McMonagle | Shupnik |
| Berson | Fryer | McVerry | Sieminski |
| Bittle | Gallagher | Mackowski | Sirianni |
| Blaum | Gallen | Madigan | Smith, B. |
| Borski | Gamble | Maiale | Smith, E. H. |
| Bowser | Gannon | Manderino | Smith, L. E. |
| Boyes | Geist | Manmiller | Snyder |
| Brandt | George | Marmion | Spencer |
| Brown | Gladeck | Merry | Spitz |
| Burns | Grabowski | Michlovic | Stairs |
| Caltagirone | Gray | Micozzie | Steighner |
| Cappabianca | Greenfield | Miller | Stevens |
| Cawley | Greenwood | Miscevich | Stewart |
| Cessar | Grieco | Moehmann | Stuban |

| | | | |
|------------|----------------|------------|-----------------|
| Cimini | Gruitza | Morris | Swift |
| Civera | Gruppo | Mowery | Taddonio |
| Clark | Haluska | Mrkonic | Taylor, E. Z. |
| Clymer | Harper | Mullen | Taylor, F. E. |
| Cochran | Hasay | Murphy | Telek |
| Cohen | Hayes | Nahill | Tigue |
| Colafella | Heiser | Noye | Trello |
| Cole | Hoefel | O'Donnell | Van Horne |
| Cordisco | Honaman | Olasz | Vroon |
| Cornell | Horgos | Oliver | Wachob |
| Coslett | Hutchinson, A. | Pendleton | Wambach |
| Cowell | Hutchinson, W. | Perzel | Wargo |
| Cunningham | Itkin | Peterson | Wass |
| DeMedio | Jackson | Petrarca | Wenger |
| DeVerter | Johnson | Petrone | Weston |
| DeWeese | Kanuck | Phillips | Wiggins |
| Daikeler | Kennedy | Piccola | Williams, H. |
| Davies | Klingaman | Pievsky | Williams, J. D. |
| Dawida | Kolter | Pistella | Wogan |
| Deal | Kowalshyn | Pitts | Wozniak |
| Dietz | Kukovich | Pott | Wright, D. R. |
| Dininni | Lashinger | Pratt | Wright, J. L. |
| Dombrowski | Laughlin | Punt | Wright, R. C. |
| Dorr | Lehr | Rappaport | Zwikl |
| Duffy | Lescovitz | Reber | |
| Durham | Letterman | Richardson | Ryan, |
| Evans | Levi | Rieger | Speaker |

NAYS—0

NOT VOTING—7

| | | | |
|-----------|---------|-------|--------|
| Burd | Hagarty | Swaim | Wilson |
| Donatucci | Rasco | Sweet | |

EXCUSED—5

| | | | |
|---------|-------|-------------|-----------|
| Emerson | Lewis | Pucciarelli | Salvatore |
| Irvis | | | |

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

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

* * *

The House proceeded to third consideration of HB 1799, PN 2155, entitled:

An Act amending the "Pennsylvania Cigarette Tax Act," approved July 22, 1970 (P. L. 513, No. 178), increasing the tax on the sale or possession of cigarettes and making an appropriation.

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—189

| | | | |
|-----------|-----------------|-----------|-----------|
| Alden | Fee | McCall | Saurman |
| Anderson | Fischer | McClatchy | Serafini |
| Armstrong | Fleck | McIntyre | Seventy |
| Arty | Foster, Jr., A. | McMonagle | Showers |
| Barber | Frazier | McVerry | Shupnik |
| Belardi | Freind | Mackowski | Sieminski |
| Belfanti | Gallagher | Madigan | Sirianni |

| | | | |
|-------------|----------------|------------|-----------------|
| Beloff | Gallen | Maiale | Smith, B. |
| Berson | Gamble | Manderino | Smith, E. H. |
| Bittle | Gannon | Manmiller | Smith, L. E. |
| Blaum | Geist | Marmion | Snyder |
| Borski | George | Merry | Spencer |
| Bowser | Gladeck | Michlovic | Spitz |
| Boyes | Grabowski | Micozzie | Stairs |
| Brandt | Gray | Miller | Steighner |
| Brown | Greenfield | Miscevich | Stevens |
| Burd | Greenwood | Moehlmann | Stewart |
| Burns | Grieco | Morris | Stuban |
| Caltagirone | Gruppo | Mowery | Swaim |
| Cappabianca | Hagarty | Mrkonic | Swift |
| Cessar | Haluska | Mullen | Taddonio |
| Cimini | Harper | Murphy | Taylor, E. Z. |
| Civera | Hasay | Nahill | Taylor, F. E. |
| Clark | Hayes | Noye | Telek |
| Clymer | Heiser | O'Donnell | Tigue |
| Cochran | Hoefel | Olasz | Trello |
| Colafella | Honaman | Oliver | Van Horne |
| Cole | Horgos | Pendleton | Vroon |
| Cordisco | Hutchinson, A. | Perzel | Wachob |
| Cornell | Hutchinson, W. | Peterson | Wambach |
| Coslett | Itkin | Petrarca | Wargo |
| Cowell | Jackson | Petrone | Wass |
| Cunningham | Johnson | Phillips | Wenger |
| DeMedio | Kanuck | Piccola | Weston |
| DeVerter | Kennedy | Pievsky | Wiggins |
| DeWeese | Klingaman | Pistella | Williams, H. |
| Daikeler | Kolter | Pitts | Williams, J. D. |
| Davies | Kowalshyn | Pott | Wilson |
| Dawida | Kukovich | Pratt | Wogan |
| Deal | Lashingner | Punt | Wozniak |
| Dietz | Laughlin | Rappaport | Wright, D. R. |
| Dininni | Lehr | Rasco | Wright, J. L. |
| Dombrowski | Lescovitz | Reber | Wright, R. C. |
| Donatucci | Letterman | Richardson | Zwikl |
| Dorr | Levi | Rieger | |
| Duffy | Levin | Ritter | Ryan, |
| Durham | Livengood | Rocks | Speaker |
| Fargo | Lucyk | Rybak | |

NAYS—4

| | | | |
|--------|-------|---------|-------|
| Cawley | Fryer | Gruitza | Lloyd |
|--------|-------|---------|-------|

NOT VOTING—4

| | | | |
|-------|-------|---------------|-------|
| Cohen | Evans | Foster, W. W. | Sweet |
|-------|-------|---------------|-------|

EXCUSED—5

| | | | |
|---------|-------|-------------|-----------|
| Emerson | Lewis | Pucciarelli | Salvatore |
| Irvis | | | |

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

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

REMARKS ON VOTES

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

Mr. TELEK. I was out of my seat on HB 752 and HB 874. I would like to be voted in the affirmative.

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

For what purpose does the gentleman from Allegheny, Mr. Rasco, rise?

Mr. RASCO. Mr. Speaker, on SB 930 I was not in my seat. I would like to be recorded as a "yes" vote on SB 930.

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

For what purpose does the gentleman from Bucks, Mr. Wilson, rise?

Mr. WILSON. Mr. Speaker, I missed SB 930 also. I would like to be in the affirmative.

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

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

Mr. VROON. Mr. Speaker, I inadvertently voted in the affirmative on HB 874. I wish the record to show that I wished to vote in the negative.

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, here as the guests of Representative Klingaman of Lehigh County, William Betz, LaRue Hausman, William Rauch, and Anne Betz, all of the New Tripoli National Bank of Lehigh County.

FINAL PASSAGE POSTPONED
BILL CONSIDERED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. GALLEN, the House resumed consideration on final passage of **HB 1943, PN 2348**, entitled:

An Act repealing the act of December 21, 1959 (P.L. 1967, No. 722), entitled "An act providing for creation of an Oil and Gas Inspectors Examining Board in the Department of Mines and Mineral Industries; *** providing for the qualifications, examination, appointment, term of office, removal and salaries of Oil and Gas Inspectors; and providing penalties.

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.

(Members proceeded to vote.)

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Kukovich, rise?

Mr. KUKOVICH. Mr. Speaker, I believe Representative Cohen has an amendment to this bill.

The SPEAKER. The Chair is unaware of it.

Mr. KUKOVICH. He is in the front of the House right now.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Cohen, have an amendment to this bill?

Mr. COHEN. Mr. Speaker, I have an amendment which will be available shortly. Could we pass it over until the end of the day or the middle of the day? It was sent to Legislative Reference at 9 o'clock this morning.

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

DECISION OF CHAIR WITHDRAWN

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, the Chair withdraws its decision that HB 1943 was called up; and further, without objection, the bill will be temporarily passed over. The Chair hears no objection.

REMARKS ON VOTE

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

Mr. CUNNINGHAM. Mr. Speaker, a check of the record shows that I am recorded as voting in the affirmative on HB 874. That should be a negative vote, and I would like the record to reflect that.

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

SENATE MESSAGE

SENATE ADOPTS REPORT OF
COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on SB 277, PN 1437.

REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED

Mr. DORR called up for consideration the following Report of the Committee of Conference on SB 277, PN 1437, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," defining and exempting privately-owned public golf courses from licensing quota and further regulating sales by such golf courses and certain other liquor licensees.

On the question,

Will the House adopt the report of the committee of conference?

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

Mr. DORR. Mr. Speaker, the conference committee deleted two amendments which were placed in the bill in the House. The one amendment was the Bowser amendment, as I recall, which added some authority for the wineries of Pennsylvania to sell from additional retail outlets. That particular proposal has already become law through the Governor signing another bill that we had passed.

The second was a dedication of the portion of the revenues from liquor control sales to alcohol abuse.

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

Mr. FLECK. Thank you, Mr. Speaker.

Will Mr. Dorr stand for brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Fleck, may proceed.

Mr. FLECK. Thank you, Mr. Speaker.

Can you tell us briefly what the purpose of this bill is?

Mr. DORR. Essentially the bill creates an additional liquor license which will be available to privately owned public golf courses.

Mr. FLECK. And for what reason is there a necessity to grant this license?

Mr. DORR. I believe that the theory behind this is that the people who are playing golf on those golf courses have a wish on many occasions to have an alcoholic beverage at the end or during the process of playing on the golf course. Since access to that will be relatively limited and the use is dedicated to that particular recreational activity, there did not seem to be any reason why that should be denied.

Mr. FLECK. And what charge will be made for this license?

Mr. DORR. Mr. Speaker, I think that—

The SPEAKER. The gentleman will yield.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Erie, Mr. Dombrowski, rise?

Mr. DOMBROWSKI. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. DOMBROWSKI. Mr. Speaker, is it proper for the gentleman to be interrogated at this time on the contents of the bill or just on what the Senate did?

The SPEAKER. It is the understanding of the Chair that the interrogation concerns itself with the report of the conference to SB 277, which would be permissible.

Mr. DOMBROWSKI. Is that what the gentleman is doing?

The SPEAKER. The Speaker really was not listening that closely, but he will.

The gentleman may proceed.

Mr. FLECK. Thank you.

And what charge will be made for these licenses?

Mr. DORR. I really cannot answer the question. I believe it will be controlled by the Liquor Control Board under present law, and it is not contained in the bill.

Mr. FLECK. Does the bill as reported by the conference committee carry any stipulation to reimburse or recompense current holders, golf courses that currently own licenses which were purchased in the normal manner under the quota system?

Mr. DORR. No; there is no such license now. If a golf course has a license now, other than a municipal golf course, that license was purchased under or was acquired as a restaurant, probably, or hotel type of license. If that facility desired to purchase that license, that was up to them.

Mr. FLECK. Well, essentially they had no choice before, but now we are going to pass a law that every golf course in

the Commonwealth gets this privilege for the application regardless of the status of the quota within the area. Is that correct?

Mr. DORR. I think that is not quite technically correct. I think this applies only to privately owned public courses; in other words, public golf courses.

Mr. FLECK. Understood. What are the restrictions of the conference committee's bill on the use of this license? Can it be used in an outbuilding, or how is the use of this license restricted?

Mr. DORR. It will be used under the current board regulations which relate to all liquor licenses, as I understand it. There is an additional provision in the bill which allows any golf course which holds any kind of license to sell from one additional place on the golf course in addition to the regularly established licensed facility.

Mr. FLECK. So then a public golf course in one of our districts, which now has a clubhouse that sells golf balls and the other amenities of the golf course, could build on an outer area of the golf course a building substantially resembling any building we are familiar with called a restaurant or a tavern, and bring into it a license which would be granted outside of the quota system for the filing of a fee. Is that correct?

Mr. DORR. I think that would be correct, yes. I do not know specifically what you have in mind, but from what you said, I think that would be correct.

Mr. FLECK. Thank you, Mr. Speaker.

If I could speak on the bill.

The SPEAKER. The gentleman is in order to speak on the conference report. The gentleman may proceed.

Mr. FLECK. I expect that this may have been a fast vote, and this bill probably would pass, but I would ask you all to consider just for a moment the plight of people in this Commonwealth who have been dealing with the liquor control system as it is defined by this General Assembly and further by the regulations of the Liquor Control Board.

Right now in most areas of Pennsylvania, it would cost in excess of \$5,000 to purchase a liquor license. In an area of Allegheny County or Philadelphia, those charges are much higher. Recently, in attempting to purchase a license in Newtown Square near Philadelphia, a price of \$150,000 was quoted to me for the privilege to sell alcoholic beverages in the Commonwealth. We have in front of us a bill that will grant the right to each and every public golf course in the Commonwealth of Pennsylvania a liquor license full and indistinguishable from any other liquor license for \$100 for a filing fee. This is wrong. It is discriminatory; it brings an undue burden upon those who have already acted in good faith under the system established in Pennsylvania. There is no justification for this, outside of one special interest, one single case, which was brought to the attention of the Assembly when this bill was first put out of this House.

I ask you to consider this and to vote "no" on this conference report. There is no justification for the wanton granting of liquor licenses. There is a process; there is a quota system. It is in place. Change it if it is a problem, but do not just go willy-nilly and grant every public golf course in the Common-

wealth of Pennsylvania, essentially, a free liquor license. Thank you.

The SPEAKER. Does the gentleman from Indiana, Mr. Wass, desire recognition?

Mr. WASS. Yes. I would like to interrogate Mr. Dorr, please.

The SPEAKER. The gentleman may proceed.

Mr. WASS. Mr. Speaker, inasmuch as I have a big-ball golf course in my district, does this include the big-ball golf courses?

Mr. DORR. Can you give me a description of what particular facility you are talking about, Mr. Speaker? I am not sure how to answer that.

Mr. WASS. In northern Indiana County they just hit a large ball, and they call it the big-ball golf course. Now, we will accept the humor, but we are on target. We do have such a facility.

Mr. DORR. Mr. Speaker, I think the answer to the gentleman's question is that the Liquor Control Board will be in a position to regulate this matter. If they deem a particular facility not to be a golf course, then they will have the power to deny the license. Beyond that, I do not think I can really respond. I think that, you know, without knowing the details of the particular facility you are describing, I think it would be impossible to make a judgment. My guess is that unless it is a traditional golf course, the Liquor Control Board is going to deny the license, but that is only a guess on my part.

Mr. WASS. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Thank you, Mr. Speaker.

I am going to ask my colleagues to vote to nonconcur in SB 277, and mainly, Mr. Speaker, this is my reason for that: At the present time the Commonwealth of Pennsylvania is spending \$23 million to dry out alcoholics. Session after session in this House of Representatives we continue to liberalize the manufacture, the distribution, and the retail sale and use of alcoholic beverages. I do not approve of spending \$23 million on one hand and liberalizing the use on another so that more alcoholics will be made. Therefore, I ask my colleagues to vote "no" on concurrence. Thank you, Mr. Speaker.

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

Mr. FISCHER. Mr. Speaker, could I interrogate Mr. Dorr, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Fischer, may begin.

Mr. FISCHER. Mr. Speaker, did you indicate a moment ago that the Senate deleted the amendment that would provide funds for alcoholism treatment?

Mr. DORR. Yes.

Mr. FISCHER. That is the end of my interrogation, Mr. Speaker. May I be recognized for a statement?

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

Mr. FISCHER. Mr. Speaker, I rise to urge my colleagues today to defeat this particular bill and nonconcur, because I

feel that alcoholism is one of the largest single problems we face, certainly the largest drug problem America faces right now. With this particular amendment being defeated, I think it certainly hurts this legislation and hurts our efforts to develop a program of treatment for alcoholism.

I am also concerned about this type of legislation that makes alcohol more available to the general public. I think it is inappropriate that a golf course would want to do these kinds of things, a place that people go to for physical fitness, and I guess I know a little bit about physical fitness. I do not think that that is an appropriate place for these kinds of licenses, so I would urge that we vote against this particular concurrence and stop this kind of thing. I think we had better come to grips with the spread of alcohol in our State. We have a lot of proposals in front of us to make it easier for people to buy it. I think it is time we began to realize that it is a very dangerous substance.

The SPEAKER. The members are reminded that public television is working throughout today's session to my right.

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

Mr. TRELLO. Mr. Speaker, I rise to support the legislation. Number one, let us examine this very closely. Who plays golf? About 75 percent of the people who play golf are over 27 years old, and that is a fact. Number two, one of the biggest problems that we have today is that the construction business, the building industry, is down to practically zero. What will this do? Public golf courses will be able to go out and build a nice facility where the members who cannot afford to join a country club can take their wives for dinner. Now, I do not know how many people in this General Assembly can afford to join a country club, but I would imagine very, very few on our salary. This would allow members who love to play golf, like myself and many other people, to go to a public golf course and then meet their wives after and have dinner and maybe have a drink. We are not talking about Pizza Huts or the Catholic Youth Association having a liquor license; we are talking about a place where adults gather and enjoy a very nice game of golf.

You know, on many occasions I had the pleasure of playing golf with a man over 80 years old. Now, what other sport can you participate in when you are 80 years old? Not too many if you stop to think about it. These gentlemen do enjoy a nice cold beer after a round of golf when the temperatures are well over the eighties.

You are talking about more revenue for the State, number one. You are talking about a convenience for people who cannot afford to join a country club. And number two, you will be enhancing the building trade in the State of Pennsylvania. If you think anything else about this bill, then you are kidding yourself. I am against drinking, too, and I am against spending all this money. I did not think I was so well known here. But if you stop to think about it, you are going to be bringing a lot of extra revenue to the State of Pennsylvania, and the poor people who cannot afford to join a fancy country club will be able to take their wives out to a public golf course that has a nice clubhouse and enjoy dinner and maybe a drink or two. Thank you very much.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Bob Beagle from Edinboro State College in Erie County, here today as the guest of Representative James Merry.

The Chair is pleased to welcome to the hall of the House today Mr. Michael Balezzi, here today as the guest of Representatives Mario Civera and Nick Micozzie.

PARLIAMENTARY INQUIRY

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

Mr. MICHLOVIC. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. MICHLOVIC. Under the rules of the House, can the conference committee report back a bill entirely removing the section that the House placed in the bill relating to alcoholism or the wineries?

The SPEAKER. Will the gentleman restate his question?

Mr. MICHLOVIC. Mr. Speaker, under the rules of the House, can the conference committee report back a bill entirely removing that section that was placed in the bill by the House?

The SPEAKER. Yes, it can.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

CONSIDERATION OF SB 277 CONTINUED

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

Mr. PRATT. Mr. Speaker, I rise to support the conference committee report. As a member of the committee and in response to Representative Fischer, my reason for voting to eliminate the 2-percent provision that was inserted by this House was because it would not do anything for the program. If that particular provision were kept in the bill and mandated that 2 percent of the revenues be allocated toward the treatment of drug and alcohol abuse, the Governor could merely come along or this General Assembly could merely come along and not appropriate that amount of money, so you would be in the same place you were in the beginning. If this particular provision would raise, say, \$10 million, and in the past this General Assembly appropriated \$10 million for such treatment, that probably would not be in future budget bills, so there would not be any progress made on such a provision. It did no good, and that is why I voted to eliminate the provision from the bill.

So far as the arguments are concerned about public golf courses, it is my feeling that there are many, many golf courses, beautiful golf courses in this Commonwealth, that are suffering because they cannot offer a full range of services. Many of our golf courses today are operating illegally by selling alcohol in violation of the code. This maybe is similar to the bingo bill. And I do not think for one moment it

is going to affect any alcoholism rate or what have you. It is going to help out a lot of beautiful golf courses that are in trouble today, and it is going to help out the public, too, because it is going to be a very nice convenience for those people like Representative Trello who like to go to the golf course, play 18 holes, and have a drink afterwards. I urge your support, Mr. Speaker.

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

Mr. FLECK. Thank you, Mr. Speaker.

Just a couple points of clarification. If you want to go to a golf course and have a beer, that is one thing. This bill does not say that a golf course within its clubhouse will be permitted the right to serve beer. What this bill says and what you are passing is that a privately owned public golf course will be able to establish an independent, separate, freestanding outbuilding separate and distinct from the operation of the golf course, not connected to or contiguous to the operation of the golf course, in a separate area of the golf course. What they are going to do is go out to the sixth hole where it abuts a major highway; they are going to get approval to cut the curbs; they are going to build a building - they are going to build a tavern; they are going to build a discotheque; they are going to build a restaurant; they are going to build whatever they are going to build - and you are granting them the right for a filing fee to get this license.

What I am saying is, that is inequitable. If you do not like the quota system in the Commonwealth, if you do not want to operate under that, then abolish the quota system and make it the same for everybody. But simply because a man owns a public golf course is not the right to give him a windfall, which in some areas very easily approaches \$25,000 and in the unusual circumstance exceeds \$100,000. You have one single instance of problem in the Commonwealth, and if the argument holds up that they cannot offer a full range of services, they can. Do what anybody else does; go out and buy a liquor license. They are for sale. Go out and pay your money and buy one like anybody else. Do not grant one essentially for free.

And if the argument is so strong for the adults who gather at golf courses, who need a cold beer after the golf range, why not pass this thing for bowling alleys? Certainly a bowling alley has as much right as a golf course. Let us get them in this act, too. Why not put everybody into this? It is one way or it is the other way, and we need to decide. But if we go along making exceptions to the rule, granting every golf course, thousands of them in the Commonwealth of Pennsylvania, the right to have this cheap license for a filing fee, we make a tremendous error.

I just ask you to consider what you are voting for. It is not beer in the clubhouse; it is an independent outbuilding separate from the clubhouse that you are voting for. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Mr. Speaker, we do not have big balls in Luzerne County. I think this would be a very reasonable provision in this bill, and I urge concurrence, because this does

not put golf courses in competition with taverns. I think it is a perfectly reasonable provision. Thank you.

The SPEAKER. Does the gentleman from Montgomery, Mr. Reber, desire recognition?

Mr. REBER. Thank you, Mr. Speaker.

Just a reminder to the members of the remarks that Representative Fleck was just making regarding the outbuilding situation.

I think there is a very serious question with that philosophy due to the zoning ordinances that exist. Many golf courses are in areas where a commercial establishment that Representative Fleck is talking about could not in fact operate without variance relief or something of that nature. So I do not think if you carry that argument to its logical conclusion there will be the proliferation of retail commercial eateries, if you will, with liquor licenses surfacing on the sixth hole. So I think that is somewhat of a red herring. Thank you.

On the question recurring,

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—63

| | | | |
|-------------|----------------|-----------|--------------|
| Anderson | Dorr | Merry | Sieminski |
| Belardi | Durham | Miscevich | Smith, B. |
| Belfanti | Fee | Morris | Snyder |
| Blaum | Gallen | Nahill | Spencer |
| Burd | Gladeck | Noye | Stevens |
| Burns | Greenwood | Olasz | Stewart |
| Caltagirone | Hagarty | Perzel | Swaim |
| Cappabianca | Hasay | Petrarca | Sweet |
| Cawley | Hoeffel | Pott | Taddonio |
| Cessar | Horgos | Pratt | Tige |
| Clark | Hutchinson, W. | Reber | Trello |
| Cornell | Kanuck | Ritter | Van Horne |
| Coslett | Lehr | Rocks | Weston |
| Daikeler | Letterman | Saurman | Williams, H. |
| Davies | McClatchy | Serafini | Wogan |
| Dombrowski | Maiale | Seventy | |

NAYS—132

| | | | |
|------------|-----------------|-----------|-----------------|
| Alden | Fleck | Levin | Richardson |
| Armstrong | Foster, W. W. | Livengood | Rieger |
| Arty | Foster, Jr., A. | Lloyd | Rybak |
| Barber | Frazier | Lucyk | Showers |
| Beloff | Freind | McCall | Shupnik |
| Berson | Fryer | McIntyre | Sirianni |
| Bittle | Gallagher | McMonagle | Smith, E. H. |
| Borski | Gamble | Mackowski | Smith, L. E. |
| Bowser | Geist | Madigan | Spitz |
| Boyes | George | Manderino | Stairs |
| Brandt | Grabowski | Manmiller | Steighner |
| Brown | Gray | Marmion | Stuban |
| Cimini | Greenfield | Michlovic | Swift |
| Civera | Grieco | Micozzie | Taylor, E. Z. |
| Clymer | Gruitza | Miller | Taylor, F. E. |
| Cochran | Gruppo | Moehlmann | Telek |
| Cohen | Haluska | Mowery | Vroon |
| Colafella | Harper | Mrkonic | Wachob |
| Cole | Hayes | Mullen | Wambach |
| Cordisco | Heiser | Murphy | Wargo |
| Cowell | Honaman | O'Donnell | Wass |
| Cunningham | Hutchinson, A. | Oliver | Wenger |
| DeMedio | Irtkin | Pendleton | Wiggins |
| DeVertter | Jackson | Peterson | Williams, J. D. |
| DeWeese | Johnson | Petrone | Wilson |
| Dawida | Kennedy | Phillips | Wozniak |
| Deal | Klingaman | Piccola | Wright, D. R. |
| Dietz | Kolter | Pievsky | Wright, J. L. |

| | | | |
|-----------|-----------|-----------|---------------|
| Dininni | Kowalshyn | Pistella | Wright, R. C. |
| Donatucci | Kukovich | Pitts | Zwikl |
| Duffy | Lashinger | Punt | |
| Evans | Laughlin | Rappaport | Ryan, |
| Fargo | Lescovitz | Rasco | Speaker |
| Fischer | Levi | | |

NOT VOTING—2

Gannon McVerry

EXCUSED—5

Emerson Lewis Pucciarelli Salvatore
Irvis

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the report of the committee of conference was not adopted.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. W. W. FOSTER. Mr. Speaker, when the vote was taken on HB 1799, PN 2155, I was temporarily out of my seat. Had I been in my seat, I would have voted in the affirmative.

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

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1285, PN 1684**, entitled:

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), redefining and adding terms, further providing for motor vehicle insurance, proof of security or vehicle inspection, *** for operation of a vehicle without security and for surrender of registration or suspension.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, about a month ago you had a guest pastor here in the House who made a few comments that I would like to reiterate at this point as we proceed into the debate on HB 1285. I hope they are appropriate and the members will not take offense. Pastor Earle Fike from Elizabethtown said:

There seem to be so few decisions that are purely right or wrong. Save these decisionmakers from sliding over the hard tasks of searching for the best options. There seem to be so many decisions that have their origin in private, individual, or regional interest. Save these decisionmakers from fear of constituency. Give them courage to truly represent the people by working for the common good of all rather than the special...few.

It was during my first term as a legislator that no-fault was enacted. I remember casting my vote in favor of no-fault at that time, and I must say, had I known then what I know now, I would have cast a negative vote. My vote would not have been negative because I did not believe in the no-fault concept, but rather because I would have known then the nature and extent of the deficiencies that we created in the act of 1974.

Pennsylvanians to the extent of 5 million motorists are insured in the voluntary insurance market today, with nearly another 400,000 insured in the assigned risk plan. In 1979, the year for which the latest figures are available, Pennsylvanians were compelled to spend almost \$1 1/4 billion on automobile liability and no-fault coverages to comply with the provisions of the No-fault Act. I believe that any time the General Assembly, this government, is going to compel a citizen under the threat of criminal sanctions to spend that kind of money, it has a duty, yes an obligation, to provide assurance that the system it is forcing upon the people is a better system than the one they are being asked to give up.

HB 1285 is a serious effort to address the real and identifiable deficiencies of the present Pennsylvania No-fault Act. In 1974 the legislature embarked upon these uncharted waters, and later Judge Cercone, in a Superior Court decision which reversed the decision of a Philadelphia common pleas court, had this to say: "We caution anyone who embarks on the high seas of Pennsylvania's No-fault Motor Vehicle Insurance Act not to do so without a good compass, a knowledge of reefs and storms and plenty of food and water." Judge Cercone's warnings recognized the frailties of human judgment rendered in the midst of confusion, ignorance, passion, prejudice, and emotion without sound, informed reason.

Today, as we have passed the seventh anniversary of the implementation of Act 176 of 1974, we come before you with a compass, plenty of food and water, and the knowledge of reefs and storms. I would ask the members today to let us begin in honest debate to consider this bill so that we might make those changes that will deliver to the people of this Commonwealth that which was promised to them by this General Assembly in 1974 and which they have patiently waited 7 years to receive.

In 1974 the legislature stated briefly that it was the intent of the No-fault Act to assure every victim payment of all his basic medical and rehabilitation costs and recovery of a reasonable amount of work loss, replacement services, and survivor's loss; and secondly, to eliminate the need to determine fault except when a victim is very seriously injured. Instead of delivering that objective, the legislature delivered a system that permits, albeit even encourages, double recovery of medical and rehabilitation costs, and in some cases provides more than what the legislature intended as a reasonable amount on survivor's loss. In short, instead of receiving a statewide low-cost, comprehensive, and fair system of compensating and restoring motor vehicle accident victims, we have delivered a high-cost system that essentially maintains the old adversary system to require determination of fault in

far too many instances while at the same time compensating the victim as was intended. We have both a fault and no-fault system comingled, and it has driven costs up to the point where the affordability and the availability is no longer there.

Many of you here today were not aboard our maiden voyage in 1974, and I urge you in particular to heed Judge Cercone's warning and admonition and not jettison the principles of no-fault when the waters become apparently turbulent during this day's debate. Most of all, I ask you to close your ears and your mind to the seductive song that can lure many of you to doing that which will not bring about a reform of this no-fault system, for to embark upon this voyage and fail again to deliver to the good people of Pennsylvania their expectations means that we have failed to listen and to heed them. They are tired of the burden we have placed upon their shoulders and they are demanding that we change it. I think it is our duty and our obligation to serve them to this end.

Thank you, Mr. Speaker, for permitting these opening remarks.

MOTION TO RECOMMIT

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

Mr. BURNS. Mr. Speaker, I move that we recommit this bill to the Judiciary Committee. I urge the House to adopt this motion.

The SPEAKER. The question now before the House is on the motion of the gentleman from Bucks, Mr. Burns, to recommit HB 1285 to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes Mr. Burns.

Mr. BURNS. The Insurance Committee did its job of looking at this bill from the standpoint of insurance. Mr. Speaker, there are, however, today at least 80 to 100 amendments to be considered, and it is my understanding that there are a number of others still in preparation, many highly legal and technical in nature. I am not an expert in insurance law; I am not in the insurance business and I am not a lawyer, nor am I a member of either the House Insurance Committee or the Judiciary Committee. I am a policyholder like most of us. Most of us own and drive cars. I also speak as a person who has had personal experience with no-fault, with various members of my family.

I voted for no-fault in 1974. This is a very important issue. Pennsylvania spent over \$1.5 billion a year for automobile insurance, and we are all very personally affected by this.

I do not seek to recommit this bill to the Judiciary Committee for the purpose of killing it. I want my colleagues who are lawyers on this committee to take a look at this bill and all the amendments so that we can all understand clearly what legal ramifications to each of us are contained in this bill and these 80 to 100 amendments. My rights, your rights, are at stake here. Fair treatment for seriously injured people and the survivors of deceased victims is at stake here. This bill is filled with language which is vague, ill-defined, or undefined. What

is meant by "serious"? What is meant by "permanent"? What does "significant" mean? Such unclear terminology is a technical defect which would surely cause an explosion of litigation if enacted. Every case will go to court to determine the meaning of these terms. Our present No-fault Act contains language that has caused much litigation. This bill will stand to make things only worse.

POINT OF ORDER

Mr. GALLEN. Mr. Speaker, point of order.

The SPEAKER. The gentleman from Berks, Mr. Gallen, will state his point of order.

Mr. GALLEN. Mr. Speaker, the gentleman is not speaking on the recommittal motion; he is talking about the merits of the bill before us.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns. The gentleman may proceed.

Mr. BURNS. Thank you, Mr. Speaker.

Mr. Speaker, I want our colleagues who are lawyers to address this problem. It is the job of lawyers, and particularly the Judiciary Committee, to understand the legal impact of words. I want my colleagues who are lawyers to act as lawyers - the lawyers for this House, the lawyers for each and every one of us policyholders - in studying the problem and then helping to solve it.

There is also the problem with this bill of the very constitutionality of this proposal. I wish to remind everybody that the original No-fault Act was found to be constitutional by a bare 4-to-3 vote by the Supreme Court. In taking rights away from only those with relatively minor injuries, those with injuries which were less than serious, it provided a reasonable substitute for the right to obtain fair compensation in a court of law. That substitute was a guaranteed package of benefits, which included unlimited medical expenses and reasonably adequate wage loss, funeral expenses, and survivor loss benefits.

If the threshold has been eroded through inflation, so too have the benefits, and yet this proposal would take away the right of people who are more seriously injured to get fair compensation in a court of law, and it would leave the level of benefits unchanged from those that were set in 1974. If we ask people to give up rights they would possess if they were injured victims, we must provide them with reasonable substitutes, or the whole No-fault Act will be found unconstitutional and this General Assembly could well be confronted with this whole issue again in 6 to 9 months. I want my fellow members of this House who serve on the Judiciary Committee to look at this bill so that we can avoid such a disastrous problem. I also want to touch on a few other points in support of this motion.

This bill does not address one of the most serious issues where reform is needed. That is the need to get insurance companies to pay legitimate claims fairly and promptly, rather than unjustifiably denying people the benefits they have paid for and deserve and need. Our no-fault law must encourage fairness, and any abuses of policyholders and claimants and

spurious excuses to delay the payment of the legitimate claims must be stopped. This problem may well cause more litigation than anything else. Many victims only go to an attorney after they feel they have been unfairly treated by their own insurance company. These victims need the help of an attorney who understands the law to get them justice. I would guess that litigation could be drastically reduced if we could just get insurance companies to pay legitimate claims fairly. Most Pennsylvanians pay more for auto insurance, which they are required to purchase by the No-fault Act, than they do to the Commonwealth in personal income taxes each year. Our automobile insurance laws must provide for fair treatment and fair compensation for the millions of policyholders and claimants who are our constituents.

It is not uncommon for this House to have such issues of such major importance looked at by more than one committee. I have no criticism of the Insurance Committee for the job it has done, but I also want the Judiciary Committee to look at this bill, because this bill affects the rights of each and every one of us. We want a good auto insurance system, but it also must be a fair one. I do not understand all of the legal ramifications of this highly complex issue. I do not understand all the technical jargon. I think that most of us here today are in the same boat. This is a highly complex area of law. I do have my personal experiences to go on, and I want to make sure that what we do is fair and right for all of us and all of our constituents.

I want to make our no-fault system better so that it works for the people, and for that reason I ask that this bill be recommitted to the Judiciary Committee. Thank you, Mr. Speaker.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair at this time advises the House it has granted the photographer for United Press International permission to photograph general activity on the floor of the House for the next 10 minutes.

CONSIDERATION OF HB 1285 CONTINUED

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

Mr. McCLATCHY. Mr. Speaker, I rise to oppose recommitment of this bill.

I think this vote is probably the most serious vote we will take today. I think it is one of the most serious political votes we will take today. People have asked me, how are you going to vote? I am not for the bill and I am not against the bill, but I think we have to face the issue. I think our constituents back home have seen their rates go up, and they want us to do something, not duck the issue, but do something. And I am sure, come next primary or next general election, if we dodge it, you will live to regret it. I think it is time to face the issue and vote against recommitment. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Hutchinson, rise?

Mr. A. K. HUTCHINSON. A parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. A. K. HUTCHINSON. Would I be able to amend his motion to put the bill in Fish and Game, because we would have the hounds watching the foxes, and I think that is the wrong place to put the bill. Can I amend it to make it Fish and Game? I do not have anything against lawyers—

The SPEAKER. Will the gentleman yield?

It is the opinion of the Chair that that is a frivolous motion which the Chair will not entertain.

Mr. A. K. HUTCHINSON. I do not think it is frivolous.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I, too, oppose the motion to recommit, and I would comment to my friend, Mr. Burns from Bucks County, that if we take his logic on recommitting bills to the Judiciary Committee that they deal with the words and their impact, we would have two committees in this House - Judiciary and Appropriations. We would take the words and they would take the numbers. But I do not think that is what he has in mind. I think he has something else in mind, and I think it would be a tragic mistake today to recommit this bill to the Judiciary Committee. At best, that would mean a delay, and in my view, probably the most likely occurrence will be the death of meaningful no-fault reform during this legislative session.

In 1974 this General Assembly adopted a no-fault statute, and you have heard some remarks today that some people have regretted their vote, and I may have joined them at that time. But the decision was made to go with no-fault, and there are some amendments today that may permit you to vote to repeal no-fault, if that is your wish, and if it has the support, which I doubt that it has, so be it. But to recommit this bill is in fact doing nothing, doing nothing about the two systems of insurance coverage that we have in effect in this State right now. We have a no-fault system, with its unlimited medical coverage, with its collateral and duplicative benefits and all the other good things that no-fault means for our constituents, but we also have, working simultaneously and on top of no-fault, a tort system, the old tort system, whereby every litigant, or virtually every claimant, can get into court on pain and suffering.

In 1974 a \$750 threshold may have been reasonable, but many things have occurred since that time. First of all, we have had rampant inflation which has seen health-care costs go through the ceiling. We have seen the adoption by this General Assembly of the theory of comparative negligence, which means that more people are in court on tort claims. This has all resulted and all accumulated into a system which has tort operating right along with no-fault. Now this is good for those who are injured and obtaining benefits under this system. They obtain the windfall of double recovery, plus

they are in court to obtain their noneconomic losses. But you have to keep in mind that when you have two systems, you have to pay for it, and we pay for it through high—and ridiculously high, in my opinion—insurance premiums. Now, Ed Burns, do not blame the insurance companies for that, because they are regulated in this State.

The SPEAKER. Will the gentleman yield?

The Chair is attempting to be lenient, but the question before the House is a motion to recommit this bill to the Judiciary Committee. I would ask that the members who are on my list to be recognized keep in mind that the motion is not the passage of the bill or the defeat of the bill, but the motion is to recommit to Judiciary.

The gentleman may proceed.

Mr. PICCOLA. Thank you, Mr. Speaker.

My point is that you cannot blame the insurance companies; you cannot blame the lawyers, because they are doing their job in our system of jurisprudence. If we do not address this issue today on the merits and defeat the motion to recommit, we have no one to blame but ourselves, and if our constituents complain to us about the high premiums, we are the ones to blame. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McVerry, on the question to recommit.

Mr. McVERRY. Mr. Speaker, I rise in favor of the motion to recommit the bill to the Judiciary Committee. I find it to be indeed unfortunate that this bill has been characterized as a bill of the insurance industry versus lawyers. I do not believe that to be the case. If we take out the issue of the threshold, lawyers are not involved whatsoever.

I have to agree with Representative McClatchy that this is the most serious vote you will take today, and hopefully, from my opinion, it is the last vote you will take today.

There is a lot of talk about the rates that we are paying for insurance coverage in this State, and indeed the rates are soaring upward.

The SPEAKER. Will the gentleman yield?

The question before the House is the motion to recommit. The gentleman may proceed.

Mr. McVERRY. Mr. Speaker, I urge my colleagues in the House to vote to recommit this bill. I for one, as a member of that committee, would very much like to look into the proposed legislation in greater depth and have requested the chairman of the Judiciary Committee to hold public hearings and have some input of consumers into the interests of this legislation, and I would like to see that end served.

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

Mr. GEORGE. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is the motion of the gentleman from Bucks, Mr. Burns, to recommit the bill to the Judiciary Committee. The gentleman may proceed.

Mr. GEORGE. Thank you, Mr. Speaker.

I am fearful that the Speaker again might suggest that the true and proper reason that we should stand here today is on the motion to recommit, but I hope that the Speaker will

allow some flexibility as to the point of why we should insist on whether or not this bill should be recommitted. I would hope that I would have that flexibility to suggest that the reason—

The SPEAKER. Will the gentleman yield?

Mr. GEORGE. Have I already done it, Mr. Speaker?

The SPEAKER. You are headed that way.

Mr. GEORGE. Could I start over again?

The SPEAKER. The remarks of the gentleman are to be confined to the motion to recommit. The gentleman will note that the Speaker cut off the gentleman, Mr. McVerry, when he started to stray, and will not hesitate to cut off the gentleman, Mr. George.

The gentleman will proceed.

Mr. GEORGE. I will constantly be reminded of that, Mr. Speaker. Thank you.

I look at my desk and I see a brochure, if I may, from our majority leader that reminds us that there are 95 amendments that we should look at, and the reason for the submission of those amendments is that there are many legislators who feel that the bill as presented to us at this moment, Mr. Speaker, will not do the job as the sponsors of that bill originally had hoped.

How am I doing, Mr. Speaker?

The SPEAKER. You are doing just fine.

Mr. GEORGE. Thank you.

The SPEAKER. Does the gentleman want to quit while he is ahead? The gentleman may proceed.

Mr. GEORGE. I myself have in good conscience submitted some amendments that I feel would in some manner of speaking alleviate some of the concerns that have been expressed to me.

I do not want to stand here today and belabor this thing to the point that I am anywhere concerned about attorneys and insurance industries, for I never felt that I was compatible in any way to take either one of them on. But I do insist that I have received some letters from my folks back home telling me that they want something done with no-fault, and the reason for that is the cost. As I read the bill and I read the newspapers and I hear about the \$260 million that will eventually be saved by the ratepayers in Pennsylvania, at the face of that I would suggest that that is a wonderful thing, and that is what we should do, and you are absolutely right that that is what we should do, but as I read into these things where these millions of dollars will be saved and only 20-some cents will be reduced on an individual premium, and as I have in my desk an insurance premium that an individual constituent gave to me for \$2,400 a year, then I compliment the Insurance Committee in this House that they are attempting to do something and they intend to answer the call for help. But I think the most important thing is that as I read page 6 of the bill—and I have stood here before you and have encumbered you for many hours because of my feelings on this matter—I have insisted that personal injury protection could not be sold as an individual coverage, and the reason for PIP and the reason for section 104 was that it in fact mandated mandatory liability insurance.

The SPEAKER. Will the gentleman yield?

The gentleman should have quit while he was ahead. Will the gentleman restrict his remarks to the question, please, of whether or not this bill should be recommitted to the Judiciary Committee.

Mr. GEORGE. And I feel that this bill— And I never was more serious. I am not concerned so much as to what some might think, as I am concerned, that it is our obligation to clean this thing up. But as I read page 6 of the bill—and that is the reason that I am up here right now—it eliminates the need for mandatory insurance.

The SPEAKER. Will the gentleman yield?

Mr. GEORGE. I do not know how else to put it, Mr. Speaker.

The SPEAKER. Please, Mr. George, restrict your remarks to the question of recommitment.

Mr. GEORGE. Just another minute and a half, if I may. Please excuse me. I do not want to cause any problems.

The bill, I feel, should be recommitted for the following reason: that if it should become law and the wording on page 6 should become effective, then I am deeply afraid that those wonderful people whom we represent whom you need not pass mandatory insurance for will come forth on their own to provide some means of protecting their assets. And if that bill is passed, what will happen is we will turn some of those who are forced to be insured now on the highways; there will be a reduction in the amount of revenue that will be gathered by the insurance industry; and that righteous individual who chooses to protect his assets will indeed face incorrigible increases in the rates. And again the responsible will pay and the irresponsible will laugh, and I urge that this bill be recommitted. Thank you, Mr. Speaker.

The SPEAKER. We were all in suspense.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I rise to oppose the motion to recommit. We have heard arguments made here today that we have 99 amendments and there may be 30 or 40 more coming and that this is not the right way to consider a complicated piece of legislation. I am sympathetic to those arguments. I think that is right, and I wish it were possible for the Judiciary Committee and the Insurance Committee to work together and give us a bill that we could all support. But that is not going to happen, and I think every member here knows that.

If this bill goes to the Judiciary Committee, one of two results will occur. Either the bill will be killed, or the bill will be reported out with amendments which are favored by the trial lawyers, and then we are going to be confronted with 99 amendments offered by people who do not like that and who want to do things that the insurance companies think ought to be done to this bill. So it is just a question of either killing this or putting the fight off to another day, Mr. Speaker, and I think the proper time to decide this is now.

Furthermore, the argument has been made that we need public hearings, and I have consistently on committees voted to have public hearings, oftentimes against the wishes of the Republican majority. But this is an issue which has been well

ventilated. This bill came out of committee at the beginning of the summer. We have received communications galore, this morning three or four more, telling us about what the good features and the bad features are to this bill. We have all had an opportunity to poll our constituents and to discuss this with people at home. I do not really understand what supersolution people think is going to be suggested if we have more public hearings. I assume that if there are some hidden ideas or hidden solutions which are a better way to reform the no-fault law, that they appear somewhere in that packet of 99 amendments.

Furthermore, Mr. Speaker, while I do not support this bill the way it is drafted now, I think there are going to be some amendments offered as we consider this bill which will clean it up and will make it a bill that many of us can vote for. I think the time to decide is now, and I think that we ought not put it off because we want to go home or because we think that this is too complicated an issue for us to consider.

So, Mr. Speaker, I urge that we reject recommitment, and we get on with the business at hand. Thank you.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I rise to urge my colleagues to vote against the recommitment of this legislation, especially to the Judiciary Committee. I think that in the wisdom of this House it was probably correct that the Judiciary Committee has 21 lawyers to three nonlawyers, and I suppose that that is very good when they are dealing with only issues of a judicial nature. However, Mr. Speaker, I believe that today we are going through the legislative process.

I have served on the Education Committee when we have brought to this House the School Code, and as I recall, we had many amendments to the School Code. It appears to me, Mr. Speaker, that all major issues coming before this legislature, and in particular this House, have to come to this point, because we are the people's voice. To put it back into committee and to put it into a committee where we know that there will probably be little chance of its surfacing again, if it had to be recommitted, which I am against, Mr. Speaker, it would appear to me that it should go back to the committee that has worked on this issue so long.

Mr. Speaker, our committees are formed as to subject matter. The Insurance Committee has for many months labored on this issue, and now they are prepared to bring it to every member of this House. We were elected not to just put an up or down vote; we were elected so that we can come to this point in legislation where we can look at the different amendments, make a better piece of legislation so that we can help reduce payments, premiums, insurance premiums, for our motorists, and to protect, which is another issue of this bill, those people on our highways against the uninsured motorist.

Mr. Speaker, I think every member of this House has to look to their own conscience to see that now is the hour when this legislation must be addressed by the members of this House. Thank you very much.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

I must admit, Mr. Speaker, when the Committee on Committees met at the beginning of this session, they selected me to be a member of the Insurance Committee. That was probably my 15th of 21 choices of the standing committees, and I did not really know why I was selected for there. But I am very happy that I was, in retrospect, because when no-fault came before the committee, because of my, if you will, ignorance of the insurance industry and the insurance laws of Pennsylvania, I moved immediately for no-fault to be placed before the public in public hearings. That was rejected. The rejection came mainly because of the excuses that were brought before me to the fact that we have been considering reform for the no-fault bill of 1974 every year since it passed. Personally, I think there are over 20 percent of the members of this House who are serving in their first term, and I believe that probably the vast majority of this House was not even here in 1974, and I felt at the time, as I do now, that public hearings were definitely in order for no-fault reform.

I have heard that since 1974 there has been a Band-Aid approach to no-fault reform, that this has been probably the most comprehensive reform package on no-fault that we have had before this chamber. I think it highly deserves public hearings. I do not think we can achieve public hearings in the Insurance Committee, and I think primarily that is why I stand here in support that the no-fault bill go and be referred to another committee. It was suggested by Representative Burns that it go to Judiciary; that is fine with me. I hope Judiciary considers public hearings, and I hope they do not kill no-fault in this State.

I am not voting for recommitment today because I want to see this bill killed; I want a fair public hearing by the consumers of this State, and I think the Judiciary Committee should give it to us. Thank you, Mr. Speaker.

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

Mr. GALLEN. Mr. Speaker, the current no-fault law in Pennsylvania is a mess. Today is the day to address the issue; to do otherwise is a copout.

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

Mr. TRELLO. Mr. Speaker, I rise to support the recommitment motion, and for a couple of real good reasons. Number one: I can remember when I introduced a bill up here and I appeared before a committee to ask for support and one of the members said, I cannot vote for that because the voters in my district are not intelligent enough to know what is going on. And I responded by saying, I think the voters in my district are the most intelligent of all; after all, they did elect me to come up to serve them. And after I got finished saying that, he said, I think I get the message.

What I am really trying to say here today is, do not underestimate the constituents back in your district. I received more mail on this issue than any other single issue since I have been up here, and they demand that their voices be heard. They want input into this legislation.

I firmly believe that this should be recommitted to the Judiciary Committee for public hearings. This affects everybody in the State of Pennsylvania, and I for one believe that the constituents in my district are the most intelligent voters in the State of Pennsylvania, and they want to be heard. I urge everybody to think about it and support the issue of public hearings so that their intelligent constituents can be heard on this matter. Thank you very much.

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

Recommitting this bill to Judiciary is to me tantamount to the little scene when the warden led someone down death row to the electric chair, with the one to be executed understandably objecting and the warden calmly saying, as they stood by the electric chair, now look, let us just sit down and talk this over.

The gentleman making the motion to recommit to Judiciary is not naive. That is the death knell for the bill if it goes back there for this session. Where will that leave us as individuals? I will tell you where it will leave us. It will be saying to the public that we do not care to do our job here on the floor of this House, that we are afraid to address the issue, and furthermore, the message back home, whether it be from people in your district or a potential opponent, is going to be, if you vote to recommit, oh, he is satisfied with the no-fault system in Pennsylvania as it exists; he is perfectly happy with insurance as it is. I do not think you want that to be the message going through your district. I strongly urge a "no" vote on recommitment.

PARLIAMENTARY INQUIRY

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, did you say we could amend the motion?

The SPEAKER. What is the nature of the amendment?

Mr. LETTERMAN. I would like to have this bill recommitted to the Insurance Committee. I think they have done a fairly good job, and I think now that they can see the amendments that we have all brought up, it would give them a good opportunity to work with the bill. I do not see any difference putting it in Judiciary. You are just putting it someplace else where the hounds are and can get at it. It came from the Insurance Committee, and I think it should stay there.

Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. LETTERMAN. If I am allowed to amend, I would like to amend my amendment. May I explain what is happening? Most of the people I have talked to just do not feel that it should be in either one's hands. Now, when we said Fish and Game, of course you thought that was frivolous, but we thought it was right, but we will go along with Consumer Protection. We want it to be the protection for the consumer; we do not want it for either the insurance companies or the attorneys.

The SPEAKER. In response to the point of inquiry raised by the gentleman, Mr. Letterman, as to whether or not the motion to recommit the bill to Judiciary can be amended, it is the opinion of the Chair that it can be amended.

Mr. LETTERMAN. I therefore do so.

MOTION TO AMEND

The SPEAKER. Will the gentleman state his amendment.

Mr. LETTERMAN. I would like to make the motion that we recommit this bill to the Committee on Consumer Protection.

The SPEAKER. The question before the House is, will the House agree to the amendment made in the form of a motion by the gentleman from Centre, Mr. Letterman, that the Burns motion to recommit the bill to Judiciary be amended to the Consumer Affairs Committee? That is the question presently before the House.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

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

Miss SIRIANNI. Mr. Speaker, is it proper to amend the amendment?

The SPEAKER. What is the nature of the lady's amendment?

Miss SIRIANNI. I would like to amend it to go back to the Insurance Committee.

The SPEAKER. It is the opinion of the Chair that the amendment suggested by the lady would not be in order. What the lady might do is, if this amendment is defeated, at that time make such a motion.

Miss SIRIANNI. Thank you, Mr. Speaker.

POINT OF ORDER

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

Mr. PISTELLA. Point of order, please, Mr. Speaker.

The SPEAKER. Will the gentleman from Allegheny, Mr. Pistella, state his point of order.

Mr. PISTELLA. Mr. Speaker, I am confused in light of the sequence of motions that have been presented to the Speaker. Would you be kind enough, sir, to explain the sequence of votes to take place and then the results of those votes?

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Burns, from Bucks, moved that HB 1285 be recommitted to the Committee on Judiciary. After a lengthy debate on that question, the gentleman from Centre, Mr. Letterman, moved to amend the motion of the gentleman, Mr. Burns, to change the committee designation on the recommittal motion to Consumer Affairs.

The question before the House at this time is whether or not the House will agree to the motion of Mr. Letterman to

amend from Judiciary to Consumer Affairs. If that motion carries, the motion before the House at that time will be to recommit the bill or not recommit the bill to Consumer Affairs. If the gentleman, Mr. Letterman's motion fails, the question will recur, should the House recommit the bill to the Judiciary Committee?

Mr. PISTELLA. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. FRAZIER. Point of parliamentary inquiry.

The SPEAKER. Will the gentleman from Allegheny, Mr. Frazier, state his point of parliamentary inquiry.

Mr. FRAZIER. Mr. Speaker, I believe Representative Amos Hutchinson made a similar motion, and although it excited interest on the part of the House to recommit to Game and Fisheries, there was an inconsistent ruling that at that time the motion to amend the motion was ruled out of order.

My point of parliamentary inquiry would be to distinguish between the two rulings.

The SPEAKER. It was the opinion of the Chair at the time the gentleman, Mr. Hutchinson, made the motion that it was in the nature of a frivolous motion, and the Chair did not entertain the motion. If the gentleman objected to that, he had the opportunity to appeal from the ruling of the Chair.

Mr. FRAZIER. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, I would ask the members to vote in the negative on the amendment to the original motion, please. Thank you.

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

Mr. RAPPAPORT. Mr. Speaker, would the gentleman from Tioga, the chairman of the Judiciary Committee, consent to brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman from Philadelphia, Mr. Rappaport, may proceed with his interrogation.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman inform us that if this bill is committed to the Committee on Judiciary, will it be the intention of the gentleman to have hearings on the bill and to promptly consider the bill after proper hearings?

Mr. SPENCER. In the event the bill is recommitted to Judiciary, it will be handled like all major pieces of legislation that come through Judiciary, and there will be public hearings.

Mr. RAPPAPORT. I thank the gentleman, Mr. Speaker.

Mr. Speaker, I am not going to make all the remarks I was going to make in support of Mr. Burns' motion. I will speak later on that. I would just say that there is no question in my mind that this bill should not come back to the Insurance Committee and that the Judiciary Committee is the proper place for this. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is not recommittal to the Committee on Insurance, but rather the Letterman amendment to recommit to Consumer Affairs.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

If I may, I would oppose the Letterman amendment and ask for a "no" vote.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Letterman, to amend the motion of the gentleman, Mr. Burns, that the bill be recommitted under his amendment to the Committee on Consumer Affairs.

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

The following roll call was recorded:

YEAS—51

| | | | |
|-------------|----------------|-----------|-----------------|
| Brown | Hasay | Miscevich | Sirianni |
| Caltagirone | Horgos | Moehlmann | Snyder |
| Cappabianca | Hutchinson, A. | Morris | Stewart |
| Cochran | Kennedy | Mrkonic | Swift |
| Cohen | Laughlin | Murphy | Tigue |
| DeWeese | Letterman | Petrarca | Trello |
| Dawida | Livengood | Petrone | Wambach |
| Dietz | Lloyd | Pistella | Wargo |
| Dombrowski | Lucyk | Pott | Williams, H. |
| Dorr | McClatchy | Pratt | Williams, J. D. |
| Fargo | Merry | Saurman | Wilson |
| Gamble | Michlovic | Serafini | Wozniak |
| Haluska | Miller | Shupnik | |

NAYS—145

| | | | |
|------------|-----------------|------------|---------------|
| Alden | Duffy | Kukovich | Ritter |
| Anderson | Durham | Lashinger | Rocks |
| Armstrong | Evans | Lehr | Rybak |
| Arty | Fee | Lescovitz | Seventy |
| Barber | Fischer | Levi | Showers |
| Belardi | Fleck | Levin | Sieminski |
| Belfanti | Foster, W. W. | McCall | Smith, B. |
| Beloff | Foster, Jr., A. | McIntyre | Smith, E. H. |
| Berson | Frazier | McMonagle | Smith, L. E. |
| Bittle | Freind | McVerry | Spencer |
| Blaum | Fryer | Mackowski | Spitz |
| Borski | Gallagher | Madigan | Stairs |
| Bowser | Gallen | Maiale | Steighner |
| Boyes | Gannon | Manderino | Stevens |
| Brandt | Geist | Manmiller | Stuban |
| Burd | George | Marmion | Swaim |
| Burns | Gladeck | Micozzie | Sweet |
| Cawley | Grabowski | Mowery | Taddonio |
| Cessar | Gray | Mullen | Taylor, E. Z. |
| Cimini | Greenfield | Nahill | Taylor, F. E. |
| Civera | Greenwood | Noye | Telek |
| Clark | Grieco | O'Donnell | Van Horne |
| Clymer | Gruitza | Olasz | Vroon |
| Colafiglia | Gruppo | Oliver | Wachob |
| Cole | Hagarty | Pendleton | Wass |
| Cordisco | Harper | Perzel | Wenger |
| Cornell | Hayes | Peterson | Weston |
| Coslett | Heiser | Phillips | Wiggins |
| Cowell | Hoefel | Piccola | Wogan |
| Cunningham | Honaman | Pievsky | Wright, D. R. |
| DeMedio | Itkin | Pitts | Wright, J. L. |
| DeVerter | Jackson | Punt | Wright, R. C. |
| Daikeler | Johnson | Rappaport | Zwinkl |
| Davies | Kanuck | Rasco | |
| Deal | Klingaman | Reber | Ryan, |
| Dininni | Kolter | Richardson | Speaker |
| Donatucci | Kowalshyn | Rieger | |

NOT VOTING—1

Hutchinson, W.

EXCUSED—5

| | | | |
|---------|-------|-------------|-----------|
| Emerson | Lewis | Pucciarelli | Salvatore |
| Irvic | | | |

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

The SPEAKER. The question recurs, shall the bill be recommitted to the Committee on Judiciary under the motion of the gentleman from Bucks, Mr. Burns?

MOTION TO AMEND

The SPEAKER. Does the lady from Susquehanna, Miss Sirianni, care to debate the question of recommitment to the Judiciary Committee?

Miss SIRIANNI. Mr. Speaker, you told me before that I could make the amendment now.

The SPEAKER. The lady is in order.

It is the understanding of the Chair the lady moves that the motion of Mr. Burns to recommit the bill to the Judiciary Committee be amended to provide that the bill be recommitted to the Committee on Insurance. Is that correct?

Miss SIRIANNI. Yes, Mr. Speaker.

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

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

Mr. DAVIES. Mr. Speaker, could that amendment be amended to include the public hearing process in commitment?

I would so amend, Mr. Speaker, that if it is recommitted to that committee, that there be guarantees of public hearings.

Miss SIRIANNI. Mr. Speaker, he cannot amend my amendment, can he? I could not, so why can he?

Mr. DAVIES. I beg your pardon. I did not hear that, Mr. Speaker.

Mr. Speaker?

The SPEAKER. For what purpose does the gentleman, Mr. Davies, rise?

Mr. DAVIES. I withdraw the motion.

The SPEAKER. The Chair appreciates that.

The question before the House is, should the motion to recommit made by the gentleman, Mr. Burns, be amended from a recommitment to the Judiciary Committee to a recommitment to the Committee on Insurance?

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

Mr. RAPPAPORT. Mr. Speaker, the Insurance Committee, despite requests by many members, held no hearings on this bill, absolutely none. In fact, if memory serves me—I may be wrong on this—I think the bill, if in print, was barely in print when we voted on it. I do not think—and I will speak about this at length on Mr. Burns' motion—that the bill will get any more consideration in the Insurance Committee the second time than it got the first time. And while I am the minority chairman of that committee and I am usually very jealous of the jurisdiction of the committee I am involved in, I

do not think there is any point to be served in sending this back to the Insurance Committee. I therefore urge a "no" vote. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, the minority chairman is incorrect. There were three distinct and open meetings held on that piece of legislation. No one was refused their right to have input into that legislation. I think members of the committee worked as diligently on that bill as they have on many others. If you are going to speak about public hearings, you can go back to September 20, 1977, June 7 and 8 of 1979, a national seminar of November 3 to 4, 1977, and now you are going to say we need additional public hearings.

I think the members of this body are very well aware of all those issues that surround the No-fault Automobile Act, and to do less today than move toward reforming that measure, I think, is a dereliction of our duties. We have an obligation to the people of this Commonwealth to proceed, because this bill, whether it goes back to Insurance and public hearings are held or whether it goes to Judiciary and public hearings are held or whether it goes to Professional Licensure or Consumer Affairs or wherever, when it comes back out on this floor there will be a plethora of amendments that will be here to meet you and greet you each and every time, and I ask for a negative vote.

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

Miss SIRIANNI. Did I understand that Mr. DeVerter does not want this to go back to the Insurance Committee if it goes back anywhere?

The SPEAKER. The gentleman indicated that he asked for a negative vote.

The Chair recognizes the gentleman, Mr. DeVerter.

Mr. DeVERTER. If part of the amendment, Mr. Speaker, was on the condition that public hearings be held.

Miss SIRIANNI. I did not place that in my amendment.

Mr. DeVERTER. Then I would prefer the bill to come back to Insurance if in fact it has to be returned. I was only trying to express, Mr. Speaker, the fact that the committee, the staff, and many members of that committee who chose to participate in this process worked long and hard hours to bring this bill to this point. We have a number of amendments that will correct many of the ills that Mr. George spoke about and others, and I am sure if we do our responsibility here today of moving forward with this, we can get it accomplished quickly and in the best interest of the citizens of this Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, on the question of the amendment raised by the lady that the bill be recommitted to the Committee on Insurance rather than the Committee on Judiciary.

Miss SIRIANNI. Mr. Speaker, then I would say that Mr. DeVerter would be in favor of my amendment, even though he is not in favor of recommitment, and I do not think he expressed it that way. Am I right, Mr. Speaker?

Mr. DeVERTER. If that is a question, Mr. Speaker, I would much prefer the bill returned to Insurance, if that is the way the members feel. All I am trying to do is express the hope and desire that it is not returned to any committee, that this body face up to its responsibility and move ahead. The issue is not going to go away, and, as I said, the amendments are going to be here regardless of what we take it back to and do with it in any committee.

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

Mr. RAPPAPORT. Mr. Speaker, I am not going to get into a debate over what was held. As I remember, these were discussion meetings held in the Insurance Committee. The bill was not before us. It was not a public hearing; it was merely everybody coming in and chewing the fat for a while, and that to me is not a hearing, and I think we have to have hearings.

I am reminded that when I was a freshman, I was constantly upset when I would sit in caucus and hear a senior member get up and say, well, this is bill such-and-such; we considered it last session and it is a good bill; let us pass it this session. And I did not know what they were talking about, did not have a clue. And I started yelling, well, tell me what the bill is about, but in those days freshmen were not listened to too much, so I never really found out.

In this particular bill we must have hearings. The fact that there are these many amendments shows that the bill was not adequately considered in committee. The bill does not hang together. There is no philosophical unity to it. The language that the chairman cited from Judge Cercone is very apt. The bill we are living with is horrible. It has taken us 10 years for the courts to find out what it means. If we start writing this bill all over again on the floor, it is going to take us another 10 years of expensive lawyer's fees. This bill, when we are going to be finished with it, either in its present form or after amendments, is really going to be the lawyer's rest and relief act of 1981—and I speak as a member of the bar—not a way of reducing the costs to the consumer in Pennsylvania. I do not think it should take 10 years for the courts to decide what we meant, and that is what has been going on, and that is what we want to put a stop to and have a decent bill that everybody can understand in plain language. I urge a "no" vote on the Sirianni amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Alden, on the Sirianni amendment.

Mr. ALDEN. Mr. Speaker, I rise to oppose the Sirianni amendment. It seems to me that a great many of the speakers have gotten up and talked about the public and how much it is going to save them and how much it is going to be to their interests. However, if you send it back to the Insurance Committee, Mr. DeVerter has indicated that there will not be any public hearings, so the public will have no input, and I say to have a committee hearing that is open to the public is not having a public hearing. In that vein I would oppose Miss Sirianni's amendment.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach, on the question of the Sirianni amendment.

Mr. WAMBACH. Mr. Speaker, thank you.

I rise to oppose the Sirianni amendment. When you are speaking so late on a motion, it seems that a major portion of your remarks have been taken up by other speakers. However, I would just like to say that when the first meeting was held on this bill back in, I believe, the first week in May, I asked the representatives of the insurance industry who attended, and they do attend—

The SPEAKER. Will the gentleman yield?

The question before the House is, should the motion of Mr. Burns be amended from Judiciary to Insurance as suggested by the lady, Miss Sirianni?

Mr. WAMBACH. Mr. Speaker, in all due respect, I thought I was speaking on why I do not want it back in Insurance. I was citing certain examples.

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

Mr. WAMBACH. So the example I would like to get to, Mr. Speaker, one of many, is that I asked a question at that first meeting with the step-by-step reform to no-fault, could the industry provide us with figures for savings to the policyholders? That was in May, Mr. Speaker, and 6 months later I still await those figures from the industry itself to me and other members of the committee directly. We have not heard on that issue. There were different issues brought about as far as, for instance, trying to help with the situation with the uninsured motorists that came up in committee, where the insurance industry would only provide a card for the paid-up period of the policy, not for the policy period. We were told by one official there that it would cost \$48 million. Another official walked in, and I asked the same question, and it would cost \$150,000.

These are things I believe that must be addressed; they will not be addressed without a public hearing. And I think with Mr. DeVerter's position against public hearings, it must be defeated, the Sirianni motion, and we should move to recommit to Judiciary. Thank you, Mr. Speaker.

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

Mr. MISCEVICH. Mr. Speaker, I, too, rise to oppose the Sirianni motion. I feel that this bill has been in the Insurance Committee, no injustice to the Insurance Committee, but it has been there for over 8 months. They have done very little with the bill, and the number of amendments on our desks can attest to it.

I think that this thing should be put out for hearings. Every major city in this State should have a hearing so that we have public input. This bill affects almost every resident in this State, and the people of Pennsylvania are very much interested in having insurance and having a viable insurance that will do something for all the residents in Pennsylvania. When people could lie in the hospital and are not even insured and collect insurance through the no-fault system, there has to be something wrong with our system. So to sit here today and say that we are going to put this back into a committee and do nothing with it, there must be something wrong with what we are saying here today. We must do something with it and

change the system, and the best way to do it, if Mr. Spencer is willing, is—and he is on record as saying that he will hold public hearings—let us let Mr. Spencer have it, hold public hearings, and let us do something with this bill. We are up here to do a job for the people of Pennsylvania anyway, so let us get on with the job.

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

Mr. MARMION. Thank you, Mr. Speaker.

I rise in support of the Sirianni amendment. To me, the logical spot for this to go is back to the Insurance Committee. We have amendments that we can discuss. We may be able to hold public hearings. To turn this over to the Judiciary Committee is like putting the fox in charge of the henhouse. Thank you.

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

Mr. MOWERY. Thank you, Mr. Speaker.

Mr. Speaker, I am very disappointed in some of the comments that I have heard here this morning by other members of the House as they relate to the chairman of the Insurance Committee. I think it is a shame, for whatever the reasons are that each of us has today of feeling either pro or con regarding the bill, that we have to stoop to degrade other members of the House who worked very hard to try to bring in front of us a bill for consideration.

We hear a lot about these amendments. You know, Mr. Speaker, the only time we ever have a lot of amendments on any bill is when those who are on two sides of the issue or opposite sides of the issue cannot get together. We have 80-some, maybe 100-some amendments. Whether this bill goes back to the Insurance Committee and has hearings or whether it goes to Judiciary or Consumer Affairs will mean very little as to the number of amendments when it comes back to us for consideration.

I think that we have always tried, in the time I have been here, to give proper consideration to the committee which has reported a bill to the floor of this House. I think we are due that courtesy to Representative DeVerter and his committee. I know that there are a lot of strong feelings as to whether or not the committee has done its job, and I think most of it lies within one framework of the bill, and that is the threshold. I personally, after reviewing the number of amendments, realize that most of those amendments one way or another can satisfactorily, at the wisdom of this House - all members, not the committee but all members, if that is really what we want to do, all have input - correct what you perceive as the problem.

You know, I am in the insurance business. I am not with an insurance company; I am an independent agent. I have had an opportunity to view firsthand the problems of your constituents and mine. When insurance premiums in the amount of \$1,400, \$1,500, \$2,000 are before your constituents—

The SPEAKER. The gentleman will yield.

The Chair is attempting to be fair in this. Would the gentleman please restrict his remarks to the question before the House, which is the amendment of Miss Sirianni changing the

motion of Mr. Burns from Judiciary to the Insurance Committee on recommitment.

Mr. MOWERY. Thank you, Mr. Speaker.

You are correct. I did get off track, but I would like to just sum up my statements on recommitment on the basis that I do not believe that the bill should be recommitted, period. If it is to be recommitted, I think that it should go to the Insurance Committee for further consideration. I think that they have spent a lot of time, have worked hard on it, and most importantly, I believe they deserve a pat on the back rather than some of the comments that some of the members made regarding the job they did. Thank you, Mr. Speaker.

The SPEAKER. Is the gentleman from Philadelphia, Mr. Williams, rising to a point of order?

Mr. H. WILLIAMS. Sort of like that, Mr. Speaker.

The SPEAKER. Or to debate this particular amendment?

Mr. H. WILLIAMS. Not to debate but to make a motion to move the previous question, if that would be in order, on the Sirianni amendment. Would that be timely at this time?

The SPEAKER. For the benefit of the gentleman, there are only two other people listed to speak on this amendment.

Mr. H. WILLIAMS. Okay, Mr. Speaker, I do not want to speak on this amendment. I just wanted to know whether we were ready to close that debate, and I will withdraw my observation.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. ROCKS. Mr. Speaker, a point of parliamentary inquiry, please.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. ROCKS. Mr. Speaker, it is my understanding that this House has the ability to recommit a bill with instructions from the House. Would the Speaker be able to inform me how, with the motion in front of us, we might be able to attach the instructions from the House of Representatives that the bill be recommitted to Insurance with the purpose of conducting public hearings?

The SPEAKER. It is the opinion of the Chair that such an amendment cannot be made at this time. However, if at the conclusion of this question the gentleman wanted to propose an amendment for whatever committee is then before us, be it Judiciary or Insurance, a different amendment or a separate amendment could be proposed that that committee be instructed to hold public hearings. If the gentleman's thoughts are that the Insurance Committee should ultimately end up having public hearings, then at the conclusion of this vote, if the motion of Miss Sirianni carries, the Chair would entertain an amendment from the gentleman to include the binding instructions of public hearings.

Mr. ROCKS. Thank you, Mr. Speaker.

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

Mr. GANNON. Mr. Speaker, would the Democratic chairman, Representative Rappaport, consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Rappaport, indicates he will stand for interrogation. The gentleman, Mr. Gannon, may proceed on the question of the Sirianni amendment.

Mr. GANNON. Mr. Speaker, do you have any recollection as to whether at the time the Insurance Committee was discussing these bills, whether a motion was made at that time to have public hearings by any member of the committee?

Mr. RAPPAPORT. I believe it was made, Mr. Speaker.

Mr. GANNON. Mr. Speaker, I have checked with the secretary of the committee, and we have no record of any such motion being made. I am sure there would be a record of it with a roll-call vote on that type of motion, so I would disagree with the gentleman. And I would like to say at this time that I am a little bit surprised that this would be the reason for requesting that the bill not go back to committee.

I oppose the Sirianni amendment—that is why I am standing here—but for different reasons. I think the Insurance Committee did an excellent job in examining the bill. We worked 3 separate days on the legislation and went into great detail. My recollection is that there was a great deal of discussion. My recollection is that there was not any request for public hearings at that time. Whether the Judiciary Committee would want to or be instructed to have public hearings if the bill is sent back there is another question. But I think that any attempt to refer this back to the Insurance Committee would just be a waste of the time of the Insurance Committee, quite frankly. I think we have done an excellent job, as a member of that committee. We examined the bill in great detail, did not pass over any of the major items in the bill, and, therefore, I am standing in defense of the committee, of the chairman, and commending him for the job that he did, but at the same time I am requesting a “no” vote on this motion to refer it back to the committee. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman, Mr. Rappaport, rise?

Mr. RAPPAPORT. Mr. Speaker, I am informed by the gentleman from Dauphin, Mr. Wambach, that he indeed made such a motion and the motion was defeated at the first meeting of the Insurance Committee on this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeVerter, on the question of the Sirianni amendment.

Mr. DeVERTER. Mr. Speaker, in response, in discussion with the secretary of the committee, we are trying to get the notes reviewed at the moment. There was not a request, a formal motion, placed before the committee for public hearings.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The question before the House is the Sirianni amendment.

Mr. WAMBACH. Mr. Speaker, I think my integrity is on the line here, too. I would like to refute that, please. I would like to rise to a point of personal privilege.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach, under personal privilege.

Mr. WAMBACH. Thank you.

Mr. Speaker, the first action at the first meeting of the Insurance Committee on HB 1285, I believe in the first week of May, I made a motion for public hearings. It was defeated by a voice vote of that committee, but I made the motion. I resent personally, Mr. Speaker, the fact that I did not make the motion. I felt so strongly in representing the public, that the public should have a direct say in this bill. The motion was made; the motion was defeated by a voice vote. And I will say this: It was the first meeting, the first action of the committee on the bill. Thank you, Mr. Speaker.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The list that the Speaker has been maintaining shows the gentleman from Philadelphia, Mr. Richardson, is next in line on this question.

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

Mr. GANNON. Just a brief remark, Mr. Speaker.

If I was wrong—

The SPEAKER. The only question before the House is the question of the amendment of Miss Sirianni.

Mr. GANNON. Well, then, a point of personal privilege, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Mr. Speaker, if I was wrong, then I stand corrected, and I accept that correction if I was wrong, and I would apologize to the Representative. If he felt that that was a personal remark addressed to him, it was not.

PARLIAMENTARY INQUIRY

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

Mr. RICHARDSON. I have a point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. RICHARDSON. I would like to know, what is the order and sequence of events that is taken by the Chair to recognize persons who stand before this microphone to be recognized to speak on various issues?

The SPEAKER. The assistant to the Speaker makes a list of the members as they rise. It may not be entirely accurate, but the Chair attempts to call on the members as they indicate they wish to speak on the bill.

Mr. RICHARDSON. Well, Mr. Speaker, I would like to share this with you. From the time the gentleman, Mr. Hutchinson, rose and you pointed out that it was a frivolous motion, I was standing at this microphone. From the time that Mr. Letterman rose to raise his point dealing specifically with asking that the bill be recommitted to the Consumer

Affairs Committee, I was standing at this microphone. When the lady, Miss Sirianni, made her motion—

The SPEAKER. Will the gentleman yield a moment?

Perhaps this problem comes about by reason of the actions of the Speaker. The Speaker has a separate list of members who have indicated they wanted to speak on the question of recommitment to Judiciary. The gentleman is on that list as well as the new list. So if the gentleman feels slighted, the Chair apologizes for its mistake.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

I rise to speak specifically on the motion, which is to amend the Burns motion to the Committee on Insurance. I rise to oppose that motion, and I do so for several reasons.

Number one, it seems to me that in this Commonwealth there are a number of persons who are concerned about their lives and livelihood riding in automobiles, and if people are to be concerned with that, then we must look at past history. The Insurance Committee decided that in its wisdom it did not want to hold public hearings. What I have already heard on this floor is where the Representative has indicated as chairman of the Judiciary Committee that he would hold immediate public hearings. I think within that light we should respect that and then move to defeat this amendment and then move to support the Burns motion so that this bill can be recommitted for public hearings by the Judiciary Committee.

The SPEAKER. The question before the House is the amendment to the Burns motion. On the question, should the recommitment be to the Insurance Committee, those in favor will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—50

| | | | |
|------------|-----------|-----------|---------------|
| Anderson | Fryer | Mackowski | Rybak |
| Bowser | Gallen | Madigan | Saurman |
| Boyes | Geist | Manmiller | Showers |
| Cessar | Gruppo | Marmion | Sirianni |
| Coslett | Hayes | Merry | Smith, B. |
| Cunningham | Heiser | Morris | Smith, L. E. |
| DeVerter | Honaman | Noye | Spencer |
| Daikeler | Kennedy | Pendleton | Stairs |
| Dawida | Klingaman | Perzel | Taddonio |
| Dininni | Kowalshyn | Peterson | Vroon |
| Dombrowski | Levi | Phillips | Wass |
| Dorr | Lloyd | Piccola | Wright, D. R. |
| Fargo | McClatchy | | |

NAYS—146

| | | | |
|-------------|-----------------|-----------|---------------|
| Alden | Evans | Levin | Serafini |
| Armstrong | Fee | Livengood | Seventy |
| Arty | Fischer | Lucyk | Shupnik |
| Barber | Fleck | McCall | Sieminski |
| Belardi | Foster, W. W. | McIntyre | Smith, E. H. |
| Belfanti | Foster, Jr., A. | McMonagle | Snyder |
| Beloff | Frazier | McVerry | Spitz |
| Berson | Freind | Maiiale | Steighner |
| Bittle | Gallagher | Manderino | Stevens |
| Blaum | Gamble | Michlovic | Stewart |
| Borski | Gannon | Micozzie | Stuban |
| Brandt | George | Miller | Swaim |
| Brown | Gladeck | Miscevich | Sweet |
| Burd | Grabowski | Moehlmann | Swift |
| Burns | Gray | Mowery | Taylor, E. Z. |
| Caltagirone | Greenfield | Mrkonic | Taylor, F. E. |
| Cappabianca | Greenwood | Mullen | Telek |

| | | | |
|-----------|----------------|------------|-----------------|
| Cawley | Grieco | Murphy | Tigue |
| Cimini | Gruitza | Nahill | Trello |
| Civera | Hagarty | O'Donnell | Van Horne |
| Clark | Haluska | Olasz | Wachob |
| Clymer | Harper | Oliver | Wambach |
| Cochran | Hasay | Petrarca | Wargo |
| Cohen | Hoeffel | Petrone | Wenger |
| Colafella | Horgos | Pievsky | Weston |
| Cole | Hutchinson, A. | Pistella | Wiggins |
| Cordisco | Itkin | Pitts | Williams, H. |
| Cornell | Jackson | Pott | Williams, J. D. |
| Cowell | Johnson | Pratt | Wilson |
| DeMedio | Kanuck | Punt | Wogan |
| DeWeese | Kolter | Rappaport | Wozniak |
| Davies | Kukovich | Rasco | Wright, J. L. |
| Deal | Lashinger | Reber | Wright, R. C. |
| Dietz | Laughlin | Richardson | Zwinkl |
| Donatucci | Lehr | Rieger | |
| Duffy | Lescovitz | Ritter | Ryan, |
| Durham | Letterman | Rocks | Speaker |

NOT VOTING—1

Hutchinson, W.

EXCUSED—5

Emerson Lewis Pucciarelli Salvatore
Irvis

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

The SPEAKER. The question recurs, should the House recommit HB 1285 to the Committee on Judiciary?

On that question, the Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

I rise to oppose the Burns motion to recommit. This is a very difficult issue, and I think we all realize that. It is not going to be any easier next month; it is not going to be any different next summer; it is not going to be any different a year from now. I am told by those who were here before that the debate is the same; only the actors are different. This issue is not a simple one. It is one where we have sides that are very divided, and we have been unable to get them together.

If we recommit this bill to any committee, we are only hurting the consumer. The only thing we are doing by recommitting is keeping the system that we have today where our consumers are paying and paying and paying. There are two winners in the present system. I have heard those say that the trial lawyers have the best of two worlds because we have a double system - a fault system and a no-fault system. If we recommit this bill—

The SPEAKER. The gentleman will yield.

The question before the House is the question of recommitment to the Judiciary Committee. It is not in order to debate the merits of the bill. The gentleman may proceed.

Mr. PETERSON. If we recommit this bill, we are keeping intact a system that our people cannot afford. If we recommit this bill, we have a system presently that has such broad coverage—

The SPEAKER. The gentleman will yield.

Now, the gentleman knows better. The question before the House is, should the bill be recommitted to the Committee on Judiciary?

Mr. PETERSON. I rise to oppose the motion to recommit. I certainly second the comments of Frank—our good fellow, Frank Marmion—and I hold the legal community in the highest regard, but we all come to this House with our bias. I agree with the comments that were made earlier and were allowed to be made, that it was like putting your prize chicken in a fox den for safety.

I oppose recommitment of this bill on behalf of the ratepayers of Pennsylvania. The present system is unaffordable, and it is time we face it and we address it. If we can put this back into committee as many times as we want, the same amendments will be here depending on which way the bill is weighted when it comes out. I do not think the number of amendments will change. Someday, sometime, this House is going to have to face this issue and make some tough decisions, and each day that we delay, we are causing our people to pay and pay and pay.

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

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

I hesitate to add further to the debate on recommitment, but I just want to tell a little story. I heard on the radio coming up here a commentary by William Rusher. He was relating how biased the news media is when they take a certain position, and he referred to this media person who said that President Reagan was politically dead because of the Iowa thing awhile back and how the same guy was covering the missile appropriation debate. He referred to Senator Garn, I think it was, as the superhawk, and then went on to make his comments, and referred to Senator Stevens as Senator Stevens. Well, Mr. Rusher said it is really crazy how people in the media inject their own bias and give their own result including themselves. But the point he made was that so often people are in positions to influence what we do. In this instance, Mr. Speaker, my point is this: We have been inundated by the insurance lobby, by the lawyer lobby, and by thousands of constituents. Now, I am a lawyer, and I understand this matter. I will tell you quite frankly, I am confused, and I am sure that perhaps 70 percent of us in this body are confused relative to what we should do for Pennsylvanians.

It is absolutely clear to me, Mr. Speaker, that the amendments speak for themselves, the thousands of calls and letters, even the debates among us by letters correcting what someone else said about lawyers or on insurance. It is absolutely clear that there is no matter of greater concern to the premium payers of Pennsylvania than this proposition, and it is clear to me that this is a matter that should go before them for hearings and input, because the concern has been demonstrated by them. I think Mr. Trello said it: Pennsylvanians have said, I want to be heard. That is very simple to me.

Under those circumstances and under the very nice pronouncements by people from both sides that they want to do something good, I say, Mr. Speaker, it is clear that we should have hearings if in fact we want an efficient, fair, and productive system for the people of Pennsylvania. I therefore support the motion of Mr. Burns to recommit to the Committee on Judiciary.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Richardson, desire to debate this question?

Mr. RICHARDSON. Yes, I do.

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

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

I rise to support the Burns motion to recommit. I received some 700 letters on this question, as I think many members in this House have, but I point to the point that has not been spoken to, and that is that most of the mail that has come regarding this question has come specifically from persons who live within our legislative districts, which is unusual. A lot of mail usually comes from various sources, but this mail, directly on this question, and in the numbers that it has come, has come directly to us from our constituents.

Also, I must point out that those letters we have received—and we have received only 29 that are for this piece of legislation—ask that public hearings be held on HB 1285. I find that as a note of interest, because it seems to me that that is a very serious question being raised this morning and this afternoon. How are we going to attempt to deal with the serious question of no-fault insurance when people are trying to make it every day and not knowing whether or not their car is going to be insured or the persons in the car are going to be insured, whether there is a threshold or whether there is not a threshold? It seems to me we would want to generate some interest in those members who sit on various committees to hold public hearings so that the public can be heard.

So I speak on behalf of those individuals who want to hold public hearings in the Commonwealth of Pennsylvania on HB 1285, and I think to support the motion to recommit this bill to the Committee on Judiciary will take care of that. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Frazier, on the question.

Mr. FRAZIER. Mr. Speaker, on the question to recommit, I would urge my colleagues in the House to support Mr. Burns' motion.

I would like to remind them of a bill 3 weeks ago or so, SB 197, in which there was a matter in which chiropractic care would have been included in the threshold. The effect of that bill was drastically different from what is proposed in HB 1285. At that time there were efforts to recommit that bill to a committee, and a voting record will show that it is not a trial lawyers lobby; it is not a lobby of anyone. There were over 163 people who defeated that motion. I would urge that those people who were in favor of running SB 197 that day, when in fact we did extend courtesy and an additional delay to the Insurance Committee, that they again remember their position today and support Mr. Burns in his motion to recommit to the Judiciary Committee. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, on the motion of the gentleman, Mr. Burns, to recommit the bill to the Judiciary Committee. On that question, the Chair recognizes the gentleman.

Mr. VROON. Mr. Speaker, I will be very brief in my comments. I would like to remind the members of the House that I

have been on the Insurance Committee for three consecutive terms. I was on the Consumer Affairs Committee before we had an Insurance Committee as such. We have dealt with this subject every time I have been on that committee. I was present at all of the hearings held on this subject, and I can personally vouch to you, and I believe all of the members of the Insurance Committee who were there at that time also, that there has not been anything that was developed in those hearings that has not been adequately addressed in this legislation.

I would further like to remind the members of this House and beg your consideration, your reason, and your logic along these lines. We have come out with the best bill that we know of. There is not one feature that is not being addressed a second time through these amendments that we have before us. There is not any new information that can be developed by the Judiciary Committee; there is no new information that can be developed by the Insurance Committee or any other committee that has not already been considered. We are now ready to give everybody ample input on the floor. If you do not like the threshold, we will debate the threshold amendments. Every key feature of this bill is the subject of amendments to this bill at this time, and I do not see that there is any excuse whatsoever for trying to put this back into any committee whatsoever, because nothing new will be developed. It will only be a delaying tactic at best. So I plead with the members to give good consideration to this motion and vote it down.

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

Mr. H. WILLIAMS. Mr. Speaker, I rise to request if the gentleman, Mr. Vroon, would stand for brief interrogation.

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

The question, however, before the House is the question of recommitment to the Judiciary Committee.

Mr. H. WILLIAMS. I understand, Mr. Speaker.

Mr. Speaker, since you have observed that all of the available information is in, can you tell me, if this bill passes, how much the premium payers' premiums are going to go down?

The SPEAKER. The gentleman will yield.

The question before the House is the recommitment motion of the gentleman, Mr. Burns.

Mr. H. WILLIAMS. Mr. Speaker, the impact of that argument sounded so commanding on recommitment, I wanted to question whether or not the information meets the bottom line for the people we are talking about, and those are whether they are going to go down and how much money and profit is being made.

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

Mr. H. WILLIAMS. My question is, since you have guaranteed all the information is in, how much are the premiums going to go down, and how much profit are all these companies making already, and what is available for us to do better? Do you know those figures? I do not. And if you do not have that information, that is what the people in this Commonwealth want to get.

Mr. VROON. The statement which I made, Mr. Speaker, was that all the information which developed from those hearings has been considered and addressed in this legislation. That is all I said. I have absolutely no way of guaranteeing you any kind of premium savings or additional premiums whatsoever. That is not the subject here. The subject here is, why would we recommit a bill? Because we apparently do not have all the information available that we should have. That is not so. We have had all the hearings that we could possibly have, and we have developed all of the information that can possibly be brought to bear on this bill, and there is no need whatsoever to go through two and three and four times that kind of information and come up with the same kind of conclusion. I submit we have had it all; we are ready to debate the bill. Every key feature is available for discussion by the members of the House. I do not think we need any more of that.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

May I make a comment, Mr. Speaker, on the motion?

The SPEAKER. The gentleman, Mr. Williams, is in order to speak on the motion.

Mr. H. WILLIAMS. Very, very briefly, Mr. Speaker, I just want to indicate, the force of the approach or the posture says we got everything we need, and it just seems to me that what all of us want and what the people want is to know what we can save and what the available money is in the whole pot. It seems to me that public hearings can find for us, the people of Pennsylvania, a way, whatever the best way is, to have reasonable costs balanced by premiums and what the profits are. I think the people of Pennsylvania have a right to tell us they want that, suggest to us how we can get that, and not to depend on the self-interest or bias of a lawyer or insurance industry or anybody else. So respectfully, Mr. Speaker, all I am really saying to your comment—and I am glad you said it—is, the information that the people need and the mechanism that should be available have not been identified, and that is why we need the public hearings.

Mr. VROON. All right. Mr. Speaker, in response to that, am I in order to respond?

The SPEAKER. The gentleman is in order to speak for the second time on the motion.

Mr. VROON. Mr. Speaker, there is no need to bring out all this information in a hearing. The newspaper articles have demonstrated what kind of figures are involved in here. You are perfectly at liberty as you debate this bill to ask the question of the people who are running the debate on the bill. This information is available; it has been printed. It has been printed in letters; it has been printed in newspaper articles; and it is available for somebody to bring out in the course of debate. I do not think we need to go to hearings for that.

The SPEAKER. Does the gentleman, Mr. Gannon, desire recognition for the second time on the question?

Mr. GANNON. Yes.

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

Mr. GANNON. Mr. Speaker, this is a serious matter and it is an important vote, and it should not be taken lightly, Mr.

Speaker. We are dealing with a substantive right of each citizen of the Commonwealth, each individual whom we represent, and this bill should not be taken lightly and this motion should not be taken lightly.

As Representative DeVerter said earlier, this is a problem that is not going to go away, and we would be kidding ourselves if we thought that would be the case. Each vote to recommit should be a charge to the Judiciary Committee to closely examine this bill, particularly the provisions dealing with the substantive legal rights of an injured accident victim. As Representative Lloyd has said earlier, this bill has been well ventilated. That may be true to a certain extent, but our obligation goes beyond considering the arguments of the insurance industry or the Trial Lawyers Association.

The SPEAKER. The gentleman will yield.

The question before the House is the motion of the gentleman, Mr. Burns.

Mr. GANNON. That is what I am speaking to, Mr. Speaker.

Each of us has an obligation to fully understand the impact of this bill and to make an informed decision, and I am talking about major and perhaps drastic policy decisions contained in the bill.

The question that must be examined is the compromise of no-fault, and that is the prompt payment of medical expenses in exchange for the denial of access or redress before the courts. Is it in reality a compromise? Are we asking too much and giving too little? I support the motion to recommit this to Judiciary to examine just that question, Mr. Speaker.

The SPEAKER. Does the gentleman from Berks, Mr. Fryer, desire recognition on this question? The Chair recognizes the gentleman.

Mr. FRYER. Mr. Speaker, I oppose the motion to recommit HB 1285. Mr. Speaker, I have listened intently to the debate that has taken place, and I have tried to put myself in place of the person back home, who we feel had the good judgment to elect us to office.

Mr. Speaker, the Insurance Committee has done their work and reported to the full House. We have 99 amendments before us, on which, Mr. Speaker, each member of this House can participate and vote. We have powerful forces at work here. I would prefer that I and other members be permitted to vote on the individual issues rather than a package to come before us. Mr. Speaker, I fear that if the bill goes back to committee, it could be one of two things. Some of us fear that it would be the death of the bill. Others fear that the bill would face this amendment and that amendment. I submit that each member of this House has a responsibility on this controversial issue, and they should be permitted to vote.

Mr. Speaker, once again, if we go back, I do not want to go back to the people who have written me letters and spoken to me on this subject and asked the question, when are you going to act on no-fault? I voted for no-fault when it was originally before us, and I believed in it. I say it is time to review this act, and today is the day. It is not to push it off into the future. We are going to sit on it like the hen that is going to hatch out the chicks. Mr. Speaker, to do this is to deny the people who, I

repeat, had the good judgment to send us here. I say this is the day. Let us proceed to the bill. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Mr. Speaker, just briefly, I would ask the members for a "no" vote. I feel as Mr. Fryer feels as far as Mr. Williams' comments, we have so much information, Mr. Speaker, relative to no-fault in this State and other States that it is enough to suffocate you. We are willing to share that with you today, and I would ask the members, please, to not recommit the bill. We could have been through probably a dozen and a half or two dozen amendments by now to improve the legislation as this body sees fit, and I would ask for a negative vote. Thank you.

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

Mr. RAPPAPORT. Mr. Speaker, I urge a "yes" vote on this motion. This bill must be worked over to come out as a whole and have an intelligent unity so we do not spend 10 years paying plaintiff's lawyers and defense lawyers to find out what we really meant.

Mr. Speaker, I urge a "yes" vote to send this to Judiciary. Thank you.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Burns, to recommit the bill to the Committee on Judiciary. Those in favor will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—115

| | | | |
|-------------|------------|------------|-----------------|
| Alden | Fee | McMonagle | Seventy |
| Arty | Fischer | McVerry | Showers |
| Barber | Frazier | Maiale | Shupnik |
| Belfanti | Gallagher | Manderino | Smith, E. H. |
| Beloff | Gamble | Manmiller | Snyder |
| Bittle | Gannon | Michlovic | Spitz |
| Borski | George | Micozzie | Steighner |
| Brown | Gladeck | Miller | Stevens |
| Burns | Grabowski | Miscevich | Stewart |
| Caltagirone | Gray | Moehlmann | Stuban |
| Cappabianca | Greenfield | Mullen | Swaim |
| Civera | Gruitza | Murphy | Sweet |
| Clark | Hagarty | O'Donnell | Telek |
| Cochran | Harper | Olasz | Trello |
| Cohen | Hasay | Oliver | Van Horne |
| Colafella | Hoeffel | Pendleton | Wachob |
| Cole | Horgos | Perzel | Wambach |
| Coslett | Itkin | Petrarca | Wargo |
| Cowell | Johnson | Petrone | Weston |
| DeMedio | Kanuck | Pievsky | Wiggins |
| DeWeese | Kolter | Pistella | Williams, H. |
| Dawida | Kukovich | Pratt | Williams, J. D. |
| Deal | Lashingier | Punt | Wogan |
| Dietz | Laughlin | Rappaport | Wozniak |
| Dininni | Lescovitz | Reber | Wright, R. C. |
| Dombrowski | Levin | Richardson | Zwikel |
| Donatucci | Lucyk | Rieger | |
| Duffy | McCall | Ritter | Ryan, |
| Durham | McIntyre | Rocks | Speaker |
| Evans | | | |

NAYS—80

| | | | |
|------------|-----------------|-----------|---------------|
| Anderson | Fleck | Letterman | Rybak |
| Armstrong | Foster, W. W. | Levi | Saurman |
| Belardi | Foster, Jr., A. | Livengood | Serafini |
| Blaum | Freind | Lloyd | Sieminski |
| Bowser | Fryer | McClatchy | Sirianni |
| Boyes | Gallen | Mackowski | Smith, B. |
| Brandt | Geist | Madigan | Smith, L. E. |
| Burd | Greenwood | Marmion | Spencer |
| Cawley | Grieco | Merry | Stairs |
| Cessar | Gruppo | Morris | Swift |
| Cimini | Haluska | Mowery | Taddonio |
| Clymer | Hayes | Mrkonic | Taylor, E. Z. |
| Cordisco | Heiser | Nahill | Taylor, F. E. |
| Cornell | Honaman | Noye | Tigue |
| Cunningham | Hutchinson, A. | Peterson | Vroon |
| DeVerter | Jackson | Phillips | Wass |
| Daikeler | Kennedy | Piccola | Wenger |
| Davies | Klingaman | Pitts | Wilson |
| Dorr | Kowalyszyn | Pott | Wright, D. R. |
| Fargo | Lehr | Rasco | Wright, J. L. |

NOT VOTING—2

Berson Hutchinson, W.

EXCUSED—5

Emerson Lewis Pucciarelli Salvatore
Irvis

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

The SPEAKER. The bill is recommitted to the Committee on Judiciary.

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

Mr. SAURMAN. Mr. Speaker, if in order, I move to amend the Burns amendment to require that public hearings be held expeditiously, and that the Judiciary Committee report this bill back to this House no later than January 27, 1982.

The SPEAKER. The Chair advises the gentleman, Mr. Saurman, that the motion that the gentleman attempts to make is not in order, in that the Burns motion carried.

POINT OF ORDER

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

Mr. RICHARDSON. You straightened out my point of order on that matter, Mr. Speaker. I have another point of order.

The SPEAKER. The gentleman will state his point.

Mr. RICHARDSON. Mr. Speaker, I am confused with the discharge resolutions that are on the calendar, and I bring it to the attention of the members that there seems to be either a reprint or the same print of the discharge resolution on HB 1727 that appears at the top of page 23, and then the same bill number appears at the bottom of page 23 with that same bill number.

My understanding was that there were at least four bills that were in the Health and Welfare Committee that ranged from HB 1725 through HB 1728. If this is a misprint, I would ask that it be corrected. If it is not a misprint, then I would ask whether or not there is an omission of HB 1725. It looks as

though there is some attempt either to leave it off and to make it appear as though those bills that were considered in the Health and Welfare Committee for this discharge are not on the calendar, or there is another game being played. I do not know which one is which, but I certainly would ask that since I have seen it and since it has been brought to my attention, that I bring it to the attention of the Chair.

The SPEAKER. In response to the gentleman's question, the Chair is advised that indeed there is a misprint in the first discharge resolution that appears on that page, and that the bill referred to should be HB 1725.

The Chair thanks the gentleman for calling it to the attention of the House.

REMARKS ON VOTE

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

On HB 752, PN 2351, my switch was operative, but I was not. 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 Montgomery, Mr. Saurman.

Mr. SAURMAN. Mr. Speaker, I have been advised that although I could not amend the Burns motion, I could introduce a motion that would require the Judiciary Committee to report its findings back to the House no later than January 27, 1982, and if that motion is in order, I so make it.

The SPEAKER. In response to the gentleman, Mr. Saurman, the Chair is advised by the Parliamentarian that such a resolution is in order and should be submitted in writing when it can be considered at the proper time.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I am concerned about what was just said. The bill was recommitted to the Judiciary Committee. My understanding of what the gentleman wants to do would be in the nature of a discharge, that they hold their public hearings and report that back to the floor of the House. The bill is in the committee, and the committee is in full charge of the bill. It would seem to me that whatever the gentleman wants to do would have to be put into a discharge resolution, so far as reporting it back. That element of holding public hearings may be all right, but as far as forcing a committee of the House to do something with a bill, it would seem to me that would be in the nature of a discharge.

The SPEAKER. The Chair reverses its decision. The gentleman is in order with respect to that portion of his resolution that would instruct the committee to hold public hearings.

The Chair thanks the minority whip for calling it to the Chair's attention.

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes at this time the minority whip.

Mr. MANDERINO. Mr. Speaker, I offer the following privileged resolution.

The following resolution was read:

In the House,
RESOLVED (the Senate concurring), That House Bill No. 315, Printer's No. 321, entitled "An act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the powers, privileges and immunities of military or security police of the Pennsylvania National Guard," be recalled from the Senate for the purpose of further consideration.

James J. Manderino

On the question,

Will the House adopt the resolution?

Resolution was adopted.

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

WELCOME

The SPEAKER. The Chair apologizes for not having earlier welcomed to the hall of the House Mr. John Serian and Loren Musgrave, here today as the guests of Representatives Paul Wass and L. Eugene Smith.

FINAL PASSAGE POSTPONED BILL CONSIDERED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. GALLEN, the House resumed consideration on final passage of **HB 1943, PN 2348**, entitled:

An Act repealing the act of December 21, 1959 (P.L. 1967, No. 722), entitled "An act providing for creation of an Oil and Gas Inspectors Examining Board in the Department of Mines and Mineral Industries; *** providing for the qualifications, examination, appointment, term of office, removal and salaries of Oil and Gas Inspectors; and providing penalties.

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?

DECISION OF CHAIR REVERSED

The SPEAKER. Without objection, the Chair reverses its decision as to the bill having been agreed to on third consideration. The Chair hears no objection.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. COHEN offered the following amendments No. A4810:

Amend Title, page 1, lines 1 through 9, by striking out all of said lines and inserting

Amending the act of April 9, 1929 (P.L. 177, No. 175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative

departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," prohibiting conflicts of interest by certain employes of the Department of Environmental Resources, imposing a penalty and making a repeal.

Amend Bill, page 1, by inserting between lines 11 and 12

Section 1. Section 1928-A, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," added October 10, 1980 (P.L.805, No.153), is amended to read:

Section 1928-A. Conflict of Interest in Mining and Oil and Gas Regulation.—(a) No employe of the Department of Environmental Resources performing any function or duty within the scope of activities covered by the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87 (95th Congress) shall have a direct or indirect financial interest in any underground or surface coal mining operation as defined by this act. Whoever knowingly violates the provisions of this [section] subsection shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500) or by imprisonment of not more than one (1) year, or both. Rules and regulations shall be promulgated hereunder to establish methods by which the provisions of this [section] subsection will be monitored and enforced by the Department of Environmental Resources, including but not limited to appropriate provisions for the filing by such employes and the review of statements and supplements thereto concerning any financial interest which may be affected by this [section] subsection.

(b) No employe of the Department of Environmental Resources performing the function or duty of an oil or gas inspector shall act as a manager, employe or agent of any oil or gas drilling operation or of any mine or mining operation, nor shall he or she be interested in any pecuniary way in such operations in this Commonwealth. Whoever knowingly violates the provisions of this subsection shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500) or by imprisonment of not more than one (1) year, or both. Rules and regulations shall be promulgated hereunder to establish methods by which the provisions of this subsection will be monitored and enforced by the Department of Environmental Resources, including but not limited to appropriate provisions for the filing by such employes and the review of statements and supplements thereto concerning any financial interest which may be affected by this subsection.

Amend Sec. 1, page 1, line 12, by striking out "1" where it appears the first time and inserting

2

Amend Sec. 2, page 1, line 21, by striking out "2" and inserting

3

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

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

Mr. COHEN. Mr. Speaker, this is an agreed-to amendment. What it does is it retains the conflict-of-interest provisions relating to oil and gas inspectors that are in the current law in this bill. That was an oversight on the part of DER

(Department of Environmental Resources). I would urge support of this.

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

The following roll call was recorded:

YEAS—191

| | | | |
|-------------|-----------------|------------|-----------------|
| Alden | Fargo | Livengood | Rocks |
| Anderson | Fee | Lloyd | Rybak |
| Armstrong | Fischer | Lucyk | Saurman |
| Arty | Fleck | McCall | Serafini |
| Barber | Foster, W. W. | McClatchy | Seventy |
| Belardi | Foster, Jr., A. | McIntyre | Showers |
| Belfanti | Frazier | McMonagle | Shupnik |
| Beloff | Freind | McVerry | Sieminski |
| Bittle | Fryer | Mackowski | Sirianni |
| Blaum | Gallagher | Madigan | Smith, B. |
| Borski | Gallen | Maiale | Smith, E. H. |
| Bowser | Gamble | Manderino | Smith, L. E. |
| Boyes | Gannon | Manmiller | Snyder |
| Brandt | Geist | Marmion | Spencer |
| Brown | George | Merry | Spitz |
| Burd | Grabowski | Michlovic | Stairs |
| Burns | Greenfield | Micozzie | Steighner |
| Caltagirone | Greenwood | Miller | Stevens |
| Cappabianca | Grieco | Miscevich | Stewart |
| Cawley | Gruitza | Moehlmann | Stuban |
| Cessar | Gruppo | Morris | Swaim |
| Cimini | Hagarty | Mowery | Swift |
| Civera | Haluska | Mrkonic | Taddonio |
| Clark | Harper | Mullen | Taylor, E. Z. |
| Clymer | Hasay | Murphy | Taylor, F. E. |
| Cochran | Hayes | Nahill | Telek |
| Cohen | Heiser | Noye | Tigue |
| Colafella | Hoefel | O'Donnell | Trello |
| Cole | Honaman | Olasz | Van Horne |
| Cordisco | Horgos | Oliver | Vroon |
| Cornell | Hutchinson, A. | Pendleton | Wambach |
| Coslett | Hutchinson, W. | Peterson | Wargo |
| Cowell | Itkin | Petrarca | Wass |
| Cunningham | Jackson | Petrone | Wenger |
| DeMedio | Johnson | Phillips | Weston |
| DeVerter | Kanuck | Piccola | Wiggins |
| DeWeese | Kennedy | Pievsky | Williams, H. |
| Daikeler | Klingaman | Pistella | Williams, J. D. |
| Davies | Kolter | Pitts | Wilson |
| Dawida | Kowalyszyn | Pott | Wogan |
| Deal | Kukovich | Pratt | Wozniak |
| Dietz | Lashinger | Punt | Wright, D. R. |
| Dininni | Laughlin | Rappaport | Wright, J. L. |
| Dombrowski | Lehr | Rasco | Wright, R. C. |
| Donatucci | Lescovitz | Reber | Zwinkl |
| Dorr | Letterman | Richardson | |
| Duffy | Levi | Rieger | Ryan, |
| Durham | Levin | Ritter | Speaker |
| Evans | | | |

NAYS—1

Perzel

NOT VOTING—5

| | | | |
|---------|------|-------|--------|
| Berson | Gray | Sweet | Wachob |
| Gladeck | | | |

EXCUSED—5

| | | | |
|---------|-------|-------------|-----------|
| Emerson | Lewis | Pucciarelli | Salvatore |
| Irvs | | | |

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

On the question,

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

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—193

| | | | |
|-------------|-----------------|------------|-----------------|
| Alden | Fargo | Lloyd | Rybak |
| Anderson | Fee | Lucyk | Saurman |
| Armstrong | Fischer | McCall | Serafini |
| Arty | Fleck | McClatchy | Seventy |
| Barber | Foster, W. W. | McIntyre | Showers |
| Belardi | Foster, Jr., A. | McMonagle | Shupnik |
| Belfanti | Frazier | McVerry | Sieminski |
| Beloff | Freind | Mackowski | Sirianni |
| Bittle | Fryer | Madigan | Smith, B. |
| Blaum | Gallagher | Maiale | Smith, E. H. |
| Borski | Gallen | Manderino | Smith, L. E. |
| Bowser | Gamble | Manmiller | Snyder |
| Boyes | Gannon | Marmion | Spencer |
| Brandt | Geist | Merry | Spitz |
| Brown | George | Michlovic | Stairs |
| Burd | Grabowski | Micozzie | Steighner |
| Burns | Greenfield | Miller | Stevens |
| Caltagirone | Greenwood | Miscevich | Stewart |
| Cappabianca | Grieco | Moehlmann | Stuban |
| Cawley | Gruitza | Morris | Swaim |
| Cessar | Gruppo | Mowery | Sweet |
| Cimini | Hagarty | Mrkonic | Swift |
| Civera | Haluska | Mullen | Taddonio |
| Clark | Harper | Murphy | Taylor, E. Z. |
| Clymer | Hasay | Nahill | Taylor, F. E. |
| Cochran | Hayes | Noye | Telek |
| Cohen | Heiser | O'Donnell | Tigue |
| Colafella | Hoeffel | Olasz | Trello |
| Cole | Honaman | Oliver | Van Horne |
| Cordisco | Horgos | Pendleton | Vroon |
| Cornell | Hutchinson, A. | Perzel | Wambach |
| Coslett | Hutchinson, W. | Peterson | Wargo |
| Cowell | Itkin | Petrarca | Wass |
| Cunningham | Jackson | Petrone | Wenger |
| DeMedio | Johnson | Phillips | Weston |
| DeVerter | Kanuck | Piccola | Wiggins |
| DeWeese | Kennedy | Pievsky | Williams, H. |
| Daikeler | Klingaman | Pistella | Williams, J. D. |
| Davies | Kolter | Pitts | Wilson |
| Dawida | Kowalyszyn | Pott | Wogan |
| Deal | Kukovich | Pratt | Wozniak |
| Dietz | Lashingier | Punt | Wright, D. R. |
| Diminni | Laughlin | Rappaport | Wright, J. L. |
| Dombrowski | Lehr | Rasco | Wright, R. C. |
| Donatucci | Lescovitz | Reber | Zwikl |
| Dorr | Letterman | Richardson | |
| Duffy | Levi | Rieger | Ryan, |
| Durham | Levin | Ritter | Speaker |
| Evans | Livengood | Rocks | |

NAYS—0

NOT VOTING—4

| | | | |
|--------|---------|------|--------|
| Berson | Gladeck | Gray | Wachob |
|--------|---------|------|--------|

EXCUSED—5

| | | | |
|---------|-------|-------------|-----------|
| Emerson | Lewis | Pucciarelli | Salvatore |
| Irvis | | | |

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

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1734, PN 2569 (Amended)

By Rep. SPENCER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, permitting the use and possession of blackjacks by police officers.

JUDICIARY.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1168, PN 2295; HB 1215, PN 2136; and HB 1423, PN 1626**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1342, PN 2465**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 1168, PN 2295

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Township of East Norriton, 23 acres of land, more or less, situate in the Township of East Norriton, Montgomery County, Commonwealth of Pennsylvania.

HB 1215, PN 2136

An Act authorizing and directing the Department of General Services, with the approval of the Department of Agriculture and the Governor, to convey two tracts of land to Elmer C. and Doris S. Allen and Dorothy E. Kriebel consisting of 1.60 acres, more or less, situate in South Heidelberg Township, Berks County, Pennsylvania.

HB 1423, PN 1626

An Act authorizing the Township of Springettsbury, York County, to convey a certain parcel of property acquired pursuant to the "Project 70 Land Acquisition and Borrowing Act" in exchange for a parcel to be used by the Township of Springettsbury for Project 70 purposes.

SENATE MESSAGE**SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE**

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 418, PN 2384**.

**MOTION INSISTING UPON NONCONCURRENCE
IN SENATE AMENDMENTS**

Mr. A. C. FOSTER moved that the House insist upon its nonconcurrency in Senate amendments to HB 418, PN 2384, and that a committee of conference on the part of the House 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 418, PN 2384**:
Messrs. A. C. FOSTER, POTT and PISTELLA.
Ordered, That the clerk inform the Senate accordingly.

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 none.*

ADJOURNMENT

The SPEAKER. *The Chair recognizes the gentleman from Philadelphia, Mr. Wogan.*

Mr. WOGAN. Mr. Speaker, I move that this House do now adjourn until Monday, November 23, 1981, at 1 p.m., e.s.t.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 1:09 p.m., e.s.t., the House adjourned.