

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, FEBRUARY 10, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 12

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. GEORGE E. ZEIDERS, chaplain of the House of Representatives and pastor of Stewartstown United Methodist Church, Stewartstown, Pennsylvania, offered the following prayer:

Let us pray:

The struggles we face are real, O God, even though we lose touch sometimes. Our lives are surrounded by economic and fiscal realities, and our people are afraid of wars and rumors of wars, and we live with the awful tension of man's inhumanity to man.

In our Commonwealth people do suffer from poverty and disease, doubt and despair. Speak to us loudly, O Lord, about the hurts of our folks, and help us to be brave and creative in response to them. Forgive our selfish and hidden agendas, thus making us better stewards of the financial and human resources with which to lead and enable our people.

Bring peace, hope, and love to a world sadly divided against itself, and in keeping with Your will, make us instruments of that peace and reconciliation. Begin here, in this place, in the places of our caucus and deliberation, in our homes, and even in our own hearts. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, February 9, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2226 By Representatives A. C. FOSTER, JR., LEVI, SIRIANNI, DeMEDIO and FRYER

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1368, No. 542), further providing for Tax Claim Bureau notices to the Department of Revenue and making editorial changes.

Referred to Committee on LOCAL GOVERNMENT, February 9, 1982.

No. 2227 By Representatives DeVERTER, GEIST, LETTERMAN, MORRIS, BURD and DININNI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for portable emergency warning devices on certain vehicles.

Referred to Committee on TRANSPORTATION, February 9, 1982.

No. 2228 By Representatives HASAY and NOYE

An Act exempting owners of certain existing firing ranges from any civil or criminal actions relating to noise pollution.

Referred to Committee on JUDICIARY, February 9, 1982.

No. 2229 By Representatives KOLTER and DININNI

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

Referred to Committee on TRANSPORTATION, February 9, 1982.

No. 2230 By Representatives MOWERY, KENNEDY, MADIGAN, NOYE, DAVIES and FISCHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for number and terms of elected school board directors.

Referred to Committee on EDUCATION, February 9, 1982.

No. 2231 By Representative BOYES

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for the registration of transient vendors.

Referred to Committee on FINANCE, February 9, 1982.

No. 2232 By Representatives WILSON, DOMBROWSKI, POTT, HEISER, NAHILL and RAPPAPORT

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for audits of requisitions, issuance of warrants and payments.

Referred to Committee on FINANCE, February 9, 1982.

No. 2233 By Representatives CORDISCO, PITTS, BELFANTI, BLAUM, STEWART, PETRARCA, TIGUE, CAWLEY,

CAPPABIANCA, COLAFELLA,
GALLAGHER, WOZNIAK, WAMBACH,
DONATUCCI, EVANS, J. D. WILLIAMS,
DEAL, PUCCIARELLI, PETRONE,
HORGOS, FEE, FRYER, MADIGAN,
MERRY, BOYES, MACKOWSKI,
GREENFIELD, GEORGE, RAPPAPORT,
CLARK, A. K. HUTCHINSON, STUBAN
and LUCYK

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), further providing for highest quarterly wages.

Referred to Committee on LABOR RELATIONS, February 9, 1982.

No. 2234 By Representatives PITTS, LEVI and
W. W. FOSTER

An Act amending the "County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), further providing for the county retirement board.

Referred to Committee on LOCAL GOVERNMENT, February 9, 1982.

No. 2235 By Representatives GANNON, ARTY,
PERZEL, DURHAM, SNYDER,
MICOZZIE, CIVERA and WESTON

An Act amending the "Pennsylvania Cancer Control, Prevention and Research Act," approved December 18, 1980 (P. L. 1241, No. 224), providing for a program relating to diethylstilbestrol, and for eligibility for health insurance.

Referred to Committee on HEALTH AND WELFARE, February 9, 1982.

SENATE BILLS FOR CONCURRENCE

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

SB 700, PN 1117

Referred to Committee on LIQUOR CONTROL, February 9, 1982.

SB 1107, PN 1610

Referred to Committee on STATE GOVERNMENT, February 9, 1982.

SB 1138, PN 1345

Referred to Committee on JUDICIARY, February 9, 1982.

SB 1230, PN 1506

Referred to Committee on STATE GOVERNMENT, February 9, 1982.

SB 1261, PN 1558

Referred to Committee on STATE GOVERNMENT, February 9, 1982.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 156

(Concurrent) By Representatives PETRARCA, RYAN,
TADDONIO, SALVATORE, CESSAR,
MANDERINO, CAPPABIANCA, IRVIS,
BELARDI, HASAY, PHILLIPS, TRELLO,
MORRIS, PIEVSKY, PETRONE,
COLAFELLA, MAIALE, BORSKI,
MRKONIC, LIVENGOOD, GEORGE,
GEIST, DeMEDIO, RIEGER, WARGO,
SHUPNIK, ZWIKL, HARPER, CLARK,
FEE, LEVIN, TELEK, DUFFY, LUCYK,
SEVENTY, DONATUCCI, KOLTER,
COLE, LETTERMAN, DOMBROWSKI,
F. E. TAYLOR, D. R. WRIGHT,
STEWART, OLASZ, DAVIES and
KUKOVICH

General Assembly extends congratulations to Republic of Italy for success in carrying out rescue of General James L. Dozier.

Referred to Committee on RULES, February 9, 1982.

No. 157

By Representatives MISCEVICH, RASCO,
TRELLO, PIEVSKY, CESSAR,
MANDERINO, B. SMITH, O'DONNELL,
FRYER, WAMBACH, GALLEN, HAYES,
FEE, COWELL, F. E. TAYLOR,
A. C. FOSTER, JR., OLASZ, MORRIS,
EVANS, LESCOVITZ, MOEHLMANN,
CLARK, WARGO, RICHARDSON,
DeMEDIO, SHUPNIK, SPITZ, ZWIKL,
CAWLEY, E. Z. TAYLOR, PETRARCA,
COLAFELLA, JACKSON, SEVENTY,
LEVIN, WOZNIAK, HORGOS,
GRABOWSKI, ITKIN, COLE, BURD,
TIGUE, BORSKI, LAUGHLIN,
GALLAGHER, KOLTER, PHILLIPS,
HASAY, PETRONE, CIVERA, FISCHER,
DEAL, J. D. WILLIAMS, PITTS,
PERZEL, DAVIES, R. C. WRIGHT and
McMONAGLE

House memorialize Congress to pass legislation prohibiting withholding of Federal funds for highway aid in the Commonwealth.

Referred to Committee on FEDERAL-STATE RELATIONS, February 9, 1982.

LEAVE OF ABSENCE GRANTED

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

Mr. HAYES. There are no requests for leave today, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MANDERINO. Mr. Speaker, we ask for a leave of absence for the gentleman from Philadelphia, Mr. BERSON, for today's session.

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

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. GEIST presented the Report of the Committee of Conference on **SB 16, PN 1673**.

STATEMENT BY MR. KLINGAMAN

**TERCENTENARY COMMITTEE
ON THIS DAY IN HISTORY**

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Klingaman, for the purpose of making a report on this day in history.

Mr. KLINGAMAN. Thank you, Mr. Speaker.

On this day in history in 1876, two reputed members of the secret organization known as the Mollie Maguires were arrested for murder as one of Pennsylvania's most violent labor struggles escalated in the hard-coal mines of Schuylkill County. Thomas Munley and Charles McAllister were arrested for the September 1, 1875, murder of Thomas Sanger, a boss in the Heaton and Company colliery at Raven's Run, near Ashland, and miner William Uren, who boarded in Sanger's home.

The arrests of Munley and McAllister were brought about largely through the efforts of James McParlan, an undercover Pinkerton detective who managed to infiltrate the Mollies under the name of James McKenna. McParlan lived among the Mollies and continued his investigation until so many reputed members of the organization had been sent to the gallows that the Mollies ceased to function as an organization.

According to McParlan's account, Sanger and Uren were on their way to the colliery when they were fired upon and mortally wounded by some strangers who had been observed near the colliery's carpenter shop. Robert Heaton, one of the owners of the colliery, rushed after two of the group, and a gun battle ensued with both Heaton and the alleged assassins firing several shots at each other, although there were no other casualties. Heaton allegedly became a marked man by the Mollies as the result of his actions and was eventually driven from the coal regions. Sanger and Uren were taken to a neighbor's home, and shortly after the arrival of his wife and a doctor, Sanger died. Uren lived until the next day.

Five months after the murder, on February 10, 1876, Munley was arrested at his home in the Schuylkill County community of Gilberton by Capt. R. J. Linden, another Pinkerton detective. McAllister was arrested shortly thereafter.

It was during their trial that the Honorable Franklin B. Gowen, who was assisting the prosecution, made a now memorable address against the Mollies and cemented his

stature as their leading prosecutor. He and such other prosecutors as Gen. Charles Albright, the Honorable F. W. Hughes, and Guy E. Farquhar, Esq., argued the case well enough for a jury to bring in a verdict of "guilty of murder in the first degree."

Munley was hanged in the Pottsville jail on August 16, 1876, and McAllister at a later date. Several other hangings of reputed members of the Mollies were conducted in the same jailyard, as the Mollies and the coal bosses, aided by the Pinkertons, engaged in a series of violent labor disputes over a series of years, and thus, say some, the American labor movement was born.

And that is the way it was on this day in history in Schuylkill County, February 10, 1876. Thank you, Mr. Speaker.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take up today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—187

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

Fargo

ADDITIONS—8

Arty	Gannon	Pitts	Spitz
Durham	Gray	Rappaport	Wright, R. C.

NOT VOTING—2

Alden	Wilson
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EXCUSED—3

Berson	Irvis	Rasco
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MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham, who asks that her name be added to the master roll call; the lady from Delaware, Mrs. Arty, who asks that her name be added to the master roll call; the gentleman from Delaware, Mr. Gannon, and the gentleman from Delaware, Mr. Wright, who ask that their names be added to the master roll call; and the gentleman from Chester, Mr. Pitts, who asks that his name be added to the master roll call.

CALENDAR

BILL AGREED TO ON SECOND CONSIDERATION

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

HB 1783, PN 2115.

COMMITTEE MEETING CANCELED

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Burns, rise?

Mr. BURNS. Mr. Speaker, I would just like to announce the cancellation of the Basic Education Committee meeting that was scheduled for tomorrow. It has been canceled. Thank you.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 525, PN 2732, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the suspension and expulsion of pupils.

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—153

Anderson	Fischer	Lescovitz	Reber
Armstrong	Fleck	Letterman	Rieger
Arty	Foster, W. W.	Levi	Ritter
Belardi	Foster, Jr., A.	Lewis	Rybak
Belfanti	Frazier	Livengood	Salvatore
Bittle	Freind	Lloyd	Saurman
Blaum	Fryer	McClatchy	Serafini
Borski	Gallen	McIntyre	Seventy
Bowser	Gamble	McMonagle	Sieminski
Boyes	Gannon	McVerry	Sirianni
Brandt	Geist	Mackowski	Smith, E. H.
Brown	George	Madigan	Smith, L. E.
Burd	Gladeck	Maiale	Spencer
Burns	Grabowski	Marmion	Stairs
Cessar	Greenwood	Merry	Steighner
Cimini	Grieco	Michlovic	Stevens
Civera	Gruppo	Micozzie	Stewart
Clark	Hagarty	Miller	Swaim
Clymer	Haluska	Moehlmann	Swift
Cochran	Harper	Mowery	Taddonio
Cohen	Hasay	Murphy	Taylor, E. Z.
Colafella	Hayes	Nahill	Taylor, F. E.
Cole	Heiser	Noye	Telek
Cornell	Hoeffel	O'Donnell	Tigue
Coslett	Honaman	Olasz	Trello
Cowell	Horgos	Oliver	Van Horne
Cunningham	Hutchinson, A.	Pendleton	Vroon
DeVerter	Itkin	Perzel	Wambach
DeWeese	Jackson	Peterson	Wass
Daikeler	Johnson	Petrarca	Wenger
Davies	Kanuck	Petrone	Weston
Dawida	Kennedy	Phillips	Wozniak
Dietz	Klingaman	Piccola	Wright, D. R.
Donatucci	Kolter	Pistella	Wright, J. L.
Duffy	Kowalysbyn	Pitts	Wright, R. C.
Durham	Kukovich	Pott	
Emerson	Lashinger	Pratt	Ryan,
Evans	Laughlin	Pucciarelli	Speaker
Fargo	Lehr	Punt	

NAYS—31

Barber	Fee	Mullen	Stuban
Caltagirone	Gallagher	Pievsky	Sweet
Cappabianca	Greenfield	Richardson	Wachob
Cawley	Lucyk	Rocks	Wargo
Cordisco	Manderimo	Showers	Wiggins
DeMedio	Manmiller	Shupnik	Wogan
Deal	Morris	Smith, B.	Zwikl
Dombrowski	Mrkonic	Snyder	

NOT VOTING—13

Alden	Gray	Miscevich	Williams, H.
Beloff	Gruitza	Rappaport	Williams, J. D.
Dininni	Levin	Spitz	Wilson
Dorr			

EXCUSED—3

Berson	Irvis	Rasco
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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 Philadelphia, Mr. Gray, who asks that his name be added to the master roll call.

REMARKS ON VOTE

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

Mr. ZWIKL. Mr. Speaker, on HB 525 I inadvertently voted in the negative. I wish the record to reflect an affirmative vote.

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 936, PN 1007**, entitled:

An Act amending the "Pennsylvania Scenic Rivers Act," approved December 5, 1972 (P. L. 1277, No. 283), removing provisions relating to eminent domain and adding an additional classification known as pastoral rivers.

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

Anderson	Fargo	Livengood	Rocks
Armstrong	Fee	Lloyd	Rybak
Arty	Fischer	Lucyk	Salvatore
Belardi	Fleck	McClatchy	Saurman
Belfanti	Foster, W. W.	McIntyre	Serafini
Bittle	Foster, Jr., A.	McMonagle	Seventy
Blaum	Frazier	McVerry	Showers
Borski	Freind	Mackowski	Shupnik
Bowser	Fryer	Madigan	Sieminski
Boyes	Gallagher	Maiale	Sirianni
Brandt	Gallen	Manderino	Smith, B.
Brown	Gamble	Manmiller	Smith, L. E.
Burd	Gannon	Marmion	Snyder
Burns	Geist	Merry	Spencer
Caltagirone	George	Michlovic	Stairs
Cappabianca	Gladeck	Micozzie	Steighner
Cawley	Grabowski	Miller	Stevens
Cessar	Gray	Miscevich	Stewart
Cimini	Greenfield	Moehlmann	Stuban
Civera	Greenwood	Morris	Swaim
Clark	Grieco	Mowery	Sweet
Clymer	Gruppo	Mrkonic	Swift
Cochran	Hagarty	Mullen	Taddonio
Cohen	Haluska	Murphy	Taylor, E. Z.
Colafella	Harper	Nahill	Taylor, F. E.
Cole	Hasay	Noye	Telek
Cordisco	Hayes	Olasz	Tigue
Cornell	Heiser	Oliver	Trello
Coslett	Honaman	Pendleton	Van Horne
Cowell	Horgos	Perzel	Vroon
Cunningham	Hutchinson, A.	Peterson	Wachob
DeMedio	Itkin	Petrarca	Wambach
DeVerter	Jackson	Petrone	Wargo
DeWeese	Johnson	Phillips	Wass
Daikeler	Kanuck	Piccola	Wenger
Davies	Kennedy	Pievsy	Weston
Dawida	Klingaman	Pistella	Wiggins
Deal	Kolter	Pitts	Williams, H.
Dietz	Kowalyshyn	Pott	Wogan

Dininni	Kukovich	Pratt	Wozniak
Donatucci	Lashinger	Pucciarelli	Wright, J. L.
Dorr	Laughlin	Punt	Wright, R. C.
Duffy	Lehr	Reber	Zwinkl
Durham	Lescovitz	Richardson	
Emerson	Levi	Rieger	Ryan,
Evans	Lewis	Ritter	Speaker

NAYS—6

Dombrowski	Letterman	Smith, E. H.	Wright, D. R.
Hoeffel	O'Donnell		

NOT VOTING—9

Alden	Gruitza	Rappaport	Williams, J. D.
Barber	Levin	Spitz	Wilson
Beloff			

EXCUSED—3

Berson	Irvis	Rasco
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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.

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The House proceeded to third consideration of **HB 1734, PN 2569**, entitled:

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

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—170

Anderson	Durham	Letterman	Rocks
Armstrong	Emerson	Levi	Rybak
Arty	Evans	Lewis	Salvatore
Belardi	Fargo	Livengood	Saurman
Belfanti	Fee	Lloyd	Serafini
Bittle	Fischer	Lucyk	Seventy
Blaum	Foster, W. W.	McClatchy	Showers
Borski	Foster, Jr., A.	McIntyre	Shupnik
Bowser	Frazier	McMonagle	Sieminski
Boyes	Freind	McVerry	Sirianni
Brandt	Fryer	Mackowski	Smith, B.
Brown	Gallen	Madigan	Smith, E. H.
Burd	Gamble	Manmiller	Smith, L. E.
Burns	Gannon	Marmion	Snyder
Caltagirone	Geist	Merry	Spencer
Cappabianca	George	Michlovic	Stairs
Cawley	Gladeck	Micozzie	Steighner
Cessar	Grabowski	Miller	Stevens
Cimini	Gray	Miscevich	Stewart
Civera	Greenwood	Moehlmann	Stuban
Clark	Grieco	Morris	Sweet
Clymer	Gruppo	Mowery	Swift
Cochran	Hagarty	Mrkonic	Taddonio
Cohen	Haluska	Murphy	Taylor, E. Z.
Colafella	Harper	Nahill	Taylor, F. E.
Cole	Hasay	Noye	Telek
Cordisco	Hayes	Olasz	Tigue
Cornell	Hoeffel	Oliver	Trello

Coslett	Honaman	Pendleton	Vroon
Cowell	Horgos	Perzel	Wambach
Cunningham	Hutchinson, A.	Petrarca	Wargo
DeMedio	Itkin	Petrone	Wass
DeVerter	Jackson	Phillips	Wenger
Daikeler	Johnson	Piccola	Weston
Davies	Kanuck	Pistella	Wogan
Dawida	Kennedy	Pitts	Wozniak
Deal	Klingaman	Pott	Wright, D. R.
Dietz	Kolter	Pratt	Wright, J. L.
Dininni	Kowalyszyn	Pucciarelli	Wright, R. C.
Dombrowski	Lashingner	Punt	Zwilk
Donatucci	Laughlin	Richardson	
Dorr	Lehr	Rieger	Ryan,
Duffy	Lescovitz	Ritter	Speaker

NAYS—15

Fleck	Kukovich	O'Donnell	Van Horne
Gallagher	Maiale	Pievsky	Wachob
Greenfield	Manderino	Reber	Williams, H.
Heiser	Mullen	Swaim	

NOT VOTING—12

Alden	DeWeese	Peterson	Wiggins
Barber	Gruitza	Rappaport	Williams, J. D.
Beloff	Levin	Spitz	Wilson

EXCUSED—3

Berson	Irvis	Rasco
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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.

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The House proceeded to third consideration of **HB 1972, PN 2401**, entitled:

An Act amending the act of June 12, 1919 (P. L. 476, No. 240), entitled, as amended, "An act to regulate and establish the fees to be charged and collected by the recorder of deeds, in counties of the second class," changing certain fees.

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—181

Anderson	Fee	Lucyk	Rybak
Armstrong	Fischer	McClatchy	Salvatore
Arty	Fleck	McIntyre	Saurman
Barber	Foster, W. W.	McMonagle	Serafini
Belardi	Foster, Jr., A.	McVerry	Seventy
Borski	Frazier	Mackowski	Showers
Bowser	Freind	Madigan	Shupnik
Boyes	Fryer	Maiale	Sieminski
Brandt	Gallagher	Manderino	Sirianni
Brown	Gallen	Manmiller	Smith, B.
Burd	Gamble	Marmion	Smith, E. H.
Burns	Gannon	Merry	Smith, L. E.
Caltagirone	Geist	Michlovic	Snyder
Cappabianca	George	Micozzie	Spencer
Cawley	Gladeck	Miller	Stairs
Cessar	Grabowski	Miscevich	Steighner
Cimini	Gray	Moehlmann	Stevens

Civera	Greenfield	Morris	Stewart
Clark	Greenwood	Mowery	Stuban
Clymer	Grieco	Mrkonic	Swaim
Cochran	Gruppo	Mullen	Sweet
Cohen	Hagarty	Murphy	Swift
Colafella	Haluska	Nahill	Taddonio
Cole	Harper	Noye	Taylor, E. Z.
Cordisco	Hasay	O'Donnell	Taylor, F. E.
Cornell	Hayes	Otasz	Telek
Coslett	Heiser	Oliver	Trello
Cowell	Hoeffel	Pendleton	Van Horne
Cunningham	Honaman	Perzel	Wachob
DeMedio	Horgos	Peterson	Wambach
DeVerter	Hutchinson, A.	Petrarca	Wargo
DeWeese	Itkin	Petrone	Wass
Daikeler	Jackson	Phillips	Wenger
Davies	Johnson	Piccola	Weston
Dawida	Kanuck	Pievsky	Wiggins
Deal	Kennedy	Pistella	Williams, H.
Dietz	Klingaman	Pitts	Wogan
Dininni	Kolter	Pott	Wozniak
Dombrowski	Kowalyszyn	Pratt	Wright, D. R.
Donatucci	Kukovich	Pucciarelli	Wright, J. L.
Dorr	Laughlin	Punt	Wright, R. C.
Duffy	Lehr	Reber	Zwilk
Durham	Lescovitz	Richardson	
Emerson	Levi	Rieger	Ryan,
Evans	Livengood	Ritter	Speaker
Fargo	Lloyd	Rocks	

NAYS—5

Belfanti	Letterman	Lewis	Tigue
Blaum			

NOT VOTING—11

Alden	Gruitza	Rappaport	Williams, J. D.
Beloff	Lashingner	Spitz	Wilson
Bittle	Levin	Vroon	

EXCUSED—3

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

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

REMARKS ON VOTE

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

Mr. VROON. Mr. Speaker, somehow or other my vote was not recorded on HB 1972. Will the record please show that I would have voted in the affirmative had I been recorded.

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 **SB 592, PN 1026**, entitled:

An Act requiring certain passenger restraint systems and providing for a penalty.

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A5905:

Amend Sec. 2, page 1, lines 9 and 10, by striking out "originally equipped with seat safety belts and" and inserting Class I trucks, Class II trucks, classic motor vehicles, antique motor vehicles and motor homes

Amend Sec. 2, page 1, line 16, by inserting after "SYSTEM" or if the seating position was originally equipped with seat safety belts

Amend Sec. 2, page 1, line 17, by inserting after "passenger." Exemptions will be allowed if it is determined, according to the rules and regulations of the Department of Transportation, that the use of a child restraint system would be impractical for physical reasons, including but not limited to medical problems or body size.

Amend Sec. 2, page 2, line 2, by inserting after "\$25." One citation for a summary offense will include all children in the vehicle who are not properly restrained. In no event shall failure to wear a child passenger restraint system be admissible as evidence in the trial of any civil action.

Amend Sec. 3, page 2, lines 10 and 11, by striking out "in passenger cars originally" and inserting by the manufacturer of the system in motor vehicles

Amend Sec. 5, page 2, line 19, by striking out "in 120 days." and inserting January 1, 1983.

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

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

Mr. PICCOLA. Thank you, Mr. Speaker.

These amendments are being offered and have been agreed to by the proponents of this legislation. In summary, the amendment would do several things: First of all, it would extend the provisions of the act to certain class I and II trucks, which are pickup trucks, and other kinds of vehicles as long as they are equipped with safety belts.

There would be an exception provided under another section of the amendment—

The SPEAKER. Will the gentleman yield?

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

Mr. ITKIN. Mr. Speaker, we have been unable to hear Representative Piccola since he started his discussion. Could he start from the beginning, please?

The SPEAKER. The gentleman may proceed.

Mr. PICCOLA. Thank you, Mr. Speaker.

I apologize to the members. I am also losing my voice in addition to— Will blessings never cease.

This amendment is being offered and has been agreed to by the proponents of this legislation, SB 592. There are several parts to the amendment, and let me briefly summarize them. The first part of this amendment would make the legislation applicable to certain kinds of trucks, antique vehicles, and other kinds of vehicles, so long as they are equipped with safety harnesses.

The second part of the amendment would exempt those vehicles where a child restraint system is impractical because of the body size or medical problems involving the child.

The third part of the amendment would clarify the situation of the issuance of one citation for all the children in one vehicle rather than having a multitude of citations if you had several children in the vehicle.

The next to the last section of the amendment would indicate that the failure to use a child restraint device would not be admissible in a civil action on negligence for damages.

Finally, the effective date of the act is changed to January 1, 1983.

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

The following roll call was recorded:

YEAS—172

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

NAYS—15

Brandt	Hutchinson, A.	Lewis	Oliver
Burns	Jackson	Livengood	Punt
Cunningham	Kolter	Miller	Tigue
Greenwood	Letterman	Moehlmann	

NOT VOTING—10

Alden	Gruitza	Rappaport	Williams, J. D.
Emerson	Mowery	Spitz	Wilson
Gannon	O'Donnell		

EXCUSED—3

Berson Irvis Rasco

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Kenneth Brandt of Lancaster County, Mr. Charles J. Bennett, Jr., Florence Bennett, and Gladys Schatz.

CONSIDERATION OF SB 592 CONTINUED

On the question,

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

Mr. MURPHY offered the following amendments No. A5549:

Amend Title, page 1, line 1, by inserting a period after "systems"

Amend Title, page 1, lines 1 and 2, by striking out "and providing for" in line 1 and all of line 2

Amend Sec. 2, page 1, line 8, by striking out "Requirement; penalty." and inserting
Restraint systems.

Amend Sec. 2, page 1, line 9, by striking out "(a) A" and inserting

Whoever, being a

Amend Sec. 2, page 1, line 10, by striking out "who"

Amend Sec. 2, page 1, line 13, by striking out "where the child has not been fastened" and inserting
shall fasten such child

Amend Sec. 2, page 1, line 16, by inserting a period after "SYSTEM"

Amend Sec. 2, page 1, lines 16 through 18; page 2, lines 1 through 8, by striking out "shall be guilty of" in line 16, all of lines 17 and 18 on page 1, all of lines 1 through 8, on page 2

Amend Bill, page 2, by inserting between lines 13 and 14
Section 4. Legislative intent.

It is recognized that child restraint systems decrease injuries due to motor vehicle accidents and it is the intent of the General Assembly that use of child passenger restraint systems by Commonwealth motorists be encouraged.

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

While I think the intent of this legislation is important and helpful to the children of the Commonwealth, I think we all realize as you look at the amendments going into this legislation that it is not enforceable. How do you expect a police officer in the Commonwealth to stop a car, determine whether a child is 1 year old or under 4 years old, is of the proper body weight, whether to give a person a ticket or not if they do not have a child restraint in their car? Therefore, what my amendment does very simply is make this bill, the legislative intent, to recognize that child restraint systems are neces-

sary and are helpful in decreasing injuries due to automobile accidents, but it eliminates the penalties in the bill. It eliminates the ability of policemen to give summary offenses and to give tickets for not having a child restraint system.

I believe this legislation is good but is unenforceable, and we are very simply putting into law again legislation that is not enforceable or could be enforced capriciously by police officers, and that does not help anybody in this Commonwealth. So we would be saying in this legislation if my amendment were accepted that it is our intent that people be encouraged to use child restraint systems, but they would not be ticketed if they did not, as the bill now requires the police officers to do in this Commonwealth. I urge your support of this amendment. Thank you.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, I beg to differ with the gentleman. I believe that the bill is enforceable. The degree, however, to which it is enforced will depend entirely upon the discretion of the individual jurisdictions. If you would, compare the enforceability of the regulations requiring vehicle operators to have a valid driver's license. This violation usually goes undetected, except when the unlicensed driver is detained for a moving violation. Likewise, child restraint violations might often be found only after the driver of the car is stopped for another infraction. More likely, an officer would simply notice the child standing on the seat of the vehicle or riding on another person's lap and then be able to pull that vehicle over in order to issue a ticket. Children traveling in dangerous positions are often also visible to other motorists on the road, and no extraordinary surveillance techniques would be needed by police charged with holding that practice. I would ask that the Murphy amendment be defeated on that basis.

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

Mr. MISCEVICH. Thank you, Mr. Speaker.

I rise to support the Murphy amendment. I would like the members here to just for one second digest what I have to say. This industry is already depressed. We cannot afford to be here mandating that they put these restraint buckets in these cars today. If you have a car like a Corvette, it is not even practical to put this seat into a Corvette. Some people only have one car, and so be it; if it is a Corvette, it is their choice.

I do not think that we should be here mandating that we put these restraint buckets into the cars when we do not even use our harnesses that are mandated by the Federal Government that we use. They want to put air bags into the cars. The cost of the car is already so high that the major manufacturers are already giving a \$2,000 discount, and we are wanting to put in a \$50 or \$75 cost to these automobiles again. I have to say, where are we coming from, Mr. Speaker? Let us look at this thing. Who are we to say that we should raise the price of these cars? Let us keep the price of the cars down. If the manufacturer is willing to give you a \$2,000 rebate, why should you be socking them for another \$100? Let us leave it where it is. Just like Mr. Murphy says, let us make it visible that these things should be in the car, but let us not make it mandatory.

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, with all respect to my colleague from Allegheny County, I would ask for the defeat of this amendment. This is not a punitive measure. Although many of us beyond the age of 1 year or 4 years or 15 years choose not to use seatbelts in our cars, we also make that decision to use fatalities in automobiles as the leading cause of death in this country. Mr. Speaker, these children, these infants for whom we are asking for this protection do not have the opportunity to make that decision.

From the discussions I have had with the State Police, I do not envision upon the enactment of this law the State Police canvassing up and down the highways of this State simply in order to enforce it. I think that is very specifically pointed out in section 2, part (c), of this law, for even upon the issuance of a citation, if the operator of the vehicle can show a receipt for the purchase of such a device, the magistrate can waive the citation.

Mr. Speaker, I respectfully ask for the defeat of the amendment. Thank you.

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

Mr. DEAL. Mr. Speaker, may I interrogate the prime sponsor of this bill?

The SPEAKER. Does the gentleman, Mr. Deal, wish to interrogate on the bill or on the amendment?

Mr. DEAL. On the amendment. I am sorry.

The SPEAKER. The gentleman, Mr. Murphy, will consent to interrogation. The gentleman, Mr. Deal, may proceed.

Mr. DEAL. Mr. Speaker, I will withdraw my interrogation on the amendment. May I interrogate the prime sponsor of the bill?

The SPEAKER. The prime sponsor is a member of the Senate. The lady from Delaware, Mrs. Arty, I suppose, is the floor manager of the bill in the House. I am guessing that, but that is not before the House at this time. The Chair will recognize the gentleman, Mr. Deal, after the amendment is taken care of.

Mr. DEAL. All right, Mr. Speaker. Then may I make a couple of remarks on the amendment?

The SPEAKER. On the amendment, the gentleman is in order.

Mr. DEAL. Mr. Speaker, I rise to support the amendment. I rise to support the amendment for several reasons. It would appear to me with all of the crime that we have now, and the police officers are already saddled with all kinds of responsibilities, it just seems ludicrous to me that we would now place this extra undue burden on the police officers. Mr. Speaker, I can now see the police officers running around, as Representative Murphy stated, and, I guess, the next piece of legislation we would have to pass is that all police officers would be equipped with a scale, so that when they stop an automobile, they would take the child out and weigh the child, or they would take the child and the person driving the automobile into a weigh station so that they could weigh the child, or we

would find people going into court taking the child to prove that the child was not of the weight that they had proposed.

I think, Mr. Speaker, when we pass legislation on this floor, we ought not make a mockery of this legislative body. We ought to do things that are in keeping with trying to do what ought to be done. I would say to those who are friends of people who have businesses and want to make sure that their products are sold, they ought to get about the business of using some advertisement agency rather than trying to have us mandate publication of their particular product.

I would hope, Mr. Speaker, that we support the amendment. I certainly am concerned about the safety of young children who cannot make a decision of their own, but I certainly do not feel that we ought to mandate it, especially at this time when people who have automobiles can hardly afford the gas in them let alone trying to buy some other equipment that we know will be skyrocketed as soon as it is made clear that we have mandated that they must be in the vehicle. Mr. Speaker, I would hope that we support this amendment, which will help educate and carry out what we hope will be useful for the protection of our young people.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, on the question of the adoption of the amendment.

Mr. RITTER. Mr. Speaker, I rise to support the amendment. I agree with Mr. Murphy. I think this bill is unenforceable. Let me just give you a for-instance. If a grandmother or grandfather calls their daughter or daughter-in-law and says, listen, I am going to the grocery store; do you and Mary Jane want to go along? They pick up the daughter, put the daughter and the grandchild in the automobile, and the grandparents do not have the seatbelt or the seat restraint. They, in effect, are violating the law. Now, if what Mr. Steighner says is true, that we are really not going to be enforcing it, we are not going to have policemen going around looking for violations, then why in the world are we passing it? We have enough laws on the books that we do not want to enforce. Why add another one? But why put some grandmother or grandfather in a position of violating the law simply because they want to take their daughter and granddaughter to the grocery store or anyplace else for that matter? What about a neighbor who might want to volunteer to take a young mother and their child to the store with them or to the movie or anyplace else? We are going to require those people then in order to do that to have to put a seat restraint in their automobile. I do not see any provision in here to do it for taxicabs or for buses or for trains, but we are going to be doing it for passenger cars. I think we are again putting another burden on people.

I thought that most of us supported the concept of getting government off our backs. I do not think we are going to be able to enforce this law. I think we are going to make it in some cases a harassment tool, or some neighbor is going to be able to call the police department and say, my neighbor down the street just went to the store and they do not have a seatbelt in their car and they have taken their child with them. I think it is crazy.

I think Mr. Murphy's amendment is a good amendment. It says, we encourage the use of seatbelts and seat restraints for children, but we are really not going to have a penalty if in fact you do not do it. And so, Mr. Speaker, for some of the reasons I have mentioned and for the fact that I also believe that this is not a very enforceable law and we should not be putting something on the books that we do not intend to enforce fully, we ought to support the Murphy amendment.

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

Mr. GAMBLE. Mr. Speaker, I, too, rise to support the Murphy amendment. The idea, of course, to protect our small children on a scale from 1 to 10 gets a 10. Our solution to implementing this bill to deal with that idea gets about a 2. I think the Murphy amendment takes out everything that should be taken out. We want to impress upon the young parents and the drivers that the restraint is very necessary and is necessary for the well-being of their children, but we certainly do not want to penalize them for not having one. Thank you.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, perhaps some background information on the reason for this bill is in order. The Child Passenger Protection Act is one of the recommendations of the Interagency Task Force on Highway Safety for Children. It was also as a result of the International Year of the Child several years ago. Just what are the facts that led to this recommendation for this particular legislation?

The SPEAKER. The lady will yield.

POINT OF ORDER

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

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

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

Mr. PISTELLA. Mr. Speaker, the lady prefaced her remarks with a statement that she thought perhaps some background information on the child protection law would be in order. I am asking, Mr. Speaker, since the point or issue in front of the House at this time is the Murphy amendment, would that background information at this point be in order, or should it be debated on only the Murphy amendment and the information be presented to the House at a later time?

The SPEAKER. It is the opinion of the Chair that, of course, the debate must be pinpointed to the Murphy amendment. However, it is the further opinion of the Chair that inasmuch as the Murphy amendment strips out the mandatory provisions of the bill, the information the lady is giving is relative to that point, and the lady is in order.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mrs. ARTY. Thank you, Mr. Speaker.

Again, some of the facts: Automobile crashes are the leading cause of death of children in the Commonwealth. The

highway-related death is double the rate for any other type of childhood accident or disease. The chance of a 1- to 4-year-old being killed in a motor vehicle crash is over 50 times greater than the chance of the same child dying from any illness. In 1978, over 9,000 children below the age of 5 were involved in crashes in this Commonwealth. In 1978, 2,700 children were involved in crashes and they sustained some degree of injury. Approximately 400 of that 2,700 number were moderately injured, severely injured, or killed.

Less than 1 in 12 children today are being provided the protection that a well-designed and properly used restraint device could provide. Mainly child passenger deaths and injuries are largely preventable, and that is what we are dealing with, an issue that would help to prevent the injuries, particularly the brain and spinal cord injuries that happen to children in motor vehicle accidents that could largely be prevented if the use of the child safety seat was adopted.

There are a number of organizations that support this legislation - the Academy of Pediatrics; the American Medical Association; the Medical Society of Chester and Delaware Counties; the Health Services Plan of Pennsylvania; the Hospital Association of Pennsylvania; the Licensed Practical Nurses of Pennsylvania; the Motor Vehicle Manufacturers Institute; the Academy of Family Practice; the Association of Clinical Pathologists; the Pennsylvania Blue Shield; the American Academy of Pediatrics, Pennsylvania Chapter; the Academy of Emergency Physicians; the Emergency Health Services Council, and the list can go on and on. I might note that I have many names from people in the city of Philadelphia and many organizations who also support this particular piece of proposed legislation.

I would like to respond just a minute about grandparents. If you had the kind of practice at being grandparents that my husband and I have, it is very easy just to pick up the child safety seat and take it from one car and put it into another and strap it in. You take the child with the seat. Thank you, Mr. Speaker.

MEMBER'S PRESENCE RECORDED

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

CONSIDERATION OF SB 592 CONTINUED

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

Mr. OLASZ. Mr. Speaker, I rise to support the Murphy amendment. Since the Speaker has indicated that the Murphy amendment would in essence gut the bill, I feel compelled at this time to speak out on legislating common sense into people. We can pass laws until we are black and blue in the face. We cannot legislate common sense into people.

A statistic was brought out about infant deaths. How about the total number of motorists who are killed annually on the highways in our Nation and also Pennsylvania? Would the installation of these seatbelts and buckets give these young

drivers a sense of false security? What about the drunken driver? There are many, many issues involved in this, and I cannot see *compelling people* and a legislative body forcing people into this restraint. What about those children on roller skates? Is that the next thing we legislate - swimming, ice skates, et cetera? It is a very serious financial imposition on all motorists. I am not saying you can equate expenditures of dollars with a human life, but I think you should also take into consideration legislating into people's everyday life. I hope you would support the Murphy amendment.

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

Mr. STEVENS. Thank you, Mr. Speaker.

I think what we are missing here in the debate on this amendment is that we are dealing with infants who do not have a choice. When you have a mother or a father who endangers their life by holding that infant behind the wheel of a car without a restraint, that infant has no choice. It is not somebody who is old enough to be on roller skates or whatever. So with that in mind, I think that we should have some leadership in this House and stand up and say, look, you know, the life of an infant is more important than just saying that it is going to add a cost to the car. In that respect, I ask that this amendment be defeated and a "yes" vote on the bill. Thank you.

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

Mr. COHEN. Mr. Speaker, I support the Murphy amendment.

Even granting that this is a serious safety problem, which I am quite skeptical of, but even assuming this is a serious safety problem, the way to go about this would be to place some mandate on the selling of cars; it would not be to place a mandate on each individual person to go and purchase it himself or herself.

This proposal will only serve to harass people. It will only serve to create divisions between people. People may not have these restraining devices to carry with them. One woman's car may be stalled; it may not work. I can imagine the difficulty it would cause if a woman and a child were separated from their restraining device. This is only serving to harass people; it has no public benefit. It is the wrong way to go about solving what is probably a nonexistent problem anyway. I would urge support of the Murphy amendment.

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

Mr. MURPHY. Thank you, Mr. Speaker.

It is certainly amusing to me now to listen to the proponents of *less government regulations stand up to defend this legislation*. This legislation is very simply more government regulation, more government regulation that is not easily enforceable into the lives of all of our constituents.

Secondly, the proponents of this legislation have freely admitted that the purpose of it primarily is educational. If you read the legislation closely, you will see there is a very large escape clause for people to get out of having to pay fines. It just means more hassle for them having to go to a judge to

demonstrate that their child weighs less than 40 pounds or is under 4 years of age or they in fact have bought a child restraint system. So the legislation remains educational without those penalties in it.

Third, I am sure that one of your constituents, once arrested for reckless endangerment of a child, will come to you and ask you to change this law. That is a pretty hefty charge. When somebody reads in the newspaper that somebody has been arrested for reckless endangerment of a child passenger, I would think they are going to look twice at that.

Fourth, the cost was brought up. Now, the cost is not important if we can save lives. I think the statistics show that there is very little increase in the number of lives saved. But let us look at the cost for a moment. There are somewhere between 5 and 6 million automobiles in Pennsylvania. If we required every person, every automobile owner, to buy a child restraint system at somewhere between \$30 and \$40, we are talking about an expenditure of almost \$200 million by our constituents in this Commonwealth in order to fulfill the requirements of this act. Think about that for a moment.

Finally, and I guess most philosophically, who is responsible for that child? It is not the Hospital Association; it is not the American Medical Society; it is not the Pennsylvania Nurses Association. Goodness knows, if they had shown some restraint in the spiraling health care costs, we might be able to save more lives. But no, they are not responsible. That child's parent or grandparent is responsible for that child. You are saying, by supporting this legislation and denying this amendment, that you know better than that child's parents, that you know better than that child's grandparents, that you are going to tell them what to do and how to protect that child's life. I do not think we should be doing that in all cases, particularly in something that is as unenforceable as this particular piece of legislation. I urge your support for this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

I have comments on this bill and I was holding them for final passage, but since the maker of this amendment brought up figures and facts of dollar amounts on this, I think it is important to bring this to your attention at this time.

Number one, strictly on the Murphy amendment, whether we agree or disagree with this legislation, I certainly do not think that we should take this action now, and if we are against this concept, then vote "no" on the bill. But do not put this in front of us as a charade of intent of what we would like to do in this legislation.

Mr. Murphy talks about the dollars involved and the mandates out there to do this. For your information, for those who do not know, there is a program in place now in the Department of Transportation on the child restraint seat. They are using Federal dollars—\$55,000 is the total cost—and presently throughout the State of Pennsylvania there are over 5,000 of these child restraint seats being distributed through medical societies and groups like that, and also particularly the Jaycettes are distributing these seats to those individuals who cannot afford them.

If we say we are passing laws for those people who cannot help themselves, then in fact we should pass this bill. In conjunction with the program that is already in place in the Department of Transportation, we will help those individuals. So I think the figures that were used are far beyond the actual cost of this program, and I think we should defeat this amendment and pass the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble, for the second time on the question.

Mr. GAMBLE. Mr. Speaker, I would just like to make one more point in support of the Murphy amendment.

In the last paragraph of the bill, if this bill is all that the floor manager and other proponents say that it is and this is going to cure the ills pertaining to this specific problem, why do we have in the last paragraph that "This act shall expire automatically three years after its effective date, unless this section shall be amended or repealed by the General Assembly...." Evidently the sponsor in the Senate was not really sure this was the way to go to deal with this problem, so we have a 3-year clause in there.

I say that with the Murphy amendment we can even amend out the 3-year clause, because it will address what we are trying to address, to impress upon the people to use the restraints, not to fine the people for not using them. Thank you.

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

The following roll call was recorded:

YEAS—137

Anderson	Gallen	Lucy	Rocks
Armstrong	Gamble	McIntyre	Rybak
Belfanti	Gannon	McMonagle	Seventy
Borski	Geist	McVerry	Shupnik
Brown	Gladeck	Mackowski	Sieminski
Burd	Grabowski	Madigan	Sirianni
Caltagirone	Gray	Maiale	Smith, B.
Cimini	Greenfield	Manderino	Smith, L. E.
Clark	Grieco	Manmiller	Snyder
Clymer	Gruppo	Merry	Spencer
Cohen	Haluska	Michlovic	Stairs
Colafella	Harper	Miscevich	Stewart
Cole	Hasay	Moehlmann	Stuban
Coslett	Hayes	Morris	Swaim
Cowell	Heiser	Mowery	Swift
DeMedio	Horgos	Mrkonic	Taddonio
DeVertter	Hutchinson, A.	Mullen	Taylor, E. Z.
DeWeese	Itkin	Murphy	Taylor, F. E.
Daikeler	Kanuck	Nahill	Trello
Davies	Kennedy	Noye	Van Horne
Deal	Klingaman	Olasz	Vroon
Donatucci	Kolter	Pendleton	Wachob
Dorr	Kowalshyn	Petrone	Wambach
Duffy	Kukovich	Phillips	Wargo
Durham	Lashingner	Piccola	Wass
Emerson	Laughlin	Pievsky	Wenger
Evans	Lehr	Pistella	Wiggins
Fargo	Lescovitz	Pitts	Williams, H.
Fee	Letterman	Pott	Williams, J. D.
Fleck	Levi	Pucciarelli	Wozniak
Foster, W. W.	Levin	Punt	Wright, D. R.
Foster, Jr., A.	Lewis	Reber	Wright, J. L.
Frazier	Livengood	Richardson	Wright, R. C.
Fryer	Lloyd	Ritter	Zwilk
Gallagher			

NAYS—57

Arty	Cordisco	Jackson	Saurman
Barber	Cornell	Johnson	Serafini
Belardi	Cunningham	McClatchy	Showers
Beloff	Dawida	Marmion	Smith, E. H.
Bittle	Dietz	Micozzie	Steighner
Blaum	Dininni	Miller	Stevens
Bowser	Dombrowski	O'Donnell	Sweet
Boyes	Fischer	Oliver	Telek
Brandt	Freind	Perzel	Tigue
Burns	George	Peterson	Weston
Cappabianca	Greenwood	Petrarca	Wogan
Cawley	Gruitza	Pratt	
Cessar	Hagarty	Rappaport	Ryan,
Civera	Hoefel	Rieger	Speaker
Cochran	Honaman	Salvatore	

NOT VOTING—3

Alden	Spitz	Wilson
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EXCUSED—3

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

On the question recurring,
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?

The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Mr. Speaker, will Mr. Murphy consent to interrogation?

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

Mrs. DURHAM. Mr. Speaker, as I understand your amendment, which is now basically the bill, what it effectively does is take away any penalties for not having your child fastened by a child restraint system. Is that correct?

Mr. MURPHY. Yes, Mr. Speaker.

Mrs. DURHAM. The question that concerns me is, what would happen if there was a car accident and a child was injured—let us assume that this did become law—and he does not have his child restraint system on, and the defendant in the case goes into court and says, well, I do not feel that I have any liability because the parents violated a State statute which said he shall fasten such child. Do you feel that this could be used as a defense in that type of case?

Mr. MURPHY. I am not an attorney, Mr. Speaker, so I do not feel qualified to answer that question. My opinion as other than an attorney is that the legislation now makes it essentially a "may" bill. It is our intent that people should use the child restraint passenger systems, but it does not require it. It does not require it under penalty of being guilty of reckless endangerment of a child, and therefore, it would not be a defense in a case. It has made it a "may" rather than a "shall."

Mrs. DURHAM. Thank you, Mr. Speaker.

Can I be recognized for a comment?

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

Mrs. DURHAM. Even with the Murphy amendment, which I did support, I am not going to support this legislation today, because I feel that a defense attorney could make that argument, and then not only would you have the child injured, but if you had the right jury, then also the child would not be allowed any recovery. So for those reasons I am not going to support the bill. Thank you.

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

Mr. DEAL. Mr. Speaker, if this bill was passed, should there be a fiscal note attached to this bill? My reason for asking the question is that it would appear to me that if a State Police officer saw a little child lost or wandering, that State Police officer would be in violation if he picked that child up and did not have that harness in the vehicle. So it would appear to me that for us to even entertain the bill, we ought to know what it is going to cost. I also would like to ask the general floor person, in preparing this bill, why were buses, taxicabs, trains, boats, and even the airlines that would fly into Pennsylvania not included?

The SPEAKER. Does the gentleman, Mr. Deal, want to interrogate Mr. Murphy, whose amendment was agreed to and which is now the foundation of the bill?

Mr. DEAL. No, Mr. Speaker. I thought I would like to interrogate the person who is the floor leader for SB 592. I thought that person would be better equipped to afford me answers to my questions.

The SPEAKER. The Chair recognizes the lady, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, it is difficult to respond to those questions at this point, but I would be happy to discuss the issue with the gentleman at a later date. The question is moot with the adoption of the Murphy amendment.

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

Mr. DEAL. That is all right, Mr. Speaker. I will accept her response.

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

Mr. R. C. WRIGHT. Mr. Speaker, I would like to know if the gentleman, Mr. Murphy, would stand for interrogation.

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

Mr. R. C. WRIGHT. Mr. Speaker, I thought that your reply to Representative Durham was that your amendment would make this a "may" bill as opposed to a "shall" bill. Is that correct?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. R. C. WRIGHT. As I read the amendment, it says, "Amend Sec. 2, page 1, line 13, by striking out 'where the child has not been fastened' and inserting shall fasten such child."

Mr. MURPHY. Yes, Mr. Speaker, but if you look at the bottom of my amendment, where it amends page 2 by insert-

ing between lines 13 and 14 the legislative intent, the legislative intent makes it clear that it is our intent that we encourage individuals to use child restraint systems, but we have removed the penalty. Okay? We are simply encouraging them to do that.

Mr. R. C. WRIGHT. That is true, but that does not make it a "may" bill. For the example that Representative Durham raised, a defendant could very well still say that the parent is responsible because the parent violated what is dictated as "shall" in this statute. Is that not correct?

Mr. MURPHY. Mr. Speaker, I cannot answer that. I am not an attorney. I do not know.

Mr. R. C. WRIGHT. Thank you.

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

Mr. FISCHER. Mr. Speaker, I rise to urge adoption of this particular piece of legislation. When my children were first born, I bought from the General Motors Corporation a very small child restraint that fit them when they were at that age, and we used it, and we consistently used it, and then when they got a little larger, we bought a little larger one. I saw several different examples of times when simply someone pulled out in front of me, and that child restraint probably saved some injury to my children. I do not know if any of you have ever seen a little child smashed up in an automobile, but I have. I have seen some of those kinds of accidents along the Turnpike and along the highways that I travel, and if by doing this today we simply save the life or the injury of one child, then we have done a great thing today. I urge adoption of this, and I think we should go on record today and set an example for the Nation that these things should be used and utilized, because I think the really important issue here is that we save life and injury of little children who do not know where to sit and how to save themselves and protect themselves in automobiles. Let us pass this legislation and save some lives and do something significant today.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

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

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

Mr. PITTS. Mr. Speaker, on the amendment of Mr. Murphy, he had included a section 4 entitled "Legislative intent," and I note by looking at the rest of the amendment that there is no deletion of section 4, the sunset provision. Am I correct in assuming now that, as amended, we have two section 4's in the bill?

The SPEAKER. The gentleman is correct in that the content of both sections will remain in the bill. The legislative clerk has the right to change those numbers so that they will not ultimately read "section 4, section 4."

Mr. PITTS. Thank you, Mr. Speaker.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Mr. Speaker, after listening to debate this morning, I have some concerns regarding liability when there is an accident, and I move that this bill be recommitted to the Consumer Affairs Committee.

The SPEAKER. The question before the House is the motion of the lady, Mrs. Durham, that the bill be recommitted to the Committee on Consumer Affairs.

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

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

Mr. COHEN. Mr. Speaker, I support that motion. The Murphy amendment confuses precisely how it is we are supposed to vote, given our respective positions on the bill. I think the Consumer Affairs Committee is the best committee to deal with all the multifacets of this bill.

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

Mr. DAWIDA. Mr. Speaker, my thoughts on the Murphy amendment were that it was a good idea in that it rid the bill of very-difficult-to-enforce kinds of things—

The SPEAKER. The gentleman will yield.
The question before the House is one of recommittal.

Mr. DAWIDA. I understand. The recommittal is based on what happened in the Murphy amendment, and so I think I am proper in restating that so that we make it clear what we are doing here.

What we did in the Murphy amendment is say that you cannot get a ticket, you will not be fined, you will not be thrown in jail, for not using the child restraint system. However, we would make it the law of the land if we passed this bill that not using that child restraint system is illegal, and that can be contributory negligence in a lawsuit. We will be making a standard for the country here and for the State saying that it is illegal and improper not to use those child restraint systems. We are merely saying, through the Murphy amendment, that we will not ticket you if you do not and hassle you in a lot of small ways. So that, I think, frames the issue, and what we are doing here in the recommittal motion, we must decide whether or not we believe that is the proper thing to do. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, on the question of recommittal.

Mr. ITKIN. Mr. Speaker, prior to the Murphy amendment we adopted the Piccola amendment, and in the Piccola amendment there is a statement that says, "In no event shall failure to wear a child passenger restraint system be admissible as evidence in the trial of any civil action." Now, could the Chair advise the House as to whether or not this specific language will be contained in the bill as printed?

The SPEAKER. It is the opinion of the Chair that the language the gentleman refers to, that is, the Piccola language on civil liability, would not be included in the bill if it passed the House with the Murphy amendment in it.

Mr. ITKIN. Mr. Speaker, then I rise to support the motion to recommit.

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

The following roll call was recorded:

YEAS—116

Armstrong	Fleck	Lloyd	Ritter
Barber	Foster, W. W.	Lucyk	Rocks
Belardi	Frazier	McIntyre	Rybak
Belfanti	Freind	McMonagle	Serafini
Beloff	Fryer	McVerry	Seventy
Borski	Gallagher	Mackowski	Shupnik
Brandt	Gallen	Madigan	Sieminski
Brown	George	Maiale	Smith, L. E.
Burd	Grabowski	Manderino	Stewart
Caltagirone	Gray	Merry	Stuban
Cappabianca	Greenfield	Michlovic	Swift
Cawley	Gruitza	Miscevich	Taddonio
Clark	Haluska	Moehlmann	Telek
Cochran	Harper	Mrkonic	Tigue
Cohen	Hasay	Mullen	Trello
Colafella	Heiser	Murphy	Van Horne
Cole	Horgos	O'Donnell	Vroon
Cordisco	Hutchinson, A.	Olasz	Wachob
Cunningham	Itkin	Oliver	Wargo
DeMedio	Jackson	Pendleton	Wenger
Daikeler	Kennedy	Petrone	Wiggins
Davies	Klingaman	Pievsky	Williams, H.
Deal	Kolter	Pistella	Williams, J. D.
Dietz	Kowalshyn	Pitts	Wozniak
Dombrowski	Kukovich	Pott	Wright, R. C.
Donatucci	Laughlin	Pratt	Zwinkl
Durham	Lescovitz	Pucciarelli	
Emerson	Levi	Rappaport	Ryan,
Evans	Levin	Richardson	Speaker
Fee	Lewis		

NAYS—78

Anderson	Fargo	McClatchy	Showers
Arty	Fischer	Manmiller	Sirianni
Bittle	Foster, Jr., A.	Marmion	Smith, B.
Blaum	Gamble	Micozzie	Smith, E. H.
Bowser	Gannon	Miller	Snyder
Boyes	Geist	Morris	Spencer
Burns	Gladeck	Mowery	Stairs
Cessar	Greenwood	Nahill	Steighner
Cimini	Grieco	Noye	Stevens
Civera	Gruppo	Perzel	Swaim
Clymer	Hagarty	Peterson	Sweet
Cornell	Hayes	Petrarca	Taylor, E. Z.
Coslett	Hoeffel	Phillips	Taylor, F. E.
Cowell	Honaman	Piccola	Wambach
DeVertter	Johnson	Punt	Wass
DeWeese	Kanuck	Reber	Weston
Dawida	Lashingier	Rieger	Wogan
Dininni	Lehr	Salvatore	Wright, D. R.
Dorr	Letterman	Saurman	Wright, J. L.
Duffy	Livengood		

NOT VOTING—3

Alden	Spitz	Wilson
Berson	Irvis	Rasco

EXCUSED—3

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

HB 2036 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle, who moves that the vote by which HB 2036, PN 2586, was defeated on the 9th day of February be reconsidered, the motion being seconded by the gentleman, Mr. Gannon.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip.

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

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

Mr. MANDERINO. Mr. Speaker, unless I am wrong—and it is always possible—that matter was defeated twice, and it should take a suspension of the rules before it can be reconsidered.

The SPEAKER. The gentleman is correct that it was twice defeated, but the gentleman is wrong that it requires a suspension of the rules. The Chair asked that question of the Parliamentarian before, and I would be happy to give you the advice of the Parliamentarian.

The Chair notes that the gentleman, Mr. Manderino, has the House rule book in front of him. Will the gentleman turn to page 21, rule 26, in the center of the page. “Where a timely made motion to reconsider is lost, it shall not be in order to again entertain a motion,...” et cetera, which would require a suspension of the rules. So if the reconsideration vote is lost, then it would require a suspension of the rules to again reconsider the vote.

At one time, in the Speaker’s recollection and in Mr. Manderino’s recollection, there was a rule such as the one the gentleman referred to.

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

The following roll call was recorded:

YEAS—184

Anderson	Fee	McClatchy	Saurman
Armstrong	Fischer	McIntyre	Serafini
Arty	Fleck	McMonagle	Seventy
Barber	Foster, W. W.	McVerry	Showers
Belardi	Foster, Jr., A.	Mackowski	Shupnik
Belfanti	Frazier	Madigan	Sieminski
Beloff	Freind	Maiale	Sirianni
Bittle	Fryer	Manderino	Smith, B.
Blaum	Gallen	Manmiller	Smith, E. H.
Borski	Gannon	Marmion	Smith, L. E.
Bowser	Geist	Merry	Snyder
Boyes	George	Michlovic	Spencer
Brandt	Gladeck	Micozzie	Stairs
Burd	Gray	Miller	Steighner
Burns	Greenfield	Moehlmann	Stevens
Caltagirone	Greenwood	Morris	Stewart
Cappabianca	Grieco	Mowery	Stuban
Cawley	Gruitza	Mrkonic	Swaim
Cessar	Gruppo	Mullen	Sweet
Cimini	Hagarty	Murphy	Swift
Civera	Harper	Nahill	Taddonio
Clymer	Hasay	Noye	Taylor, E. Z.
Cochran	Hayes	O'Donnell	Taylor, F. E.
Cohen	Heiser	Olasz	Telek

Colafella	Hoeffel	Oliver	Tigue
Cole	Honaman	Perzel	Trello
Cordisico	Horgos	Peterson	Van Horne
Cornell	Hutchinson, A.	Petrarca	Vroon
Coslett	Itkin	Petrone	Wachob
Cowell	Jackson	Phillips	Wambach
Cunningham	Johnson	Piccola	Wargo
DeMedio	Kanuck	Pievsky	Wass
DeVerter	Kennedy	Pistella	Wenger
DeWeese	Klingaman	Pitts	Weston
Daikeler	Kolter	Pott	Wiggins
Davies	Kowalyshyn	Pratt	Williams, H.
Dawida	Lashinger	Pucciarelli	Williams, J. D.
Deal	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.
Dombrowski	Letterman	Richardson	Wright, J. L.
Donatucci	Levi	Rieger	Wright, R. C.
Dorr	Levin	Ritter	Zwikl
Duffy	Lewis	Rocks	
Emerson	Livengood	Rybak	Ryan,
Evans	Lloyd	Salvatore	Speaker
Fargo	Lucyk		

NAYS—9

Brown	Gamble	Haluska	Miscevich
Clark	Grabowski	Kukovich	Pendleton
Gallagher			

NOT VOTING—4

Alden	Durham	Spitz	Wilson
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EXCUSED—3

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

On the question recurring,
Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, I move that HB 2036 be placed on the final passage postponed calendar.

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

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I request that the House recess for the purpose of taking lunch until the hour of 2 p.m.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a delegation from the Wilkes-Barre Area School District, Barbara Youngblood and Fran Bartlamowicz, here today as the guests of Representatives Blaum, Tigue, and Hasay.

REMARKS ON VOTES

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

Mr. GRUITZA. Mr. Speaker, I had a number of votes that were not recorded this morning. I would like the record to reflect that on HB 525 I would have voted "no"; HB 936, "yes"; HB 1734, "yes"; and HB 1972, "yes."

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

RECESS

The SPEAKER. This House, without objection, will stand in recess until 2 p.m. The Chair hears no objection.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2199, PN 2889 (Amended) (Unanimous)

By Rep. DeVERTER

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), repealing certain rights of persons referred to as minors.

INSURANCE.

SB 710, PN 1679 (Amended)

By Rep. DeVERTER

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," increasing from seventy-five to eighty per centum the loan-to-value ratio on real estate and leasehold loans, increasing from ten to twenty per centum the admitted assets limitation on real estate investment, and allowing Pennsylvania life insurance companies to invest in interest-bearing deposits or certificates of deposit in any State, Federal or Canadian bank or savings and loan association, junior mortgages and trust deeds, foreign obligations and securities, mortgage pass-through certificates and general partnerships, and imposing limitations.

INSURANCE.

SB 712, PN 748

By Rep. DeVERTER

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further regulating insurance companies, associations and exchanges and their policy provisions.

INSURANCE.

MEMBER'S PRESENCE RECORDED

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

CALENDAR RESUMED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2074, PN 2644**, entitled:

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), providing Statewide savings bank branches and further providing for interest rates, finance charges or terms of loans.

On the question,

Will the House agree to the bill on third consideration?

Mr. L. E. SMITH offered the following amendments No. A6017:

Amend Title, page 1, line 17, by inserting after "providing" for association to become permanent reserve fund stock associations; providing

Amend Bill, page 1, lines 22 through 24, by striking out all of said lines and inserting

Section 1. Clauses (3) and (17) of section 102, act of December 14, 1967 (P.L.746, No.345), known as the "Savings Association Code of 1967," are amended and clauses are added to read:

Section 102. Definitions.—The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

(3) "Association," any mutual or permanent reserve fund stock savings association organized under this act and includes also any building and loan association or savings and loan association heretofore organized under or by virtue of any other act or law of this Commonwealth.

(4.1) "Authorized capital," the permanent reserve fund stock authorized in an association's articles.

(5.1) "Capital," the sum of the par value of the permanent reserve fund stock of a savings association issued and outstanding.

(5.2) "Capital surplus," the amount paid to an association for the purchase of permanent reserve fund stock in excess of its par value.

(17) "Member," a person holding a savings account of [an] a mutual association, a person owning one or more shares of permanent reserve fund stock of a permanent reserve fund stock association and a person borrowing on the security of a mortgage or purchasing property upon which a mortgage lien is held by [an] a mutual association. A joint and survivorship relationship whether savers or borrowers constitute a single membership.

(19.1) "Permanent reserve fund stock," the shares of stock issued by an association whose articles permit the issuance of stock which will share in the earnings of the association and for which there is set up from the money paid to the association for such stock a capital surplus. The total amount paid to the association for such stock and all earnings credited to it shall be a secondary fund for securing the payment of the savings liability of the association.

(25.1) "Shares," the units into which the permanent reserve fund stock is divided.

(25.2) "Subscriber," a person who subscribes to shares of the permanent reserve fund stock.

Section 2. Subsection (b) of section 202 and section 203 of the act, are amended to read:

Section 202. Prohibition of Promoters' Fees.—***

(b) A majority of the incorporators shall file with the department at the time of the filing of the articles an affidavit:

(1) Setting forth all expenses incurred or to be incurred in connection with the organization of the association. If the association is a permanent reserve fund stock association there shall also be stated any expense in connection with the subscription for its shares and sale of its shares, if any, and

(2) Stating that no fee, compensation or commission prohibited by subsection (a) of this section has been paid or incurred.

Section 203. Articles of Incorporation.—(a) Articles of incorporation shall be signed and acknowledged by at least five of the incorporators.

(b) The articles shall set forth, in the English language:

(1) The name of the association,

(2) The county in which its first principal place of business is to be located,

(3) A precise and accurate statement of the purpose or purposes for which it is organized, as well as a statement that it is organized under the provisions of this act,

(4) The term for which it is to exist, which may be perpetual,

(5) The name, occupation, citizenship, place of residence, and post office address of each incorporator,

(6) The name, occupation, citizenship, place of residence, [and] post office address, and term of office of each of the first directors,

(7) The aggregate number of permanent reserve fund shares which the association shall have authority to issue. If the articles provide for the issuance of permanent reserve fund stock it shall specify the par value of each share, the number of shares and the kinds or classes which the association is authorized to issue. There shall also be specified the capital surplus to be contributed by each subscriber to permanent reserve fund stock. All shares shall contribute a pro rata proportion of the capital surplus. The authorized capital may be in any amount but may not be less than is required by the department.

Section 3. Subsection (a) of section 206 of the act, clause (6) amended November 26, 1978 (P.L. 1397, No. 329), is amended to read:

Section 206. Approval of Proposed Association by Department.—(a) Upon receipt of an application for approval of a proposed association the department shall conduct such investigation as it may deem necessary to ascertain whether:

(1) The articles and supporting items satisfy the requirements of this act,

(2) The convenience and needs of the public will be served by the proposed association,

(3) The population density or other economic characteristics of the area primarily to be served by the association afford reasonable promise of adequate support for the association,

(4) The character and fitness of the incorporators, of the directors and of the proposed officers are such as to command confidence of the community and to warrant the belief that the business of the association will be honestly and efficiently conducted,

(5) There has not been nor will there be any violation of section 202,

(6) The amount of savings, which will be attracted to the association, shall be adequate properly to operate the association with safety to prospective members, and such savings will be insured by the Federal Savings and Loan Insurance Corporation or by any other public or private corporation authorized by law to insure accounts of savings associations and approved by the Department of Banking, [and]

(7) The proposed association will have sufficient personnel with adequate knowledge and experience to administer the business of the association, and

(8) In the case of a permanent reserve fund stock association, the capital and capital surplus thereof are adequate in relation to the amount and character of the anticipated business of the association.

Section 4. The act is amended by adding a section to read:

Section 212. Acquisitions and Offers to Acquire Shares of Permanent Reserve Fund Stock of Association.—(a) The following words and phrases when used in this section shall have, unless the context clearly indicates otherwise, the following meanings:

(1) "Acquire," obtaining legal or beneficial ownership of shares, or voting rights of shares, whether obtained directly or indirectly, through an intermediary or otherwise; beneficial ownership by a person shall be deemed to include ownership by another person which controls, is controlled by or is under common control with such person and to include ownership by a spouse or member of the family of such person; the acquisition of options, warrants and rights to subscribe for, or to purchase, shares and the acquisition of rights to obtain shares through conversion or exchange shall be deemed an acquisition of such shares.

(2) "Control," the power to elect a majority of the board of directors of an institution or corporation.

(3) "Institution," a permanent reserve fund stock association.

(4) "Proposal to acquire," any offer or attempt to buy or solicitation of an offer to sell or other attempt or offer to acquire by any means, directly or indirectly, through an intermediary or otherwise.

(b) Except as provided in subsection (i), it shall be unlawful, without the prior written approval of the department pursuant to this section, for any person to acquire, or to make a proposal to acquire, shares of an institution or shares of a corporation which controls an institution if the aggregate number of shares held after such acquisition would total more than ten percent of the outstanding shares of such institution or corporation, whether or not any prior acquisition had been approved by the department pursuant to this section

(c) If the approval of the department is required under subsection (b), a person who intends to acquire, or to make a proposal to acquire, shares of an institution or of a corporation which controls an institution shall:

(1) File an application for approval in such form as the department may prescribe,

(2) Deliver to the department from time to time such other information as the department may require with such certification of financial information and such verification by oath or affirmation of other data as the department may specify,

(3) Pay such investigation fee as the department may specify, and

(4) Except in the case of an applicant which is a domestic corporation or a foreign corporation qualified to do business in Pennsylvania, deliver to the department a written consent to service of process in any action or suit arising out of or in connection with the proposed acquisition through service of process on the Secretary of Banking.

(d) Upon receipt of an application for approval and other items required under subsection (c) the department shall conduct an investigation to determine whether the acquisition, its purposes and probable effects would be consistent with the purposes of this act set forth in section 103(a), whether the applicant, or its directors and officers in the case of a corporation, and any proposed new officers or directors of the institution involved would satisfy the test for incorporators, directors and officers of a new institution under section 206(a), and whether the proposed acquisition would be prejudicial to the interests of the depositors, creditors, beneficiaries of fiduciary accounts or shareholders of the institution or corporation involved. As part of its investigation,

the department shall transmit to the institution or the corporation whose shares are proposed to be acquired a copy of the application and all other information received from the applicant, except such information which the department determines should be kept confidential, for the purpose of receiving such comments thereon as such institution or corporation shall transmit to the department upon its request.

(e) Within sixty days after receipt of an application under subsection (c) or within a longer period not in excess of thirty days after receipt from the applicant of additional information required by the department, the department shall approve or disapprove the proposed acquisition and give written notice of its decision to the applicant and the institution or corporation whose shares are proposed to be acquired. If the department approves a proposed acquisition which may result in a change of control of such institution or corporation it may impose conditions to be observed after such acquisition with respect to transactions between the institution involved and the applicant or affiliate of the applicant, with respect to dividends or distributions by such institutions, with respect to employe relations or with respect to such other matters as the department may deem advisable on the basis of the purposes of this act set forth in section 103(a). The decision of the department shall be subject to review by the Commonwealth Court in the manner provided by law.

(f) A proposal to acquire shares which is made to all or substantially all of the shareholders of an institution or a corporation which controls an institution shall, to the extent required by the department in approving the proposal, provide that the proposal will remain open for a specified minimum period of time, that shares may be withdrawn from deposit prior to the time the person making the proposal becomes bound to acquire them and that there will be pro rata acceptance of shares offered or deposited if they exceed the number proposed to be acquired.

(g) It shall be unlawful for any person directly or indirectly to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances in which they were made, not misleading in connection with any acquisition of, or proposal to acquire, shares within the scope of this section or in any application or submission of information to the department under subsection (c).

(h) The enforcement and implementation of this section shall be subject to regulation by the department.

(i) No approval under this section shall be required for an acquisition or proposal to acquire shares in the case of either:

(1) An acquisition or proposal to acquire shares by the issuer thereof or by a person who at the time controls the institution or corporation whose shares are proposed to be acquired,

(2) A merger or consolidation which requires the approval of the department or the Federal Home Loan Bank Board,

(3) A transaction by a broker-dealer who does no more than perform the customary broker's function in transactions on a stock exchange or in the over-the-counter market, who receives no more than the customary broker's commission and who does not solicit, or arrange for the solicitation of orders, or

(4) A transaction of a type exempted by regulation of the department in the light of the purposes of this act set forth in section 103(a).

(j) (1) Any person who acquires or proposes to acquire shares of an institution or of a corporation which controls an institution in violation of section 212 or who violates subsection (g) shall be guilty of a misdemeanor and shall upon conviction be subject, in the case of an individual, to imprisonment for a period not exceeding five years or a fine not exceeding five thousand dollars (\$5,000), or both, and, in the case of any other person, to a fine not exceeding fifty thousand dollars (\$50,000).

(2) Any person who violates any provision of section 212 shall be liable to any institution or corporation or shareholder thereof damaged thereby and, in the discretion of the court, for

punitive damages. The provisions of section 212 shall be enforceable in any administrative action, action or suit instituted by the department or by any such institution, corporation or shareholder to enjoin or restrain any violation or threatened violation of that section.

Section 5. Section 402 of the act, subsection (b) amended October 5, 1978 (P.L.1137, No.267), is amended to read:

Amend Sec. 2, page 2, line 29, by striking out "2" and inserting

6

Amend Sec. 3, page 3, line 26, by striking out "3" and inserting

7

Amend Sec. 4, page 4, line 25, by striking out "4" and inserting

8

Amend Bill, page 5, by inserting between lines 9 and 10

Section 9. Subsection (a) of section 604 of the act, clause (4) added July 30, 1975 (P.L.105, No.55), is amended to read:

Section 604. Voting Rights of Members.—(a) Except as otherwise provided in this act at every meeting of the members of an association the members shall have the right to vote as follows:

(1) In the case of a mutual association:

[(1)] (i) Each borrowing member shall have one vote,

[(2)] (ii) Each savings member shall have one vote. For each one hundred dollars (\$100) in excess of the first one hundred dollars (\$100) in a savings account such saver shall be entitled to one additional vote,

[(3)] (iii) A member who qualifies in more than one of the above classes shall be entitled to cast the total number of votes for which he qualifies. A member may vote in person or by proxy and shall not sell his vote nor execute a proxy for any sum of money or anything of value.

(2) In the case of a permanent reserve fund stock association each member shall have one vote for each share of permanent reserve fund stock, or as defined in association bylaws.

[(4)] (3) If the bylaws of an association so provide, in each election of directors of an association each member entitled to vote shall have the right to multiply the number of votes to which he may be entitled by the total number of directors to be elected, and he may cast the whole number of such votes for one candidate or he may distribute them among any two or more candidates.

Amend Sec. 5, page 5, line 10, by striking out "5" and inserting

10

Amend Bill, page 6, by inserting between lines 11 and 12

Section 11. The act is amended by adding a section to read:

Section 825. Dividends on Permanent Reserve Fund Stock.

—An association may not more frequently than it credits or pays earnings to savings accounts pay a dividend on permanent reserve fund stock subject to the following conditions:

(1) The association shall have during the then current year, from its net earnings, credited or paid earnings on its savings accounts,

(2) The association shall have from its net earnings of the then current year in which the dividend is to be paid credited to its general reserves such amounts as may be required by the department, and

(3) No dividends shall be declared for permanent reserve fund stock that will impair reserves as set forth in section 822 or 10 Pa. Code section 40.1 except upon written permission by the department.

Section 12. Subsection (g) of section 1101 of the act is amended and subsections are added to read:

Section 1101. Mergers, Consolidations and Conversions.—

(g) Upon compliance with the requirements of this article, a mutual association may be converted to a permanent reserve fund stock association and a permanent reserve fund stock association may be converted to a mutual association. Such converted associations may not be voluntarily liquidated for a period of ten years from the date of conversion.

(h) (1) All savers (including all classes thereof) shall be given a preemptive right to purchase reserve fund stock. The preemptive right to savers shall be nonassignable. The department, by regulation, shall prescribe the terms on which such preemptive rights may be exercised.

(2) No preemptive rights will be given to any savers if the association to be converted has no positive net worth unless determined to be in the public interest by the Secretary of Banking.

[(g)] (i) All mergers, consolidations and conversions in which the resulting institution is an association or a savings bank shall be subject to the approval of the department.

Section 13. Section 1109 of the act is amended to read:

Section 1109. Rights of Dissenting Members.—[No] (a) In the case of a mutual association, no mortgage account member shall have any rights of any nature with regard to proceedings for merger, consolidation or conversion and shall conclusively become a borrower of the resulting association or savings bank in the event of a merger, consolidation or conversion. A savings member who dissents from any plan of merger, consolidation or conversion shall have the right to have his savings paid to him in full together with any and all additions thereto which have been credited to his account by way of earnings prior to the effective date of the merger, consolidation or conversion within thirty days of the receipt of notice by the association of his dissent.

(b) In the case of a permanent reserve fund stock association, a permanent reserve fund stockholder shall have only the rights given him in the plan of merger, consolidation or conversion.

Section 14. Subsection (e) of section 1208 of the act, added December 27, 1974 (P.L.1012, No.329), is amended to read:

Section 1208. Distribution of Assets Upon Liquidation.—In the distribution of assets of an association which is liquidated or dissolved, either under this act or by any other method, payment shall be made of liabilities and obligations to members in the following order:

* * *

(e) Fifth, any excess of assets shall be distributed to savings accounts on a basis pro rata to the balance in each account as of the date of liquidation or dissolution in the case of a mutual association. In a permanent reserve fund association, the excess of assets shall be distributed pro rata to the reserve fund stockholders.

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting

15

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

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, HB 2074 would permit State-chartered savings and loans to branch statewide. My amendment would also give to savings and loans stock conversion powers.

The SPEAKER. Does the minority whip desire recognition?

Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Smith, consent to interrogation regarding the amendment?

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

Mr. MANDERINO. Mr. Speaker, is this the amendment that would allow Pennsylvania's mutual savings and loan institutions to issue stock?

Mr. L. E. SMITH. Yes, Mr. Speaker.

Mr. MANDERINO. Thank you, Mr. Speaker.

If I am in order, I would like to make a comment.

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

Mr. MANDERINO. Mr. Speaker, presently the law of Pennsylvania allows members of the general public to charter savings and loan associations. Those savings and loan associations are in the nature of organizations not for profit, and the boards of directors of these savings and loan associations are selected by the depositors and by those who borrow money from the savings and loan. The assets of the savings and loan beyond the deposits that are there, that is, the reserves, really belong to the depositors in theory, in theory, because savings and loan associations do not pay dividends to owners. Borrowers from a savings and loan in the community are borrowing at a more favorable rate than they would if they were borrowing from an institution that had to pay stockholders dividends because of their investment.

Likewise, Mr. Speaker, depositors in the savings and loan theoretically and actually in more than most cases are receiving a better yield on the moneys that they have deposited than they would in a commercial institution that must pay its stockholders a dividend, a fair return on the dollar invested. So when you go down to a State savings and loan—and by the way, this holds true for the Federal savings and loans also—you are dealing with an institution that really belongs to the depositors and the persons using it as an agency from which to borrow money.

Now, I know that the equity in that savings and loan will more than likely never be distributed to its stockholders or to its depositors, its present owners. As long as that savings and loan exists in the community, the borrowers will borrow at a favorable rate and the depositors will be paid a favorable yield, because no one makes a profit. The board of directors perpetuate themselves by receiving the proxy statements of all of the depositors or as many of them as they can round up of all the depositors and of borrowers also who are given a vote.

Mr. Speaker, the amendment that Mr. Smith proposes proposes to change the entire nature of this savings and loan by taking the value of that savings and loan which is in the reserve, about 5 percent usually of the deposited assets, taking that reserve, capitalizing the same, and offering stock. Now, the amendment says you must offer the stock to the depositors first, and if the depositors do not subscribe to the purchase of the stock, then you offer it to the general public.

Mr. Speaker, my reaction to the first offer to the depositors is, you are offering that they might purchase something that is already theirs. They are the owners of the assets of the savings and loan. Yes, they will not receive it on liquidation in most cases, although liquidation might be possible under proper circumstances, but they do receive the benefit of those assets in the more favorable rate that they can borrow at and the more favorable rate that they can deposit and earn yields on their money.

Let us take a for-instance, Mr. Speaker. Let us assume that a savings and loan has deposits of \$1 million, or \$100 million to make it easily understandable - \$100 million in deposits. That savings and loan would be required by our rules and regulations as to savings and loans to put away near 5 percent of those deposits which they will accumulate through the earnings that the organization makes on lending that money out; they would put \$5 million away, at least, in reserves. Now, Mr. Smith's amendment would say to the general public, if the depositors did not want to buy stock on that \$5 million: General public, we have a corporation here with \$5 million in reserves, and a going business with the \$100 million in deposits and so many millions of dollars in outstanding mortgages, and we want you to buy stock in this savings and loan. Now, it is offered to the depositors first, and I say they already own it. Let us assume that they did not buy it, the stock, were not in a position to buy it, did not understand that they were being offered something they already owned and it was sold to the general public for \$5 million, which is equal to the 5-percent reserve. Now there is \$10 million in reserve, and whom does that \$10 million belong to? It only belongs to those people who own the stock, who own the invested \$5 million. Mr. Speaker, if I would propose to do this without the benefit of legislation in the private sector in arm's-length transactions through contracts with my fellowman, I would probably be put in jail for swindling somebody out of \$5 million, but with the benefit of legislation which is embodied in the Smith amendment, all of that would become legal.

I say, Mr. Speaker, we destroy the essence of what savings and loans are all about, what mutual thrift institutions are all about. Persons who want to invest in commercial banks can invest in commercial banks; persons who want to charter commercial banks can charter commercial banks. They can put their capital together; they can start new organizations. That is not impossible. They should not, in my opinion, come to this legislature and ask us to take what has through many, many years been an honored practice of individuals getting together in mutual thrift organizations for their mutual benefit in borrowing and saving and turn that mutual thrift organization into a commercial profit-making organization that takes advantage of the persons who started the same and who have built the assets.

Mr. Speaker, I would ask for a negative vote on the amendment being offered to HB 2074. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor, on the question of the adoption of the amendment.

Mr. TAYLOR. Thank you, Mr. Speaker.

I rise to ask for an affirmative vote on the amendment to this bill. If Pennsylvania was breaking new ground in this particular field, the previous speaker's remarks might hold some water, but they do not. Thirty-two States in the United States already have such thrift operations, savings and loans, that are now stock operations that converted from a mutual association to a stock company.

Let me say that the previous speaker spoke about the 5-percent figure. That might have held true a few years ago, and

where does that 5-percent figure come from? It comes from the Federal Government. The Federal Government says in effect, the Federal Savings and Loan Insurance Corporation says in effect, that they must keep 3 percent, not 5 percent, of the following as a reserve: First, they must have that loss reserve of 3 percent of the insured savings accounts. That is a Federal requirement. The net worth must equal at least 3 percent of the liabilities. This is what is now known as 3 percent. So if you had \$100 million in a savings and loan institution today on deposit, they would have \$3 million. Now, that \$3 million was never intended to belong to those depositors. It is a hedge on a future contingency of a loss, and if that was taken and given away as stock, in effect you would have no reserve; you would have a capital asset to the corporation, and then you would have no reserve requirement met and the deposits would no longer be insured; they would pull out. So it is a requirement of the Federal system, not the State. I cannot see where this hurts anyone. What it does is give the savings and loan institutions of our State the ability to go out and get an influx of new dollars into their institutions.

May I remind the members of this House that of 143 savings and loan institutions in this State, last year alone as of October 31, 1981, in a report filed with the Department of Banking, 70 percent of those savings and loans had a negative earning rate, which means that they did not make any money. This will allow the savings and loan institutions of our State to stay viable and make them stronger than what they are now. I highly recommend that we vote in the affirmative for this amendment and get on with it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, Representative Manderino makes a good philosophical argument, but when you put his argument into practical day-to-day living, it does not hold up. We have a very mobile society here today, and I would like to pose the question to Mr. Manderino that suppose I lived in Harrisburg for 25 years and for 22 of those years I was a depositor in Harris Savings and Loan Association; I am moving to Oklahoma now, and I am going to take my money out of Harris Savings and Loan; the next day someone walks in off the street and deposits a like sum that I withdrew. If Harris Savings and Loan were to convert to stock, would I be entitled to any of the assets of that mutual savings and loan because I had my money there for 20 years and built that reserve, and then because I was not a depositor when the stock conversion came, I was out? I do not know how you could apply his argument to our society today. There is nothing in this amendment which would require a savings and loan to convert to a stock company. That would be by a vote of the directors of that association.

Now, Mr. Manderino also made an argument that I think supports this amendment in that he stated that the boards of savings and loans and the officers perpetuate themselves through lifetime proxies and so forth. This amendment, if a savings and loan association converted to a stock company, would make those people responsible to the stockholders. There would be more incentive for good management and

profit, and thereby, I think it would make the savings and loan association healthier. For that reason I solicit your affirmative vote on this amendment.

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

Mr. McVERRY. Mr. Speaker, I rise and request my fellow members to vote affirmatively for Representative Smith's amendment. I think it is interesting that it was pointed out by Representative Manderino that the depositors in a mutual institution actually own the institution. However, what he said was they own it in theory, and in fact that is exactly true; *they own it in theory. And in theory they have the ability to vote for the directors of that institution and to vote on major changes of direction that the directors may seek to impose with respect to the operation of the institution, but the only thing that they really own is the ability to withdraw their money and/or receive whatever rate of interest is being paid on their deposit at any time. They will never under any circumstances have a division of the assets of that particular institution.*

I think it is interesting to note that the amendment as proposed to permit mutual institutions to become stock organizations is an optional one to be elected by the depositors of the mutual institution or the directors of the mutual institution. So what you really have with this amendment is the ability of the depositors, "the owners," of the mutual institution to determine whether or not they want the ability to be in fact owners by transferring the mode of business to a stock-ownership and thereby becoming eligible to purchase the stock and be an actual owner of the business that could participate in a division of assets at some future time.

Probably most importantly with respect to this amendment is the fact that the mutual institution must elect the option to become a *stockownership type of business, and only upon the affirmative vote of the directors as controlled by the depositors will that election be made. If the election is not made, the mutual institution will remain a mutual institution as is. If it is made, it will become a stock option company as the directors have chosen. I would urge your favorable consideration of this amendment.*

HOUSE SCHEDULE

The SPEAKER. The Chair at this time would like to make a brief announcement. A number of the members have inquired of the leadership as to the plans for the balance of this week and next week. I am advised by the majority leader that there is some chance that the Senate will pass a redistricting bill today, in which event we will be in session tomorrow. We have sunshined the possibility of sessions Thursday, Friday, Saturday of this week. If the Senate passes a bill, it is the intention of the majority leader that we will be in session, be it this week or next week or both. So with those vague advices, make your decisions as to what you are going to do tonight and next week.

CONSIDERATION OF HB 2074 CONTINUED

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

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

May I interrogate Representative Taylor, please?

The SPEAKER. The gentleman may proceed.

Mr. CAPPABIANCA. *I am very curious in regards to the 5 percent that the minority whip mentioned, the 5-percent reserve.*

Mr. TAYLOR. The answer to that is that several years ago there was a 5-percent requirement, Mr. Speaker, but the savings and loan institutions throughout the country, as I said before, are suffering financially, and the Federal deposit regulatory agency, the Federal Savings and Loan Insurance Corporation, saw fit to reduce that requirement to 3 percent. So it is no longer 5 percent; it is 3 percent. That is a safeguard. In other words, what they are saying there is that if you want us to insure all of those deposits in those, you ought to have something in assets that at least equals 3 percent of your savings accounts that are on deposit and at least 3 percent of your mortgage liabilities outstanding. Now, that can be a combination of those two or it can be just one of either one. Now, if that makes that clearer—

Mr. CAPPABIANCA. Okay. Now, 3 percent. In your opinion, or if I understood you correctly, that is not considered an asset?

Mr. TAYLOR. That is considered an asset. It is considered an asset to the extent that if you went into liquidation proceedings, you understand in *liquidation proceedings that what is considered assets to the savings and loans is the equity they have in outstanding mortgages. Those would be an equity, and no one would ever buy those outstanding mortgages unless they were discounted. There would be a tremendous discount on those outstanding mortgages. Those would be sold at a discount. They may have extenuating administrative costs, liquidating costs that are incurred, and all of these things would have to go in. I daresay today in today's marketplace, if a savings and loan was liquidated either voluntarily or by total failure, there would not be any assets to speak of. There just would not be anything left, because there just is not that much difference between what they have, in effect, in cash.*

Mr. CAPPABIANCA. There would have to be at least the 3-percent equity that was held in reserve.

Mr. TAYLOR. Well, that 3 percent may not equal their outstanding liabilities. In other words, liquidation may dissolve all of that, but under the present code, under the Savings and Loan Code, those depositors who enjoy that protection as it stands now are not penalized or assessed for any liabilities in excess of that today. In other words, if they come up with a *shortfall of money, they could not go out and assess those depositors as mutual people being in that association. In other words, what I am saying to you, under the law they are protected from any assessments. There just would not be any assets to divide among those depositors, but, by chance, if there were any assets left in a total dissolving of the association, then in effect they would get part of those assets. But by all practical means today, there just is not that much around.*

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

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

Mr. DORR. Mr. Speaker, I have a concern for the depositors of two of those institutions in perhaps limited circumstances where there would be assets available after liquidation. I take some issue with the gentleman's comment that in today's marketplace there would be no equity in most of our savings and loans. I know that that industry is in some trouble, and perhaps some would characterize it as very deep trouble. I am inclined to want to save that industry as an industry, and I would like to help, but my concern for the depositors who have participated in those institutions over the years, based on assumptions that I think were fair to make at the time and based on the law as it was at the time, prompts me to ask whether Mr. Smith would consent to interrogation on a couple of points.

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

Mr. DORR. Mr. Speaker, under those circumstances where there might be some assets left in a savings and loan institution upon liquidation—and I am thinking of some smalltown savings and loans which might very well have some very attractive real estate that they are using as, in effect, office places and relatively small portfolios both on the deposits and loan side—in those circumstances, am I not correct, and I believe that the gentleman, Mr. Taylor, confirmed this, that upon liquidation of that institution, the depositors to the institution would share pro rata in the value of that real estate or whatever was left in terms of equity after liquidation?

Mr. L. E. SMITH. Mr. Speaker, I presume you are talking about a liquidation. If they liquidated today, they would be in deficit, so whatever would be derived from the sale of the building would go to the insurance company.

Mr. DORR. Well, Mr. Speaker, I am talking about a situation where they would not be in deficit. I grant you that there may be many circumstances where that would be a fact, that many of them would be in deficit. I suspect that there are a number across the State where that is not a fact and, in fact, that the assets outweigh the liabilities. Even if not, just bear with me for a hypothetical on that basis.

Mr. L. E. SMITH. Mr. Speaker, I really do not believe that under today's circumstances I can give you an answer to the question, simply because there are no recent liquidations. We do not have any pattern to follow; we do not have any history. I do not see the possibility of that happening with the rate of the mortgages in their portfolios. It would seem to me that if an association liquidated today, it would have to be for the fact that it was in deficit.

Mr. DORR. Okay. Thank you, Mr. Speaker.

Mr. Speaker, if I may continue, I would just indicate to the members of the House that if in fact what the gentleman, Mr. Smith, says is true, then there is no reason for this particular amendment, because nobody, in my opinion, is going to be crazy enough to invest capital into a deficit situation in which there is no prospect of a fairly immediate ability to get your capital out in the event of liquidation. What you are saying to

me is that our savings and loans are so far into debt or into a deficit situation that any capital that would be infused in that, if there was an immediate cause for liquidation, would be eaten up by the existing debt today. Under those circumstances, I find it ludicrous to believe that there would be people willing to buy the stock in that institution. So I think that if what the gentleman says is true, then there is no need for the amendment. I do not believe it is true. I think there are circumstances where there is in fact very attractive real estate available for use as banking institutions to someone who may have a very good use to put that real estate to. I think that is the reason for this amendment. I think there are probably banks in this Commonwealth that are ready right now to buy stock in savings and loan institutions, in effect either converting them to banks or holding them as savings and loans as a part of a holding company under legislation which is pending elsewhere in the Capitol.

I have a concern for the depositors in those institutions, and I believe that I would not have a great deal of difficulty with this amendment if there were some protection for those people who had deposited in those institutions all along. As it is, I see this scenario developing— Most of those depositors, incidentally, are not going to be interested in buying shares of stock in the institution on a pro rata basis. What is going to happen is, you are going to have other institutions, banking institutions largely, coming in, purchasing the complete stock offering in this savings and loan, and as I read the amendment, they then control the savings and loan institution. They elect the directors. They are entitled to whatever distribution there may be at the time of a liquidation. They are entitled to the dividends. In effect, all of the incidents of ownership of that institution fall upon the new stockholders who infused capital at a par stock rate, probably. I have some concern about that. I think if the depositors were protected, I might have a different viewpoint, but as I see the amendment, the depositors are not protected against being eaten up in that kind of a scenario, and I therefore have some great concern about the amendment.

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

Mr. LEVIN. Thank you, Mr. Speaker.

I think that Mr. Dorr has finally put his finger on what is really happening here. Quite frankly, until he spoke, I found myself utterly confused as to what the motivation was for the offering of the amendment, since it is general knowledge that most of the institutions are in, at least on paper, a disastrous condition because the present value of their mortgage holdings cannot be liquidated for its face value. So if you look at them from a financial standpoint of immediate liquidation, they are in a severe deficit, and it was hard for me to understand why anyone would want to buy stock in something in that position. What Mr. Dorr has, I believe, accurately pointed out is that there are situations where that is not true, where the real estate or bank itself, the advantage of being able to buy into a local community and operate a branch in that community, would outweigh that for another bank. This is really a form of merger, but the people who are not

being protected are the people whom Jim Manderino has stood on this floor to fight for, and that is those people who have put their money in that institution and whose money constitutes that reserve.

MOTION TO RECOMMIT

Mr. LEVIN. Therefore, Mr. Speaker, I favor the bill as a whole, and I think it is needed. Since I cannot support this amendment and there is a great deal of confusion about it, I move that the bill and the amendment be recommitted to Business and Commerce and that the Business and Commerce Committee look at this amendment and then report the bill back.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Levin, that the bill, together with amendment, be recommitted to the Committee on Business and Commerce.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I would ask for a "no" vote on the motion to recommit this bill. This legislation has been adequately studied by that committee. It is the consensus of that committee that the legislation is of an urgent nature because of today's business conditions, and I would urge the members not to vote for recommitment.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for a vote of support for the motion to recommit HB 2074. What the previous speaker has said is in fact that the issue of statewide savings and loan branch banking has been supported by the members of the Business and Commerce Committee. One would be led to believe that a major change in the operation of the reserve fund of those banks was in fact also approved.

If my memory serves me correctly, I do not remember this amendment at all being offered at any of the Business and Commerce Committee meetings in which this piece of legislation was considered. It is for that reason, that this is in fact a major change in the banking philosophy of this Commonwealth and in this country, that I would urge the members to send this bill and the amendment back to the Business and Commerce Committee for additional debate for a short period of time so the issue can be fully addressed in committee and then brought back to the floor of the House. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I would strongly urge a negative vote on recommitment. Thank you.

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

Mr. DORR. Mr. Speaker, I, too, recommend a negative vote on recommitment. I think the bill is important. It has been out a long time.

This amendment I have some concern with, but I do not think it ought to be recommitted for study. I think the members of the House understand the principle upon which the amendment is based, and I do not think we are going to have a much different result if it is taken back to committee and brought out again. I would recommend a negative vote on recommitment.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Levin, to recommit HB 2074 to the Committee on Business and Commerce.

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

The following roll call was recorded:

YEAS—53

Barber	Gallagher	Lloyd	Richardson
Beloff	Gamble	Lucyk	Rieger
Blaum	George	McIntyre	Rybak
Borski	Grabowski	McMonagle	Shupnik
Brown	Gray	Manderino	Stewart
Cohen	Greenfield	Morris	Suban
Colafella	Haluska	Mrkonic	Swaim
Cole	Harper	Olasz	Tigue
DeWeese	Hoeffel	Oliver	Wargo
Dawida	Itkin	Pendleton	Wiggins
Deal	Kowalyszyn	Pistella	Williams, H.
Donatucci	Kukovich	Pratt	Williams, J. D.
Duffy	Levin	Pucciarelli	Wozniak
Evans			

NAYS—140

Anderson	Fischer	McVerry	Seventy
Armstrong	Fleck	Mackowski	Showers
Arty	Foster, W. W.	Madigan	Sieminski
Belardi	Foster, Jr., A.	Maiale	Sirianni
Belfanti	Frazier	Manmiller	Smith, B.
Bittle	Freind	Marmion	Smith, E. H.
Bowser	Fryer	Merry	Smith, L. E.
Boyes	Gallen	Michlovic	Snyder
Brandt	Gannon	Micozzie	Spencer
Burd	Geist	Miller	Spitz
Burns	Gladeck	Miscevich	Stairs
Caltagirone	Greenwood	Moehlmann	Steighner
Cappabianca	Grieco	Mowery	Stevens
Cawley	Gruitza	Mullen	Sweet
Cassar	Gruppo	Murphy	Swift
Cimini	Hagarty	Nahill	Taddonio
Civera	Hasay	Noye	Taylor, E. Z.
Clark	Hayes	O'Donnell	Taylor, F. E.
Clymer	Heiser	Perzel	Telek
Cochran	Honaman	Peterson	Trello
Cordisco	Horgos	Petrarca	Van Horne
Cornell	Hutchinson, A.	Petrone	Vroon
Coslett	Jackson	Phillips	Wachob
Cowell	Johnson	Piccola	Wambach
Cunningham	Kennedy	Pievsky	Wass
DeMedio	Klingaman	Pitts	Wenger
DeVertter	Kolter	Pott	Weston
Daikeler	Lashinger	Punt	Wogan
Davies	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dinnini	Lescovitz	Ritter	Wright, R. C.
Dombrowski	Letterman	Rocks	Zwinkl
Dorr	Levi	Salvatore	
Durham	Lewis	Saurman	Ryan,
Fargo	Livengood	Serafini	Speaker
Fee	McClatchy		

NOT VOTING—4

Alden Emerson Kanuck Wilson

EXCUSED—3

Berson Irvis Rasco

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

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

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, the arguments against this amendment have gone pretty far afield here this afternoon. If a bank comes in and buys the stock in a savings and loan, that institution is still going to be a savings and loan. There is a 10-year restriction in this amendment which would protect that savings and loan for that period of time. To suggest that a bank comes in and buys a savings and loan and converts it to a commercial bank is utterly ridiculous.

Now, Representative Dorr stated in his argument that we have some savings and loans that are in trouble. I do not think, if you examine the financial statements of some of our savings and loans, that there is any question about that. This amendment, along with this legislation, in cases will permit mergers and infusions of new capital which are very important to this industry right now.

The most successful savings and loans that we have in the United States, the great majority of them are in Texas and California, and those institutions are healthy today because they are attracting new capital. This would even permit a new stock savings and loan to come into existence, and those ones that have started in the last 2 or 3 years are making money. They are very successful.

This industry is important to the housing industry of the whole country. We constantly talk about there is no mortgage money, and yet we are willing to cripple the very lifestream of that industry. I urge an affirmative vote on this amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—126

Anderson	Fee	Letterman	Seventy
Armstrong	Fischer	Levi	Showers
Arty	Fleck	Livengood	Sieminski
Belardi	Foster, W. W.	McClatchy	Sirianni
Beloff	Foster, Jr., A.	McVerry	Smith, B.
Bittle	Frazier	Mackowski	Smith, E. H.
Borski	Freind	Madigan	Smith, L. E.
Bowser	Gallen	Majale	Snyder
Boyes	Gamble	Manmiller	Spencer
Brandt	Gannon	Marmion	Spitz
Burd	Geist	Merry	Stairs
Burns	Gladeck	Micozzie	Steighner
Caltagirone	Grabowski	Miller	Stevens
Cessar	Gray	Moehlmann	Sweet
Cimini	Greenwood	Mowery	Swift
Civera	Grieco	Nahill	Taddonio
Clymer	Gruppo	Noye	Taylor, E. Z.
Cochran	Hagarty	O'Donnell	Taylor, F. E.
Colafella	Hasay	Pendleton	Telek

Cornell	Hayes	Perzel	Van Horne
Coslett	Heiser	Peterson	Vroon
Cowell	Honaman	Phillips	Wambach
DeMedio	Hutchinson, A.	Piccola	Wenger
Daikeler	Itkin	Pitts	Weston
Davies	Jackson	Pott	Wogan
Dawida	Johnson	Punt	Wozniak
Dietz	Kanuck	Rappaport	Wright, D. R.
Dininni	Kennedy	Reber	Wright, J. L.
Dombrowski	Kolter	Rocks	Wright, R. C.
Dorr	Lashingier	Salvatore	
Durham	Lehr	Saurman	Ryan,
Fargo	Lescovitz	Serafini	Speaker

NAYS—65

Barber	Gallagher	McMonagle	Rieger
Belfanti	George	Manderino	Ritter
Blaum	Greenfield	Michlovic	Rybak
Brown	Gruitza	Miscevich	Shupnik
Cappabianca	Haluska	Morris	Stewart
Cawley	Harper	Mrkonic	Stuban
Clark	Hoeffel	Mullen	Swaim
Cole	Horgos	Murphy	Tigue
Cordisco	Klingaman	Olasz	Trello
Cunningham	Kowalshyn	Oliver	Wachob
DeVerter	Kukovich	Petrarca	Wargo
DeWeese	Laughlin	Petrone	Wass
Deal	Levin	Pievsky	Wiggins
Donatucci	Lloyd	Pistella	Williams, H.
Duffy	Lucyk	Pucciarelli	Williams, J. D.
Evans	McIntyre	Richardson	Zwilk
Fryer			

NOT VOTING—6

Alden Emerson Pratt Wilson
Cohen Lewis

EXCUSED—3

Berson Irvis Rasco

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—175

Anderson	Fischer	Lucyk	Rocks
Armstrong	Fleck	McClatchy	Rybak
Arty	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Belardi	Frazier	McVerry	Seventy
Belfanti	Freind	Mackowski	Showers
Beloff	Fryer	Madigan	Sieminski
Bittle	Gallagher	Majale	Sirianni
Blaum	Gallen	Manmiller	Smith, B.
Borski	Gamble	Marmion	Smith, E. H.
Bowser	Gannon	Merry	Smith, L. E.
Boyes	Geist	Michlovic	Snyder
Brandt	Gladeck	Micozzie	Spencer
Brown	Grabowski	Miller	Spitz
Burd	Greenwood	Miscevich	Stairs
Burns	Grieco	Moehlmann	Steighner
Caltagirone	Gruitza	Morris	Stevens
Cappabianca	Gruppo	Mowery	Swaim
Cawley	Hagarty	Mrkonic	Sweet

Cessar	Harper	Mullen	Swift
Cimini	Hasay	Murphy	Taddonio
Civera	Hayes	Nahill	Taylor, E. Z.
Clymer	Heiser	Noye	Taylor, F. E.
Cochran	Hoeffel	O'Donnell	Telek
Colafella	Honaman	Olasz	Trello
Cole	Horgos	Oliver	Van Horne
Cordisco	Hutchinson, A.	Pendleton	Vroon
Cornell	Itkin	Perzel	Wachob
Coslett	Jackson	Peterson	Wambach
Cowell	Johnson	Petrarca	Wass
Cunningham	Kanuck	Petrone	Wenger
DeMedio	Kennedy	Phillips	Weston
DeVerter	Klingaman	Piccola	Wiggins
Daikeler	Kolter	Pievsky	Williams, H.
Davies	Kowalshyn	Pitts	Williams, J. D.
Dawida	Lashinger	Pott	Wogan
Dietz	Laughlin	Pratt	Wozniak
Dininni	Lehr	Pucciarelli	Wright, D. R.
Dombrowski	Lescovitz	Punt	Wright, J. L.
Dorr	Letterman	Rappaport	Wright, R. C.
Duffy	Levi	Reber	Zwikl
Durham	Levin	Richardson	
Evans	Lewis	Rieger	Ryan,
Fargo	Livengood	Ritter	Speaker
Fee			

NAYS—18

Clark	George	Lloyd	Stewart
Cohen	Gray	Manderino	Stuban
DeWeese	Greenfield	Pistella	Tigue
Deaf	Haluska	Shupnik	Wargo
Donatucci	Kukovich		

NOT VOTING—4

Alden	Emerson	Serafini	Wilson
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EXCUSED—3

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

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

SENATE MESSAGE

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 725, PN 1598**.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. GALLEN called up for consideration the following Report of the Committee of Conference on **SB 725, PN 1598**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for mandatory and optional membership and termination of annuities and for the administration, management and investment of certain funds.

On the question,

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I have a very brief question for Representative Gallen.

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

Mr. PISTELLA. Mr. Speaker, if my memory serves me correctly, when this bill passed in the House, there was a provision which was inserted by the O'Donnell amendment that provided that special care or interest be made in investments in Pennsylvania businesses by the new provisions inserted in SB 725. Was that provision deleted or does that remain in the conference report?

Mr. GALLEN. I yield to Representative Mowery.

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

Mr. PISTELLA. Did you understand my question, Mr. Speaker?

Mr. MOWERY. I think I did.

It was not taken out of the bill. It still remains as it was when it left the House originally.

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

Mr. RAPPAPORT. Mr. Speaker, I sat on that conference committee from our side of the aisle, and I urge passage. Thank you, Mr. Speaker.

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—182

Anderson	Fee	Levi	Rocks
Armstrong	Fischer	Levin	Rybak
Arty	Fleck	Livengood	Salvatore
Barber	Foster, W. W.	Lucyk	Saurman
Belardi	Foster, Jr., A.	McClatchy	Serafini
Belfanti	Frazier	McIntyre	Seventy
Bittle	Freind	McMonagle	Showers
Blaum	Fryer	McVerry	Shupnik
Borski	Gallagher	Madigan	Sieminski
Bowser	Gallen	Manderino	Sirianni
Boyes	Gamble	Manmiller	Smith, B.
Brandt	Gannon	Marmion	Smith, E. H.
Brown	Geist	Merry	Smith, L. E.
Burd	George	Michlovic	Spencer
Burns	Gladeck	Micozzie	Spitz
Caltagirone	Grabowski	Miller	Stairs
Cappabianca	Gray	Miscevich	Steighner
Cawley	Greenfield	Moehlmann	Stevens
Cessar	Greenwood	Morris	Stewart
Cimini	Grieco	Mowery	Stuban
Civera	Gruitza	Mrkonic	Swaim
Clark	Gruppo	Mullen	Sweet
Clymer	Hagarty	Murphy	Swift
Cochran	Haluska	Nahill	Taddonio
Colafella	Harper	Noye	Taylor, E. Z.
Cole	Hasay	O'Donnell	Taylor, F. E.
Cordisco	Hayes	Olasz	Telek
Cornell	Heiser	Oliver	Trello
Coslett	Hoeffel	Pendleton	Van Horne

Cowell	Honaman	Perzel	Vroon
Cunningham	Horgos	Peterson	Wambach
DeMedio	Hutchinson, A.	Petrarca	Wargo
DeVerter	Itkin	Petrone	Wass
Daikeler	Jackson	Phillips	Wenger
Davies	Johnson	Piccola	Weston
Dawida	Kanuck	Pievsky	Wiggins
Deal	Kennedy	Pistella	Williams, H.
Dietz	Klingaman	Pitts	Williams, J. D.
Dininni	Kolter	Pott	Wogan
Dombrowski	Kowalyszyn	Pucciarelli	Wozniak
Donatucci	Kukovich	Punt	Wright, D. R.
Dorr	Lashinger	Rappaport	Wright, J. L.
Duffy	Laughlin	Reber	Zwikel
Durham	Lehr	Richardson	
Evans	Lescovitz	Rieger	Ryan,
Fargo	Letterman	Ritter	Speaker

NAYS—3

DeWeese	Lloyd	Tigue
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NOT VOTING—12

Alden	Emerson	Maiale	Wachob
Beloff	Lewis	Pratt	Wilson
Cohen	Mackowski	Snyder	Wright, R. C.

EXCUSED—3

Berson	Irvis	Rasco
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 641, PN 2679**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), providing for the manufacture and sale of electricity by townships of the first class.

On the question,
Will the House concur in Senate amendments?

The **SPEAKER**. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, on this question.

Mr. **LAUGHLIN**. Mr. Speaker, very briefly, the Senate changed absolutely none of the significant language within the bill itself, and I urge concurrence. Thank you, Mr. Speaker.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—192

Anderson	Fischer	Lloyd	Salvatore
Armstrong	Fleck	Lucyk	Saurman
Arty	Foster, W. W.	McClatchy	Serafini
Barber	Foster, Jr., A.	McIntyre	Seventy
Belardi	Frazier	McMonagle	Showers
Belfanti	Freind	McVerry	Shupnik
Beloff	Fryer	Mackowski	Sieminski
Bittle	Gallagher	Madigan	Sirianni
Blaum	Gallen	Maiale	Smith, B.

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

NAYS—0

NOT VOTING—5

Alden	Emerson	Pratt	Wilson
Cohen			

EXCUSED—3

Berson	Irvis	Rasco
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 1384, PN 2792**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Lethal Weapons Training Act," approved October 10, 1974 (P. L. 705, No. 235), defining "full-time police officer", providing for certain exemptions from testing and fees and further providing for applications.

On the question,
Will the House concur in Senate amendments?

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

Mr. BOYES. Mr. Speaker, I ask that the House concur with the changes made by the Senate. The Senate amendments would permit the Commissioner of the State Police to waive the requirements that the FBI (Federal Bureau of Investigation) examine an applicant's fingerprints, if unavailable through the FBI.

I urge the House's concurrence in the Senate amendments.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—189

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

NAYS—2

Deal Richardson

NOT VOTING—6

Alden Cohen Gruitza Wilson
Blau Emerson

EXCUSED—3

Berson Irvis Rasco

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

On the Conference Committee Report on SB 725, I would like to be recorded in the affirmative.

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

BILL ON THIRD
CONSIDERATION POSTPONED

The House proceeded to **HB 1651, PN 1930**, on third consideration postponed, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), redefining the word "taxpayer"; changing certain filing dates; further providing for refunds; and for the prepayment of tax.

On the question recurring,

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

AMENDMENT A4307 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, who moves that the vote by which the Fargo amendment A4307 was agreed to in connection with HB 1651, PN 1930, be reconsidered, the vote having taken place on January 27, 1982. The motion is seconded by the gentleman from York, Mr. Dorr.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—184

Anderson	Fleck	McClatchy	Saurman
Armstrong	Foster, W. W.	McMonagle	Serafini
Barber	Foster, Jr., A.	McVerry	Seventy
Belardi	Frazier	Mackowski	Showers
Belfanti	Freind	Madigan	Shupnik
Bittle	Fryer	Maiale	Sieminski
Blaum	Gallagher	Manderino	Sirianni
Borski	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Marmion	Smith, E. H.
Boyes	Gannon	Merry	Smith, L. E.
Brandt	Geist	Michlovic	Snyder
Brown	George	Micozzie	Spencer
Burd	Gladeck	Miller	Spitz
Burns	Grabowski	Miscevich	Stairs
Caltagirone	Gray	Moehlmann	Steighner
Cappabianca	Greenwood	Morris	Stevens
Cawley	Grieco	Mowery	Stewart
Cessar	Gruitza	Mrkonic	Stuban
Cimini	Gruppo	Mullen	Swaim

Civera	Hagarty	Murphy	Sweet
Clark	Harper	Nahill	Swift
Clymer	Hasay	Noye	Taddonio
Cochran	Hayes	O'Donnell	Taylor, E. Z.
Colafella	Heiser	Olasz	Taylor, F. E.
Cole	Hoeffel	Oliver	Telek
Cordisco	Honaman	Pendleton	Tigue
Cornell	Horgos	Perzel	Trello
Coslett	Hutchinson, A.	Peterson	Van Horne
Cowell	Itkin	Petrarca	Vroon
Cunningham	Jackson	Petrone	Wachob
DeMedio	Johnson	Phillips	Wambach
DeVerter	Kanuck	Piccola	Wargo
Daikeler	Kennedy	Pievsky	Wass
Davies	Klingaman	Pistella	Wenger
Dawida	Kolter	Pitts	Weston
Deal	Kowalyshyn	Pott	Wiggins
Dietz	Kukovich	Pucciarelli	Williams, H.
Dininni	Lashinger	Punt	Wogan
Dombrowski	Laughlin	Rappaport	Wozniak
Donatucci	Lehr	Reber	Wright, D. R.
Dorr	Lescovitz	Richardson	Wright, J. L.
Duffy	Letterman	Rieger	Wright, R. C.
Durham	Levi	Ritter	Zwikl
Evans	Lewis	Rocks	
Fargo	Livengood	Rybak	Ryan,
Fee	Lloyd	Salvatore	Speaker
Fischer	Lucyk		

NAYS—2

DeWeese McIntyre

NOT VOTING—11

Alden	Cohen	Haluska	Williams, J. D.
Arty	Emerson	Levin	Wilson
Beloff	Greenfield	Pratt	

EXCUSED—3

Berson Irvis Rasco

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

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

AMENDMENTS WITHDRAWN

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

Mr. FARGO. Thank you, Mr. Speaker.
I would like to withdraw the amendments temporarily.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

AMENDMENT A5965 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr, who moves, and seconded by the gentleman from Chester, Mr. Vroon, that the vote by which the Pott amendment A5965 was inserted into HB 1651 on the 27th day of January 1982 be reconsidered.

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

The following roll call was recorded:

YEAS—190

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

NAYS—1

DeWeese

NOT VOTING—6

Alden	Emerson	Petrone	Wilson
Cohen	Greenfield		

EXCUSED—3

Berson Irvis Rasco

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

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

BILL AND AMENDMENTS PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. VROON. Mr. Speaker, I move that HB 1651, together with the amendments, be placed on the third consideration postponed calendar.

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Deal, rise?

Mr. DEAL. Mr. Speaker, on concurrence in Senate amendments to HB 1384, PN 2792, I voted in the negative, and it was my intention to have voted in the affirmative.

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

PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman from Lehigh, Mr. Ritter, desire recognition?

Mr. RITTER. Yes, Mr. Speaker. A parliamentary inquiry.

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

Mr. RITTER. Mr. Speaker, on December 9, on the debate on the abortion bill, I submitted on behalf of Representative Zwinkl and myself statements from various church groups and church leaders that were in support of our position.

In the Journal for that day, in the last part where you asked me then about sending the statements to the desk and so on and I said they were in support of the position Mr. Zwinkl and I were taking, then it says, "Mr. RITTER submitted a statement for the Legislative Journal. (For statement, see Appendix.)"

Mr. Speaker, I do not know where the Appendix is. Can you enlighten me first as to when the Appendix will be printed? And second, who makes the determination as to what will appear in the Appendix and what will appear in the Journal, since there were other written statements for the record by other members that do appear in the Journal?

The SPEAKER. The Chair is unable to advise the gentleman right now as to the time schedule on the printing of the Appendix.

With respect to statements being placed in the Appendix, I had made that decision based on the length, after conferring with the Reporter's Office, that the lengthy statements, rather than being inserted into the regular record, which is very costly, be added to the Appendix at a later date.

Mr. RITTER. Mr. Speaker, then my further inquiry is, when will that Appendix be printed?

The SPEAKER. I just advised the gentleman that I am unable to tell him at this time. I will make that determination today and advise the gentleman later on in the day.

Mr. RITTER. Thank you, Mr. Speaker.

REMARKS ON VOTE

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

Mr. SNYDER. Mr. Speaker, I was out of my seat during the vote on the Conference Committee Report on SB 725. I would like to be recorded in the affirmative.

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

The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, on page 14 of today's calendar, I would ask the House to reconsider its decision to pass over HB 315. The persons who have amendments to the legislation are now prepared to offer those amendments, and I would ask that we return to HB 315.

The SPEAKER. Without objection, the Chair returns to page 14 of today's calendar, HB 315, PN 321. The Chair hears no objection.

It is the understanding of the Chair that the gentleman, Mr. Cunningham, and the gentleman, Mr. Manderino, have amendments. Is that correct?

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

Mr. CUNNINGHAM. Mr. Speaker, I am advised that there will only be one amendment offered. The gentleman, Mr. Manderino, and I have an agreed-to amendment that I have introduced and is being circulated.

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **HB 315, PN 321**, on third consideration postponed, 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.

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

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Manderino, has withdrawn his amendments.

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

Mr. CUNNINGHAM offered the following amendment No. A6273:

Amend Sec. 1 (Sec. 2318), page 1, lines 10 through 19; page 2, lines 1 through 27, by striking out all of said lines on said pages and inserting

§ 2318. Military and security police.

(a) Powers and duties.—Military police officers and security police officers of the Pennsylvania National Guard shall be considered police officers when acting within the scope of their military police or security police duties and, when so acting, shall have the power to arrest for military-related offenses. Military police and security police officers may make arrests without warrant for military-related offenses when:

(1) The offense is a summary offense, misdemeanor or felony committed in the presence of the military police or security police officer making the arrest.

(2) The offense is a felony and the military police or security police officer making the arrest has probable cause.

(b) Limitation.—Nothing in this section shall be construed to give military police officers and security police officers of the Pennsylvania National Guard the authority to make arrests for violations of Title 30 (relating to fish), Title 75 (relating to vehicles), or the act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law."

(c) Principles of justification.—When acting within the scope of their military police or security police duties, military police and security police officers shall be considered as peace officers for purposes of the principles of justification set forth by 18 Pa.C.S. Ch.5 (relating to general principles of justification). In addition, military police and security police shall be justified in the use of deadly force to prevent sabotage, espionage, theft or destruction of military information or equipment vital to the national security of the United States.

(d) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Military police." Members of the Pennsylvania Army National Guard who have the Military Occupational Speciality (MOS) of military police and who have completed military training qualifying them to function as military police officers.

"Military-related offense." An offense is considered to be a military-related offense for purposes of this section if any of the following conditions pertain to the offense:

(1) The offense is committed on lands or buildings being used by the Pennsylvania military forces or on a Pennsylvania National Guard military installation or armory.

(2) The offense involves any property, supplies or equipment owned, leased or assigned to or used by the Pennsylvania National Guard.

"Security police." Members of the Pennsylvania Air National Guard who have the Air Force Specialty Code (AFSC) as security or air police officers and who have completed military training qualifying them to function as security police officers.

"Vital to the national security." Military property, information and equipment in possession of the Pennsylvania National Guard are considered vital to the national security of the United States when designated by the United States Department of Defense as priority resources essential to support the wartime mission of United States armed forces or single integrated operations plan or having a top secret or more restrictive security classification.

Section 2. Section 5201 of Title 51 is amended by adding a subsection to read:

§ 5201. Apprehension.

(d) Military and security police.—A military police or security police officer of the Pennsylvania National Guard as defined in section 2318 (relating to military and security police), in a duty status as defined in section 5101 (relating to definitions) and while performing assigned duties pursuant to lawful orders may apprehend any members of the Pennsylvania National Guard for any offense specified in Part IV (relating to military justice).

On the question,

Will the House agree to the amendment?

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

The House a few weeks ago nearly unanimously passed HB 315 and sent it to the Senate. The gentleman, Mr. Manderino,

raised a concern which I believe was a very valid concern regarding the bill.

The purpose of the bill is to more clearly define the scope of the authority that military police have when they are functioning as National Guard officers. We recalled the bill from the Senate, and Mr. Manderino and I have agreed to an amendment that takes care of the concerns he had from a jurisdictional point of view, in terms of the grant of jurisdiction. It is an agreed-to amendment, and I urge that the House adopt it.

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

Mr. LLOYD. Would the gentleman, Mr. Cunningham, consent to interrogation?

The SPEAKER. The gentleman indicates he will consent to interrogation. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, unfortunately, I and other members in the area where I sit on the floor have not had the benefit of seeing this agreed-to amendment. But maybe to speed things up, we do have a copy of an amendment which was distributed yesterday, A6205. I wonder if the gentleman could tell us what changes were made in the amendment A6273 to make it different from A6205. Either that or distribute copies of that amendment so we can read it.

Mr. CUNNINGHAM. Mr. Speaker, I have handed the amendment in for distribution. If it has not been distributed, I certainly do not mind waiting until it has been.

Mr. Speaker, if the gentleman would agree to have me explain it, I would be glad to explain the difference.

The SPEAKER. The gentleman, Mr. Cunningham, will explain his amendment to the gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. CUNNINGHAM. The two amendments are identical, except as regards the circumstances under which military police may use lethal force. In paragraph (c) we have inserted a clarification that is explained when you read paragraph (c) in conjunction with paragraph (d), subparagraph (2). We say that security police may use lethal force to prevent sabotage, espionage, theft, or destruction of military information or equipment vital to the national security of the United States. Then we very narrowly define the term "vital to the national security" as "Military property, information and equipment in possession of the Pennsylvania National Guard are considered vital to the national security of the United States when designated by the United States Department of Defense as priority resources essential to support the wartime mission of United States armed forces or single integrated operations plan or having a top secret or more restrictive security classification."

So in essence, we are saying that the use of lethal force is justifiable only where the resources involved are classified top secret or higher, or they are part of the equipment that has to be relied upon if this Nation goes to war.

Mr. LLOYD. Thank you, Mr. Speaker.

POINT OF ORDER

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

Mr. MURPHY. Point of order, Mr. Speaker.

Are the rules of the House being enforced? Specifically, I am referring to rule 9(a) concerning smoking on the House floor.

The SPEAKER. What is that rule?

Mr. MURPHY. "No smoking of cigarettes, cigars, pipes and other tobacco products shall be allowed in the Hall of the House."

The SPEAKER. The rules of the House are always enforced, Mr. Murphy.

Mr. MURPHY. Will you then please enforce them, Mr. Speaker? Thank you.

The SPEAKER. Do you have a match?

CONSIDERATION OF HB 315 CONTINUED

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

The following roll call was recorded:

YEAS—188

Table listing names of members who voted 'YEAS' for HB 315, including Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, Daikeler, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Fee, Fischer, Fleck, Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Gray, Greenfield, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Heiser, Hoeffel, Honaman, Horgos, Hutchinson, A., Itkin, Jackson, Johnson, Kennedy, Kolter, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Lucyk, McClatchy, McIntyre, McMonagle, Madigan, Maiale, Manderino, Mannmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Misceovich, Mochlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Donnell, Olas, Oliver, Pendleton, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Potts, Pratt, Pucciarelli, Punt, Rappaport, Reber, Richardson, Rieger, Ritter, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swaim, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Wenger, Weston, Wiggins, Williams, H., Williams, J. D., Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Zwikl.

Table listing names of members who voted 'NAYS' for HB 315: Durham, Evans, Fargo, Levin, Livengood, Lloyd, Rocks, Rybak, Ryan, Speaker.

NAYS—0

NOT VOTING—9

Table listing names of members who did not vote for HB 315: Alden, Cohen, Emerson, Kanuck, Klingaman, Emerson, Lewis, Mullen, Sirianni, Wilson.

EXCUSED—3

Table listing names of members who were excused for HB 315: Berson, Irvis, Rasco.

The question was determined in the affirmative, and the amendment was 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—175

Table listing names of members who voted 'YEAS' for HB 315: Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Bittle, Blaum, Borski, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Colafella, Cole, Cordisco, Coslett, Cowell, Cunningham, DeVerter, Daikeler, Davies, Dawida, Deal, Dietz, Dininni, Dorr, Durham, Evans, Fee, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gannon, Geist, George, Gladeck, Grabowski, Gray, Greenfield, Greenwood, Grieco, Gruitza, Gruppo, Harper, Hasay, Hayes, Heiser, Hoeffel, Honaman, Horgos, Hutchinson, A., Itkin, Jackson, Johnson, Kanuck, Kennedy, Kolter, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Livengood, Lucyk, McClatchy, McIntyre, McMonagle, Mackowski, Madigan, Maiale, Manderino, Mannmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Misceovich, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, Olasz, Oliver, Pendleton, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pitts, Pott, Pratt, Pucciarelli, Punt, Rappaport, Richardson, Rieger, Ritter, Rocks, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swaim, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Wenger, Weston, Wiggins, Williams, H., Williams, J. D., Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Zwikl, Ryan, Speaker.

NAYS—12

Bowser	Fargo	McVerry	O'Donnell
Cornell	Hagarty	Miller	Pistella
Dombrowski	Lloyd	Moehlmann	Reber

NOT VOTING—10

Alden	DeWeese	Gamble	Lewis
Beloff	Duffy	Klingaman	Wilson
Cohen	Emerson		

EXCUSED—3

Berson	Irvis	Rasco
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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.

SESSION SCHEDULE

The SPEAKER. The Chair places the following notice in the record of the House: The House is sunshining for sessions, if necessary, on February 15 at 1 o'clock; February 16, 17, 18, 19, and 20 at 11 a.m. The clerk will read the notice.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME FOR
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House on the following dates and times:

February 15, 1982 at 1:00 p.m.
February 16, 1982 at 11:00 a.m.
February 17, 1982 at 11:00 a.m.
February 18, 1982 at 11:00 a.m.
February 19, 1982 at 11:00 a.m.
February 20, 1982 at 11:00 a.m.

John J. Zubeck
Chief Clerk

February 10, 1982

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg on February 10, 1982, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the same date.

John J. Zubeck
Chief Clerk
House of Representatives

February 10, 1982

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

It is suggested that the members pay strict attention to the majority leader, who is about to be recognized, as he will advise us as to the course of action we will take between now and tomorrow, and thereafter into the next week, if necessary.

Mr. HAYES. Thank you, Mr. Speaker.

We have completed today's voting calendar.

The Senate is still meeting on congressional reapportionment. I do not believe that I should ask the members of this House to sit around in wait of the Senate on this particular matter at this time. That is not to say that we are going to cut and run for home, however. At least I need 102 to stay here of the right persuasion. The Senate has not yet made a decision, as most of you know, with regard to reapportionment. They are meeting on that matter. It is my suggestion that we adjourn until tomorrow at our sunshine time of 11 o'clock.

I will leave word with the Capitol telephone operator as to whether or not the Senate passed the bill. If you would like to call in from where you stay to see whether or not the Senate passed the bill, the operator will be so advised. If the Senate does not pass the bill this evening, then we will adjourn tomorrow at the call of the Chair.

As you know, we had hoped to not have voting session next week, but because of the gravity of the situation and the need to make a final decision with regard to reapportionment, whether we are or are not going to be in session next week will be totally contingent upon the Senate action on reapportionment and our subsequent action on reapportionment. I would hope that we could conclude all of this so that we could stay in our legislative districts next week and not return to this Capitol for voting purposes. I will notify the Capitol telephone operator to be prepared to tell you whether the Senate acted affirmatively or not. If it does, we will be in session tomorrow at 11 a.m. If not, we will adjourn at the call of the Chair. Thank you, Mr. Speaker.

REMARKS ON VOTES

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

Mr. DUFFY. Mr. Speaker, I would like to be recorded on HB 315, PN 321, as "yes."

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

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

Mr. GAMBLE. I would like to be recorded in the affirmative on HB 315.

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

BILLS SIGNED BY SPEAKER

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

HB 641, PN 2679

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), providing for the manufacture and sale of electricity by townships of the first class.

HB 1384, PN 2792

An Act amending the "Lethal Weapons Training Act," approved October 10, 1974 (P. L. 705, No. 235), defining "full-time police officer", providing for certain exemptions from testing and fees and further providing for applications.

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.

Pursuant to the sunshine regulations and laws, this House will be in session tomorrow at 11 a.m.

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that this House do now adjourn until Thursday, February 11, 1982, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:44 p.m., e.s.t., the House adjourned.