

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, MAY 5, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 36

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. JAMES S. VUOCOLO, chaplain of the House of Representatives and pastor of St. Luke's United Church of Christ, Kenhorst, Reading, Pennsylvania, offered the following prayer:

Let us pray:

O God of Love, we pray for the families and loved ones of these legislators who once again face the perplexities of elections in the days ahead. May the love they share be undergirded by Your own, that they may come to know Your peace amid their time of struggle, and that the wholeness of their family units may be preserved so as to enable them to return to this chamber fully equipped to preserve the wholeness of others by the decisions they collectively reach and seek to enact, for we ask it in the name of Jesus Christ, who is the great lover of our souls. 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, May 4, 1982, will be postponed until printed. The Chair hears no objection.

SESSION SCHEDULE

The SPEAKER. The Chair at this time delivers to the clerk for insertion in the record, under the sunshine provisions, the notice for today's session as well as the certifications which accompany that.

The following communication was read:

House of Representatives Commonwealth of Pennsylvania Harrisburg

NOTICE SESSION SCHEDULE 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 date:

Wednesday, May 5, 1982 at 11:00 a.m.

John J. Zubeck Chief Clerk House of Representatives

May 5, 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 May 5, 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

May 5, 1982

HOUSE BILLS INTRODUCED AND REFERRED

No. 2468 By Representatives SIEMINSKI, E. Z. TAYLOR, COLAFELLA, LESCOVITZ, BURNS, FREIND, FARGO, GREENWOOD, KOWALYSHYN, POTT, COWELL and MILLER

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 434), providing for certain audits of community colleges.

Referred to Committee on EDUCATION, May 4, 1982.

No. 2469 By Representatives REBER, LASHINGER and DAIKELER

An Act providing for a ban on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners, requiring the disclosure of the contents of sewage system cleaners covered by this act, requiring the Department of Environmental Resources to administer and enforce certain provisions and establishing penalties.

Referred to Committee on CONSERVATION, May 4, 1982.

No. 2470 By Representatives GEORGE, GREENFIELD, LIVENGOOD, FEE, WAMBACH, STEWART, BROWN, GRAY, HARPER, ZWIKL, CALTAGIRONE, EMERSON, KOLTER, LETTERMAN, BELFANTI, BELARDI, WACHOB, WOZNIAK, PISTELLA, BLAUM, MULLEN, MORRIS, TRELLO, PRATT, TIGUE, McINTYRE, CAWLEY and SWAIM

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Public Utility Commission.

Referred to Committee on CONSUMER AFFAIRS, May 4, 1982.

No. 2471 By Representatives CAPPABIANCA, BOWSER, DOMBROWSKI, MERRY, FEE and BOYES

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for stadium or arena permits.

Referred to Committee on LIQUOR CONTROL, May 4, 1982.

No. 2472 By Representatives LLOYD, MORRIS, LASHINGER, KUKOVICH, BROWN, COCHRAN, FARGO, LUCYK, WOZNIAK and TELEK

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the powers and duties of the Department of Environmental Resources.

Referred to Committee on CONSERVATION, May 4, 1982.

No. 2473 By Representative DAWIDA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the number of Senators and members of the House of Representatives.

Referred to Committee on JUDICIARY, May 4, 1982.

No. 2474 By Representatives MORRIS, GRIECO, COLE, LLOYD, STUBAN, WASS, BROWN, JOHNSON, RYBAK, HALUSKA, WENGER, LIVENGOOD, MADIGAN, COCHRAN, KLINGAMAN, CALTAGIRONE, DAWIDA, KOWALYSHYN, REBER, W. W. FOSTER, SWEET, E. Z. TAYLOR, HONAMAN, FARGO, PRATT, PITTS, E. H. SMITH, D. R. WRIGHT, GRUITZA, CIMINI, FRYER, LEVI, ANDERSON, BOWSER, DIETZ, STAIRS, PETRARCA, BURD, GEORGE, O'DONNELL, DOMBROWSKI,

CORDISCO, A. K. HUTCHINSON, MACKOWSKI, BELFANTI, VROON and SNYDER

An Act creating the Agricultural Development Authority as a governmental instrumentality and as a body corporate and politic; prescribing the rights, powers and duties of such authority; authorizing such authority to acquire by gift or purchase; ***; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 4, 1982.

No. 2475 By Representatives STEIGHNER, WILSON, MANDERINO, IRVIS, GANNON, LAUGHLIN, RITTER, COCHRAN, O'DONNELL, PIEVSKY, WARGO, BURD, F. E. TAYLOR, FARGO, PERZEL, MERRY, BELFANTI, MAIALE, WACHOB, CAPPABIANCA, BLAUM, KOWALYSHYN, HALUSKA, MRKONIC, PISTELLA, VAN HORNE, MORRIS, MICHLOVIC, CORDISCO, ZWIKL, D. R. WRIGHT, PRATT, COLAFELLA, TIGUE, LUCYK, GRUITZA, COLE, GEORGE, FEE, A. K. HUTCHINSON, LIVENGOOD, LETTERMAN, DUFFY, STEWART, WAMBACH, WOZNIAK, DeMEDIO, SWEET, SWAIM, HARPER, DOMBROWSKI, KUKOVICH, CAWLEY, SHOWERS, OLIVER, GRABOWSKI, DeWEESE, LESCOVITZ, BROWN, DEAL and COWELL

An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the creation of and the powers and duties of the Citizens Utility Board.

Referred to Committee on CONSUMER AFFAIRS, May 4, 1982.

No. 2476 By Representatives STEIGHNER, WILSON, MANDERINO, IRVIS, GANNON, LAUGHLIN, RITTER, COCHRAN, O'DONNELL, PIEVSKY, WARGO, PERZEL, MERRY, BELFANTI, MAIALE, WACHOB, CAPPABIANCA, BLAUM, KOWALYSHYN, HALUSKA, MRKONIC, PISTELLA, VAN HORNE, MORRIS, MICHLOVIC, CORDISCO, ZWIKL, D. R. WRIGHT, PRATT, COLAFELLA, TIGUE, LUCYK, GRUITZA, COLE, GEORGE, FEE, A. K. HUTCHINSON, LIVENGOOD, LETTERMAN, DUFFY, STEWART, WAMBACH, WOZNIAK, DeMEDIO, SWEET, SWAIM, HARPER, DOMBROWSKI, KUKOVICH, CAWLEY, SHOWERS, OLIVER, GRABOWSKI, DeWEESE, LESCOVITZ, BROWN and DEAL

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for limited on-site audits in relation to certain rate requests.

Referred to Committee on CONSUMER AFFAIRS,
May 4, 1982.

No. 2477 By Representatives STEIGHNER, WILSON, MANDERINO, IRVIS, GANNON, LAUGHLIN, RITTER, COCHRAN, O'DONNELL, PIEVSKY, WARGO, BURD, LEVI, CLARK, FARGO, PERZEL, MERRY, BELFANTI, MAIALE, WACHOB, CAPPABIANCA, BLAUM, KOWALYSHYN, HALUSKA, MRKONIC, PISTELLA, VAN HORNE, MORRIS, MICHLOVIC, CORDISCO, ZWIKL, D. R. WRIGHT, PRATT, COLAFELLA, TIGUE, LUCYK, GRUITZA, COLE, GEORGE, FEE, A. K. HUTCHINSON, LIVENGOOD, LETTERMAN, DUFFY, STEWART, WAMBACH, WOZNIAK, DeMEDIO, SWEET, SWAIM, HARPER, DOMBROWSKI, KUKOVICH, CAWLEY, SHOWERS, OLIVER, GRABOWSKI, DeWEESE, LESCOVITZ and BROWN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the transcript of public hearings be considered part of the record in proceedings before the commission.

Referred to Committee on CONSUMER AFFAIRS,
May 4, 1982.

No. 2478 By Representatives STEIGHNER, WILSON, MANDERINO, IRVIS, GANNON, LAUGHLIN, RITTER, COCHRAN, O'DONNELL, PIEVSKY, WARGO, BURD, LEVI, FARGO, PERZEL, MERRY, BELFANTI, MAIALE, WACHOB, CAPPABIANCA, BLAUM, KOWALYSHYN, HALUSKA, MRKONIC, PISTELLA, VAN HORNE, MORRIS, MICHLOVIC, CORDISCO, ZWIKL, D. R. WRIGHT, PRATT, COLAFELLA, TIGUE, LUCYK, GRUITZA, COLE, GEORGE, FEE, A. K. HUTCHINSON, LIVENGOOD, LETTERMAN, DUFFY, STEWART, WAMBACH, WOZNIAK, DeMEDIO, SWEET, SWAIM, HARPER, DOMBROWSKI, KUKOVICH, CAWLEY, SHOWERS, OLIVER, GRABOWSKI, DeWEESE, LESCOVITZ, BROWN and CLARK

An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for explanations of rate requests.

Referred to Committee on CONSUMER AFFAIRS,
May 4, 1982.

No. 2479 By Representatives STEIGHNER, WILSON, MANDERINO, IRVIS, GANNON, LAUGHLIN, RITTER, COCHRAN, O'DONNELL, PIEVSKY, WARGO, BURD,

LEVI, FARGO, PERZEL, MERRY, BELFANTI, MAIALE, WACHOB, CAPPABIANCA, BLAUM, KOWALYSHYN, HALUSKA, MRKONIC, PISTELLA, VAN HORNE, MORRIS, MICHLOVIC, CORDISCO, ZWIKL, D. R. WRIGHT, PRATT, COLAFELLA, TIGUE, LUCYK, GRUITZA, COLE, GEORGE, FEE, A. K. HUTCHINSON, LIVENGOOD, LETTERMAN, DUFFY, STEWART, WAMBACH, WOZNIAK, DeMEDIO, SWEET, SWAIM, HARPER, DOMBROWSKI, KUKOVICH, CAWLEY, SHOWERS, OLIVER, GRABOWSKI, DeWEESE, LESCOVITZ and BROWN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the availability of formal complaint forms; changing certain procedures and requiring detailed explanations of complaint procedures.

Referred to Committee on CONSUMER AFFAIRS,
May 4, 1982.

No. 2480 By Representatives STEIGHNER, WILSON, MANDERINO, IRVIS, GANNON, LAUGHLIN, RITTER, COCHRAN, O'DONNELL, PIEVSKY, WARGO, BURD, FARGO, PERZEL, MERRY, BELFANTI, MAIALE, WACHOB, CAPPABIANCA, BLAUM, KOWALYSHYN, HALUSKA, MRKONIC, PISTELLA, VAN HORNE, MORRIS, MICHLOVIC, CORDISCO, ZWIKL, D. R. WRIGHT, PRATT, COLAFELLA, TIGUE, LUCYK, GRUITZA, GEORGE, COLE, FEE, A. K. HUTCHINSON, LIVENGOOD, LETTERMAN, DUFFY, STEWART, WAMBACH, WOZNIAK, DeMEDIO, SWEET, SWAIM, HARPER, DOMBROWSKI, KUKOVICH, CAWLEY, SHOWERS, OLIVER, GRABOWSKI, DeWEESE, LESCOVITZ and BROWN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the investigation of any affiliated interest of a public utility.

Referred to Committee on CONSUMER AFFAIRS,
May 4, 1982.

No. 2481 By Representatives STEIGHNER, WILSON, MANDERINO, IRVIS, GANNON, LAUGHLIN, RITTER, COCHRAN, O'DONNELL, PIEVSKY, WARGO, CLARK, PERZEL, MERRY, BELFANTI, MAIALE, WACHOB, CAPPABIANCA, BLAUM, KOWALYSHYN, HALUSKA, MRKONIC, PISTELLA, VAN HORNE, MORRIS, MICHLOVIC, CORDISCO, ZWIKL, D. R. WRIGHT, PRATT, COLAFELLA, TIGUE, LUCYK,

GRUITZA, COLE, GEORGE, FEE, A. K. HUTCHINSON, LIVENGOOD, LETTERMAN, DUFFY, STEWART, WAMBACH, WOZNIAK, DeMEDIO, SWEET, SWAIM, HARPER, DOMBROWSKI, KUKOVICH, CAWLEY, SHOWERS, OLIVER, GRABOWSKI, DeWEESE, LESCOVITZ and BROWN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for public hearings within service areas for certain rate adjustments.

Referred to Committee on CONSUMER AFFAIRS, May 4, 1982.

No. 2482 By Representatives MURPHY, SEVENTY, CORDISCO, WAMBACH, WACHOB, BROWN, WOZNIAK, SWAIM, J. D. WILLIAMS, RAPPAPORT, PISTELLA and O'DONNELL

An Act providing for an original and cyclical annual assessment and review of tax-exempt property, providing municipal service charge, providing fixed assessment for senior citizens.

Referred to Committee on LOCAL GOVERNMENT, May 4, 1982.

No. 2483 By Representatives BITTLE, PUNT, KOWALYSHYN, GEIST and LETTERMAN

An Act amending the act of May 5, 1927 (P. L. 817, No. 412), entitled, as amended, "An act authorizing and regulating the growth, sale, and distribution of forest tree seedlings, transplants, shrubs and vines by the Department of Forests and Waters; regulating the use of such forest tree seedlings, transplants, shrubs and vines and imposing duties upon the Department of Agriculture with regard to the enforcement of this act," adding a provision authorizing the Department of Environmental Resources to trade surplus tree seed, tree seedlings, scionwood and grafted tree stock.

Referred to Committee on CONSERVATION, May 4, 1982.

No. 2484 By Representatives NAHILL, DeVERTER, MADIGAN, REBER, HAGARTY, DAIKELER and CORNELL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, extending the time period for response to a notification of license suspension.

Referred to Committee on TRANSPORTATION, May 4, 1982.

No. 2485 By Representatives MRKONIC, ARTY, F. E. TAYLOR, DIETZ, GEORGE, WARGO, COWELL, DUFFY, KOLTER, ITKIN, HORGOS, PETRONE, SHUPNIK, MARMION, McVERRY, POTT, GRAY, MANDERINO, SEVENTY, FRAZIER, COLE, GAMBLE, WOZNIAK, DeWEESE, FREIND, WESTON, RASCO, VROON, MULLEN, CESSAR and LEVIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting former prisoners of war from title and registration fees.

Referred to Committee on TRANSPORTATION, May 4, 1982.

No. 2486 By Representatives MRKONIC, ARTY, F. E. TAYLOR, DIETZ, GEORGE, WARGO, COWELL, KOLTER, LEVIN, ITKIN, HORGOS, PETRONE, SHUPNIK, MARMION, McVERRY, POTT, GRAY, MANDERINO, SEVENTY, DUFFY, FRAZIER, HASAY, COLE, GAMBLE, WOZNIAK, DeWEESE, FREIND, WESTON, RASCO, VROON, MULLEN and CESSAR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the maximum income of retired persons in order to be eligible for exemption from registration fees.

Referred to Committee on TRANSPORTATION, May 4, 1982.

No. 2487 By Representatives B. SMITH, A. C. FOSTER, JR., NOYE, BELFANTI, SNYDER, PRATT, TIGUE, DORR, LEHR and ANDERSON

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), authorizing appropriations for insect, pest and vector control programs.

Referred to Committee on LOCAL GOVERNMENT, May 4, 1982.

No. 2488 By Representative GRABOWSKI

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), authorizing migratory waterfowl hunting on Sundays.

Referred to Committee on GAME AND FISHERIES, May 4, 1982.

No. 2489 By Representatives DOMBROWSKI, PISTELLA, WILSON and CAPPABIANCA

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for notice and interest payments to certain taxpayers.

Referred to Committee on FINANCE, May 4, 1982.

SENATE BILLS FOR CONCURRENCE

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

SB 706, PN 1826

Referred to Committee on EDUCATION, May 4, 1982.

SB 786, PN 829

Referred to Committee on LIQUOR CONTROL, May 4, 1982.

SB 1002, PN 1866

Referred to Committee on STATE GOVERNMENT, May 4, 1982.

SB 1003, PN 1179

Referred to Committee on STATE GOVERNMENT, May 4, 1982.

SB 1280, PN 1580

Referred to Committee on STATE GOVERNMENT, May 4, 1982.

SB 1350, PN 1878

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 4, 1982.

SB 1363, PN 1772

Referred to Committee on BUSINESS AND COMMERCE, May 4, 1982.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 188

(Concurrent) By Representatives LLOYD, MORRIS, LASHINGER, KUKOVICH, BROWN, COCHRAN, FARGO, GREENWOOD, LUCYK, WOZNIAC and TELEK

General Assembly directs Joint Legislative Air and Water Pollution Control and Conservation Committee investigate disposal of sewage sludge.

Referred to Committee on RULES, May 4, 1982.

No. 189

By Representatives LLOYD, DAWIDA, VAN HORNE, TELEK, PRATT, LASHINGER, WOZNIAC, COWELL, PISTELLA, RASCO, ROCKS, McINTYRE, JOHNSON, FISCHER and NOYE

House requests Governor to proclaim week of November 8-14, as Pennsylvania Student Council Week.

Referred to Committee on RULES, May 4, 1982.

No. 190

By Representatives COHEN, O'DONNELL, GALLAGHER, BROWN, PISTELLA, RICHARDSON, WAMBACH, KUKOVICH and PIEVSKY

House urges President and Congress engage in public debate to inform citizens of effects of nuclear weapons.

Referred to Committee on FEDERAL-STATE RELATIONS, May 4, 1982.

No. 191

By Representatives WILSON, STEIGHNER, DININNI, KOLTER and PETRARCA

Aviation Subcommittee of Transportation Committee, codify aviation laws.

Referred to Committee on RULES, May 4, 1982.

No. 192

By Representatives WAMBACH, SEVENTY, GALLEN, HAYES, MANDERINO, IRVIS, CESSAR and RYAN

House bipartisan committee explore possibility of a Pennsylvania State Music Hall of Fame.

Referred to Committee on RULES, May 4, 1982.

BILL REREPORTED FROM COMMITTEE

SB 831, PN 1905 (Amended) (Unanimous)

By Rep. McCLATCHY

An Act providing for additional capital projects in Allegheny, Beaver, Berks, Clearfield, Lackawanna, Lawrence, Luzerne, Mercer and Washington Counties to be financed from the current revenues of the Motor License Fund.

APPROPRIATIONS.

LEAVES OF ABSENCE

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

Mr. CESSAR. Thank you, Mr. Speaker.

I request no leaves for today's session.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, who has no requests for leaves of absence for the minority.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Frank Coslett, a group of 115 fourth graders from the Dallas Township Elementary School District, accompanied today by their teachers, Barb Reilly, Sharon Lyonors, Tony Chiaracci, David Jones, and Jean Utler.

The Chair is pleased to welcome to the hall of the House today as the guests of Representatives Cessar and Heiser, Mr. Tim Rogers and his son Tim, of Ross Township, Allegheny County.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 2055, PN 3220; HB 2008, PN 3219; SB 600, PN 1836; and SB 1057, PN 1853.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—193

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

ADDITIONS—1

Cohen

NOT VOTING—3

Brown

McIntyre Williams, H.

EXCUSED—3

Kolter

Olasz Zwinkl

STATEMENT BY MR. BURD

TERCENTENARY COMMITTEE
ON THIS DAY IN HISTORY

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Burd, for the purpose of doing "On This Day in History."

Mr. BURD. Thank you, Mr. Speaker.

On this day in hisfory, Mr. Speaker, Gov. William Penn signed and sealed a body of statutes known as the "Laws

Agreed Upon in England." It should be of particular interest to those of us who have the pleasure to sit in this chamber for the second and third of Penn's laws provided for the election of a General Assembly to govern the province.

Financial matters have been uppermost in our minds in recent days, Mr. Speaker, and the same concerns appeared early in Penn's set of statutes. His fourth law provided that "no Money or Goods shall be raised upon, or paid by any of the People of this Province, by Way of a public Tax...but by a Law for that Purpose made." And the statute goes on to say that whoever collects and pays money in a contrary fashion "shall be held a publick Enemy to the Province, and a Betrayer of the Liberties of the People thereof."

Mr. Speaker, permit me to select one final statute for special attention. It is a law that perhaps will hold a special charm for the esteemed residents of the E floor here at the Capitol, for it reads as follows: "That all scandalous and malicious Reporters, Backbiters, Defamers and Spreaders of false News, whether against Magistrates or private Persons, shall be accordingly severely punished as Enemies to the Peace and Concord of this Province."

Thank you, Mr. Speaker.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2349, PN 3066**, entitled:

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), further providing for penalties regarding phencyclidine and meth-amphetamine and related drugs.

On the question,

Will the House agree to the bill on third consideration?

Mr. GREENWOOD offered the following amendments No. A7690:

Amend Title, page 1, line 11, by inserting after "regarding" manufacture of

Amend Sec. 1 (Sec. 13), page 2, line 4, by striking out the bracket before and after "exceeding"

Amend Sec. 1 (Sec. 13), page 2, line 4, by striking out "less than one year, nor more than"

Amend Sec. 1 (Sec. 13), page 2, line 6, by inserting after "both,"

except that any person upon conviction of unlawful manufacture shall be sentenced to imprisonment of not less than one year nor more than ten years and to pay a fine not exceeding one hundred thousand dollars \$100,000)

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

Mr. Speaker, HB 2349 provides for a mandatory 1-year jail sentence for conviction of the crime of illegally manufacturing two drugs - amphetamines, commonly known as speed, and phencyclidine, commonly known as angel dust. I would like to give you some reasons why I believe that we in the

House ought to enact this bill and provide for the first time a guarantee that those convicted of this rather heinous crime in fact do serve a jail sentence.

Bucks County, where I come from, has earned the dubious distinction of being the speed capital of the world. There are more amphetamines produced in Bucks County illegally and sold as a street drug than anywhere else in the country. That makes Pennsylvania the speed capital of the world as well. Law enforcement officials in Bucks County conservatively estimate the revenues derived by those illegally manufactured amphetamines in Bucks County to be \$200 million per year, and it may well be a \$100-billion-per-year market. The drug abusers who use amphetamines and who use PCP - angel dust - are prone to very violent behavior, and the narcotics officials in my county are of the position that these drugs are more dangerous to the public than even heroin, because whereas the heroin addict tends to go into a narcotic sleep, the amphetamine user often is driven to violent criminal acts. Recently in Philadelphia an individual high on PCP took on six police officers, and it was a very violent and bloody scene.

The present rewards, the financial rewards, for manufacturing these substances are incredible, and the risks are minimal. The present law has a maximum 10-year sentence but no minimum, and I would like to share with you some statistics that I received yesterday from the Attorney General's Office that relate to how we are punishing those who are arrested for manufacturing amphetamines.

In 1980-81 and 1982 so far, there have been in Pennsylvania 66 arrests where individuals were charged with the manufacture of amphetamines. Of those 66 arrests, there have been only 14 individuals who came to final disposition in court. Of the 14 final dispositions, 4 were dismissed on plea bargaining, and 1 was acquitted. Of the nine convictions, four individuals did no time at all in jail, two did less than 1 year, and only three did 1 to 5 years or more in jail.

So it is very obvious to me—and it is obvious to the Attorney General's Office, who describes the State's records on punishing these drug manufacturers to be pathetic—it is obvious that we need to provide a disincentive. I believe that HB 2349 will provide a disincentive to this crime. Those who manufacture this drug are cold, calculating individuals who have the foresight to know that if in Pennsylvania we have a mandatory jail term for this crime, I believe that those individuals, who, by the way, consist primarily of organized crime and motorcycle gangs, will leave Pennsylvania.

Amendment A7690 clarifies language as to what particular segment of the code we are applying the mandatory sentence to. There was some question in committee as to whether or not the bill as drafted went after strictly those who are manufacturing, and amendment A7690 clarifies that, and I would urge adoption of the amendment.

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

The following roll call was recorded:

YEAS—181

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

NAYS—0

NOT VOTING—16

Barber	Deal	Kanuck	Sweet
Brown	Durham	McIntyre	Wiggins
Clark	Emerson	Petrarca	Williams, H.
Cohen	Evans	Richardson	Williams, J. D.

EXCUSED—3

Kolter	Olasz	Zwilk
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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?

Mr. GREENWOOD offered the following amendments No. A7785:

Amend Title, page 1, line 11, by inserting after "regarding" manufacture of

Amend Sec. 1 (Sec. 13), page 2, line 4, by striking out the bracket before and after "exceeding"

Amend Sec. 1 (Sec. 13), page 2, line 4, by striking out "less than one year, nor more than"

Amend Sec. 1 (Sec. 13), page 2, line 6, by inserting after "both,"
except that any person upon conviction of unlawful manufacture shall be sentenced to imprisonment of not less than three years nor more than ten years and to pay a fine not exceeding one hundred thousand dollars (\$100,000)

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

In the original draft of the amendment we just adopted, an error in Legislative Reference Bureau did not increase, as I had suggested that they do, the mandatory jail sentence from 1 year to 3 years. This amendment 7785 does that. I think and my district attorney in Bucks County believes that 1 year really is not in itself sufficient disincentive and that a 3-year sentence is consistent with several other States that have adopted mandatory sentences, and I would urge its concurrence.

AMENDMENTS WITHDRAWN

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

Mr. GREENWOOD. Mr. Speaker, I withdraw amendment A7785.

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 gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, HB 2349 has come before the House in relatively swift fashion. I would like to bring to the attention of the members of the House of Representatives that the Pennsylvania Sentencing Commission has been in existence for 3 years and painstakingly gone over every crime in the Crimes Code and also the Drug, Device and Controlled Substance Act and rated those crimes and prescribed sentences, and in fact the guidelines of the Sentencing Commission are scheduled to go into effect on July 22 of this year.

Be that as it may, Mr. Speaker, this bill was referred to the Committee on Health and Welfare, yet it specifically deals with a mandatory sentence for a particular prohibited activity of a criminal nature. Historically, all bills that deal with crimes and offenses of that nature are referred to the Judiciary Committee and specifically the Crime and Corrections Subcommittee of that committee who deal with those particular prohibited offenses with a knowledge and a background that are particularly relevant to that issue. This bill did not come before that subcommittee or the Committee on Judiciary, which deals with all crimes, and I think that it is appropriate that that committee review this legislation in view of the proposed sentencing guidelines and in view of existing sentencing practices.

MOTION TO RECOMMIT

Mr. McVERRY. Accordingly, I make a motion to recommit this bill to the Judiciary Committee for further consideration.

The SPEAKER. The question before the House is the motion of the gentleman from Allegheny, Mr. McVerry, that HB 2349, together with amendments, be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I would urge the members very strongly to oppose this motion to recommit. In the first place, the sentencing guidelines will do absolutely nothing to guarantee that those who are illegally manufacturing these drugs go to jail. They provide no mandatory sentence and no minimum sentence.

Secondly, this is not a complicated, legal, technical amendment. This is a very simple, straightforward concept that I believe every member of this House, whether or not they are an attorney, can understand, and we can as members from all walks of life in this assembly decide whether or not we want to see that these illegal drug manufacturers do some time in jail.

I see no reason whatsoever, I see nothing that can be gained by referring this to the Judiciary Committee. We are all elected here by our constituents at home to bring our own common sense and our own experience to this floor, and I think we can deal with this issue right now.

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

Mr. SWEET. Thank you, Mr. Speaker.

I want to join Representative McVerry in asking that this bill be recommitted to Judiciary. The sentencing guidelines have not even really gone into effect yet. And we ought not, each and every time we find a particular problem dealing with the criminal justice system in our communities, come dashing to the floor of this House and attempt to undercut what has been done over a period of years. Former member now Judge Tony Scirica worked very hard to see that these guidelines and the whole guideline approach was approved by this General Assembly, and part of the reason was so that we would not make in a haphazard politically and emotionally charged atmosphere decisions about criminal sentencing.

I think we ought to recommit this to Judiciary. I think bills which define crimes which impose penalties ought to be reviewed by that committee and the proper subcommittee within it, and I think it is very, very wrong for us to zip bills through other committees and bring them to the floor of this House and try to get them passed.

I have supported mandatory sentencing in the past. I have supported the major bill that the Governor and District Attorney Rendell offered. I think for those major, violent crimes it was appropriate, but we cannot, each and every time we have a particular criminal justice problem, come in here and get mandatory sentencing bills passed or we will make a travesty

of the sentencing guidelines and a travesty of our whole judicial system. I support Representative McVerry's motion and would hope that colleagues on both sides of the aisle would also support it.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I wish to concur with the remarks made by Representative Sweet and Representative McVerry. I am afraid that in our haste to appear to be tough on crime, we are going to undercut the sentencing guidelines. Even though I think the sentencing guidelines are too harsh, we have to give them a chance to work. To try to address these problems in a piecemeal fashion is going to hurt what we have been trying to do and all the work that so many people have put into the sentencing guidelines. I think that we should vote to recommit, give the guidelines a chance to work. If they prove inadequate along the lines of what Mr. Greenwood wants to do, we will have the chance to bring his bill up again. I would ask you for a "yes" vote on recommitment.

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

Mr. RICHARDSON. Mr. Speaker, I also rise to support the motion to recommit. This bill was in the Health and Welfare Committee, and I am a member of that committee. During that time, I related to the Speaker that we felt very strongly about the fact that we need to be going directly after the manufacturers in our community who in fact manufacture these particular drugs as opposed to just selling them. It seems to me that one of the major problems that we have within our community is the fact that you can always find many sellers, but it seems that we never get to the manufacturers who in fact make this and make their big bucks off of this, and it seems to me that we have to go after those persons who in fact do manufacture such drugs.

I believe that if we had more time, as we tried to indicate in the committee, if we had more time to really go over this bill, we would find that the major concern, particularly dealing with drug addicts and also the drug pushers within our community, is the fact that we never ever get the big guy. We always seem to only get the little guy. We never get the big guy. It seems to me that if we are going to deal with any uniformity in this Commonwealth, particularly as it relates to mandatory sentences for the criminals in this Commonwealth, then we are going to have to make sure that there is some uniform effort at going after these individuals as opposed to in every particular crime saying there should be a mandatory sentence for this person and a mandatory sentence for that person without ever really dealing with the root cause of crime.

So I would also rise to support the motion to recommit. I do not think this is a bill that will be buried. I do not think the intent of the motion is to bury this bill. As a member of the Health and Welfare Committee, I will truthfully say that I will be one of those proponents helping to get the bill out once we put it in correct form.

I also want to put on the record that this is a record-breaking time for a major piece of legislation like this. It just was voted out of the Health and Welfare Committee last week. It has only been on the calendar 3 days, 4 days, and already we are ready to vote on it. It seems to me that we should have ample time to make sure that we have all of our facts together so that if we are going after these manufacturers in this Commonwealth, we do not lose sight of the fact that we can get them and make sure that they will not be able to get out on any loopholes. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Greenwood, for the second time on the question.

Mr. GREENWOOD. Thank you, Mr. Speaker.

Again, Mr. Speaker, I would strongly urge that we do not recommit this bill. If you vote to recommit this bill, I think that the message you send back to your constituents is, I am not able to deal with a legal problem; that is only for the lawyers in the House to deal with. I am not able to recognize that in my district drug abuse is a serious crime; someone else has to deal with that. We have to send that to the Judiciary Committee or let the lawyers in the legislature take care of that.

I cannot recognize that those few people—we are talking about maybe 16 to 20 people a year who are arrested for manufacturing amphetamines—if we cannot decide here that those folks ought to go to jail, I wonder what we can decide here in this chamber. So again, please do not recommit this bill.

The SPEAKER. Does the gentleman, Mr. Richardson, desire recognition for the second time?

Mr. RICHARDSON. Yes, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I think that is not a reflection of the members of this House if this bill is recommitment that they are not serious about trying to deal with drug pushers in this Commonwealth. I tend to believe that there are more than 16 to 20 persons in this Commonwealth of Pennsylvania who are in fact manufacturing drugs. If we are dealing with an issue that is as important as this, then we need to make sure that it is in the proper committee.

If you also agree that lawyers should be handling this matter, then it should not have been in front of the Health and Welfare Committee in the first place, because in fact it was a judicial problem and should have been in the Judiciary Committee. I believe strongly that if we do send it to the Judiciary Committee where the proper hearing and airing of this bill will take place, then perhaps maybe you will not have that problem. Perhaps maybe they will move with efficiency and proficiency to get the bill out and send it back to the floor of this House so we can all vote on it.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Gruppo, on the question of recommitment.

Mr. GRUPPO. Mr. Speaker, I oppose the motion of the gentleman to recommit this bill to the Judiciary Committee.

Not too long ago we had another very important bill, the no-fault auto insurance reform measure. That bill was also

referred from the Insurance Committee, on which I serve, to the Judiciary Committee for their wisdom and input. I am also on the Health and Welfare Committee, and now, after Representatives elected and serving on that committee have made a decision, the Judiciary Committee again wants to input with their wisdom.

I have a serious concern about the manufacture of the drugs in Bucks County, which Representative Greenwood is attempting to curb, and the punishment which we must as representatives of the people be sure is handed out for those crimes. It is not only an isolated case in Bucks County; the problem is spreading throughout the Commonwealth, and we must deal with it in harsh terms.

I am not in favor of being gentle or kind to criminals. I think we ought to be tough, and this is an opportunity to show the people of this Commonwealth that we are serious in getting tough with the people who are infesting and ruining our young society, the future of Pennsylvania. I favor dealing with the motion now and rejecting the motion to recommit to the Judiciary Committee.

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion to recommit this legislation to the Judiciary Committee. I do so not because I want to see the bill buried or because I least of all would like to see lenient sentencing. As the members may recall, I sponsored a resolution last year to defeat the initial guidelines which were promulgated by the Sentencing Commission because I believed they were too lenient. My concern with this legislation is the piecemeal fashion in which we are addressing sentencing. For a member of the House to pick out the crime that offends him the most in his community and to suggest a mandatory sentence for that crime and to have this House pass that mandatory sentencing for that crime would create an absolute hodgepodge of sentencing in this Commonwealth if this were allowed to continue.

We have just passed this year a major change in sentencing in Pennsylvania. We have passed and the Governor has signed into law mandatory sentencing for violent crimes and for crimes committed with a firearm. This is the first time Pennsylvania will have mandatory sentencing. It is a specific category of crimes that is dealt with to send a specific message for violent crimes.

The Judiciary Committee considered those bills. They had the opportunity to consider it within the framework of the entire sentencing guidelines in Pennsylvania and to vote on that specific package. I believe it is wrong not to give careful consideration to whether we want to take each crime and mandate a sentence. We not only take away flexibility from our judges when we do that, but we take away flexibility from our district attorneys' offices. Prosecution of drug cases is a very unusual area, because often the intent is to be able to find out who is behind the drug scheme. In order to do that, there sometimes needs to be flexibility in the district attorney's office.

The Commonwealth has a serious drug problem which we ought to be addressing. We should not be simply taking one small portion of the Drug Act for one specific type of drug and mandating a sentence. We have not addressed here today the sale of heroin, the sale of any other drug in this Commonwealth which affects our young people and our citizens. For those reasons I believe the Judiciary Committee ought to consider this bill and ought to consider how it will fit in with the rest of our sentencing scheme before we just go ahead and willy-nilly change the sentencing law for one small crime for one particular drug. Thank you.

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

Mr. CALTAGIRONE. Mr. Speaker, I think this is one of the most critical pieces of legislation that we might have to face concerning the fight with organized crime in this State. I think it is extremely important for the members to realize that if we did not have the problems with the judiciary and their sentencing, we would not have needed the mandatory sentencing to begin with. I think this is going to send a message to the courts. It is going to send a message to those drug dealers in this State. That is the number one problem that we face, and you have to be blind not to look at it.

The other problem that you have to remember is, we need something that is swift and certain as far as justice is concerned. I fully support the gentleman. Vote against the recommittal motion, and let us go on with the business. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on the question of recommitment.

Mr. SAURMAN. Thank you, Mr. Speaker.

I think, too, that this motion to recommit should be defeated and this bill acted on. Representative Hagarty talked about the use of the district attorney in getting at the base of the crime. We are talking here about the source of the crime. We are talking about the manufacturer. You cannot go back any further than that. When you get to the point where the stuff is being made, if you do not do something serious about it, then you are turning your back on it.

This bill should be passed as quickly as possible, put into effect, and let us get these people out of business.

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

Mr. RASCO. Mr. Speaker, I rise in opposition to recommitment. As Representative Gruppo had mentioned here previously, we did have a bill here on no-fault. Now, the Speaker of this House assigns these bills to committee. Now, on a no-fault reform bill, evidently we are capable, I think, in that committee of making decisions. That went to this floor and was recommitted to Judiciary, and it is still in the Judiciary Committee. Now we have another bill that through your wisdom, Mr. Speaker, you put in the Health and Welfare Committee so that we, the people in that committee, could make a decision on this. Now we are back on the floor again saying, well, we cannot make a decision on this; it goes back to the Judiciary Committee.

I think this is quite unfair. I think we need some tougher laws on the drug dealers and on speed in this State. We had

better start doing something. I do not see any reason to hold this up and go back to the Judiciary Committee. I think we ought to move on it now and we ought to pass it now. I oppose the recommittal motion. Thank you, Mr. Speaker.

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

Mr. GAMBLE. Mr. Speaker, would the prime sponsor stand for brief interrogation?

The SPEAKER. The question before the House is the question of recommittal. If the gentleman is interrogating on that question, he would be in order. If he is interrogating on the bill, it would be out of order.

The prime sponsor, Mr. Greenwood, indicates he will stand for interrogation.

Mr. GAMBLE. I believe that this does pertain to recommittal, because, let us face it, if it is recommitted, it is probably going to die in the judicial graveyard.

I have a question as to the bill, if it pertains to the distributor as well as the manufacturer as included on line 8 of the second page, because if one high school boy is passing a pill to another high school boy, he should not be in the same category as those who manufacture the substance.

The SPEAKER. Will the gentleman yield.

The Chair would appreciate it if the debate at this time would be limited to the question of recommittal. The gentleman, in the Chair's opinion, is getting into the merits of the bill.

Mr. GAMBLE. Mr. Speaker, I will ask no more questions, but could I have an answer to that inquiry?

The SPEAKER. The Chair apologizes. He was unable to hear the gentleman.

Mr. GAMBLE. I have no more questions, Mr. Speaker, but I think it is very important that I have an answer to this question. For many of us, the answer to this question will determine whether we are for recommittal or not. I have no further questions if I can have an answer to this one.

The SPEAKER. The gentleman, Mr. Greenwood, indicates he will answer the gentleman's question.

Mr. GREENWOOD. The question does pertain to recommittal, because one of the reasons for recommittal may be whether we should study this language. The amendment we adopted, 7690, made very clear that we are talking about specifically and only the manufacturer, not the high school boy who passes a pep pill to the other high school boy. That has nothing to do with this legislation. We are going after the guys at the very top of this pyramid and only those right now. We can go after the distributors later in other legislation. But I want this to be very narrow, and I want to send a message to these slobs who are manufacturing this stuff, who are wreaking carnage on our children, that we do not want them in Pennsylvania.

Mr. GAMBLE. Thank you.

The SPEAKER. The question recurs, will the House agree to the motion of the gentleman, Mr. McVerry, to recommit the bill to the Committee on Judiciary? On that question, those in favor of recommittal to the Judiciary Committee will vote "aye"; those opposed to recommittal will vote "no."

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

The following roll call was recorded:

YEAS—34

Barber	Hagarty	Nahill	Richardson
Berson	Horgos	O'Donnell	Seventy
Cappabianca	Irvic	Oliver	Spencer
DeMedio	Ikin	Piccola	Swaim
Deal	Kukovich	Pievsky	Sweet
Dombrowski	McVerry	Pistella	Van Horne
Evans	Manderino	Rappaport	Wachob
Grabowski	Michlovic	Reber	Wiggins
Gruitza	Miscevich		

NAYS—153

Alden	Durham	Letterman	Saurman
Anderson	Fargo	Levi	Serafini
Armstrong	Fee	Livengood	Showers
Arty	Fischer	Lloyd	Shupnik
Belardi	Fleck	Lucyk	Sieminski
Belfanti	Foster, W. W.	McClatchy	Sirianni
Bittle	Foster, Jr., A.	McMonagle	Smith, B.
Blaum	Frazier	Mackowski	Smith, E. H.
Borski	Freind	Madigan	Smith, L. E.
Bowser	Fryer	Maiale	Snyder
Boyes	Gallagher	Manmiller	Spitz
Brandt	Gallen	Marmion	Stairs
Burd	Gamble	Merry	Steighner
Burns	Gannon	Micozzie	Stevens
Caltagirone	Geist	Miller	Stewart
Cawley	George	Moehlmann	Stuban
Cessar	Gladeck	Morris	Swift
Cimini	Gray	Mowery	Taddonio
Civera	Greenfield	Mrkonjic	Taylor, E. Z.
Clark	Greenwood	Mullen	Taylor, F. F.
Clymer	Grieco	Murphy	Telek
Cochran	Gruppo	Noye	Tigue
Colafella	Haluska	Pendleton	Trello
Cole	Harper	Perzel	Vroon
Cordisco	Hasay	Peterson	Wambach
Cornell	Hayes	Petrarca	Wargo
Coslett	Heiser	Petrone	Wass
Cowell	Hoeffel	Phillips	Wenger
Cunningham	Honaman	Pitts	Weston
DeVerter	Hutchinson, A.	Pott	Wilson
DeWeese	Jackson	Pratt	Wogan
Daikeler	Johnson	Pucciarelli	Wozniak
Davies	Kennedy	Punt	Wright, D. R.
Dawida	Klingaman	Raseo	Wright, J. L.
Dietz	Kowalyszyn	Rieger	Wright, R. C.
Dininni	Lashinger	Ritter	
Donatucci	Laughlin	Rocks	Ryan,
Dorr	Lehr	Rybak	Speaker
Duffy	Lescovitz	Salvatore	

NOT VOTING—10

Beloff	Emerson	Lewis	Williams, H.
Brown	Kanuck	McIntyre	Williams, J. D.
Cohen	Levin		

EXCUSED—3

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—187

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

NAYS—3

Hagarty	Kukovich	McVerry	
Brown	Kanuck	Wachob	Williams, J. D.
Cohen	McIntyre	Williams, H.	

NOT VOTING—7

EXCUSED—3

Kolter	Olasz	Zwinkl
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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 Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, I was out of my seat earlier this morning when the vote was taken on the Committee of Conference Report on HB 517. I would like to be recorded favorably.

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 348, PN 1714, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled "Child Protective Services Law," changing certain definitions; creating cause of action for employment discrimination; authorizing certain reports to be made to the agency; changing reporting, investigating, information and notice requirements; requiring cooperation from school districts; and making certain editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'DONNELL offered the following amendments No. A7714:

Amend Sec. 1 (Sec. 15), page 19, line 8, by striking out "or where it appears the last time

Amend Sec. 1 (Sec. 15), page 19, line 10, by removing the period after "members" and inserting ; or (iii) repeated physical injury to a child under circumstances which indicate that the child's health or welfare is harmed or threatened.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, this bill is an attempt to strike a balance between two competing interests which really have to be weighed seriously by the House.

We have created under the Child Abuse Act a system in which a victim can be helped, a therapeutic setting for dealing with child abuse in which the family and arguably even the abusing person can be counseled and can be dealt with in a nonpunitive kind of way. On the other hand, there are a significant number of child abuse cases which really warrant criminal prosecution. There have been a number of fairly sensational cases in Pennsylvania which have raised the question of whether or not we are handling the information concerning child abuse properly.

This bill is an attempt to strike a balance between the needs for criminal prosecution and the needs for a therapeutic setting to be protected by confidentiality. The two critical sections of the bill or the two most controversial sections of the bill have to do with when the records are available to law enforcement and under what circumstances the child welfare agency must notify law enforcement. My amendment affects only the availability of the record. It does not automatically trigger a report to law enforcement, and it is an attempt to fine-tune that balance. The amendment provides that the reports of child abuse will be available to law enforcement

agencies where there is repeated physical injury to a child under circumstances which indicate that the child's health or welfare is harmed or threatened. I think it is an important amendment which will give law enforcement the access to the records to bring a successful prosecution in these cases. Thank you.

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

Mr. DORR. Mr. Speaker, I would urge an affirmative vote on the amendment. I think it is an important addition to the bill. It will give law enforcement a better opportunity to deal with these important cases. I urge the members to vote in favor of the amendment.

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

Mr. SAURMAN. Mr. Speaker, would the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. O'Donnell, indicates he will stand for interrogation. The gentleman from Montgomery may proceed.

Mr. SAURMAN. One question that occurs to me is how the police will know to search this information or to seek it. My concern is that the reason or the need for this amendment and the repeal, really, of the confidentiality is that in that way the information will get to law enforcement, and I am concerned as to how they would begin to know that there is a need for their requesting it.

Mr. O'DONNELL. The law enforcement will become aware in three different ways. First, we would have the ordinary criminal reporting process. That is to say, somebody in the family, somebody observed the abuse, whatever. That is already in existence as a way of notifying law enforcement, and the question there would be, can law enforcement get the records? The second way would be that most of these reports are generated out of emergency rooms and doctors who see the abused child in the first instance. They have the opportunity to report to law enforcement, and frequently do, as well as reporting the case to the child welfare agency. The third thing is that under the bill, once you remove the confidentiality sections in certain cases, the child welfare agency itself can make the report to law enforcement and has a continuing relationship with law enforcement, so it is not that we are precluding the reporting. The welfare agency will report the cases, so it is really within their discretion.

The second part of the bill indicates that there are a certain number of cases in which we do not even give them the discretion, in which we make it mandatory that they report over.

Mr. SAURMAN. Thank you, Mr. Speaker.

I would urge then the adoption of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, on the question of the O'Donnell amendments.

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate the prime sponsor of the amendment.

The SPEAKER. The gentleman, Mr. O'Donnell, indicates he will stand for interrogation. The gentleman from Philadelphia may proceed.

Mr. RICHARDSON. Mr. Speaker, there has been major concern in my community about how we are addressing this issue, particularly as it gets down to one's parents' rights to begin to deal with his or her child. It seems to me that we are stepping on the toes of individuals who are in fact raising and chastising their children correctly where it does not involve child abuse. I am wondering whether or not this language, in your estimation, clears up that particular problem, as we have tried to fight very hard in the Health and Welfare Committee on this issue dealing specifically with this bill. It seems to me that when you talk about repeated physical injury to a child under circumstances which indicate that the child's health or welfare is harmed or threatened, who makes that determination?

Mr. O'DONNELL. The child welfare agency. So—

Mr. RICHARDSON. Okay. Go ahead.

Mr. O'DONNELL. I was going to say that the reason for stretching that language out for repeated physical injury is because I think there are some terrible, terrible cases, but there are also some cases where the family situation or the abuse is not really child abuse, so the agency has to have the opportunity to sort that out and make sure that the child did not fall out of a tree or something. So that is why we are using that language of "repeated." When a child keeps coming back and coming back and coming back, at some point the agency has the power to make a determination that we really have a pattern here. But otherwise, they have an obligation to protect the family.

Mr. RICHARDSON. Okay. But prior to the repeated performances, how are we dealing specifically with the fact that a child goes to a teacher in a classroom and says, I have a welt on my leg, because last night she may have received a spanking from her mother, and that welt of course is still obvious. It is not a case of child abuse, but the child then dramatizes the point that, oh, I have been hurt; my mother beat me; my father beat me. That is not a case of child abuse, and they come before this teacher, and this teacher takes it in her own hands to contact the police authority as opposed to the child welfare agency. How do we rectify those persons contacting the police authorities who in fact then arrest a parent before they even call the child welfare agency in?

Mr. O'DONNELL. The amendment does not deal with that, but I think the bill does.

Mr. RICHARDSON. Oh, okay. I just wanted to ask on that bill. I do not want to go into the merits of the bill. I just want to know if your amendment would clarify the point that you are talking about repeat performances as opposed to a one-time shot where a child is hurt in that case.

Could you then elaborate for us, if this amendment passes, whether or not that will clear up the other side of the coin that says that if a child in fact is only hurt one time and that there has been no other history, that that would make that person or parents or family have to go before a child welfare agency?

Mr. O'DONNELL. I think that as a matter of law, the amendment probably would not cover that specifically. But it is clear that the amendment conveys a message to the folks there that this kind of unsubstantiated record is not a suffi-

cient basis for going to the law, that you are going to have to have a repeated pattern.

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

Mr. Speaker, I would like to have a few moments to speak on the amendment.

The SPEAKER. The gentleman is in order.

Mr. RICHARDSON. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to indicate that I support the O'Donnell amendment, and I feel that it is very, very important. This is a very crucial bill, because it hits to the heart, as far as I am concerned, of home, and I think that if this language is put in the bill, it may help correct some of the problems.

I would like at the time when the bill comes before us after amendments to have an opportunity to speak on the bill itself, because I still feel that there is a lot of ambiguity, although I do feel that this language at least helped clear up the point about repeated physical injury as opposed to just someone saying that I am physically hurt and using it as a drama period for youngsters who are wanting to lash out against their parents.

WELCOME

The SPEAKER. The Chair is pleased at this time to welcome to the hall of the House a former member of the Insurance Department under Commissioner Sheppard. Mr. Benn Prybutok was the former legislative liaison man for the Insurance Department, here today as the guest of Representative Manderino.

CONSIDERATION OF SB 348 CONTINUED

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

The following roll call was recorded:

YEAS—188

Table listing names of members who voted YEAS, including Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Berson, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Colafella, Cole, Cordisco, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Gray, Greenfield, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hasay, Hayes, Heiser, Lloyd, Lucyk, McClatchy, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Misceovich, Mochlmann, Morris, Mowery, Mrkonic, Mullen, Murphy, Nahill, Noye, O'Donnell, Oliver, Pendleton, 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, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F. E., Telek, Tigue.

Table listing names of members who voted NAYS, NOT VOTING, and EXCUSED, including Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, Daikeler, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Dorr, Duffy, Durham, Emerson, Evans, Fargo, Fee, Hoeffel, Honaman, Horgos, Hutchinson, A., Irvis, Itkin, Jackson, Johnson, Kennedy, Klingaman, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Lewis, Livengood, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Richardson, Rieger, Ritter, Rocks, Trello, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Wenger, Weston, Wiggins, Williams, J. D., Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Ryan, Speaker.

NAYS—0

NOT VOTING—9

Table listing names of members who did not vote, including Alden, Beloff, Brown, Cohen, Donatucci, Kanuck, McIntyre, Swaim, Williams, H.

EXCUSED—3

Table listing names of members who were excused, including Kolter, Olasz, Zwinkl.

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?

Mr. DORR offered the following amendment No. A7676:

Amend Sec. 1 (Sec. 15), page 19, by inserting between lines 28 and 29

(11) County commissioners, to whom the department shall forward specific files upon request, for review when investigating the competence of county children and youth employees.

On the question,

Will the House agree to the amendment?

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

Mr. DORR. Mr. Speaker, the amendment adds to the persons who would be entitled to receive child abuse reports from the child service agency the county commissioners where they are investigating the competence of county children and youth service employees. Those persons basically are hired and fired by the county commissioner.

I think it is important that in that circumstance they be able to make a determination based on references to actual cases as to whether or not the child service employees are doing their job adequately or not. Under present law, because of the confidentiality, the county commissioners are not allowed to obtain those reports, and I believe that they should be added for the purpose of allowing them to make determinations as to the competency of employees.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

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

NAYS—2

Sweet	Wachob
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NOT VOTING—9

Aiden	Cohen	Kanuck	Williams, H.
Beloff	Gamble	McIntyre	Williams, J. D.
Brown			

EXCUSED—3

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

On the question recurring,

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

Mr. DORR offered the following amendment No. A7662:

Amend Sec. 2, page 27, line 6, by striking out all of said line and inserting

Section 2. (a) Except as provided in subsection (b) this act shall take effect in 60 days.

(b) The amendments to section 15 of the act shall take effect immediately and shall apply to all past, present and future records held by a county children and youth social service agency.

On the question,

Will the House agree to the amendment?

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

Mr. DORR. Thank you, Mr. Speaker.

The amendment deals with the effective date of the act. It basically retains the 60-day effective date. However, it makes section 15 effective immediately and makes the effect of section 15 retroactive. That is, those persons entitled to receive reports, as we are now adding categories of persons entitled to receive reports from the agency, would be able to receive reports of cases that had been closed prior to the effective date of the act, so that the county child service agency cannot prohibit law enforcement officials, county commissioners, and the others who are listed in the act as being able to receive the reports from receiving reports simply because they have closed the case.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—187

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

Emerson	Levi	Richardson	
Evans	Levin	Rieger	Ryan,
Fargo	Lewis	Ritter	Speaker
Fee			

NAYS—0

NOT VOTING—10

Alden	Cohen	McIntyre	Williams, H.
Beloff	Donatucci	Swaim	Williams, J. D.
Brown	Kanuck		

EXCUSED—3

Kolter	Olasz	Zwinkl
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The question was determined in the affirmative, and the amendment was 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 gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, I will not belabor this point. There is no one in this House who is in favor of child abuse, but I want you to realize and I want to sound a note of caution for the future of this bill and future bills like it.

We have increasingly put the scope of the government in the lives of individual families, and I do believe there are going to be problems with this bill. In the future we are going to have to fine-tune it, because we have now gotten to the point where the State is more important in the welfare and livelihood of children than the parents. But just a note of caution: I think we have gone almost as far as we can go. I still suggest we vote "yes" on this bill. I just wanted it on the record that we are at the point of a great deal of danger in family rights.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, on the bill on final passage.

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate the prime sponsor of this bill.

The SPEAKER. Does the gentleman, Mr. Dorr, consent to interrogation? The gentleman consents to interrogation. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, since you are the floor manager of this bill, I would like to ask several questions. One, in my legislative district I have had three cases within the past 2 months where we have had individual persons who had children who in fact ran into a very serious complication dealing with chastising his or her child. In one incident there was a parent who had spanked his child in his home, and there was a phone call received by the police department, who then came to the person's home. As a result of coming to that person's home, what they did was they went into the house and arrested the mother and the father and took the children out of the household because the children told the police officers that they in fact had been beaten and were abused. As a result of their being taken out of the home, they were placed

in the custody of the child protective agency and held there for 3 days. After those 3 days they went to court, and even though they had a lawyer and even though they wanted to get their children back home, they were held for an additional 10 days for psychiatric study by the child welfare agency, which means that they were away from their parents for over 2 weeks.

I am asking you that in this bill, particularly as it relates now to the amendments that have been placed in this bill, does that clean that particular problem up for a parent who is chastising his or her child at home, where they have no other history of any child abuse or anything else but is chastising that particular child? Do you mean to tell me that we do not have the right any longer in this Commonwealth to chastise our children and to deal with them without the point of saying that it is child abuse, because I think there is a difference between child abuse and the mother or father who chastises—

The SPEAKER. Will the gentleman yield?

Is the gentleman interrogating or making a statement?

Mr. RICHARDSON. I am asking a question. I had to frame it, Mr. Speaker, by giving the incident so that there could be clarity as to the point that is being raised. I do not think that is going far afield. This is a very important piece of legislation. It deals with people's kids.

The SPEAKER. The gentleman may proceed.

Mr. RICHARDSON. And I would just like to know whether or not in this bill, does that now clear that up for those individual parents who in fact will be chastising or dealing with their children in the correct manner that is not outside the confines of the law?

Mr. DORR. Mr. Speaker, I appreciate the gentleman's compliment. Actually, Mr. Greenwood is managing the bill, and I would like to yield to him to answer the question, if I may.

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

Mr. GREENWOOD. Mr. Speaker, I have been asked to make some comments to respond to Mr. Richardson's comments, because A, I am on the Health and Welfare Committee; and because B, before coming to the legislature, I served as a caseworker with the Bucks County Children and Youth Agency, and so it was often my task to involve myself in child abuse matters within a family.

In committee, at the suggestion of Representative Richardson and, I believe, Mrs. Taylor, we did add language to the bill that reads thusly: "However, nothing in this act shall be construed to restrict the generally recognized existing rights of parents to use reasonable supervision and control when raising their children."

Now, I think that that language in and of itself addresses the concerns that Representative Richardson has expressed. However, I would like to go on to say that there is a difference between chastising a child and reasonable methods of discipline and child abuse, and sometimes there is a fine line, but usually there is not. Usually the county agency and the caseworkers can make a clear determination of whether or not there is serious physical injury and serious and real child

abuse, and that is not quite as fine a line as the gentleman may suggest.

Mr. RICHARDSON. Mr. Speaker, my specific question is dealing with the police officers, regardless of whether this language is in that bill or not. I know what that says. But a police officer is not a doctor; a police officer is not a caseworker; a police officer does not have the authority or the know-how to make a decision on the spot that this is in fact a case of serious child abuse, unless they see blood dripping, unless they see a limb cut off or a head cut off, or where somebody has been locked up for months. This is not the same situation. To bust into my home and tell me that I am locking you up and I am taking your kids without the child protection agency, even if I threw this bill in his face, he would slap me on my face and take my child anyway.

Mr. GREENWOOD. Mr. Speaker, number one, this bill, with its amendments, does absolutely nothing to increase or decrease the powers of police officers.

Mr. RICHARDSON. That is what I wanted to know.

Mr. GREENWOOD. There already are existing statutes that say under which circumstances law enforcement officials and others can take custody of a child, and they are clear, and the child must be subject to a court hearing to determine whether or not custody can continue.

If there is a problem—and we discussed this in committee—if there is a problem in your district as you suggest, it may be a problem of lack of education of the police officers as to what may or may not be their responsibility. A police officer has the responsibility to take certain actions in the case of assault and battery, be it child abuse or not, but this bill does nothing to increase police officers' powers. And again, if there is a problem with your police officers, it may be the case that they need to be informed as to what are and are not their obligations and rights under existing statutes.

Mr. RICHARDSON. Well, what do you mean by assault and battery on a child? I do not understand your point when you indicate that there may be a case of assault and battery and the police officer must act accordingly. You said assault and battery on your child?

Mr. GREENWOOD. What I am saying, Mr. Speaker, is that assault and battery is in and of itself a crime, and if a police officer is aware of real assault and battery, a police officer has to make a decision on his own as to whether or not assault and battery has occurred. That does not have anything to do with child abuse laws.

Mr. RICHARDSON. Well, that is what I am dealing with. I am dealing with the fact that they were taken out based on child abuse calls that they received, and went to the home because they received a child abuse call. I am saying that it is not assault and battery if a father is spanking his son or the mother is chastising her daughter or whatever the case may be. I am saying in this particular case they came into the home; they did not see anything happen; the father indicated to the police officer that he was in fact spanking his child and that he did not understand why they were in his home. As a result of that, the police on the spot took the child out. I want to know if this bill is going to protect the parents who in fact

are dealing with their child in a reasonable manner and not dealing with it from the standpoint that they are assaultive or have caused the kind of abuse that would warrant the law enforcement agency to come into your home.

I am saying that there are laws for law enforcement agencies, but they abuse them, and it is not just in my district. I am talking about throughout the city of Philadelphia where this happened. But we want to get the child abusers - the mother or father who is abusing the child by putting cigarettes out on a child, cutting them, beating them, you know, where limbs are falling off, and problems such as that nature that are very severe and clear. But I am saying to you right now, as a member of this House, I have a daughter 10 years old, and I have yet to say that if at any time she goes to the child protective agency and says that she is being abused because she got spanked, then they will have to kill me first before they take her out of the home, as a legislator, because it seems to me that we have to draw the line somewhere along the lines that deal specifically with the problem of child abuse as opposed to a person who is chastising their child. We are putting parents in the position now of telling them that it is all right for children now to come before us and holler and scream abuse when in fact they are not being abused.

Mr. GREENWOOD. Mr. Speaker, all I can say is that I have answered the question to the best of my ability. We are not amending the Crimes Code here. The issue before us is final passage of SB 348. Whether we pass the bill or do not pass the bill will not affect the problem that you are describing, and I would suggest that you address it in some other fashion.

Mr. RICHARDSON. Okay. So you are indicating that this bill does not deal with the problem that I have just raised about child abuse then. Is that what you are saying, Mr. Speaker? Is that what you are saying?

Mr. GREENWOOD. With the exception of the amendment that we put in at your request relating to recognized existing rights of parents to use reasonable supervision and control when raising their children.

Mr. RICHARDSON. But a police officer cannot make that determination. I just finished asking you, on a specific case like this, how does that amendment apply to that police officer who comes into that person's home and takes that child out, when they say that we are dealing with our child with reasonable—whatever page the amendment that you say is on—where that child is being dealt with reasonably. How does that draw the line for that police officer who comes in and I show him that amendment?

Mr. GREENWOOD. As I said, it does not affect that; it cannot. We are not amending the Crimes Code. Your question is not relevant to the matter before us.

Mr. RICHARDSON. Oh, my question is not relevant. Oh, so in other words, what happened is not relevant, so the problems that exist within the community in my district are not relevant to child abuse. Thank you very much, Mr. Speaker.

I would like to have a few moments to address the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order to address the question of final passage. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, it is quite clear that the members of this House do not give a darn about what is happening to our children in this Commonwealth when they talk about child abuse. On one hand, I asked the gentleman a question, and he says he was a caseworker and he has sympathy and compassion for people. It is quite clear that he does not. He can laugh all he wants. It is clear that when you have a problem and you come to this floor of this House and you bring it out into the open and you share with members on the floor of this House that there is a problem concerning our children, that you do not care about it. That is okay.

The problem is that we had another case, which is separate from the first case, where a child went to school at 12 years old, told her teacher that she had been spanked by her mother, and because there was a welt on her arm, the nurse in the school decided that she should take that child away. They took that child right on the spot away, never called the parent, took the child, placed her in the child protective agency, then notified the parent after they had kept the child. The parent went down to see about the child, kept her for 3 days, then decided in a court of law she should be held another day, 10 days, by the child protective agency, who then talks to the child, not with their parent, not with any other guardian or spouse who deals with the child on a regular basis, and begins to fill their head with all these idiosyncrasies and all these problems dealing with how you have been abused and mentally abused and all these things that do not result to the overt cases of child abuse.

I am saying that you are dealing with some dangerous, dangerous situations when you tell parents in this Commonwealth they cannot deal with their children. There are people who are raising their children correctly, and in fact, if I was not raised the way my mother and father raised me, and maybe a couple of times I got some welts on me, but it certainly did not mean that it was child abuse, but it certainly meant that there was some concern. It made me a better person.

I think we need to deal with the specific problem that deals with child abuse as opposed to trying to tell me that people who are in the agency can just come into a home, take a child out of that home, and then lock that child up or lock the parents up, and hold them until they feel it is necessary for you to get your child back. I believe that if we want to counsel the problem within our communities and within our districts, we need to be clear about that as opposed to taking any child out of a home without the repeated physical injury that you can see for yourself as opposed to somebody calling up. What if you get a crackpot in the block who says they do not like Mrs. Jones, so I am going to call and say there is child abuse in the home. So what they do is, they come in the neighborhood and they stop at that particular family's home, and they say we got a call about child abuse, and the next thing you know, you got your child down in some child protective agency holding your child for 3, maybe 10 or more days, because somebody in the block called, when it is not even true, when it is not true. You have cases where the parents do

not even care about their kids, where kids are home by themselves, and those are the kinds of cases we should be going after, where there are clear, solid cases of abuse and mental anguish. But when you have parents who are raising their children correctly, I do not feel they should be punished, and I do not feel, as a parent myself, that I should be punished for chastising my child or whipping my child in reason, when it deals with a particular problem within the household. You can bypass that and neglect it if you want to, but I guarantee this bill is going to come back to haunt you, and if it does not address the problem of child abuse as I have indicated to you, Mr. Speaker, then perhaps maybe you should have helped put the correct language in there that would have protected those individuals so we can go after the real child abusers. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the lady from Chester, Mrs. Taylor, rise?

Mrs. TAYLOR. To make a statement on the bill.

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

Mrs. TAYLOR. Mr. Speaker, when we address this legislation today, we will be addressing one of the most serious problems that comes before this General Assembly for passage.

We are well acquainted with the problem of child abuse. This legislation is an answer to try to stop that child abuse in our communities throughout this Commonwealth. And, Mr. Speaker, I would urge every single member of this General Assembly with the sensitivity to what is happening to children in our Commonwealth to vote in the affirmative. Thank you, Mr. Speaker.

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

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

I rise in support of the bill and to just briefly address the concerns raised by Mr. Richardson and others. I can only say that in any law of this magnitude, after we have done our best to refine the law, after we have done our best to set parameters under which judgmental decisions will be made by the service agencies, they will in fact still have to make decisions. They must make the decisions on individual cases, the ones alluded to by Mr. Richardson. They must make those decisions. We can give them the law in the best form that we can give it to them, and then they must make the decisions, and they must be trained to make good, sound, and proper decisions.

I strongly support the present piece of legislation and urge its adoption.

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

Mr. MILLER. Thank you, Mr. Speaker. Just a few brief remarks on the bill before it passes.

I wonder if I might be privileged to interrogate the floor leader of the package briefly.

The SPEAKER. The gentleman, Mr. Greenwood, consents to interrogation. The gentleman may proceed.

Mr. MILLER. A definition clarification, if I might, Mr. Speaker. Is it the intent of the legislation, in your opinion, sir,

to include under the definition of the law enforcement section the district attorneys' offices of the respective 67 counties?

Mr. GREENWOOD. Yes, Mr. Speaker.

Mr. MILLER. Thank you. One other question, if I might.

Will suspected cases being handled by either a law enforcement entity or a children and youth service entity, will those reports be made mandatorily available to a presiding judge in a case in which there is an adult before that court seeking placement of a child in his home in which there has been a case of suspected child abuse filed against the individual? Will the reports be made mandatorily available? The gentleman appreciates I am addressing the Lancaster County case.

Mr. GREENWOOD. Mr. Speaker, the existing law already requires that a court of competent jurisdiction, pursuant to a court order, shall have access to the records of the agency.

Mr. MILLER. Both suspected and founded cases. Is that correct, sir?

Mr. GREENWOOD. All records, period.

Mr. MILLER. Thank you, Mr. Speaker.

I have no further questions.

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

Mr. DORR. Mr. Speaker, just a brief comment.

I think the bill has been worked on by people involved in this important subject for many years now, since the passage of the earlier act in the middle 1970's, in fact. All of those people have come together and recognized this as an important step forward in the protection of children and in the protection of society in this important child abuse subject area. I would urge passage of the legislation.

On the question recurring,

Shall the bill pass finally?

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

YEAS—182

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

Cunningham	Irvis	Petrarca	Vroon
DeMedio	Itkin	Petrone	Wachob
DeVerter	Jackson	Phillips	Wambach
DeWeese	Johnson	Piccola	Wargo
Daikeler	Kanuck	Pievsky	Wass
Davies	Kennedy	Pistella	Wenger
Dawida	Klingaman	Pitts	Weston
Dietz	Kowalshyn	Pott	Wilson
Dininni	Kukovich	Pratt	Wogan
Dombrowski	Lashinger	Pucciarelli	Wozniak
Dorr	Laughlin	Punt	Wright, D. R.
Duffy	Lehr	Rappaport	Wright, J. L.
Durham	Lescovitz	Rasco	Wright, R. C.
Fargo	Letterman	Reber	
Fee	Levi	Rieger	Ryan,
Fischer	Levin	Ritter	Speaker

NAYS—5

Deal	Oliver	Richardson	Wiggins
Evans			

NOT VOTING—10

Alden	Cohen	McIntyre	Williams, H.
Boyes	Donatucci	Swaim	Williams, J. D.
Brown	Emerson		

EXCUSED—3

Kolter	Olasz	Zwilk
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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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

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The House proceeded to third consideration of **HB 2176, PN 2782**, entitled:

An Act amending the "Second Class County Port Authority Act," approved April 6, 1956 (1955 P. L. 1414, No. 465), further providing for powers of Port Authorities.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

Anderson	Fee	Lewis	Rybak
Armstrong	Fischer	Livengood	Salvatore
Arty	Fleck	Lloyd	Saurman
Barber	Foster, W. W.	Lucyk	Serafini
Belardi	Foster, Jr., A.	McClatchy	Seventy
Belfanti	Frazier	McMonagle	Showers
Beloff	Freind	McVerry	Shupnik
Berson	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
Burd	Gladeck	Michlovic	Spitz
Burns	Grabowski	Micozzie	Stairs

Caltagirone	Gray	Miller	Steighner
Cappabianca	Greenfield	Miscevich	Stevens
Cawley	Greenwood	Moehlmann	Stewart
Cessar	Grieco	Morris	Stuban
Cimini	Gruitza	Mowery	Swaim
Civera	Gruppo	Mrkonic	Sweet
Clark	Hagarty	Mullen	Swift
Clymer	Haluska	Murphy	Taddonio
Cochran	Harper	Nahill	Taylor, E. Z.
Colafella	Hasay	Noye	Taylor, F. E.
Cole	Hayes	O'Donnell	Telck
Cordisco	Heiser	Oliver	Tigue
Cornell	Hoeffel	Pendleton	Trello
Coslett	Honaman	Perzel	Van Horne
Cowell	Horgos	Peterson	Vroon
Cunningham	Hutchinson, A.	Petrarca	Wachob
DeMedio	Irvic	Petrone	Wambach
DeVerter	Itkin	Phillips	Wargo
DeWeese	Jackson	Piccola	Wass
Daikeler	Johnson	Pievsky	Wenger
Davies	Kanuck	Pistella	Weston
Dawida	Kennedy	Pitts	Wiggins
Deal	Klingaman	Pott	Wilson
Dietz	Kowalyshyn	Pratt	Wogan
Dininni	Kukovich	Pucciarelli	Wozniak
Dombrowski	Lashingier	Punt	Wright, D. R.
Dorr	Laughlin	Rappaport	Wright, J. L.
Duffy	Lehr	Rasco	Wright, R. C.
Durham	Lescovitz	Reber	
Emerson	Letterman	Richardson	Ryan,
Evans	Levi	Rieger	Speaker
Fargo	Levin	Ritter	

NAYS—0

NOT VOTING—8

Alden	Cohen	McIntyre	Williams, H.
Brown	Donatucci	Rocks	Williams, J. D.

EXCUSED—3

Kolter	Olasz	Zwikl
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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.

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **HB 2178, PN 3135**, on third consideration postponed, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of district justices and for costs in certain civil and criminal matters.

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?

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

YEAS—190

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

NAYS—0

NOT VOTING—7

Alden	Cohen	McIntyre	Williams, H.
Brown	Donatucci	Swaim	

EXCUSED—3

Kolter	Olasz	Zwikl
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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.

DISCHARGE RESOLUTIONS DROPPED FROM CALENDAR

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that the discharge resolutions on HB 1725 on page 11, HB 1726 on page 12, HB 1727 on page 12, and HB 1728 on page 13 be dropped from the calendar.

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

HEALTH AND WELFARE COMMITTEE MEETING

The SPEAKER. The Chair is advised the chairman of the Health and Welfare Committee desires an immediate meeting in the rear of the House. The members of the Health and Welfare Committee should report back to the chamber to the rear of the House immediately.

The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

We have concluded our voting session for today with one exception, the once-a-year inspection conference report. It is my understanding that the Legislative Reference Bureau is about to send that report down to the House of Representatives, and I would ask the House to be at ease for a few moments.

So there is no misunderstanding on anyone's part, that report that you have on your desks was a xeroxed copy of an inadvertent report.

FEDERAL-STATE RELATIONS COMMITTEE MEETING

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

Mr. HASAY. I would like to call a brief meeting of the House Federal-State Relations Committee behind the brass rail of the House here; just a very brief meeting.

The SPEAKER. Members of the Federal-State Relations Committee report for an immediate committee meeting.

BUSINESS AND COMMERCE COMMITTEE MEETING

The SPEAKER. Does the gentleman from Jefferson, Mr. Smith, desire recognition?

Mr. L. E. SMITH. Mr. Speaker, yes.

I would like to call to the attention of the members of the Business and Commerce Committee that the meeting that we had scheduled for May 10 will be postponed until May 20 in room 22 in the Annex at 1 p.m. We will continue the agenda from the 10th and take that to the agenda for the 20th. Thank you.

REMARKS ON VOTE

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

Mr. ROCKS. Mr. Speaker, on HB 2176, PN 2782, I had been called off the floor. Had I been in my seat, I would have liked to have been recorded in the affirmative.

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

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. DININNI presented the Report of the Committee of Conference on **HB 562, PN 3290**.

RESOLUTION REPORTED FROM COMMITTEE

HR 182, PN 3248 (Unanimous) (Concurrent)

By Rep. BELARDI

General Assembly urges adoption of first week of June each year as "Pennsylvania Garden Week" and requests the Governor to issue a proclamation urging citizens to observe such a week.

FEDERAL-STATE RELATIONS.

SUPPLEMENTAL CALENDAR A REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **HB 562, PN 3290**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration and inspection of vehicles and the appointment and certification of inspection stations and mechanics.

On the question,

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

MOTION TO RECOMMIT

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

Mr. CLARK. Mr. Speaker, I would like to move that the committee of conference report be recommitted to that conference committee.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Clark, that the Conference Committee Report on HB 562 be recommitted to the committee on conference. Is that correct?

Mr. CLARK. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

Mr. CLARK. I would like to make some comments on the motion.

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

POINT OF ORDER

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

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

Mr. RITTER. It would be helpful if we had a copy of the report so we would know what it is we are talking about.

Nobody back here has one. They stopped somewhere down here, and the rest of us do not have a copy of it.

The SPEAKER. One of the pages see to it that Mr. Ritter gets a copy of the report.

Mr. RITTER. There are many back here, Mr. Speaker, who do not have a copy, not just me.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Belfanti, a group from the Hubley Township Elementary School.

CONSIDERATION OF HB 562 CONTINUED

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Clark, to recommit to the committee on conference HB 562.

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

Mr. CLARK. Mr. Speaker, the conference committee removed two amendments that were inserted, one in the House and one in the Senate, dealing with auto emission inspections. In those amendments we prohibited the department from proceeding with, one, the authority contained in this act to proceed with an auto emission inspection, and second, from using language that is currently in the Vehicle Code to implement the auto emission inspection program.

My concern with this legislation is that now there is only a flimsy set of language that does not even refer to inspection at the end. I believe that the conference committee should take it back and rewrite the language back in that we had asked for in the House and in the Senate. The language now in section 12 says, "Nothing in this amendatory act shall be construed as requiring an automobile emission program." There are two key elements missing there. One is that it says "amendatory act" and not the entire Vehicle Code, and second, the word "inspection" is missing so that we have no idea what an emission program is as referred to in section 12.

Many members of this House, Democrats and Republicans alike, have filed suit in Federal court to stop the implementation of this. We have also passed legislation to prohibit PennDOT (Pennsylvania Department of Transportation) from spending any funds to implement this. One of the court rulings that has come down is that since there is current language in section 4531, emission control systems, the law that we passed prohibiting the expenditure of funds for this program could be declared unconstitutional. What we are attempting to do and what Senator Scanlon did in the Senate was remove any authority from that section 4531. As section 4531 now reads, "No vehicle manufactured in compliance with the requirements of the Clean Air Act...or any amendments or supplements thereto, shall have emissions exceeding the maximum permissible levels prescribed by law." Senator Scanlon amended that to say, "Limitation on department.—Nothing in this section shall authorize the department to require an auto emission inspection program." When the conference committee removed Senator Scanlon's amendment,

they were in essence giving PennDOT a blank check to go ahead with an emission inspection program, so that a vote in favor of this printer's number of the conference report would be a vote in favor of emission inspections.

I must ask for a vote in favor of my motion to recommit so that the conference committee can restore the language that we inserted. It is imperative that we take every step now to prohibit PennDOT from implementing it so that we convince the courts that we are serious about it and that if our bill prohibiting them from spending money is declared unconstitutional, we are covered. As this printer's number is written, they could implement an emission inspection program without any authority from us. Thank you, Mr. Speaker.

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

Mr. DININNI. Mr. Speaker, I oppose that motion for various reasons. He refers to the amendment that was inserted over in the Senate. Well, it is my opinion that that would be in direct violation of the consent decree, so I would have to oppose it on that basis.

Since he mentions that a vote for this printer's number is a vote, in his way of thinking—I will put it the other way around. A vote against this is a vote against once-a-year inspections, and I would ask all of the members to vote in opposition to that motion.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair gives permission at this time to UPI to do photographing on the floor of the House for a period of 10 minutes, Mr. Mannino.

CONSIDERATION OF HB 562 CONTINUED

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

Mr. PETRARCA. Thank you, Mr. Speaker.

I, too, rise to ask to recommit HB 562. In fact, Rick Cessar on the Republican side is representing 10 Republicans, and on this side I am representing 10 Democrats. We are in court as legislators and as civilians to stop this emission control sham in Pennsylvania. So I took the liberty of calling the attorneys from Philadelphia, Myrna Fields and Joe Marshall, and I asked them about the language which Mr. Dininni alluded to. They say, "If the legislature does not put language into this bill, reaffirming the legislature's opposition to a vehicle emission inspection program, the Pennsylvania Supreme Court will then be given an opening to rule against the legislature on HB 456."

Now, if you recall, we passed this in this House 200 to 1. I think Representative Dininni was the one dissenting vote, as chairman of the Transportation Committee. Then we overrode the Governor's veto, because unlike Governor Reagan in 1976 who stood up against the President and said, I am not going to go for emission control; the people do not want it, our Governor chose to veto it, and we overrode the Governor 200 to 1.

The people do not want emission control. If you just look back, they are now scrutinizing their council, their supervisors, their legislators.

Again I repeat, when we went to the moon, we had the technology to go to the moon. When we tried to clean up our rivers, we fell flat on our face. We were putting clean water in dirty rivers back home. Now along comes this emission program. Just in Pittsburgh they had this apparatus above the bus depot. They moved it 100 yards, and then all of a sudden they had clean air. I am saying, the people do not want it. I am saying, this language should go back into the bill. I spoke to Senator Scanlon today. He said he talked to Senator Hager and Senator Jubelirer last night, and they said they will accept this language to get the 1-year inspections. No one is against the 1-year inspections, but we are trading a dozen oranges for an apple. It is wrong. The people do not want this emission inspection.

The SPEAKER. The gentleman will yield.

The question before the House is on the motion to recommit, not on the merits of the bill.

Mr. PETRARCA. That is what I am talking about, Mr. Speaker.

I ask for recommitment of the bill.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble, on the question of recommitment.

Mr. GAMBLE. Mr. Speaker, I rise in favor of recommitment and would like to make a very brief review of what has transpired over the last 2 years on the issue of emissions control, which has been eliminated from this conference report.

The Governor vetoed the antiemission bill—I do not know how many months ago—and attempted to justify that veto by saying that the Federal Government may withhold our Federal highway funds if this Federal program is not implemented. We overrode the veto, as Representative Petrarca has pointed out. The Federal Government did withhold the highway funds, and it was like Governor Thornburgh had written the script. The court released the highway funds, and in effect—

The SPEAKER. The gentleman will yield.

It appears to the Chair that the gentleman is debating the merits of adoption or to adopt or not to adopt the conference committee report. The question that is before the House at this time is the question of recommitment of the conference committee report to the conference committee. The Chair would appreciate it if the gentleman would restrict his remarks to that question.

Mr. GAMBLE. Okay, Mr. Speaker. I am trying to understand why this House and the members on the conference committee omitted this very important language, and I will wrap this up.

What I am saying is that in effect the leverage that the Federal Government had over our head has now been removed, and the Governor's uppermost fears have been defused. Considering that this House voted 200 to 1 against emissions control, I just do not know why, why we did omit the language from this conference report. I ask that we vote to send it back so that it can be put back in place. Thank you.

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

Mr. STAIRS. Mr. Speaker, I rise to support the Clark motion to recommit. I get a very clear mandate from the people in my district. They want the once-a-year inspection, but they do not want any part of the emission control or the emission inspection. The rural areas of my district are vehemently opposed to the emission control.

I feel that in this recommitment motion we can clear up the gray areas that are in this conference report. I am not a lawyer, so I cannot give you a legal opinion, but I in my layman's feelings feel that we have a problem here, very much of a gray area. I hope that we can recommit this; send it back to the conference committee. Let them send us back a bill that we all can understand and be very clear to the Governor, to the people of the Commonwealth, and particularly to the areas that will be affected by this emission control. I ask my colleagues for support on this motion to recommit. Thank you.

The SPEAKER. The Chair recognizes the majority whip.

Mr. CESSAR. Thank you, Mr. Speaker.

As it is well known in this chamber, I am unalterably opposed to the emission inspection program.

Mr. Speaker, I think we would be making a grave mistake by not voting for the once-a-year inspection. If we recommit this bill, which I oppose, and try to insert the language that the gentleman from Allegheny County wishes, we will once again put in dire jeopardy those funds which are so critical to our highway system. We will once again put the Commonwealth in jeopardy by not adhering to the consent decree which was signed by the Shapp administration in 1978. Mr. Speaker, I just reaffirm, it would be a horrible mistake not to give the people of Pennsylvania the once-a-year inspection that they so sorely need and want.

We have listened to the members of Congress of this State tell us that they are working on our behalf in Washington to try and get the needed amendments to the Clean Air Act. Well, I say to you, Mr. Speaker, and to every member of this General Assembly, it is not—and I say that emphatically—it is not our responsibility. It was a congressional action that caused the problem. Mr. Speaker, we have passed resolution after resolution calling for our Congressmen to act, but they have not. They have not heeded our words, and consequently, we in the urban areas will suffer and our constituents will suffer. I submit to you, Mr. Speaker, that you and each and every one of us should contact those Congressmen and tell them in no uncertain terms that the duty and obligation to abate this program that we do not want is theirs.

Mr. Speaker, I oppose the recommitment motion for those reasons.

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

Mr. DAVIES. Thank you, Mr. Speaker.

I, too, rise to oppose the recommitment action. I would only ask that you look at your own actions prior, that the language you had in the prior bill when you passed it rather one-sidedly to the other body had in no more restrictive language than it

has today. In section 12, on the advice of counsel, we have added what we think is the thing that is going to keep us in that prohibitive area and establish the fact that we are not in any way with this piece of legislation encouraging anyone to adopt, whether it be the department, the Governor, or anyone else, this type of emission standards. What we are really saying is, and trying to couch it in the legalese, which I also do not pretend to understand, couch it in the proper legalese so that it is a matter that we cannot immediately be held or cited in contempt and at the same time give to the people of the Commonwealth the original intent, and that is to get to that once-a-year inspection level.

That is the intent of the legislation. There has not been any magic change with it, whether it is that language that was attempted in the Senate which we were told could bring a serious question of that matter with the courts and the Federal courts in Philadelphia, and what we are saying is again, and I think it was couched properly by the former speaker, that it is a matter now of seeking and getting our just day in Congress to take care of the issue. We have gone the court battle. We have again affirmed and reaffirmed with the veto. There is not any other thing that we can do to pass that message on, whether it be to the Federal courts, the Congress of the United States, the administration of the United States, or otherwise, to make it that significant. I would ask that we defeat the motion and get on with the major purpose of the legislation. Thank you, Mr. Speaker.

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

Mr. STEWART. Thank you, Mr. Speaker.

I rise to support the recommittal motion. It has been mentioned that a vote for recommittal would be a vote against once-a-year inspection. This is simply not true. Everyone here, I believe, knows my commitment to once-a-year inspection. Time is apparently no problem, because if it was, the Governor would have supported my legislation in 1979.

Mr. Speaker, this report goes far beyond simple once-a-year inspection, and I would respectfully ask this House to send it back to the conference committee to include some of the problems some members have with it, both with the emission problem and with some basics of the bill. I urge recommittal.

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

Mr. SNYDER. Mr. Speaker, I am also concerned about the auto emission program. Lehigh County is scheduled to be one of those counties involved with the program. But just as much as I am concerned about auto emission, I am concerned, as my constituents are, for the annual inspection program. In the last survey I did, the overwhelming majority of people in my district favored annual inspection for their automobiles.

I think Act 99 of 1981 takes care of the auto emission program in which we stated that no money would be supported for auto emission inspections. Even if the department chose to implement a program, Act 99 prohibits them from spending any money, even the price of stickers or regulations or anything else that involves funds which they are prohibited

from spending. Therefore, I think it is urgent that we support this measure and oppose recommittal. Thank you.

MEMBER'S PRESENCE RECORDED

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

CONSIDERATION OF HB 562 CONTINUED

The SPEAKER. The Chair recognizes the gentleman, Mr. Petrarca, for the second time on the question.

Mr. PETRARCA. Mr. Speaker, in answer to the majority whip's question that we want 1-year inspections, fine. We can have them both. All we have to do— The attorney, also a legal man, Senator Scanlon, says the language is not in here to stop this emission control, so all we have to do is recommit, put the language back in it, pass it, and if the Governor vetoes it, we will override the veto and we will have both.

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

Mr. CLARK. Mr. Speaker, I wonder if the gentleman from Allegheny, Mr. Cessar, would consent to brief interrogation.

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

Mr. CLARK. Mr. Speaker, I wonder if the gentleman could tell us the current status of the contempt citation issued against the Commonwealth.

Mr. CESSAR. It is my understanding, Mr. Speaker, there is an appeal, and the order will come down around the 14th of May.

Mr. CLARK. An order will come down? What kind of an order?

POINT OF ORDER

Mr. SALVATORE. Mr. Speaker, a point of order.

The SPEAKER. The gentleman, Mr. Salvatore, will state his point of order.

Mr. SALVATORE. What does this line of questioning have to do with the recommittal motion?

Mr. CLARK. Everything, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cessar, may reply.

Mr. CESSAR. Okay. My understanding is they have granted a stay in the funds, and the motion will be made to rule on the judge's decision, Judge Bechtle.

Mr. CLARK. Okay. I have another question, Mr. Speaker.

Then it is possible that at this hearing on the 14th, Judge Bechtle could again rule us in contempt. We are in no way out from under that first contempt citation.

Mr. CESSAR. That could be possible. I cannot really answer that.

Mr. CLARK. What I was interested in is you had mentioned that the language from Senator Scanlon's amendment would definitely push us into contempt of court. What reasons are there for that statement?

Mr. CESSAR. Mr. Speaker, I did not say that.

Mr. CLARK. You had made a statement that if this legislation passes, I believe, the very vital highway dollars that this Commonwealth needs would be withheld once again. What would lead you to make that statement?

Mr. CESSAR. Well, I think it would indicate to the courts that we are not going to honor the consent decree which was signed in 1978 by the Shapp administration and the then Secretary Pulakos.

Mr. CLARK. You are saying that by eliminating that language, we are indicating that we are not going by the consent decree?

Mr. CESSAR. Mr. Speaker, the central point with me is, and I have stated this before, I am concerned about once-a-year inspections, and I want once-a-year inspections. I think it is vital to the Commonwealth of Pennsylvania and the people who really dearly want it. I think if we do this and we revert back to what you are saying, to put the language in, the possibility does exist that we could jeopardize once-a-year inspections.

Mr. CLARK. How would that jeopardize once-a-year inspections?

Mr. CESSAR. Well, if we go back to square 1, we could probably be in the courts again with Judge Bechtle and other judges in the Federal court system.

Mr. CLARK. What grounds would he have for ruling on once-a-year inspections? I do not understand that.

Mr. CESSAR. I am not an attorney, but I am not talking about once-a-year inspections. I am talking about the language that you want to insert to insure the inspection maintenance program.

Mr. CLARK. But you said that that would jeopardize the once-a-year inspections. How would that happen?

Mr. CESSAR. I am saying, if that were to be the case, we would not have that legislation in a position to be able to say to the judge that we are opposed to the consent decree.

POINT OF ORDER

Mr. GLADECK. Point of order, Mr. Speaker.

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

Mr. GLADECK. Mr. Speaker, I believe that this line of questioning has gone far afield, and I think that the line of questioning is not dealing with the question of recommittal but rather with the substance of the conference committee report.

The SPEAKER. It is the opinion of the Chair that it is very close.

The gentleman may continue.

Mr. CLARK. Thank you, Mr. Speaker.

One other question, since I have not been able to get an answer to the last one. The legal opinions that you are basing your judgment on on this bill, who is that advice coming from? Is it from your attorneys representing us in the lawsuit, or is it from PennDOT's attorneys?

Mr. CESSAR. As I stated previously, I am not an attorney. I am standing here with a counsel for the Transportation Committee discussing this.

Mr. CLARK. And you are making your decision based on his advice?

The SPEAKER. The gentleman will yield.

The gentleman has stated his reply to the gentleman, Mr. Clark. If the gentleman, Mr. Clark, wants to argue on the question of recommittal, he is in order.

Mr. CLARK. Okay. I am through with interrogation. I would like to make a statement.

The SPEAKER. The gentleman is in order.

Mr. CLARK. Mr. Speaker, it seems odd to me that referring this to the conference committee could hold up once-a-year inspections for any great length of time. It seems that this bill was sent to conference last night, and they went in and gutted the emission inspection language, and it was reported out. Then when it was found that there was too much objection here in the House, they did not even affix a printer's number to the first report and sent it back to the conference committee this morning. Then at 10 o'clock this morning the conference committee recessed for another hour so that someone could go to the Governor's Office and find some language that he could accept. I believe that this type of maneuver under the guise of saving the once-a-year inspection—

The SPEAKER. The gentleman will yield.

The question is on recommittal, Mr. Clark, please.

Mr. CLARK. Yes, I am speaking to recommittal, Mr. Speaker, that the defeat of my motion would speak to saving once-a-year inspections.

We can send this to conference committee and they can come back with it this afternoon one more time. I am willing to stay here until they knock— Mr. Speaker, what I am getting at is they can go back into conference committee, reinsert the language that Senator Scanlon wanted, and bring it back to us in no time.

It seems odd that there was a printer's number affixed to this bill before it was even voted out of conference this morning, so I believe that if they can number bills before they write them and have them ready to be printed, then we can send it back and have it back in a matter of an hour. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Dininni, on the question of recommittal.

Mr. DININNI. Mr. Speaker, he went far astray there and you permitted him, to a certain point. He made some strong accusations about the way the meeting was conducted last night and this morning. Could I have permission to respond to that, even though it has nothing to do with recommittal?

The SPEAKER. The Chair would have preferred if the gentleman would have simply made his statement.

The gentleman may proceed.

Mr. DININNI. Mr. Speaker, the last speaker made some statements about last night's meeting and why we called another one this morning. I first want to clear the air. It was not because anyone was unhappy that we pulled that out of

the bill. That was not the case at all. There was a misunderstanding through Senator Scanlon. I thought we would be able to reach him. We scheduled the meeting, we had the meeting, and Senator Scanlon was not there. And after talking to the Senator in his room over in the Villa Leo, I told him that I would give him an opportunity this morning and conduct another meeting, and I came right up here to the floor, told my floor leader to make that announcement, including the Speaker himself, that I was having another meeting out of courtesy to Senator Scanlon, and you are wrong.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson, on the question of recommittal.

Mr. WILSON. Mr. Speaker, I come from a county where if the emissions control is in force, we will have to have three inspections a year. I think that this General Assembly should get to the debate of the merits of this bill. I would like to go home out of here and give them at least no more than two inspections, and I think that this General Assembly will deliver to the people of this Commonwealth at least something they have been screaming for.

Let us not kill this bill by some kind of guise. Let us get on with the merits of the bill. Do not recommit it.

The SPEAKER. The Chair recognizes the gentleman, Mr. Stewart, for the second time on the question.

Mr. STEWART. Thank you, Mr. Speaker.

I rose before to express my concern about some other things in this bill, and I do not want people to think that the auto emissions inspection thing is the only problem with this bill. There are things in this bill and this conference report that Mr. Wilson will have some of his people getting four inspections a year.

The SPEAKER. The gentleman will yield.

The question before the House is on recommittal, not on the merits of the bill. The gentleman may proceed.

Mr. STEWART. Mr. Speaker, Mr. Wilson mentioned about people in his district having three inspections a year, and all I am saying is that if we leave some of this language there, some of his constituents will end up with four inspections a year.

I am serious about this. I have been committed to once-a-year inspections since I have been here, and this bill is not simple once-a-year inspections. If you think it is, you vote against recommittal, and then you go home and tell your constituents whenever they get hit for an inspection today, next week when they sell the car, the following week when they buy another car, and then when they get their cycled-in reregistration that PennDOT has created and they get a fourth inspection, you tell them what you voted for. I am not supporting this bill as it is, and I urge a recommittal.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—91

Anderson	Duffy	Lloyd	Ritter
Barber	Emerson	Lucyk	Seventy
Belfanti	Evans	McMonagle	Showers
Beloff	Fee	Maiale	Shupnik

Berson	Fischer	Manderino	Stairs
Blaum	Gallagher	Michlovic	Steighner
Borski	Gamble	Miller	Stevens
Burd	Grabowski	Miscevich	Stewart
Caltagirone	Gray	Morris	Stuban
Cappabianca	Greenfield	Mrkonic	Sweet
Cawley	Gruitza	Mullen	Taylor, F. E.
Clark	Haluska	O'Donnell	Telek
Cohen	Harper	Oliver	Tigue
Colafella	Horgos	Pendleton	Trello
Cole	Hutchinson, A.	Petrarca	Van Horne
Cordisco	Irvis	Petrone	Wachob
Cowell	Itkin	Pievsy	Wambach
DeMedio	Kukovich	Pistella	Wargo
DeWeese	Laughlin	Pratt	Wiggins
Dawida	Lescovitz	Pucciarelli	Williams, J. D.
Deal	Letterman	Rasco	Wozniak
Dombrowski	Levin	Richardson	Wright, D. R.
Donatucci	Livengood	Rieger	

NAYS—100

Armstrong	Foster, Jr., A.	Lewis	Salvatore
Arty	Frazier	McClatchy	Saurman
Belardi	Freind	McVerry	Serafini
Bittle	Fryer	Mackowski	Sieminski
Bowser	Gallen	Madigan	Sirianni
Boyes	Gannon	Manmiller	Smith, B.
Brandt	Geist	Marmion	Smith, E. H.
Burns	George	Merry	Smith, L. E.
Cessar	Gladeck	Micozzie	Snyder
Cimini	Greenwood	Mochimann	Spencer
Civera	Grieco	Mowery	Spitz
Clymer	Gruppo	Murphy	Swift
Cochran	Hagarty	Nahill	Taddonio
Cornell	Hasay	Noye	Taylor, E. Z.
Coslett	Hayes	Perzel	Vroon
Cunningham	Heiser	Peterson	Wass
DeVerter	Hoeffel	Phillips	Wenger
Daikeler	Honaman	Piccola	Weston
Davies	Jackson	Pitts	Wilson
Dietz	Johnson	Pott	Wogan
Dininni	Kennedy	Punt	Wright, J. L.
Dorr	Klingaman	Rappaport	Wright, R. C.
Durham	Kowalshyn	Reber	
Fargo	Lashingor	Rocks	Ryan,
Fleck	Lehr	Rybak	Speaker
Foster, W. W.	Levi		

NOT VOTING—6

Alden	Kanuck	Swaim	Williams, H.
Brown	McIntyre		

EXCUSED—3

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

On the question recurring,

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

PARLIAMENTARY INQUIRY

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

Mr. MURPHY. Point of parliamentary inquiry, Mr. Speaker.

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

Mr. MURPHY. Mr. Speaker, if we reject this report, can you tell me in what position HB 562 would be then on the calendar?

The SPEAKER. With respect to the point of inquiry raised by the gentleman, Mr. Murphy, the Chair reads from Jefferson's Manual, section 551: "When either House disagrees to a conference report the matter is left in the position it was in before the conference was asked, and the amendments in disagreement come up for further action, but do not return to the state they were in before disagreement...."

Mr. MURPHY. Mr. Speaker, if I am correct then, would we not—

The SPEAKER. The gentleman will yield.

The Chair would finish that sentence: "...so that they need not be considered in Committee of the Whole."

The Chair recognizes the gentleman.

Mr. MURPHY. Mr. Speaker, in translation then, would I not be correct in saying that HB 562 would be before us under printer's No. 3222, which is the printer's number prior to the conference committee? It would be the printer's number containing Senator Scanlon's emission inspection language.

The SPEAKER. The Chair at this time is unable to advise the gentleman as to whether or not that is the proper printer's number.

Mr. MURPHY. How can we determine whether it is or not?

The SPEAKER. The gentleman will yield.

For what purpose does the gentleman from Indiana, Mr. Wass, rise?

Mr. WASS. I wonder if Mr. Murphy would yield so that I could interrogate Mr. Dininni for one question on the bill.

Mr. MURPHY. I will yield, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. WASS. Thank you.

Mr. Speaker, I am very interested in the legislation. My people are requesting it and anticipating its passage. To carry the message home on the implication of this bill, it says that this act shall take effect immediately. Can you help me understand how we would do that? When could my people expect to go into the once-a-year inspections?

Mr. DININNI. It would still require 1 year to implement it.

Mr. WASS. Mr. Speaker, I did not hear you.

Mr. DININNI. It would still take 1 year to get into this cycle. They have a year to implement it.

Mr. WASS. Thank you very much.

The SPEAKER. The gentleman, Mr. Murphy, will have to bear with the Chair until such time as we are able to obtain copies of the prior prints.

In response to the gentleman, Mr. Murphy, in the event the conference committee report is not adopted by the House, the question will immediately recur, will the House concur in the bill as amended by the Senate and as found in PN 3222?

The question before the House is, will the House adopt the Report of the Committee of Conference on HB 562?

On that question, the Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, this legislation started out as a way of bringing to the people of Pennsylvania once-a-year

inspections. I believe that we have done about as much as we should do in tortuous parliamentary inquiries, and I think we ought to get about the business of passing this report finally. I urge concurrence in the Conference Committee Report on HB 562.

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

Mr. MURPHY. Yes, Mr. Speaker, I believe that we have found a way to do what the majority of the people in Pennsylvania want and what I hope is the majority of the people in this House.

Listen carefully: If we defeat the conference committee report, what immediately is before us is HB 562, PN 3222. That is the bill that we had before us last week that contained Senator Scanlon's strong rejection of the emission control inspection system, so that we can vote both on once-a-year inspections then and also to what I would hope is a clear message that we do not want that emission control inspection. What we have to do then is to first defeat the conference committee report. What immediately would come before us is the bill that I believe we need in this Commonwealth.

So I urge you to first defeat the committee report and then to turn around and vote for HB 562, PN 3222, which will be before us. Thank you.

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

Mr. GEORGE. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is on adoption or rejection of the conference committee report.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, the other day the majority leader asked that the entire membership of this House reject the conference report, and I, as one, voted along with that gentleman, hopeful that when this previous conference report went back to that benevolent body, they would in fact deal with some of the matters that many of us felt were improper. But it seems now, being a trusting soul as I am, that there was, under some great length, a move only to eliminate the one part of the report, which was the emissions inspection. Being completely naive, Mr. Speaker, I thought that some of the language that also was in this report that I had a sincere distrust for would be eliminated; some, if I may, was that the bill insisted that—I think maybe some of my colleagues should listen to me for a couple of moments, because I think, Mr. Speaker, this will come before us in the next coming years, those of us who will be here.

I suggest that as I listened and then again I have been told that Governor Shapp signed or affixed his hand and seal to some kind of mandamus saying that we were going to enter into this type of thing. I insist, Mr. Speaker, even with that grin on your very pleasant face, that Governor Shapp is no longer with us. In fact, if Governor Shapp had been as right as he should have been, Governor Thornburgh would not be with us. And so now I ask these people who said they wanted once-a-year inspections why they had to go so far out just in order to go back and tell those folks back home we saved you all kinds of money.

Now, I sit here daily, no matter how boring it may be, and I listen to everyone else who seem to be experts in certain fields. Even the illustrious majority leader does not know what I know about an automobile inspection, but if he comes up to Houtzdale someday, I will show him.

The matter is that this bill, or the contrivance of such, Mr. Speaker, in your effort to hurry up and pass a bill that will allow your constituents only to show up at that dealership or that alley shop or whatever and get his car or her car inspected once a year, you are so willing to make hay with public relations with that political move that you never really opened the bill and you never asked why the committee insisted that if an individual on a bordering State goes out and buys an automobile, that he can run all around Pennsylvania for 10 days without that automobile being inspected and even not being knowledgeable of whether it will meet the requirements of the State of Pennsylvania, whether it will be able to be inspected.

Now, the conference committee did one thing the other night, the only thing besides ripping out the emissions program; they did agree when I asked someone, look, this is not fair. You are going to send your neighbor into an adjacent State and he is going to buy a piece of scrap and he is going to come back into Pennsylvania and he is going to take his good old time to get it inspected, and God forbid, even if he does not have an accident, when he goes to have it inspected he will find out it is not worthy of being inspected. And then what does he do to recoup that money? He cannot sue under Pennsylvania law; he has to go into that other State.

Now, also, Mr. Speaker, I can name five or six things that I feel were completely improper. First of all, it was insisted at the first conference report that the Department of Transportation agreed that there was no longer any need for them not to sacrifice; they were going to bring the price of the stickers down to a dollar.

Now, Mr. Speaker, the last time I spoke on this bill, it was quoted that I have a dealership and that is the only reason that I feel there should not be a bill passed that would warrant or merit once-a-year inspections. Mr. Speaker, I am going to leave you with one thing, and I need not talk all year, but you as legislators, I want you to refresh your own memories. This bill is a big business bill. This bill relieves and almost omits the responsibility from that shady character who will take advantage of your constituents. This bill allows a man to sell you a car and you to drive around 10 days not being knowledgeable because no longer does the sticker have to be on the moment you purchase it. This bill insists that if you just transfer title, you will buy another sticker within 10 days. This bill was just a part of the chicanery of a political move to say we love you, we want to save you money. And you remember this, that the one whom you are going to save money, it is not the fact that you will save it, but you as individual legislators, not one of you received more than a call or two from big business saying, oh gee, do not vote for that; oh gee, we want that passed, because the truth of the matter is the big dealerships want this passed.

If you read the language in the bill, you will see it almost removes their responsibility; it almost removes their liability;

it almost removes any assignment of responsibility. And then these people stand across there and say that their concern is that they want to give people a once-a-year inspection. Under the current law, anytime a person is aggrieved or a person is taken over the coals, so to speak, the Department of Transportation under current law can see to it that amends are made. But right at this moment, any dealership in Pennsylvania that has an automobile sitting on its used-car lot, if that sticker expires before that dealer sells it, that dealer must place a new sticker and accept the responsibility of what that automobile is and whether or not it meets that requirement. Under this law an automobile will be able to sit there for a year, and that dealer will not have to place his responsibility.

I stand here and say to you that as a power user I take credibility and issue with the electric companies, and I take issue with the insurance companies, and even though I am an automobile dealer, I take issue with some automobile dealers, because I believe that if you want to do the right thing for the people of Pennsylvania, you do not give them a piece of chicanery like this. If you want once-a-year inspections, give them once-a-year inspections, and make sure that the tolerance and the frictions in the tolerance that you are allowed will not cost them more money.

I suggest, Mr. Speaker, when you send these people in for a once-a-year inspection, they will not be putting on linings now; they will be putting on brake drums and discs and rotors. If this is what you want, those of you who vote for it, you will not be doing anything improper. You will be, in your own way, feeling that you are trying to help your people. But in a couple of years, Mr. Speaker, you will find out that there were not too many of these inspection shops that went out of business and your people are not getting their inspections any cheaper today than what they did before. I am going to vote "no." Thank you very much.

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

Mr. MORRIS. Mr. Speaker, I thank you, or perhaps I should not.

It is not very often that I have the temerity to take a position contrary to Representative George, but I would like to point out one little mistake in his speech. He has a strong feeling for the poor individual who buys a car out of State, brings it in, and then cannot get it inspected, and he says he has to go to the other State for redress. Well, that is just not the fact. Those Federal courts, which we do not like—and I will give them credit; even a broken clock is right once in 24 hours or 12—have a choice of jurisdiction called diversity of citizenship, and almost always a plaintiff can get a better deal out of the Federal court than he can even out of our own State courts when it comes to suing somebody. So I suggest that at least on that point Mr. George, through no fault of his own, through not understanding the law, has made a mistake in his presentation. Thank you.

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

Mr. STEWART. Thank you, Mr. Speaker.

The majority leader is probably right. We fought the battle in the conference committee for these amendments. We fought the battle here on the floor for recommitment. It is probably going to pass, but I just wanted to rise to let the members know a few things.

The conference committee version creates a whole new inspection category, and that is, when a vehicle is sold or resold. That means that every time you run a tag down here and you transfer a registration for somebody, when they walk in your office, you are going to have to say to them, now, do not forget, in 10 days you have to get it inspected, even though they got it inspected 10 days before that or the day before that. I just want you to know that.

Secondly, a section we tried to amend is the implementation schedule. With the present implementation schedule in the conference report, you are going to have constituents with three inspections in a 12-month period. You are going to have a constituent who has a No. 4 sticker right now and gets his car inspected. If this bill is implemented, he has to get his car inspected again under the provisions of this bill, and then next year get his car inspected the third time to reenter the cycle.

Mr. Speaker, I am going to support the bill, but I want to let the members know that this is not my idea of once-a-year inspection, but I believe with what has happened here today, it is the only way we are going to get it passed. But one more thing I want the members to know: The day this is signed into law, I will be introducing a bill to amend it, and when your constituents start running into the problems that I have laid out, you call my office and get on that bill, because I am sure they are going to be calling. I am sure you are going to be finding out that this is not annual inspection, and they are going to tell you. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca, for one minute.

Mr. PETRARCA. One minute, Mr. Speaker, is all I will take.

If we recommit this conference report and then move to the prior printer's number, we will have the best of two worlds. Look out for your own election. Forget about the administration in there. Thank you, Mr. Dininni.

The SPEAKER. Does the gentleman from Allegheny, Mr. Clark, desire recognition? The gentleman may proceed.

Mr. CLARK. I wonder if the gentleman, Mr. Dininni, would stand for brief interrogation. I seem to have forgotten one question. It will not take but a second.

The SPEAKER. The gentleman may proceed.

Mr. CLARK. The language inserted by the conference committee, section 12, why is this language acceptable to the administration when Senator Scanlon's amendment was not acceptable? What is the difference?

Mr. DININNI. Well, I like this language. The other language I still think was—I think you know what I am getting at. I would like to roll the bill. But anyhow, getting back to answering your question, I think that Senator Scanlon's amendment in the bill was really, really jeopardizing the bill.

Mr. CLARK. Okay. Another question, if I may?

If Senator Scanlon's amendment jeopardizes the bill, why does this amendment not jeopardize the bill? You said earlier that it achieved the same purpose.

Mr. DININNI. I did not say that it achieved the same purpose. Roll the bill.

Mr. CLARK. Okay; then give me the reason why this one would be acceptable and the other one would not.

May I make a statement, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. CLARK. It is obvious by the silence I am receiving in answer to that question that the amendment inserted concerning emission inspection has no meaning. That is why it is acceptable to the administration. The Senator's amendment would have stopped it, and that is why it is not acceptable to the administration. Apparently they are in favor of implementing the emission inspection.

I would ask for a negative vote on the adoption of the conference report so that we can revert to the prior printer's number. Thank you.

On the question recurring,

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

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

YEAS—160

Armstrong	Fischer	McMonagle	Salvatore
Arty	Fleck	McVerry	Saurman
Barber	Foster, W. W.	Mackowski	Serafini
Belardi	Foster, Jr., A.	Madigan	Seventy
Belfanti	Frazier	Manderino	Showers
Berson	Fryer	Manmiller	Sieminski
Bittle	Gallagher	Marmion	Sirianni
Blaum	Gamble	Merry	Smith, B.
Borski	Gannon	Michlovic	Smith, E. H.
Bowser	Geist	Micozzie	Smith, L. E.
Boyes	Gladeck	Miller	Snyder
Brandt	Grabowski	Miscevich	Spencer
Burns	Gray	Moehlmann	Spitz
Caltagirone	Greenwood	Morris	Stairs
Cappabianca	Grieco	Mowery	Steighner
Cessar	Gruitza	Mrkonic	Stewart
Cimini	Gruppo	Murphy	Sweet
Civera	Hagarty	Nahill	Swift
Clymer	Haluska	Noye	Taddonio
Cochran	Hasay	O'Donnell	Taylor, E. Z.
Colafigliola	Hayes	Oliver	Taylor, F. E.
Cole	Heiser	Pendleton	Telek
Cordisco	Hoeffel	Perzel	Tigue
Cornell	Honaman	Peterson	Trello
Coslett	Horgos	Petrone	Van Horne
Cowell	Hutchinson, A.	Phillips	Vroon
Cunningham	Irvis	Piccola	Wambach
DeVerter	Itkin	Pistella	Wass
DeWeese	Jackson	Pitts	Wenger
Daikeler	Johnson	Pott	Weston
Davies	Kennedy	Pratt	Wiggins
Dawida	Kowalshyn	Punt	Wilson
Deal	Lashinger	Rappaport	Wogan
Dietz	Laughlin	Rasco	Wozniak
Dininni	Lehr	Reber	Wright, D. R.
Donatucci	Lescovitz	Richardson	Wright, J. L.
Dorr	Levi	Rieger	Wright, R. C.
Duffy	Lewis	Ritter	
Durham	Lloyd	Rocks	Ryan,
Fargo	Lucyk	Rybak	Speaker
Fee	McClatchy		

NAYS—25

Anderson	Emerson	Klingaman	Pievsky
Burd	Evans	Kukovich	Stevens
Cawley	Gallen	Letterman	Stuban
Clark	George	Livengood	Swaim
Cohen	Greenfield	Maiale	Wachob
DeMedio	Harper	Petrarca	Wargo
Dombrowski			

NOT VOTING—12

Alden	Freind	McIntyre	Shupnik
Beloff	Kanuck	Mullen	Williams, H.
Brown	Levin	Pucciarelli	Williams, J. D.

EXCUSED—3

Kolter	Olasz	Zwikl
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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.

The SPEAKER. It is the understanding of the Chair that there will be no further votes. The Chair, however, will keep the desk open to do certain housekeeping chores.

For the information of the members, when the adjournment motion is taken, it will be until May 24, unless sooner recalled by the Chair.

The Chair wishes each and every one of the members success in the upcoming primary elections, if you are interested in them.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1997, PN 2442**; and **HB 1998, PN 2443**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 121, PN 3287**; **HB 1040, PN 3279**; **HB 1385, PN 3228**; **HB 1999, PN 3288**; **HB 2037, PN 3289**; and **HB 2101, PN 3231**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bills will appear on the calendar.

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 **HB 517, PN 3291**.

BILLS SIGNED BY SPEAKER

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

HB 517, PN 3291

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for official school visitors; further providing for eligibility to the office of school director; for annual reports by State-owned colleges and the State-owned university; for budget reports by school districts of the first class; for school subsidies; prohibiting certain reduced payments for certain activities of school districts and making repeals.

HB 1997, PN 2442

An Act amending the act of June 20, 1947 (P. L. 733, No. 319), entitled, as amended, "An act to provide revenue in school districts of the first class A by imposing a temporary tax upon certain classes of personal property; ****" further providing for the interest rate on delinquent taxes.

HB 1998, PN 2443

An Act amending the act of June 10, 1947 (P. L. 745, No. 320), entitled "An act to provide revenue for school districts of the first class by imposing a temporary mercantile license tax on persons engaging in certain occupations and businesses therein;*** and imposing penalties," editorially revising the act and further providing for the interest rate on delinquent taxes.

SENATE MESSAGE

SENATE INSISTS ON NONCONCURRENCE
IN HOUSE AMENDMENTS

The clerk of the Senate, being introduced, informed that the Senate has insisted on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to **SB 18, PN 1807**.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurred in by the House of Representatives to **HB 536, PN 2826**.

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

APPROVAL OF HB No. 1010.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

May 4, 1982

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

I have the honor to inform you that I have this day approved and signed House Bill 1010, Printer's No. 2735 entitled "AN ACT amending the act of June 14, 1961 (P.L. 324, No. 188), entitled 'An act relating to the establishment, operation and maintenance of the State Library and public libraries in the Commonwealth; amending, revising, consolidating and changing the laws relating thereto; imposing duties upon public officers; providing for State and local cooperation and assistance in the establishment and maintenance of libraries; prescribing penalties; and repealing existing laws,' authorizing the State Library to promote and support cooperation among the various types of libraries in Pennsylvania."

Dick Thornburgh
Governor

RECESS

The SPEAKER. Without objection, the House will stand in recess until 4 p.m. The Chair hears no objection.

AFTER RECESS

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that this House do now adjourn until Monday, May 24, 1982, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:08 p.m., e.d.t., the House adjourned.