

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 29, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 53

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR PRAYER

REV. DARWYN J. NACE, chaplain of the House of Representatives and pastor of Felton Bethany United Methodist Church, Felton, Pennsylvania, offered the following prayer:

Let us pray:

Heavenly Father, we approach Your throne of grace with humble hearts and contrite spirits. We ask Your strength and guidance in the matters of the day. Our responsibilities are great and there are many people who are depending on us to make the right decisions. Help us to keep our hearts and minds open to You and tap into Your resource called power. We thank You for another day of life, and we pray that we will use this day wisely, for we pray in the Master's name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, September 28, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2687 By Representatives GALLEN, HONAMAN and SIRIANNI

An Act repealing the act of April 27, 1903 (P. L. 324, No. 254), entitled "An act to prohibit the adulteration of food, and providing for the enforcement thereof."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2688 By Representatives GALLEN, HONAMAN and SIRIANNI

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), abolishing the Advisory Committee for Public Assistance.

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2689 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing section 10 of the "Uniform Standards Code for Mobile Homes," approved May 11, 1972 (P. L. 281, No. 69), relating to the Mobile Homes Standard Advisory Commission.

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2690 By Representatives GALLEN, HONAMAN and SIRIANNI

An Act repealing the act of June 1, 1891 (P. L. 160, No. 154), entitled "An act fixing the standard weight of a ton or cord of bark."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2691 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of March 4, 1763 (1 Sm. L. 257, Ch. 490), entitled "An act concerning cattle, horses and sheep, trespassing within this province."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2692 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of March 5, 1819 (P. L. 87, No. 59), entitled "A supplement to the act, entitled 'An act concerning strays.'"

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2693 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of March 5, 1858 (P. L. 78, No. 101), entitled "A further supplement to an act, passed thirteenth day of April, one thousand eight hundred and seven, relating to Strays."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2694 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of April 26, 1889 (P. L. 64, No. 65), entitled "An act to prevent the deterioration of stock by animals running at large on the public highways of this Commonwealth."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2695 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of April 12, 1867 (P. L. 74, No. 53), entitled "A further supplement to an act regulating the measurement of corn and salt imported into the port of Philadelphia, approved the twenty-second day of September, one thousand seven hundred and eighty-five."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2696 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of March 15, 1821 (P. L. 90, No. 60), entitled "An act to encourage the apprehension of persons who shall have committed the crime of horse stealing."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2697 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of June 11, 1891 (P. L. 297, No. 225), entitled "An act to prevent the adulteration of cider vinegar, regulating the sale of vinegar made wholly from apples, grapes and other fruits, prohibiting the manufacture and sale of vinegar from certain ingredients injurious to health, and providing penalties therefor."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2698 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing section 4, act of November 16, 1959 (P. L. 1509, No. 528), entitled "An act authorizing the Pennsylvania Department of Property and Supplies, acting for the Commonwealth of Pennsylvania, to acquire by gift from the Borough of Northumberland *** the home of Joseph Priestley *** and making an appropriation," relating to the advisory board.

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2699 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of May 20, 1913 (P. L. 240, No. 165), entitled "An act prohibiting the use of night-soil on ground whereon vegetables are grown which are eaten uncooked for human food, and providing penalties for the violation thereof."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2700 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of June 29, 1923 (P. L. 913, No. 351), entitled "An act authorizing the Secretary of Agriculture separately, or jointly with the county commissioners, to provide for the installation of rural index maps and signs."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2701 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of June 20, 1935 (P. L. 356, No. 163), entitled "An act relating to the furnishing, sale, delivery, weighing, and importation of unmanufactured horse manure; making certain practices in connection therewith misdemeanors, and fixing fines and penalties for the violation thereof; providing for the payment of such fines into the State Treasury; and requiring the Department of Agriculture to enforce the provisions of this act."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2702 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of May 24, 1883 (P. L. 43, No. 34), entitled "An act for the protection of dairymen, and to prevent deception in sales of butter and cheese."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2703 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of December 17, 1959 (P. L. 1918, No. 697), entitled "An act creating an Anthracite Mine Drainage Commission for the purpose of acting in an advisory capacity in the use of funds appropriated by the act of July 7, 1955 (P. L. 258), entitled 'An act providing for anthracite mine drainage, contingent on Federal aid, and making an appropriation,'" relating to the Anthracite Mine Drainage Commission.

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2704 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of April 22, 1927 (P. L. 352, No. 217), entitled "An act providing for the appointment of a commission to act as a joint commission with a similar commission appointed, *** and making an appropriation," relating to the Susquehanna River Bridge Commission.

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2705 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of May 10, 1729 (1 Sm. L. 176, Ch. 303), entitled "A supplement to the act, entitled 'An Act to prevent swine running at large.'"

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2706 By Representatives GALLEN, HONAMAN and SIRIANNI

Act Act repealing the act of June 26, 1895 (P. L. 386, No. 272), entitled "An act to provide for the appointment of inspectors by the Governor for the cities of the first and second class of this Commonwealth to inspect scales, weights and measures and providing for their compensation."

Referred to Committee on STATE GOVERNMENT, September 28, 1982.

No. 2707 By Representatives LLOYD, KUKOVICH, FARGO, PRATT, D. R. WRIGHT, BELFANTI, MORRIS and WOZNAK

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing penalties for harassment of game.

Referred to Committee on GAME AND FISHERIES, September 28, 1982.

No. 2708 By Representatives F. E. TAYLOR, D. R. WRIGHT, STEIGHNER, VAN HORNE and CAPPABIANCA

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), further providing for the application of a portion of the act to certain persons.

Referred to Committee on BUSINESS AND COMMERCE, September 28, 1982.

No. 2709 By Representative PRATT

An Act imposing limitations on the power of public agency's to regulate the keeping of pets in public housing projects.

Referred to Committee on LOCAL GOVERNMENT, September 28, 1982.

No. 2710 By Representative PRATT

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), providing for the offense of theft of a controlled substance from a pharmacy and providing penalties.

Referred to Committee on JUDICIARY, September 28, 1982.

LEAVES OF ABSENCE GRANTED

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

Mr. CESSAR. Thank you, Mr. Speaker.

I do request a leave for the gentleman from Allegheny, Mr. FRAZIER, for today's session.

The SPEAKER. The Chair recognizes the minority leader for the purpose of taking Democratic leaves of absence.

Mr. IRVIS. Thank you, Mr. Speaker.

I request a leave of absence for this morning's session only for the gentleman from Lehigh, Mr. RITTER.

The SPEAKER. Without objection, leaves will be granted. The Chair hears none.

STATEMENT BY MRS. HONAMAN

**TERCENTENARY COMMITTEE
ON THIS DAY IN HISTORY**

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman, for the purpose of giving us "This Day in History."

Mrs. HONAMAN. Thank you, Mr. Speaker.

Mr. Speaker, on this day in history, September 29, 1609, the Commonwealth of Pennsylvania played host to a man

whose name is more closely associated with another Commonwealth to the south.

Every schoolchild knows this man, Mr. Speaker. They have heard that he was captured by Indians and brought before a mighty chief. They have heard that he was condemned to die. They have heard that his head was placed upon a rock, beneath the upraised war clubs of his executioners. And they have heard, Mr. Speaker, that Capt. John Smith's life was saved when the chief's daughter Pocahontas sprang from her father's side and laid her own head upon the head of the prisoner.

Mr. Speaker, bumper stickers proclaim that "Virginia Is For Lovers." For the sake of the unwary tourist, let us hope that the citizens of that State have developed some new courtship rituals.

Captain Smith did not settle permanently in Virginia. Eventually he sailed his barge up the Chesapeake and then pushed several miles up the Susquehanna.

On September 29, 1609, Capt. John Smith reportedly became the first European to meet native Pennsylvanians. He is said to have been greeted by a group of Susquehanna Indians who resided in Lancaster County. Mr. Speaker, no one brandished clubs at Captain Smith on this occasion. No one attempted to separate his head from his body.

Then as now, Mr. Speaker, the traveler could always find "A Friend In Pennsylvania." Thank you.

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—194

Anderson	Fargo	Lloyd	Salvatore
Armstrong	Fee	Lucyk	Saurman
Arty	Fischer	McClatchy	Serafini
Barber	Fleck	McIntyre	Seventy
Belardi	Foster, W. W.	McMonagle	Showers
Belfanti	Foster, Jr., A.	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
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miller	Steighner
Burns	Gray	Miscevich	Stevens
Caltagirone	Greenfield	Moehlmann	Stewart
Cappabianca	Greenwood	Morris	Stuban
Cawley	Grieco	Mowery	Swaim
Cessar	Gruitza	Mrkonic	Sweet
Cimini	Gruppo	Mullen	Swift
Civera	Hagarty	Murphy	Taddonio
Clark	Haluska	Nahill	Taylor, E. Z.
Clymer	Harper	Noye	Taylor, F. E.
Cochran	Hasay	O'Donnell	Telek
Cohen	Hayes	Olasz	Tigue
Colafella	Heiser	Oliver	Trello
Cole	Hoeffel	Pendleton	Van Horne
Cordiseco	Honaman	Perzel	Vroon
Cornell	Horgos	Peterson	Wachob
Coslett	Hutchinson, A.	Petrarca	Wambach
Cowell	Irvis	Petrone	Wargo

Cunningham	Itkin	Phillips	Wass
DeMedio	Jackson	Piccola	Wenger
DeVerter	Johnson	Pievsky	Weston
DeWeese	Kennedy	Pistella	Wiggins
Daikeler	Klingaman	Pitts	Williams, H.
Davies	Kowalyszyn	Pott	Williams, J. D.
Dawida	Kukovich	Pratt	Wilson
Deal	Lashing	Pucciarelli	Wogan
Dietz	Laughlin	Punt	Wozniak
Dininni	Lehr	Rappaport	Wright, D. R.
Dombrowski	Lescovitz	Rasco	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Richardson	Zwinkl
Duffy	Levin	Rieger	
Durham	Lewis	Rocks	Ryan,
Evans	Livengood	Rybak	Speaker

ADDITIONS—0
NOT VOTING—2

Alden Emerson
EXCUSED—3

Frazier Kolter Ritter
LEAVE CANCELED—1

Ritter

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1046, PN 1791**, entitled:

An Act amending the act of March 30, 1811 (P. L. 145, Chapter XCIX.), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," further providing for the deferral of employe income.

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—183

Anderson	Fee	Lucyk	Saurman
Armstrong	Fischer	McClatchy	Serafini
Arty	Fleck	McIntyre	Seventy
Barber	Foster, Jr., A.	McMonagle	Showers
Belardi	Freind	McVerry	Shupnik
Belfanti	Fryer	Mackowski	Sieminski
Berson	Gallagher	Madigan	Sirianni
Bittle	Gallen	Manderino	Smith, B.
Blaum	Gamble	Manmiller	Smith, E. H.
Borski	Gannon	Marmion	Smith, L. E.
Bowser	Geist	Merry	Snyder
Boyes	George	Michlovic	Spencer
Brandt	Gladeck	Micozzie	Spitz
Brown	Grabowski	Miller	Stairs
Burd	Greenfield	Miscevich	Steighner
Burns	Greenwood	Mochlmann	Stevens
Caltagirone	Grieco	Morris	Stewart
Cappabianca	Gruitza	Mowery	Stuban
Cawley	Gruppo	Mrkonic	Swain
Cessar	Hagarty	Mullen	Sweet
Cimini	Haluska	Murphy	Swift

Civera	Harper	Nahill	Taddonio
Clark	Hasay	Noye	Taylor, E. Z.
Clymer	Hayes	Olasz	Taylor, F. E.
Cochran	Heiser	Oliver	Telek
Cohen	Hoeffel	Pendleton	Tigue
Colafrella	Honaman	Perzel	Trello
Cole	Horgos	Peterson	Vroon
Cordisco	Hutchinson, A.	Petrarca	Wachob
Cornell	Iris	Petrone	Wambach
Coslett	Itkin	Phillips	Wargo
Cowell	Jackson	Piccola	Wass
Cunningham	Johnson	Pievsky	Wenger
DeMedio	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pitts	Wiggins
DeWeese	Kowalyszyn	Pott	Williams, H.
Davies	Kukovich	Pucciarelli	Williams, J. D.
Dawida	Lashing	Punt	Wilson
Deal	Laughlin	Rappaport	Wogan
Dietz	Lehr	Rasco	Wozniak
Dininni	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Richardson	Wright, R. C.
Dorr	Levi	Rieger	Zwinkl
Duffy	Levin	Rocks	
Durham	Livengood	Rybak	Ryan,
Evans	Lloyd	Salvatore	Speaker
Fargo			

NAYS—0

NOT VOTING—13

Alden	Emerson	Lewis	Pratt
Beloff	Foster, W. W.	Maiale	Van Horne
Daikeler	Gray	O'Donnell	Wright, D. R.
Dombrowski			

EXCUSED—3

Frazier Kolter Ritter

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 without amendment.

* * *

The House proceeded to third consideration of **HB 2519, PN 3378**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing local authorities to delegate certain police powers to a parking authority.

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

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

The question is, shall the bill pass finally?

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

YEAS—184

Anderson	Fee	McIntyre	Seventy
Armstrong	Fischer	McMonagle	Showers
Arty	Fleck	McVerry	Shupnik
Barber	Foster, Jr., A.	Mackowski	Sieminski
Belardi	Freind	Madigan	Sirianni
Belfanti	Fryer	Maiale	Smith, B.
Berson	Gallagher	Manderino	Smith, E. H.
Bittle	Gallen	Manmiller	Smith, L. E.
Blaum	Gamble	Marmion	Snyder

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

NAYS—4

Geist	Letterman	Miscevich	Pott
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NOT VOTING—8

Alden	Cohen	Emerson	Hutchinson, A.
Beloff	Dininni	Foster, W. W.	Pratt

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 2520, PN 3379**, entitled:

An Act amending the "Parking Authority Law," approved June 5, 1947 (P. L. 458, No. 208), empowering an Authority where authorized by ordinance or resolution of the municipality which created it to administer and enforce on-street parking regulations and providing that moneys collected and received by an Authority on behalf of the municipality are not subject to debts and obligations of the Authority.

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

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

The question is, shall the bill pass finally?

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

YEAS—184

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

NAYS—4

Heiser	Marmion	Miscevich	Pott
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NOT VOTING—8

Alden	Emerson	Foster, W. W.	Pratt
Cohen	Fleck	Maiale	Sweet

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 2522, PN 3381**, entitled:

An Act relating to the incurrence of certain obligations in connection with the construction and operation of certain utilities owned, leased or operated by or on behalf of the City of Philadelphia.

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?

For what purpose does the gentleman from Philadelphia, Mr. Richardson, rise?

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

The SPEAKER. Will the gentleman from Philadelphia, Mr. Salvatore, consent to interrogation?

Mr. SALVATORE. I will try to answer your question, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not you could tell us if the floating of these bonds will increase in any way the rates of those—

Mr. SALVATORE. No. Mr. Speaker, this is not a rate bill; it is an authorization bill.

Mr. RICHARDSON. Mr. Speaker, I never framed my question, and I would like to do so at this time if it is possible.

Mr. SALVATORE. I did not hear the question, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, I am asking the gentleman if he can advise this House as to whether or not the floating of bonds in this bill for the Philadelphia Gas Works will in fact in any way increase the rates that consumers now pay in terms of their gas bills. It is my understanding and feeling that there are a lot of discussions going on presently in the city of Philadelphia about the rates that people do pay now, and I am just wondering whether or not in any way this will increase the rates that consumers have to pay if the floating of these bonds does go through. Does that mean specifically that there will be an increase in the amounts of moneys that will have to be paid by consumers to help pay off these bonds?

Mr. SALVATORE. Mr. Speaker, the answer is no. We have a regulatory board that establishes the rates.

What this bill does, Mr. Speaker, actually, is give the Gas Commission the right to refinance the inventories that they have on hand. That is all we are actually doing in this piece of legislation. It has nothing to do with rate increases or will not increase anybody's rate.

Mr. RICHARDSON. Okay. That is the major question I am raising because of the fact that while they do float these bonds and the bonds do in fact go through, then who is going to be made to pay up for the floating of these bonds, and will it come out of the consumer's hide or is it going to come out of the Philadelphia Gas Works themselves? I think that is a major concern that many of us from urban Philadelphia have,

and we want to make sure that those rates do not be increased. I thank the gentleman for his answer.

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

Mr. LEVIN. I would like to speak on the bill.

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

Mr. LEVIN. I would like to also answer Mr. Richardson's request for information on the bill. The reason that it will not raise the rates is because the bill is intended to allow the gas company to borrow money at approximately 3 percentage points less than it is presently paying the bank. So therefore, the bill is an attempt to allow market flexibility in commercial paper and therefore allow a reduction in the future expenditures. Whether that ends up in a rate reduction is another matter. But it should control costs, and I would hope the members would pass this bill.

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

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

Duffy	Livengood	Rybak	Speaker
Durham			

NAYS—0

NOT VOTING—9

Alden	Gruppo	O'Donnell	Sieminski
Emerson	Heiser	Pratt	Sweet
George			

EXCUSED—3

Frazier	Kolter	Ritter
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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.

* * *

The House proceeded to third consideration of **HB 2603, PN 3503**, entitled:

An Act amending the act of July 3, 1947 (P. L. 1228, No. 499), entitled "An act to establish in cities of the first class a house of detention for delinquent dependent and neglected children up to eighteen years of age, ***," eliminating management and maintenance by a board of managers appointed by the judges of the Family Court Division of the Court of Common Pleas and providing for management and maintenance by the city where the house of detention is located.

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—186

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

Cowell	Irvis	Petrone	Wambach
Cunningham	Itkin	Phillips	Wargo
DeMedio	Jackson	Piccola	Wass
DeVerter	Johnson	Pievsky	Wenger
DeWeese	Kennedy	Pistella	Weston
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kowalyshyn	Pott	Williams, H.
Dawida	Kukovich	Pratt	Williams, J. D.
Deal	Lashingner	Pucciarelli	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wright, D. R.
Dombrowski	Lescovitz	Rasco	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Richardson	Zwinkl
Duffy	Lewis	Rieger	
Durham	Livengood	Rocks	Ryan,
Evans	Lloyd	Rybak	Speaker

NAYS—1

Hutchinson, A.

NOT VOTING—9

Alden	Emerson	Levin	Sirianni
Beloff	Gray	O'Donnell	Wozniak
Cohen			

EXCUSED—3

Frazier	Kolter	Ritter
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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. For what purpose does the gentleman from Montgomery, Mr. Daikeler, rise?

Mr. DAIKELER. Had I been in my seat for the vote on SB 1046, I would have voted "yes." I would appreciate being recorded that way.

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 1019, PN 2134**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for contracts.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

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

Mr. POTT. Thank you, Mr. Speaker.

I would like to move that we revert to the prior printer's number, PN 1597, on SB 1019.

The SPEAKER. The question before the House is the question raised by the motion of the gentleman, Mr. Pott, that SB 1019 revert to its prior printer's number of 1597.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pott, and requests that the gentleman explain to the House the effect of the reversion.

Mr. POTT. The effect of the reversion, Mr. Speaker, is to include in SB 1019 population data for classifications of counties that was inadvertently removed by amendment in committee. After the 1980 census, we are required, if we want counties of the first class to remain counties of the first class and counties of the second class to remain counties of the second class, to restate in Act 230 the effects of the population changes of that census. Therefore, the motion to revert to the prior printer's number only changes the population portion of the bill. In order for Philadelphia to remain a first-class county, this printer's number is necessary. For Allegheny to remain a second-class county, it is necessary.

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

The following roll call was recorded:

YEAS—190

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

Duffy	Levin	Richardson	Wright, R. C.
Durham	Lewis	Rieger	Zwinkl
Evans	Livengood	Rocks	
Fargo	Lloyd	Rybak	Ryan,
Fee	Lucyk	Salvatore	Speaker

NAYS—0

NOT VOTING—6

Alden	Cohen	Emerson	Gray
Beloff	Dombrowski		

EXCUSED—3

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

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

BILL TABLED TEMPORARILY

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

Mr. GAMBLE. I move that SB 1019 be placed temporarily on the table.

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

* * *

The House proceeded to third consideration of **HB 2559, PN 3457**, entitled:

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), referred to as the State Tax Equalization Board Law, further prescribing its powers and duties to provide for a common level ratio.

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—188

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

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

NAYS—0

NOT VOTING—8

Alden	Colafella	Fleck	McIntyre
Beloff	Emerson	Gray	Rybak

EXCUSED—3

Frazier	Kolter	Ritter
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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.

* * *

The House proceeded to third consideration of **HB 2644, PN 3570**, entitled:

An Act amending the act of May 20, 1937 (P. L. 728, No. 193), entitled, as amended, "An act providing for the creation of a Board of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; ***; and authorizing an appropriation," extending the time period for appointing hearing panels.

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—185

Anderson	Fee	McClatchy	Seventy
Armstrong	Fischer	McMonagle	Showers
Arty	Foster, W. W.	McVerry	Shupnik
Barber	Foster, Jr., A.	Mackowski	Sieminski

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

NAYS—1

Berson

NOT VOTING—10

Alden	Emerson	Lescovitz	Pitts
Cohen	Fleck	McIntyre	Rappaport
Colafella	Gray		

EXCUSED—3

Frazier	Kolter	Ritter
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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.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today from Montgomery County, Dorrie Wolford, here today as the guest of Representative Bert Daikeler.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Chester, Mr. Pitts, rise?

Mr. PITTS. Mr. Speaker, I was out of my seat on HB 2644 and would like to be recorded in the affirmative, please.

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

For what purpose does the gentleman from Northampton, Mr. Rybak, rise?

Mr. RYBAK. I inadvertently missed voting on HB 2559. Had I been alert, I would have voted in the affirmative. Thank you.

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

For what purpose does the gentleman from Clarion, Mr. Wright, rise?

Mr. D. R. WRIGHT. I would like to be recorded in the affirmative on SB 1046, please.

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

CONSIDERATION OF SB 1019 RESUMED BILL REMOVED FROM TABLE

The SPEAKER. Without objection, SB 1019 is removed from the table. The Chair hears none.

On the question recurring,

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

Mr. GAMBLE offered the following amendments No. A8744:

Amend Title, page 1, line 5, by inserting a comma after "contracts"

Amend Title, page 1, line 5, by striking out "and" where it appears the first time

Amend Title, page 1, line 5, by removing the period after "counties" and inserting
and for agreements concerning land not needed for airport purposes.

Amend Bill, page 1, lines 8 through 19; page 2, lines 1 through 30; page 3, lines 1 through 21, by striking out all of said lines on said pages and inserting

Section 1. Section 210, act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," amended October 20, 1967 (P.L.472, No.224), is amended to read:

Section 210. Counties Divided Into Nine Classes.—For the purposes of legislation and the regulation of their affairs, counties of this Commonwealth, now in existence and those hereafter created, shall be divided into nine classes as follows:

(1) First Class Counties, those having a population of [1,800,000] 1,500,000 inhabitants and over.

(2) Second Class Counties, those having a population of 800,000 and more but less than [1,800,000] 1,500,000 inhabitants.

(2.1) Second Class A Counties, those having a population of 500,000 and more but less than 800,000 inhabitants.

(3) Third Class Counties, those having a population of 250,000 and more but less than 500,000 inhabitants.

(4) Fourth Class Counties, those having a population of 150,000 and more but less than 250,000 inhabitants.

(5) Fifth Class Counties, those having a population of 95,000 and more but less than 150,000 inhabitants.

(6) Sixth Class Counties, those having a population of 45,000 and more but less than 95,000 inhabitants.

(7) Seventh Class Counties, those having a population of 20,000 or more but less than 45,000 inhabitants.

(8) Eighth Class Counties, those having a population of less than 20,000 inhabitants.

Section 2. Subsection (c) of section 2001 of the act, amended November 26, 1978 (P.L.1219, No.290), is amended and a subsection is added to read:

Section 2001. County Commissioners to Make Contracts.—The County Commissioners may make contracts for lawful purposes and for the purposes of carrying into execution the provisions of this section and the laws of the Commonwealth.

(b.1) All bids may if required by the commissioners be accompanied by cash or by a certified good faith check drawn upon a bank authorized to do business in the Commonwealth, in an amount not exceeding five per centum (5%) of the bid or by a bond with corporate surety not exceeding five per centum (5%) of the amount bid. In the event any bidder shall, upon award of the contract to him, fail to comply with the requirements hereinafter stated as to a bond guaranteeing the performance of the contract, or fail or refuse to enter into a contract, or otherwise fail or refuse to render the required services, the good faith deposit by cash, certified check or bond shall be forfeited to the county as liquidated damages, and the contract subsequently may be awarded to the next lowest bidder, who shall manifest his acceptance of such contract by giving a good faith deposit in the amount and manner set forth in this subsection on or before the third day after the award of the contract to such bidder and otherwise comply with the provisions of this section.

(c) The successful bidder, when advertising is required herein, shall be required to furnish a bond with suitable reasonable requirements guaranteeing performance of the contract, with sufficient surety in the amount of fifty per centum (50%) of the amount of the contract, within [sixty (60)] thirty (30) days after the contract has been awarded, unless the commissioners shall prescribe a shorter period [of not less than ten (10) days, and upon]. Upon failure to furnish such bond within such time, the previous awards shall be void and the commissioners may award the contract to the next lowest bidder. Deliveries, accomplishment and guarantees may be required in all cases of expenditures, including the exceptions herein.

Section 3. Section 2404 of the act is amended to read:

Section 2404. Agreements for Air Navigation and Terminal Facilities.—The county acquiring land for any air navigation and terminal facilities may enter into agreements in the form of a lease, permit, license, concession or otherwise for the use of the same or part thereof, for an adequate consideration, with any person or corporation desiring to use the same for any air navigation and terminal purpose or of any air navigation and terminal facility, or for any nonaviation purpose; provided that all such agreements for nonaviation purposes shall be for terms of less than fifty years and may involve only land designated in the county's airport master plan as not needed for airport purposes within the term of the lease, on such terms and subject to such conditions and regulations as may be provided. The county may enter into a contract in the form of a lease or otherwise providing for the use of said land or any part thereof by the government of the United States for air-mail delivery or other air navigation and terminal purposes, upon nominal rental or without consideration.

Section 4. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. GAMBLE. Mr. Speaker, early in the session we passed HB 1332 by a vote of 190 to 6, and this is the exact wording of that bill.

Over the years Allegheny County has acquired for environmental purposes property adjacent to Greater Pittsburgh International Airport. This property has gone unused. What this amendment will do is simply permit Allegheny County to take this unused property, return it to the tax rolls in the respective two townships, and use it for commercial and recreational purposes. This serves two purposes: It will cause the property to go back on the tax rolls, number one; and number two, it could in the long run create jobs in our area as the property can be utilized for industrial and commercial uses.

I urge you to vote "yes" on this amendment.

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

Mr. POTT. Thank you, Mr. Speaker.

Is the amendment divisible, specifically on page 2 of the amendment, to divide section 3 out from the remainder of the amendment?

The SPEAKER. The House will be at ease.

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

Mr. GAMBLE. To explain that the only change in this amendment is in section 3, 2404. All of the other underlined portions are already in the bill. They have just been put in order. They were out of order. Those other underlined portions are already part of the bill.

The SPEAKER. Is the gentleman advising the Chair that section 3 is the only new portion?

Mr. GAMBLE. That is right. That is correct.

The SPEAKER. The gentleman, Mr. Pott, did not know that, I am sure.

The gentleman, Mr. Pott, after being advised by Mr. Gamble as to the facts of the amendment, does he still wish to divide?

Mr. POTT. Since it is just a restructuring, I will withdraw the motion to divide, and may I speak to the amendment?

The SPEAKER. The question before the House is the adoption of the amendments offered by the gentleman, Mr. Gamble. On that question, the Chair recognizes the gentleman, Mr. Pott.

Mr. POTT. I must reluctantly oppose the adoption of the amendment, Mr. Speaker, as I believe it transfers more control away from municipalities over the property in their own townships.

The SPEAKER. Does the gentleman, Mr. Gamble, desire to be recognized?

Mr. GAMBLE. Yes, Mr. Speaker.

I do urge the passage of this legislation. There were several hundred acres of property taken when the airport was built, and since the airport was built at Greater Pitt, there is now a brand-new plan for a brand-new terminal, and this property will go unused. It will just sit there.

This amendment does return most of that property back to the tax rolls, the unused property, for good purposes - indus-

trial, commercial, and recreational use. It will benefit the entire area. We did pass this exact wording in a bill, HB 1332, early in the session by a vote of 190 to 6. I ask you to vote the same way today. Thank you.

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

The following roll call was recorded:

YEAS—178

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

NAYS—10

Dorr	Rasco	Taddonio	Ryan,
Perzel	Reber	Wilson	Speaker
Pott	Salvatore	Wright, R. C.	

NOT VOTING—8

Alden	Emerson	Gray	Manderino
Cohen	Fleck	Madigan	Merry

EXCUSED—3

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

On the question recurring,

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

Mr. MURPHY offered the following amendments No. A8602:

Amend Sec. 1 (Sec. 2001), page 2, line 19, by removing the period after "upon]" and inserting
or unless the commissioners shall waive the bond requirement in the bid specification.

Amend Sec. 1 (Sec. 2001), page 2, line 19, by inserting brackets before and after "such" and inserting immediately thereafter
any required

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

This amendment very simply gives the commissioners the opportunity to waive the bond requirements in certain bid specifications. When they deem that it would be better, they would be able to get more bids without the bond or if a bond would make it more difficult for particularly small companies to bid on a particular purchase.

So I ask your support for this. It is supported by the county commissioners in Allegheny County. They feel that it would save the taxpayers money by giving them this discretion. Thank you.

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

The following roll call was recorded:

YEAS—187

Anderson	Fischer	Lucyk	Salvatore
Armstrong	Fleck	McClatchy	Saurman
Arty	Foster, W. W.	McIntyre	Serafini
Barber	Foster, Jr., A.	McMonagle	Seventy
Belardi	Freind	McVerry	Showers
Belfanti	Fryer	Mackowski	Shupnik
Beloff	Gallagher	Madigan	Sieminski
Berson	Gallen	Maiale	Sirianni
Bittle	Gamble	Manderino	Smith, B.
Blaum	Gannon	Manmiller	Smith, L. E.
Borski	Geist	Marmion	Smith, L. E.
Bowser	George	Merry	Spencer
Boyes	Gladeck	Michlovic	Spitz
Brown	Grabowski	Micozzie	Stairs
Burd	Greenfield	Miller	Steighner
Burns	Greenwood	Miscevich	Stevens
Caltagirone	Grieco	Morris	Stewart
Cappabianca	Gruitza	Mowery	Stuban
Cawley	Gruppo	Mrkonc	Swaim
Cessar	Hagarty	Mullen	Sweet
Cimini	Haluska	Murphy	Swift
Civera	Harper	Nahill	Taddonio
Clark	Hasay	Noye	Taylor, E. Z.
Clymer	Hayes	O'Donnell	Taylor, F. E.
Cochran	Heiser	Olasz	Telek
Colafella	Hoeffel	Oliver	Tigue
Cole	Honaman	Pendleton	Trello
Cordisco	Horgos	Perzel	Van Horne
Cornell	Hutchinson, A.	Peterson	Vroon
Coslett	Irvis	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVerter	Kennedy	Pievsky	Wenger
DeWeese	Klingaman	Pistella	Weston
Daikeler	Kowalshyn	Pitts	Wiggins

Davies	Kukovich	Pott	Williams, H.
Dawida	Lashinger	Pratt	Williams, J. D.
Dietz	Laughlin	Pucciarelli	Wilson
Dininni	Lehr	Punt	Wozniak
Dombrowski	Lescovitz	Rappaport	Wright, D. R.
Donatucci	Letterman	Rasco	Wright, J. L.
Dorr	Levi	Reber	Wright, R. C.
Duffy	Levin	Richardson	Zwilk
Durham	Lewis	Rieger	
Evans	Livengood	Rocks	Ryan,
Fargo	Lloyd	Rybak	Speaker
Fee			

NAYS—0

NOT VOTING—9

Alden	Deal	Gray	Smith, E. H.
Brandt	Emerson	Moehlmann	Wogan
Cohen			

EXCUSED—3

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

Davies	Lashinger	Pratt	Williams, J. D.
Dawida	Laughlin	Pucciarelli	Wilson
Deal	Lehr	Punt	Wogan
Dietz	Lescovitz	Rappaport	Wozniak
Dininni	Letterman	Rasco	Wright, D. R.
Dombrowski	Levi	Reber	Wright, J. L.
Donatucci	Levin	Richardson	Wright, R. C.
Dorr	Lewis	Rieger	Zwinkl
Duffy	Livengood	Rocks	
Durham	Lloyd	Rybak	Ryan,
Evans	Lucy	Salvatore	Speaker
Fargo			

NAYS—0

NOT VOTING—5

Alden	Emerson	Fleck	Gray
Cohen			

EXCUSED—3

Frazier	Kolter	Ritter
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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.

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **SB 1119, PN 1326**, on third consideration postponed, entitled:

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), entitled, as amended, "Beauty Culture Law," providing for certain credit to registered barbers wishing to take the cosmetology examination.

On the question recurring,
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—188

Anderson	Fargo	McIntyre	Serafini
Armstrong	Fee	McMonagle	Seventy
Arty	Fischer	McVerry	Showers
Barber	Foster, W. W.	Mackowski	Shupnik
Belardi	Foster, Jr., A.	Maiale	Sieminski
Belfanti	Freind	Manderino	Sirianni
Beloff	Gallagher	Manmiller	Smith, B.
Berson	Gallen	Marmion	Smith, E. H.
Bittle	Gamble	Merry	Smith, L. E.
Blaum	Gannon	Michlovic	Snyder
Borski	Geist	Micozzie	Spencer
Bowser	George	Miller	Spitz
Boyes	Gladeck	Miscevich	Stairs
Brandt	Grabowski	Moehlmann	Steighner
Brown	Greenfield	Morris	Stevens
Burd	Greenwood	Mowery	Stewart
Burns	Grieco	Mrkonic	Stuban
Caltagirone	Gruitza	Mullen	Swaim
Cappabianca	Gruppo	Murphy	Sweet
Cawley	Hagarty	Nahill	Swift

Cessar	Haluska	Noye	Taddonio
Cimini	Harper	O'Donnell	Taylor, E. Z.
Civera	Hasay	Olasz	Taylor, F. E.
Clark	Hayes	Oliver	Telek
Clymer	Heiser	Pendleton	Tigue
Cochran	Hoeffel	Perzel	Trello
Colafella	Honaman	Peterson	Van Horne
Cole	Horgos	Petrarca	Vroon
Cordisco	Irvic	Petrone	Wachob
Cornell	Itkin	Phillips	Wambach
Coslett	Jackson	Piccola	Wargo
Cowell	Johnson	Pievsky	Wass
Cunningham	Kennedy	Pistella	Wenger
DeMedio	Klingaman	Pitts	Weston
DeVerter	Kowalshyn	Pott	Wiggins
DeWeese	Kukovich	Pratt	Williams, H.
Daikeler	Lashinger	Pucciarelli	Williams, J. D.
Davies	Laughlin	Punt	Wilson
Dawida	Lehr	Rappaport	Wogan
Deal	Lescovitz	Rasco	Wozniak
Dietz	Letterman	Reber	Wright, D. R.
Dininni	Levi	Richardson	Wright, J. L.
Dombrowski	Levin	Rieger	Wright, R. C.
Donatucci	Lewis	Rocks	Zwinkl
Dorr	Livengood	Rybak	
Duffy	Lloyd	Salvatore	Ryan,
Durham	Lucy	Saurman	Speaker
Evans	McClatchy		

NAYS—0

NOT VOTING—8

Alden	Emerson	Fryer	Hutchinson, A.
Cohen	Fleck	Gray	Madigan

EXCUSED—3

Frazier	Kolter	Ritter
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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 without amendment.

BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. **LAUGHLIN**, the House resumed consideration on final passage of **SB 1120, PN 1327**, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), entitled, as amended, "Barbers' License Law," providing for certain credit to registered cosmetologists wishing to take the barber examination.

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

The question is, shall the bill pass finally?

DECISION OF CHAIR REVERSED

The **SPEAKER**. Without objection, the Chair reverses its decision as to the bill being agreed to on third consideration. The Chair hears none.

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

The SPEAKER. The Chair understands that the gentleman from Beaver, Mr. Laughlin, does not have amendments to this bill.

Mr. LAUGHLIN. Mr. Speaker, as a point of information, I would not want the House to think that I held up the bills for some rather lightly taken reason. The members of the barbering fraternity along with the cosmetologists have gotten together and have decided to cooperate in developing a new curriculum for their individual industries—

The SPEAKER. Would the gentleman advise the Chair—

Mr. LAUGHLIN. —so I have no amendments, Mr. Speaker.

The SPEAKER. Would the gentleman advise the Chair as to whether the gentleman does or does not have amendments?

Mr. LAUGHLIN. Thank you, Mr. Speaker. I answered that question. The answer is no.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. HARPER offered the following amendments No. A8765:

Amend Title, page 1, line 10, by removing the period after "examination" and inserting

; providing for examinations in any city of the first class and providing for racial makeup of boards.

Amend Sec. 1, page 1, lines 14 and 15, by striking out "a section" and inserting sections

Amend Bill, page 2, by inserting between lines 6 and 7

Section 6.1. In any city of the first class, the examination shall be held four times a year, within the boundaries of such city.

Section 6.2. The boards shall consist of black persons and Caucasians, in proportionate representation to the number of persons in each racial group within the profession.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, my amendment is, "In any city of the first class, the examination shall be held four times a year, within the boundaries of such city," and of a racial mix.

We have examinations four times a year, but I understand from a number of students that the examinations are not held in Philadelphia. It makes it very difficult for them to go out to Levittown and other places to find the examination site, so I am asking to have the examinations within the boundaries of the city.

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

Mr. DORR. Mr. Speaker, I was unaware of the lady's amendment, and I would be in sympathy with her problem. I have a suspicion, however, that what we ought to do is try to work this out with the bureau rather than putting it into the law. The bureau, in my judgment, would be receptive to trying to work these problems out, and I am sure that if they are not holding them in the city on certain occasions, that that is for a reason. If the lady insists on running her amendment,

I would have to recommend a negative vote, because these bills have gone all the way through, and I do not think it is appropriate to put that kind of provision into the law, frankly. But I would certainly be glad to work with her in trying to work the situation out.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I understand that the amendment will hold up the bill, and I would not like to hold up the bill. I will withdraw the amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

Evans Lloyd Rybak Speaker

NAYS—0

NOT VOTING—6

Alden Emerson Gray Sirianni
Cohen Fleck

EXCUSED—3

Frazier Kolter Ritter

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 without amendment.

REMARKS ON VOTE

The SPEAKER. For what purpose does the lady from Susquehanna, Miss Sirianni, rise?

MISS SIRIANNI. Mr. Speaker, I would like to be recorded in the affirmative on SB 1120.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2533, PN 3568**, entitled:

An Act amending Titles 75 (Vehicles) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further regulating driving under the influence of alcohol or controlled substance, regulating chemical tests and refusal to submit, driving while operating privilege is suspended or revoked, defining presumptions of guilt, establishing required programs for offenders, regulating the disposition of Accelerated Rehabilitative Dispositions, establishing the offense of homicide by vehicle while driving under the influence, regulating emergency room reports, granting reciprocal suspension or revocation enforcement agreements, increasing penalties and further providing for the disposition of certain fines and penalties.

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

Mr. BURD offered the following amendments No. A8711:

Amend Sec. 2, page 2, line 15, by striking out “(a)(2) and (b)”
Amend Sec. 2 (Sec. 1532), page 2, line 22, by striking out all of said line and inserting

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

Amend Sec. 2 (Sec. 1532), page 2, line 28, by striking out all of said line and inserting

- (3) Any violation of the following provisions:
Section 3732 (relating to homicide by vehicle).
Section 3742 (relating to accidents involving death or personal injury).
Section 7102(b) (relating to removal or falsification of identification number).
Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).
Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

18 Pa.C.S. § 6307 (relating to misrepresentation of age to secure liquor) if the offense involved the use of a driver’s license.

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

PARLIAMENTARY INQUIRY

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

MR. A. K. HUTCHINSON. I do not know whether I am going to ask a question of personal privilege or a parliamentary question.

I am going to sit here all day and listen to this—

The SPEAKER. Will the gentleman yield?

The Chair is unable to hear, for the first time in a number of years, the gentleman from Westmoreland, Mr. Hutchinson.

MR. A. K. HUTCHINSON. I have a cold, Mr. Speaker.

The SPEAKER. Would the gentleman repeat his statement?

MR. A. K. HUTCHINSON. I do not know whether I am going to ask a personal question, because I am going to sit here all day and listen to this, or if it is a parliamentary question.

Are there any rules that we can go by or set up that we do not set this up all day and we can get it over with as quick as possible so we do not get into a heated discussion? I mean a 2-minute rule for every person who speaks—

The SPEAKER. Of course the gentleman could move to suspend the rules to limit debate. Might I suggest, however, that the members attempt on their own to limit the debate, and if it becomes too burdensome or onerous, the gentleman always has the right to stand up and make such a motion.

MR. A. K. HUTCHINSON. That is what I asked you, what you thought was best. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the question of the amendment, the gentleman from Butler, Mr. Burd.

MR. BURD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is designed to address the fast-increasing teenage drunk driving problem that we are having in the State. Basically what it does, if a minor misrepresents the use of his driver’s license or someone else’s driver’s license and this can be proven in a court of law, he will mandatorily lose 1 year of driving privileges. I would appreciate support on both sides of the aisle for this very important amendment to this bill. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—185

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

NAYS—0

NOT VOTING—11

Alden	Dietz	Emerson	Mullen
Beloff	Dininni	Gray	Perzel
Cordisco	Durham	Levin	

EXCUSED—3

Frazier	Kolter	Ritter
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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. WAMBACH offered the following amendment No. A8728:

Amend Sec. 2 (Sec. 1532), page 3, line 24, by inserting after "substance)."

In cases where the Court Reporting Network indicates that counseling or treatment is in order, the suspension of the operating privileges shall be extended beyond 12 months until the department receives a certificate of completion of counseling or treat-

ment by a facility or institution approved by the Department of Health.

On the question,

Will the House agree to the amendment?

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I have three amendments that I will offer today, all aimed at the same purpose. When a drunk driver is an alcoholic, in addition to all other penalties, we must make every attempt possible to insure that the person gets the alcoholism treatment necessary to protect ourselves from that person's future offenses. If we do the job right, maybe we can really cut down on the number of drunk drivers on our highways.

Many of you may think what I am talking about is a small portion of the problem. That is not the case. The current court reporting network that is in place in Pennsylvania has determined that 77 percent, 3 out of every 4 drunk drivers, have a problem with alcohol; better than 3 out of every 4 drunk drivers require some form of alcoholism treatment or they will return to the road drunk again. My goal is to get the necessary treatment to keep them off the roads.

The Mothers Against Drunk Drivers, who have been instrumental in producing this legislation, are aware of my amendments and support this effort.

My first amendment is A8728, which would require that any drunk driver that the State court reporting network says is in need of counseling or treatment could not get back his or her driver's license until completing treatment. Too often today a person serves his time and is allowed to seek treatment on his own. Too often a person after entering treatment is forgotten by the judicial system. Too often that person leaves treatment prematurely and faces no additional penalties and after 12 months is back on our highways drunk.

This amendment would insure that they would either properly complete treatment or that they would not regain their driving privileges as a result. I urge your support, Mr. Speaker.

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

Mr. SAURMAN. Mr. Speaker, I certainly do agree with the concept of this amendment. However, the power is already vested in the Department of Transportation to refuse anyone's license who is known to be an alcoholic or insane, so therefore, the treatment counselor would only have to notify, at the present time, the Department of Transportation and his license would not be reinstated. Therefore, I would oppose this amendment.

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

Mr. WAMBACH. Mr. Speaker, I would just like to ask one question of the membership in general. When in fact someone is serving their time for being stopped, whether it is the first, second, or third offense, how do we know that he or she is returning to the road without being recovered to repeat that offense and possibly get involved in a traffic accident that

would kill someone very near and dear to us? I think it is only right that the person himself or herself produces a certificate of completion of counseling or treatment before they are allowed to return to our roads. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—140

Armstrong	Fee	McMonagle	Seventy
Arty	Fischer	McVerry	Showers
Barber	Fleck	Madigan	Shupnik
Belardi	Foster, W. W.	Maiale	Sieminski
Belfanti	Foster, Jr., A.	Manderino	Sirianni
Blaum	Freind	Manmiller	Smith, E. H.
Borski	Gallen	Marmion	Smith, L. E.
Brown	Gamble	Michlovic	Spencer
Caltagirone	Gannon	Micozzie	Spitz
Cappabianca	Geist	Miller	Stairs
Cawley	Grabowski	Miscevich	Steighner
Cessar	Grieco	Moehlmann	Stewart
Cimini	Gruppo	Morris	Stuban
Civera	Haluska	Mrkonjic	Swaim
Clark	Harper	Murphy	Taylor, F. E.
Cochran	Hasay	Nahill	Telek
Cohen	Hayes	O'Donnell	Tigue
Colafella	Heiser	Olasz	Trello
Cole	Hoeffel	Oliver	Van Horne
Cordisco	Honaman	Perzel	Wachob
Coslett	Horgos	Petrarca	Wambach
Cowell	Hutchinson, A.	Petrone	Wargo
DeMedio	Irvis	Phillips	Wass
DeWeese	Itkin	Piccola	Weston
Davies	Johnson	Pievsky	Wiggins
Dawida	Klingaman	Pistella	Williams, H.
Deal	Kowalyszyn	Pitts	Williams, J. D.
Dietz	Kukovich	Pucciarelli	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lescovitz	Richardson	Wright, D. R.
Donatucci	Levi	Rieger	Wright, R. C.
Dorr	Levin	Rocks	Zwikel
Duffy	Livengood	Rybak	
Durham	Lloyd	Salvatore	Ryan,
Evans	Lucey	Serafini	Speaker
Fargo	McIntyre		

NAYS—49

Anderson	Gallagher	Lewis	Reber
Bittle	George	McClatchy	Saurman
Bowser	Gladeck	Mackowski	Smith, B.
Boyes	Greenfield	Merry	Snyder
Brandt	Greenwood	Mowery	Stevens
Burd	Gruitza	Mullen	Swift
Burns	Hagarty	Noye	Taddonio
Clymer	Jackson	Peterson	Taylor, E. Z.
Cornell	Kennedy	Pott	Vroon
Cunningham	Lashingner	Pratt	Wenger
DeVerter	Lehr	Punt	Wilson
Daikeler	Letterman	Rasco	Wright, J. L.
Fryer			

NOT VOTING—7

Alden	Berson	Gray	Sweet
Beloff	Emerson	Pendleton	

EXCUSED—3

Frazier	Kolter	Ritter
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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. MURPHY offered the following amendment No. A8770:

Amend Sec. 2 (Sec. 1532), page 3, by inserting between lines 28 and 29

(c) Restitution orders.—A person's operating privilege shall remain suspended or revoked and shall not be renewed until proper evidence of satisfaction and release of all requirements of restitution ordered by the sentencing court have been received by the department.

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

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

Mr. MURPHY. Thank you, Mr. Speaker.

My amendment would require that a person's license would continue to be suspended until he made the requirements of court-ordered restitution. This concerns a person who is in an automobile accident while he has been drinking, either hurts somebody and is required to pay medical bills or has done property damage, and his license has been suspended and he has not made the restitution. His license would continue to be suspended until he has made the restitution.

I feel this helps individuals. There are any number of cases where individuals have not received payment for medical bills or property damage, and the person is back on the road driving. This would give a stick to hold over that person's head through the courts so that they could force the restitution. Thank you.

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

Mr. SAURMAN. Mr. Speaker, once again, when restitution is required, there certainly should be an enforcement aspect. There is. The ARD (accelerated rehabilitative disposition) provision of this bill mandates that restitution be provided for and paid, and the leverage of the original sentence remains in the event that any part of that ARD requirement is not complied with. Therefore, if the restitution is not paid, the original penalties still are there as a hammer. Therefore, I do not think this is necessary in the bill. Again, I think the concept is all right.

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

Mr. GRUITZA. Will the sponsor of the amendment answer a brief question?

The SPEAKER. The gentleman may proceed.

Mr. GRUITZA. Mr. Speaker, how would this particular amendment impact in a situation where there might be some question as to the amount of the restitution where a civil suit may have been filed against the drunk driver to obtain damages, say, for personal injuries? Would this tie up his licensing privileges until that suit was either settled or a verdict awarded?

Mr. MURPHY. No, it would not, Mr. Speaker. The amendment refers only to restitution requirements ordered by

the sentencing court. It would not deal with another court action brought in another court suit. It is only the sentencing court that we are concerned about.

Mr. Speaker, may I respond to the previous speaker's statement?

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

Mr. MURPHY. Thank you.

What is ironic about the previous speaker's statement is that under the ARD program, restitution is required. But under a second offense, a third offense, a fourth, fifth, or sixth offense, no restitution requirements are mandated, so that on a second or third offense a person could not pay the restitution and get their license back. My concern is there is that discrepancy in the bill. On the first offense the ARD program is held as the stick over the person's head, that they are going to lose the privileges of ARD if they do not make restitution. Under subsequent offenses there is no compelling reason for a person to make restitution. That is my concern. That is why I put this amendment in.

I believe the more serious offenses in the second, third, and fourth offense should carry a greater degree of punishment than the first. It does not do this in the present bill the way it is drafted, so I urge your support of my amendment. Thank you.

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

The following roll call was recorded:

YEAS—151

Anderson	Fischer	McMonagle	Seventy
Armstrong	Foster, W. W.	McVerry	Showers
Arty	Foster, Jr., A.	Madigan	Shupnik
Barber	Freind	Maiale	Sieminski
Belardi	Fryer	Manderino	Smith, E. H.
Belfanti	Gamble	Manmiller	Snyder
Blaum	Gannon	Marmion	Spitz
Borski	Geist	Michlovic	Stairs
Brown	George	Micozzie	Steighner
Caltagirone	Gladeck	Miller	Stevens
Cappabianca	Grabowski	Miscevich	Stewart
Cawley	Greenfield	Morris	Stuban
Cessar	Gruitza	Mrkonic	Swaim
Cimini	Gruppo	Mullen	Sweet
Civera	Haluska	Murphy	Taddonio
Clark	Harper	O'Donnell	Taylor, E. Z.
Cochran	Hasay	Olasz	Taylor, F. E.
Cohen	Hayes	Oliver	Telek
Cole	Heiser	Perzel	Tigue
Cordisco	Hoeffel	Petrarca	Trello
Coslett	Horgos	Petrone	Van Horne
Cowell	Hutchinson, A.	Phillips	Vroon
Cunningham	Iris	Piccola	Wachob
DeMedio	Itkin	Pievsky	Wambach
DeVerter	Jackson	Pistella	Wargo
DeWeese	Johnson	Pitts	Wass
Davies	Kennedy	Pott	Wenger
Dawida	Klingaman	Pratt	Weston
Deal	Kowalshyn	Pucciarelli	Wiggins
Dietz	Kukovich	Punt	Wilson
Dininni	Laughlin	Rappaport	Wogan
Dombrowski	Lehr	Rasco	Wozniak
Donatucci	Lescovitz	Richardson	Wright, D. R.
Dorr	Letterman	Rieger	Wright, R. C.
Duffy	Levi	Rocks	Zwinkl
Durham	Levin	Rybak	
Evans	Livengood	Salvatore	Ryan,

Fargo Lucyk Serafini Speaker
Fee

NAYS—33

Bittle	Gallagher	Lloyd	Peterson
Bowser	Gallen	McClatchy	Reber
Boyes	Greenwood	Mackowski	Saurman
Brandt	Grieco	Merry	Smith, B.
Burd	Hagarty	Moehlmann	Smith, L. E.
Burns	Honaman	Mowery	Spencer
Clymer	Lashingier	Nahill	Swift
Cornell	Lewis	Noye	Wright, J. L.
Daikeler			

NOT VOTING—12

Alden	Colafella	Gray	Sirianni
Beloff	Emerson	McIntyre	Williams, H.
Berson	Fleck	Pendleton	Williams, J. D.

EXCUSED—3

Frazier	Kolter	Ritter
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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. CUNNINGHAM offered the following amendments No. A8747:

Amend Title, page 1, lines 7 and 8, by striking out "regulating the disposition of Accelerated Rehabilitative Dispositions,"

Amend Sec. 3 (Sec. 1534), page 4, line 8, by striking out "If a person" and inserting

Any person who

Amend Sec. 3 (Sec. 1534), page 4, line 10, by striking out "and is offered and accepts" and inserting

is not eligible for and shall not be offered

Amend Sec. 3 (Sec. 1534), page 4, lines 11 through 16, by striking out "general rules, the" in line 11, all of lines 12 through 16, and inserting

any circumstances or general rules.

Amend Sec. 4 (Sec. 1543), page 4, line 30; page 5, line 1, by striking out "section 3731 (relating to driving under influence" in line 30, page 4, and all of line 1, page 5

Amend Sec. 6 (Sec. 1548), page 12, lines 8 through 10, by striking out "and every person" in line 8, all of line 9 and "charge of a violation of section 3731" in line 10

Amend Sec. 6 (Sec. 1548), page 12, lines 11 and 12, by striking out all of line 11, and "Disposition or other preliminary disposition" in line 12

Amend Sec. 6 (Sec. 1548), page 12, lines 17 and 18, by striking out "of Accelerated Rehabilitative Disposition"

Amend Sec. 6 (Sec. 1548), page 12, lines 22 through 25, by striking out "and every person placed" in line 22, all of lines 23 and 24 and "3731" in line 25

Amend Sec. 6 (Sec. 1548), page 12, line 25, by removing the comma after "parole" and inserting

or

Amend Sec. 6 (Sec. 1548), page 12, line 26, by striking out "or Accelerated Rehabilitative Disposition"

Amend Sec. 6 (Sec. 1548), page 13, line 4, by removing the comma after "parole" and inserting

or

Amend Sec. 6 (Sec. 1548), page 13, lines 4 and 5, by striking out "or Accelerated Rehabilitative Disposition or other preliminary disposition"

Amend Sec. 8, page 15, lines 5 through 13, by striking out all of said lines

Amend Sec. 9, page 15, line 14, by striking out "9" and inserting

8

Amend Sec. 9 (Sec. 3731), page 16, lines 20 through 30; page 17, lines 1 through 5, by striking out all of said lines on said pages

Amend Sec. 9 (Sec. 3731), page 17, line 6, by striking out the bracket before "(d)"

Amend Sec. 9 (Sec. 3731), page 17, line 6, by striking out "] (e)"

Amend Sec. 9 (Sec. 3731), page 17, lines 26 through 30; page 18, line 1, by striking out all of said lines on said pages

Amend Sec. 9 (Sec. 3731), page 18, line 2, by striking out "(3)" and inserting

(2)

Amend Sec. 9 (Sec. 3731), page 18, line 4, by striking out "(4)" and inserting

(3)

Amend Sec. 9 (Sec. 3731), page 18, line 7, by striking out "(5)" and inserting

(4)

Amend Sec. 9 (Sec. 3731), page 18, line 13, by striking out "(6)" and inserting

(5)

Amend Sec. 9 (Sec. 3731), page 18, lines 28 through 30; page 19, lines 1 through 30; page 20, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 9 (Sec. 3731), page 20, line 7, by striking out "(9)" and inserting

(6)

Amend Sec. 9 (Sec. 3731), page 20, lines 9 through 11, by striking out "as" in line 9, all of line 10, and "other preliminary disposition of any charge" in line 11

Amend Sec. 9 (Sec. 3731), page 20, line 16, by striking out "(f)" and inserting

(e)

Amend Sec. 10, page 20, line 20, by striking out "10" and inserting

9

Amend Sec. 11, page 20, line 30, by striking out "11" and inserting

10

Amend Sec. 12, page 22, line 2, by striking out "12" and inserting

11

Amend Sec. 13, page 22, line 14, by striking out "13" and inserting

12

Amend Sec. 14, page 24, line 13, by striking out "14" and inserting

13

On the question,

Will the House agree to the amendments?

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

This amendment is designed to correct a misconception. I would like to say first of all that Representative Saurman and the task force are to be congratulated for a great deal of hard work, and the bill is excellent in many respects, but I am concerned that in several important respects there is much less to the bill than meets the eye.

I would like to direct the members' attention to the ARD provisions of the bill. The media accounts of what this bill does have asserted and reasserted that the minimum that could happen to a person who is convicted of drunk driving is

that they are going to get 48 hours' minimum mandatory jail sentence, and that simply is not true. That has been repeatedly misreported in the press.

ARD stands for accelerated rehabilitative disposition, and some of our constituents might not be familiar with that term, but what it amounts to is a deferred prosecution. What it means is that people who are granted ARD are never prosecuted. Most of the people who drive drunk in this Commonwealth, pursuant to this bill, will never ever be prosecuted, and I would submit that that is no deterrent at all.

The only time a person will avoid ARD and in fact end up being prosecuted is if they have a wreck and on top of that injure somebody seriously or kill them. I direct the members' attention to page 17 of the bill. Everybody who drives drunk and gets caught the first time is going to get ARD in this State, or virtually everyone, unless they have a wreck, and merely having a wreck is not enough. The wreck has to result in somebody being seriously injured or somebody being killed. I would submit that that is far too lenient. I would submit that nothing is really going to change, because very, very few people are ever going to be prosecuted. The most that is going to happen under ARD, very likely, is that people are going to end up getting 30-day suspensions of their licenses, a \$300 fine, and they are going to end up going to a night course.

People do not drive drunk because they need to be educated about the risks of driving drunk. They drive drunk because they think they are not going to get caught, and because they know if they do get caught, nothing is going to happen to them. I would submit that for most drunk drivers, this bill is not going to do anything to change that reality. My amendment does change that to the extent that if you drive drunk and you are caught, you have got to be prosecuted. We remove the ARD provision in my amendment, and if you are convicted under the provisions of my amendment, you must get 48 hours. You must get 48 hours whether you have been in a wreck, whether you injured somebody in the wreck or whether you killed somebody in the wreck. If you drive drunk and you are caught, you must be prosecuted under my amendment; and if you are convicted, you are going to get the 48 hours, no ifs, ands, or buts.

We are killing and maiming thousands of Pennsylvanians every year in this State because liberal judges are not doing their jobs. This amendment makes them do that job, and without my amendment, as I said, nothing is going to change.

The September 13 issue of Newsweek magazine of this year cited a Gallup Poll that indicated that 77 percent of all Americans favor mandating jail sentences for first offenders.

In the debate on this bill that I have heard to date, there has been a tremendous amount of emphasis on the rights and conveniences of social drinkers. I am trying to shift the emphasis away from the rights and conveniences of social drinkers and I am trying to reorient our attention on the carnage that is going on on our highways.

I do not think we are doing social drinkers any favor at all if we throw away this opportunity to encourage them to behave responsibly. You are going to hear people come to the mike very shortly, and they are going to talk about overcrowding in

our jails. I am even more concerned about overcrowding than they are, but I am concerned about overcrowding in our hospitals and in our cemeteries. I believe genuinely that of all the amendments we are going to consider today to this bill, this vote is going to be the best indicator of how serious we really are about wanting to stop the slaughter.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

The gentleman from Centre County is just absolutely wrong on the assertions that he has made in trying to eliminate ARD. First of all, we have very narrowly prescribed the conditions under which ARD can be offered in this bill. If there is a death or if there is a serious injury or if there is another serious traffic violation during the course of the incident, ARD will not be available under the bill. Mr. Cunningham misstated what is actually in the bill.

Secondly, we have very narrowly prescribed the conditions that will be given under ARD, not the least of which is a mandatory driver's license suspension for at least a month and up to 1 year, which in my estimation is the most important aspect of keeping the drunk driver off the road. So for him to say that ARD is going to be less than a deterrent in this circumstance is just not true. There is a deterrent value; there is a rehabilitative value for having ARD, and it is just not true that if a serious injury takes place or a death occurs, the person would be given ARD.

So I would urge that the amendment not be adopted. This aspect of the bill was inserted after a lot of deliberation by the task force and the Judiciary Committee, and I would urge that the amendment be defeated.

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

I support the Cunningham amendment. If you go out and talk to the people, your constituents, and ask them, if you drink and drive and you get caught, should you get 48 hours in jail, no ands, ifs, or buts, they are going to tell you yes. I met with people last night and they want 48 hours minimum. They want 2 weeks or a year, some of them, but they think the minimum is 48 hours. I think we had better tell the people out there that we mean business; if you drink and drive, you are going to get 48 hours in jail if you are caught. Your odds of getting caught are very remote, but if you get caught, you are going to jail. I think this is a very, very important amendment, and it just tells the whole Commonwealth if we mean business on this amendment or not. So I think we should support the amendment.

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

Mr. SAURMAN. Mr. Speaker, the task force did look into penalties of all sorts, beginning with what happens in Zaire - when someone is convicted of drunk driving, they are shot. But we feel that this passage and this package involves a very complete, a very fair, and a very balanced approach to this problem of drunk driving. We feel that the threat and, in fact, the reality of 48 hours in jail for probably 10 percent of those

persons who have been persistent violators and are being caught for the first time, those who have previous violations, the traffic offenses and so forth that Representative Piccola spoke to, they will go to jail for those 48 hours. But there are many people who feel that the individual who for whatever reason may be caught for the first time deserves some compassion. This bill exhibits compassion for the first offender. However, that compassion is not without penalty, and that penalty is severe. From the second time on, this bill says "jail," and it means jail, and I think that this balance of penalties is required in this bill and would ask that you would vote against this amendment. Thank you.

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

Mr. CUNNINGHAM. Very briefly, Mr. Speaker, I urge the members to not take my word for it; look at page 17. ARD means that you are not prosecuted. The overwhelming majority of the people who drive drunk in this State under this bill will never even be prosecuted, even if they are so drunk that they have a wreck, unless they kill somebody or seriously injure them, and that is no deterrent at all. I urge an affirmative vote.

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

Mr. DIETZ. Thank you, Mr. Speaker.

I would like to remind the gentleman, Mr. Saurman, that it only takes one time; it only takes one time of being intoxicated and driving a motor vehicle to kill and maim people. It does not take the second time. 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 to support the amendment, and I submit that the term "ARD" is a misnomer; I think it is a slip by one letter in the alphabet. Instead of ARD, it should be ARE - any reasonable excuse accepted.

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

Mr. BELFANTI. Mr. Speaker, will the maker of the amendment stand for brief interrogation?

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

Mr. BELFANTI. Mr. Speaker, in your remarks you mentioned that this amendment is not out to get the so-called social drinker. Today we had distributed little charts on each individual's desk, and according to the chart, particularly a female weighing approximately 100 pounds or so is limited to having two drinks before she is considered to be under the influence. Mr. Speaker, I see no problem with your amendment; however, I do see a problem with the statement about social drinkers or people who are out on a Friday night or at a wedding and have more than two drinks if they happen to be unfortunate enough to weigh 100 or 120 pounds. I would prefer to see this amendment tabled until after other amendments are discussed to change the Breathalyzer ratio.

The SPEAKER. Does the gentleman from Centre County desire recognition?

Mr. CUNNINGHAM. I was under the impression that was interrogation. If it is not, I have nothing more to say, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman. It was not the understanding of the Chair that you were under interrogation.

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

The following roll call was recorded:

YEAS—41

Armstrong	Durham	Mrkonic	Stevens
Arty	Fischer	Murphy	Swift
Belardi	Foster, Jr., A.	Pendleton	Taylor, E. Z.
Borski	Gannon	Phillips	Taylor, F. E.
Brown	Geist	Pitts	Vroon
Civera	Grabowski	Pucciarelli	Wargo
Clymer	Hayes	Rasco	Wass
Cochran	Jackson	Rybak	Wenger
Cole	Johnson	Serafini	Wilson
Cunningham	Kowalyszyn	Smith, E. H.	Wright, J. L.
Dietz			

NAYS—147

Anderson	Freind	McIntyre	Rocks
Barber	Fryer	McMonagle	Salvatore
Belfanti	Gallagher	McVerry	Saurman
Beloff	Gallen	Mackowski	Seventy
Bittle	Gamble	Madigan	Showers
Blaum	George	Maiale	Shupnik
Bowser	Gladeck	Manderino	Sieminski
Brandt	Greenfield	Manmiller	Sirianni
Burd	Greenwood	Marmion	Smith, B.
Burns	Grieco	Merry	Smith, L. E.
Caltagirone	Gruitza	Michlovic	Snyder
Cappabianca	Gruppo	Micozzie	Spencer
Cawley	Hagarty	Miller	Spitz
Cessar	Haluska	Miscevich	Stairs
Cimini	Harper	Moehlmann	Steighner
Clark	Hasay	Morris	Stewart
Cohen	Heiser	Mowery	Stuban
Colafella	Hoeffel	Mullen	Swaim
Cordisco	Honaman	Nahill	Sweet
Cornell	Horgos	Noye	Taddonio
Coslett	Hutchinson, A.	O'Donnell	Tigue
Cowell	Irvis	Olasz	Trello
DeMedio	Itkin	Oliver	Van Horne
DeVerter	Kennedy	Perzel	Wachob
DeWeese	Klingaman	Peterson	Wambach
Daikeler	Kukovich	Petrarca	Weston
Davies	Lashinger	Petrone	Wiggins
Dawida	Laughlin	Piccola	Williams, H.
Deal	Lehr	Pievsky	Williams, J. D.
Dininni	Lescovitz	Pistella	Wogan
Dombrowski	Letterman	Pott	Wozniak
Donatucci	Levi	Pratt	Wright, D. R.
Dorr	Levin	Punt	Wright, R. C.
Duffy	Livengood	Rappaport	Zwikel
Evans	Lloyd	Reber	
Fargo	Lucyk	Richardson	Ryan,
Fee	McClatchy	Rieger	Speaker
Foster, W. W.			

NOT VOTING—8

Alden	Boyes	Fleck	Lewis
Berson	Emerson	Gray	Telek

EXCUSED—3

Frazier Kolter Ritter

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of the gentleman from Allegheny, Mr. Trello, Mr. David Buentes from Bellevue, Allegheny County, and Nancey Gustofason from Seattle, Washington.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair advises the members of the House that permission has been given for a period of 10 minutes to United Press International to take photographs on the floor of the House.

CONSIDERATION OF HB 2533 CONTINUED

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

Mr. LLOYD offered the following amendment No. A8717:

Amend Sec. 5 (Sec. 1547), page 11, by inserting between lines 1 and 2

(1) Evaluation of evidence.—The Department of Health shall, within six months of the effective date of this act, submit to the General Assembly either:

(1) proposed guidelines which could be used by judicial officers in evaluating the evidentiary significance of various concentrations of controlled substances or combinations of controlled substances and alcohol found as the result of the chemical testing of the breath, blood or urine required by this section; or

(2) a proposed plan for developing such guidelines.

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Under the law at the present time, it is a violation to drive if you are under the influence of a combination of drugs and alcohol. This bill would basically maintain the law on that point. However, there is a problem in detecting or determining when somebody is really under the influence, from a chemical point of view, of both of those two substances taken together, drugs and alcohol.

It is my understanding that there has been quite a bit of research done in that area by certain physicians across the State, and it is possible, perhaps, to come up with some guidelines for the courts to use that would create not a legal presumption but at least would be evidence which could be considered if the reading is not .10 but is something less than that—because of the combination of the two, it will not reach the level of .10—even though the person is incapacitated and should not be driving.

What this amendment does is direct the Department of Health, which is where we put the drug and alcohol branch of State Government, to come forward with either a plan for determining those kinds of guidelines or to come forward with the guidelines.

Mr. Speaker, I urge adoption of the amendment.

The SPEAKER. Does the gentleman, Mr. Saurman, desire recognition?

Mr. SAURMAN. Yes, Mr. Speaker.

Once again, I think this is an excellent idea, and obviously many of these ideas and most of the ideas in this booklet are excellent ideas.

I question, however, whether in the traffic code we should be directing the Department of Health to institute this kind of program. I might also say that the Secretary of Health, Dr. Muller, was a part of the task force, and this situation was addressed. At the present time the state of the art not only in Pennsylvania but nationwide does not give us the information that we need. It is being worked on both nationwide and by the Department of Health. I do not feel that this is necessary. I do agree with the concept that we should be developing guidelines.

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

Mr. LLOYD. Mr. Speaker, I am glad the gentleman thinks it is an excellent idea. I think that it is important for us to specify direction to the Department of Health to present us with their plan for how they propose to develop such guidelines. I cannot put my finger on it at the moment, but I am almost certain that there is another provision in title 75 which already addresses and requires the Department of Health to do something. So I do not think that argument is a valid one.

With regard to what the state of the art is at the present time, I put a gentleman from my district, who has done a substantial amount of research on this, much of which has been published in scholarly journals, in touch with the task force, and he indicated that the task force thought that this was something that needed to be pursued but did not want to take the time at that point to do the pursuing. So, Mr. Speaker, I think it is important that if we can provide some guidance so we can convict people who should be convicted and suspend licenses of people who are driving under the combined influence of drugs and alcohol; if we can do something to put some teeth into that provision of the law now, which simply says, well, they are guilty if they are rendered unsafe; if we can create some presumptions and provide some safety on the highways, we ought to do that, Mr. Speaker.

This amendment says that they have the option in the Department of Health. Either they can come forward with the guidelines or they can come forward with their plan showing us how they intend to derive those guidelines, and so if the current state of the art does not allow them to do it, they can present us a plan. I think it is important, Mr. Speaker, and I urge the adoption.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I would just like to reiterate that I think a resolution to the Department of Health would get more prompt results than to put this into a bill and complicate the legislation itself. Thank you.

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

The following roll call was recorded:

YEAS—109

Arty	Duffy	McIntyre	Spitz
Barber	Durham	McMonagle	Steighner
Belfanti	Evans	Mackowski	Stewart
Berson	Fee	Maiale	Stuban
Blaum	Fischer	Manderino	Swaim
Borski	Freind	Manmiller	Sweet
Brown	Fryer	Marmion	Taylor, E. Z.
Burns	Gamble	Micozzie	Taylor, F. E.
Caltagirone	Gannon	Miller	Tigue
Cappabianca	George	Miscevich	Trello
Cawley	Gladeck	Morris	Van Horne
Civera	Greenfield	Mrkonic	Wachob
Clark	Greenwood	O'Donnell	Wambach
Cochran	Gruitza	Olasz	Wargo
Cohen	Haluska	Oliver	Wass
Colafella	Harper	Petrarca	Weston
Cole	Hoeffel	Pievsky	Wiggins
Cordisco	Hutchinson, A.	Pistella	Williams, H.
Cowell	Irviss	Pratt	Williams, J. D.
DeMedio	Kowalyszyn	Pucciarelli	Wilson
DeWeese	Kukovich	Richardson	Wogan
Davies	Laughlin	Rieger	Wozniak
Dawida	Lescovitz	Rocks	Wright, D. R.
Deal	Letterman	Rybak	Zwikl
Dietz	Levin	Seventy	
Dininni	Livengood	Showers	Ryan,
Dombrowski	Lloyd	Shupnik	Speaker
Donatucci	Lucyk	Snyder	

NAYS—79

Anderson	Gallagher	McClatchy	Rasco
Armstrong	Gallen	McVerry	Reber
Belardi	Geist	Madigan	Salvatore
Bittle	Grabowski	Merry	Saurman
Bowser	Grieco	Michlovic	Serafini
Boyes	Gruppo	Moehlmann	Sieminski
Brandt	Hagarty	Mowery	Sirianni
Burd	Hasay	Murphy	Smith, B.
Cessar	Hayes	Nahill	Smith, E. H.
Cimini	Heiser	Noye	Smith, L. E.
Clymer	Honaman	Pendleton	Spencer
Cornell	Horgos	Perzel	Stairs
Coslett	Itkin	Peterson	Stevens
Cunningham	Jackson	Petrone	Swift
DeVerter	Johnson	Phillips	Taddonio
Daikeler	Kennedy	Piccola	Telek
Dorr	Klingaman	Pitts	Vroon
Fargo	Lashingier	Pott	Wenger
Foster, W. W.	Lehr	Punt	Wright, J. L.
Foster, Jr., A.	Levi	Rappaport	

NOT VOTING—8

Alden	Emerson	Gray	Mullen
Beloff	Fleck	Lewis	Wright, R. C.

EXCUSED—3

Frazier	Kolter	Ritter
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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. WAMBACH offered the following amendments No. A8730:

Amend Sec. 6 (Sec. 1548), page 13, line 13, by inserting after "may" , with the recommendation of the treatment program,

Amend Sec. 6 (Sec. 1548), page 13, lines 20 and 21, by striking out "and that adequate treatment facilities are available"

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

FILMING PERMISSION GRANTED

The SPEAKER. The Chair advises the members that it now gives permission to WCAU-TV channel 10 of Philadelphia to do 10 minutes of silent filming on the floor of the House.

CONSIDERATION OF HB 2533 CONTINUED

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

Mr. WAMBACH. Thank you, Mr. Speaker.

This amendment No. 8730 has two sections. First, it would mandate that once a person is required by a judge to enter treatment, the treatment facility recommendations be considered before the judge could change the treatment plan. Just as I would not want a judge to tell a doctor how best to treat a diabetic patient, I do not want a judge to tell the alcoholism professional how to best treat the alcoholic, and I do not think this is a copout, because today in Pennsylvania the softer of the two would usually be the judge who does not understand treatment itself.

The second portion of this amendment strikes from the commitment section of the bill the language that would permit commitment only when "...adequate treatment facilities are available." If we had a mental health patient who was a danger to himself and others, we would never let that person go without treatment because no facilities were available. We would make room, find room, or hold the person until room was available. The same should be true here. The alcoholic drunk driver is a danger to himself and society. If treatment is required, the mere lack of adequate facilities should not mean letting that person go without treatment. Most inpatient treatment in Pennsylvania is of a 30-day variety. Therefore, constant turnover does exist. If we do have to make room, find room, or wait for the room to be available, we should do so for ourselves as well as the alcoholic individual.

Mr. Speaker, I urge support of this amendment.

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

Mr. SAURMAN. Mr. Speaker, under the old Governor's council there is an arrangement that provides for approved facilities in all instances, and so I think that there is adequate treatment available; arrangements have been made.

Like other amendments, I have no opposition to the content or the concept, and since it has been shown by the House that they want to include these things, perhaps because of emphasis, we have no objection to the concept itself. Thank you.

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

The following roll call was recorded:

YEAS—168

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

NAYS—20

Brandt	Foster, Jr., A.	McVerry	Nahill
Clymer	Gallagher	Marmion	Pratt
Cornell	Geist	Merry	Reber
Cunningham	Honaman	Miscevich	Saurman
Daikeler	Letterman	Moehlmann	Wright, J. L.

NOT VOTING—8

Alden	Berson	Fleck	Lewis
Beloff	Emerson	Gray	Michlovic

EXCUSED—3

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

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

Mr. WAMBACH offered the following amendment No. A8756:

Amend Sec. 6 (Sec. 1548), page 14, line 7, by inserting after "placed."

If the court determines that the person is indigent and unable to afford treatment, medical assistance funding paid by the Department of Public Welfare shall be used to make payment of the costs. It shall be the responsibility of the person treated to repay such costs to the Commonwealth, in installments, as soon as financially able.

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

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

Mr. WAMBACH. Thank you, Mr. Speaker.

My third amendment No. A8756 deals with a very difficult problem: what to do with the alcoholic drunk driver who is indigent or on welfare. That individual will have a difficult time paying for his or her fines and costs but would never be able to pay for the alcoholism treatment that may be required. We could stick it to the treatment program by requiring treatment and not paying, but today treatment programs are already failing for financial reasons all over this State. So we cannot do that. We could stick it to the Office of Drug and Alcohol Programs in the Department of Health and their single county authorities, but they have only received an 8-percent increase in funding over the last 4 years. They could no more handle an influx like this than could the programs themselves. We could stick it to the counties by making them pay for the costs, but our counties today do not have the spare resources. We could also decide that since the individual cannot pay, they could not receive treatment, but that would return them to our highways drunk.

Luckily there is a fifth option available that today is going unused. If alcoholism is a disease requiring specialized treatment and if an alcoholic drunk driver requires such treatment and cannot afford to pay, this amendment would provide for such treatment to be paid for by the Department of Public Welfare medical assistance funds. The individual would be required, however, to reimburse the State as soon as financially able and under a program that would meet his ability to pay.

Thank you, Mr. Speaker. I would encourage support of this amendment.

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

Mr. A. C. FOSTER. Mr. Speaker, I oppose this amendment on principle. The gentleman states that the individual is indigent. The individual is not indigent enough to purchase gasoline, get into his car, and go somewhere and buy booze and get drunk. I would submit on those grounds alone we should reject the amendment, because if the person has the wherewithal to buy the car, to buy the gasoline, and to buy the booze, he can darn sure pay for the treatment.

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

Mr. RICHARDSON. Mr. Speaker, I would like to inter-rogate the prime sponsor of the amendment.

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

Mr. RICHARDSON. Mr. Speaker, can you advise the House as to what specifically you are trying to get at when you say that you want the department to pay for the medical expense? Are you indicating to the House that you want them to pay the medical expense by the department, but then you want those persons, if they are in fact treated, then to pay it back in installments? Could you break down for us what the intent of this legislation is specifically, because I think some of us are confused about what your intent is.

Mr. WAMBACH. Okay. Mr. Speaker, my intent is to provide treatment for that alcoholic driver who cannot afford to pay for treatment. Coupled with that would be their ability when recovered and financially able, because most alcoholics, when recovered, because they feel that they have harmed society or benefited from somebody in society, the feeling within the field itself is that they want to make amends, because it may be for the first time in their lives that treatment has been offered to them in order to recover. So the feeling in the field is the fact that the treatment is the most important aspect to the amendment and to the individual recovered alcoholic, his or her making amends because of that treatment when financially able and under installments that are acceptable obviously to his need or her need to pay.

Mr. RICHARDSON. Okay, Mr. Speaker, but does not that set more or less a stigma on those persons who may fall in the category of welfare or those persons who are less fortunate, that it sort of more or less singles those persons out to the point that people will be feeling that there is a certain kind of preferential treatment because a person may be on welfare or not on welfare? I think the distinction in what you are trying to do, the intent, is fine, but I think that the stigma that is being created at this point raises some serious questions for many of us who understand your intent of the legislation. While on one hand you say you want to make sure that those persons who are in fact less fortunate and cannot pay for treatment in fact get it and it is paid for by the department, then you are saying at the same time you want them later on down the line to pay for it back in installments. If it is part of a problem and you are indicating that it is, then medical assistance should either in fact take this burden of the cost of that altogether and it should not be left up to that person to pay for it, or it should not be there at all. Do you understand the point that we are trying to raise?

Mr. WAMBACH. Yes. But I think the stigma, Mr. Speaker, comes in when the treatment is not offered at all because the person cannot pay. I think that is the stigma that is placed on the people who obviously cannot afford to pay. They will not be offered treatment, will be turned away, and because of the studies done within the field, once recovered, the person or the recovered alcoholic wants to make those

amends. That has been basically agreed to within the field itself for those people who do receive treatment—and like I said before, maybe only the first time in their lives with an alcoholic dependency that they were offered treatment—and finally are back on their feet, are off alcoholism, are recovered, are on the road to recovery, and they do in fact want to make amends.

Mr. RICHARDSON. The purpose of this amendment then, Mr. Speaker, is to try and take care of the problem, basically, around those alcoholics in Pennsylvania who still may be driving but at the same time may wind up in a situation where, because of their situation being on welfare, there is no program presently in the State of Pennsylvania that deals with those persons who in fact need it. Is that what you are trying to get at?

Mr. WAMBACH. I did not hear the last part of your statement, Mr. Speaker.

Mr. RICHARDSON. Are you getting at the fact that there is no program that presently exists that is allowing those individual persons whom you are specifying here in this amendment to go and do the things that are necessary in order to be taken care of in terms of treatment?

Mr. WAMBACH. What the amendment specifically does is in fact offer the treatment where it ordinarily would not be offered because of the inability to pay.

Mr. RICHARDSON. And you are saying that that presently does not exist now? That is what I am saying. That is why you are concerned with that?

Mr. WAMBACH. That is correct.

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

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has granted permission to channel 6 and channel 21 to do 10 minutes of silent filming on the floor.

CONSIDERATION OF HB 2533 CONTINUED

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. SAURMAN. Mr. Speaker, how do indigent people now who have alcoholism receive treatment? Are they turned away?

Mr. WAMBACH. What happens, Mr. Speaker, is it really boils down to one thing. It boils down to the financial ability of that county to provide treatment. If in fact what they are saying to those people is that you must pay before we provide, then yes, they are being turned away.

The SCA's (single county authorities) and the local counties are really at this point, along with private and semipublic programs, on the edge of financial disruption, going out of business. We have had such a large organization that had the phi-

losophy of, we will not turn away anyone, go under here in Dauphin County. It was a big void that was lost. We are just starting today to pick up on that, but it really boils down to the ability of the county to offer those treatments within their facilities on an ability to pay or nonability to pay depending on their financial condition.

Mr. SAURMAN. Thank you, Mr. Speaker.

May I make a statement?

The SPEAKER. The gentleman is in order.

Mr. SAURMAN. Mr. Speaker, again I am certainly sympathetic with the needs of these rehabilitative programs, and I sympathize with Mr. Wambach's continued and courageous efforts to secure funding. I do, however, feel that, as has already been mentioned, we are dealing with people who are less indigent than others who are being turned away inasmuch as they have the money to buy gasoline and to buy their booze. I would suggest that this is not the vehicle in order to attempt to fund the Drug and Alcohol Council programs, and I would ask for its defeat. Thank you.

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

Mr. DIETZ. Thank you, Mr. Speaker.

I would like to interrogate the gentleman, Mr. Wambach.

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

Mr. DIETZ. Mr. Speaker, is it not true that we appropriate \$23 million a year on the State level to finance the Governor's drug and alcohol abuse program?

Mr. WAMBACH. That is correct, Mr. Speaker.

Mr. DIETZ. And where does that money go, Mr. Speaker?

Mr. WAMBACH. It goes directly to the single county authorities for all their programs, Mr. Speaker.

Mr. DIETZ. That is correct, Mr. Speaker. Can you tell me then what county units do not have sufficient funding to carry out the program?

Mr. WAMBACH. Mr. Speaker, as I have stated to this House before, up until a few months ago, since 1978 there was only a 3-percent increase for those programs. Now with just the recent \$1.8-million increase to the Drug and Alcohol Council it has gone up since 1978 only 8 percent. There is nothing that mandates within those instructions to the single county authority precisely what programs and what amounts they go into. Nothing, like I said to Representative Saurman in a response to a question, nothing dictates to them that they must take care of those people who cannot afford to pay.

Mr. DIETZ. Thank you, Mr. Speaker.

I am finished with my interrogation. I would like to make a few remarks, Mr. Speaker.

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

Mr. DIETZ. Mr. Speaker, we are talking about people here who have enough money to buy a car, to buy a license for the car, to buy gasoline to put into the car, to buy booze, and I believe that these people, Mr. Speaker, should pay the penalty as well as anyone else when they go out and kill on the highways.

I am hopeful, Mr. Speaker, that we do not sit here and vote in such a manner for any amendment that is going to water down when we already have a good bill. Last year, Mr. Speaker, Leonard Shaw, his wife Linda, both in the prime of life, and their three children - Mindy, age 9; Corrie, age 10; and Bryan, age 12 - left their home in Hustontown, Fulton County, my legislative district, to spend the afternoon and evening together in Chambersburg.

The SPEAKER. Will the gentleman yield.

The Chair would suggest to the gentleman and the other members of the House that the debate be limited to the amendment that is before the House. There are any number of horrible situations that can be cited in connection with a measure such as this, and the Chair is sympathetic to those situations but nevertheless suggests that they are not proper for recitation on the floor.

Mr. DIETZ. Thank you, Mr. Speaker.

I agree with you that there are many, many horrible situations in this country every year. Statistically we have about 55,000 people who are killed on this Nation's highways, and it is estimated that approximately 55 percent of those are alcohol-related accidents. This is a major crime, Mr. Speaker, that we are talking about here today, and it is about time that we sit here and address this crime. It is just as serious as taking a gun, going out and shooting someone, killing them or maiming them. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. It is the Chair's privilege to welcome to the hall of the House today a group of folks representing the Pennsylvania State Conference of NAACP Branches and members of that executive committee, who are here today as the guests of the Black Caucus and Representative Al Deal. This group is headed up by the president of the Pennsylvania chapter, Dr. Charles Butler, with a group all seated in the rear of the House. The Chair is not going to attempt to go through all the names but would call to the attention of the members that these folks are from Allegheny County, Westmoreland, Fayette, Montgomery, Chester County, Cambria, and of course, the city of Philadelphia.

CONSIDERATION OF HB 2533 CONTINUED

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

Mr. TIGUE. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Wambach, who consents to interrogation.

Mr. TIGUE. Mr. Speaker, do you have any idea what the cost for the program would be to an individual?

Mr. WAMBACH. Currently it is unknown, but I think it is going to be a very small portion of those people who fall into this category who are basically stopped for drunk driving, et cetera. But do not forget, Mr. Speaker, coupled with this amendment is the fact that when financially able these people

will in fact be reimbursing for that treatment, number one, and number two, they will not be returning to the roads drunk after treatment.

Mr. TIGUE. I understand that. I just want to know the cost per individual.

Mr. WAMBACH. I think it is going to be very small, Mr. Speaker.

Mr. TIGUE. I would like to interrogate Mr. Saurman, please.

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

Mr. TIGUE. Mr. Speaker, if an individual is arrested under the proposed act and he does opt for ARD but in fact he cannot pay for it, what would happen, theoretically?

Mr. SAURMAN. The judge in any instance where there is a fine imposed or any other financial penalty has the discretion to work out whatever arrangements are necessary in order to meet those specific requirements. If someone is indigent, he is now empowered to work out provisions for repayment.

Mr. TIGUE. Who in that case would pay for his program?

Mr. SAURMAN. Who would pay for the program?

Mr. TIGUE. Yes.

Mr. SAURMAN. If you are speaking specifically to this amendment, which I would suspect that you are—

Mr. TIGUE. No. I am speaking to the bill as it is without the amendment.

Mr. SAURMAN. All right. The treatment program, except in the circumstances that the maker has described where evidently the moneys are just not there and therefore people are turned away, the cost of the program would be picked up by that agency, the same as it would be in any other agency where the money is not there.

Mr. TIGUE. So then the answer is the agency would have to absorb the cost for people who could not pay, who were in fact sent to the program because of their conviction.

Mr. SAURMAN. That is correct.

Mr. TIGUE. Thank you, Mr. Speaker.

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

Mrs. ARTY. Mr. Speaker, will the maker of the amendment agree to interrogation?

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

Mrs. ARTY. Mr. Speaker, does the court determine eligibility for public assistance or is it the department of public assistance that makes that determination?

Mr. WAMBACH. It would be the department of public assistance that makes that decision, our Department of Public Welfare.

Mrs. ARTY. Would the maker of the amendment agree to perhaps changing the language of the first line to reflect the fact that it is the Department of Public Welfare that determines eligibility for medical assistance and probably not the court system?

Mr. WAMBACH. The person under this whom the court determines to be indigent and unable to afford the treatment

would already, if in fact he would fall under the guidelines of the Department of Public Welfare, already have a medical assistance card. So under that basis, that would be the determination, the fact that they are carrying the card, that they do in fact qualify for medical assistance payments.

Mrs. ARTY. Mr. Speaker, I think, however, I understand that explanation, but it does not address my initial question.

Again, does the court determine eligibility for welfare assistance or is it the department and/or its staff persons?

Mr. WAMBACH. The amendment reads, Mr. Speaker, "If the court determines that the person is indigent and unable to afford treatment, medical assistance funding paid by the Department of Public Welfare shall be used to make payment of the costs."

Now, I interpret that, Mr. Speaker, as being the fact that the person is in fact eligible when he is in possession of a medical assistance card by the department, and the department in fact determines that factor under the criteria specified in their rules and regulations.

Mrs. ARTY. Mr. Speaker, I do not want to split hairs, but I am concerned about the amendment and the future of the amendment. I am also concerned that perhaps you have a client who is in front of the court who is not in possession of a medical assistance card but who indeed is medically indigent. And again, is it not the Department of Public Welfare that will make the decision as to whether or not that person is eligible and indeed not the court?

Mr. WAMBACH. If a client is, under your circumstances, Mr. Speaker, before the court and they are not under medical assistance, would they be eligible for that funding mechanism; no. They would have to go through the course, if you will, through Public Welfare to be determined eligible for medical assistance. It does not open it up unless the Department of Public Welfare deems him or her eligible under the program.

Mrs. ARTY. Mr. Speaker, I cannot agree with that first sentence, because I fear that it may in some way jeopardize the intent of this particular amendment to the proposed legislation.

However, I have a further line of questioning that I would like to pursue if the maker of the amendment agrees.

Mr. WAMBACH. I shall.

The SPEAKER. The lady may proceed.

Mrs. ARTY. Thank you, Mr. Speaker.

It is my understanding that the maker of the amendment is asking that the person who has been treated with public funds in an appropriate facility for the disease of alcoholism would then be responsible for returning to the Commonwealth, as he is financially able, the cost to the Commonwealth for that treatment. Is that statement correct, Mr. Speaker?

Mr. WAMBACH. That is correct, under regulations drawn by the Department of Public Welfare. Yes, Mr. Speaker.

Mrs. ARTY. Mr. Speaker, I understand the reasoning of the maker of the amendment, and indeed it is often the moral goal of recovering alcoholics to want in some way or some manner to repay to society and the community in general the assistance that they have had in their help in recovering from the disease, but I am wondering, Mr. Speaker, if the maker of

the amendment does not see that there may be a conflict in this, that we are asking for the person who has had medical assistance from the Department of Public Welfare for the treatment of alcoholism to repay that cost, but that repayment of cost is not being asked for from folks who have had help from the Department of Public Welfare in the treatment of other diseases. I am wondering, Mr. Speaker, if the maker of the amendment would agree to perhaps dividing this amendment and deleting that last clause.

Mr. WAMBACH. I would agree to that.

Mrs. ARTY. Mr. Speaker, again in questioning the maker of the amendment, could we not then say that "If the court determines that the person is indigent and unable to afford treatment, medical assistance funding paid by the Department of Public Welfare shall be used to make payment of the costs," and end the amendment at that point?

The SPEAKER. If the lady is asking the Chair whether this amendment may be divided in that fashion, the answer is no.

Does the gentleman from Dauphin, Mr. Wambach, desire recognition?

Mr. WAMBACH. The amendment I withdrew, 8729, does address that specifically.

The SPEAKER. That amendment is not before the House.

The Chair recognizes the lady, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, would the maker of the amendment agree to withdraw the amendment and reintroduce the other amendment?

Mr. WAMBACH. I think we have come this far, Mr. Speaker. I would like to have a vote on the amendment.

The important thing to remember here with this amendment is the fact that the recovered alcoholic does want to assume the responsibility to pay back for that treatment. It is well known within the field. And I think this makes it more palatable. What we are saying is, we do not want the alcoholic to go back on the road, and because he cannot afford to pay, he goes back on the road drunk. Let him or her go through treatment, and then when recovered, let him make installments back to the department for that use of medical assistance funds to help him recover. That is all we are asking, so I would hope for a vote on the amendment as it stands, Mr. Speaker.

The SPEAKER. For what purpose does the lady from Delaware, Mrs. Arty, rise? The lady has spoken a number of times more than twice on the subject.

Mrs. ARTY. Thank you, Mr. Speaker.

I understand your concern. I simply do not want something like this defeated because it may be found somewhere down the line that we are making fudge of one person and apple candy out of another. The person under treatment for hepatitis because he is a drug abuser, for example, is not under the guise of legislation to have to repay the cost of his treatment or her treatment. I understand Mr. Wambach's concern for this. I understand the fact that recovering alcoholics should and need to make a return to society for their care. I simply feel that it is inappropriate in this particular piece of legislation, and I urge its defeat.

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

Mr. MILLER. Mr. Speaker, just a brief point of clarification from the Chair, if I might. Are we still on considering dividing the Wambach amendment?

The SPEAKER. No, we are not, Mr. Miller.

Mr. MILLER. The Wambach amendment stands as written?

The SPEAKER. That is correct.

Mr. MILLER. Thank you, Mr. Speaker.

May I proceed?

The SPEAKER. The gentleman is in order.

Mr. MILLER. Mr. Speaker, I would like to stand in behalf of the Wambach amendment with the repayment installment provision and point out to the chamber a bit of clarification that perhaps my friend from the Seven Valleys area in York County, Mr. Foster, might appreciate.

Currently under Pennsylvania medical assistance payments, we do make outpatient treatment payments for individuals suffering from the social disorder of alcoholism, pure and simple. Now we are combining another element in this bill and we are suggesting that those who are also suffering from alcoholism and have in addition violated the driving laws of this Commonwealth perhaps ought to be considered as individuals who ought to pay for that penalty, and I agree with the gentleman, Mr. Wambach. We are adding an additional element that the criminal act has been committed, the individual has been convicted, and in this instance perhaps ought to be requested to make installment payments when they are able to do so under the current medical assistance guidelines.

I rise further in behalf of the amendment in toto for the simple reason that while we remain interested in treating in our local drug and alcohol centers all individuals who suffer from the social disorder of alcoholism, we have a particular interest and responsibility, if we are sincere at all with stiffening our drunken driving laws, to attending to the very social disorder that led that individual to turn on his automobile key while he was inebriated. I encourage an affirmative vote on the Wambach amendment. Thank you, Mr. Speaker.

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

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

The bottom line on the Wambach amendment remains the same: Those drunken drivers who are knocking your constituents off the road will now be in the position to send those same constituents the bill for it. I urge a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach, for the 48th time.

Mr. WAMBACH. I have to respond to that, Mr. Speaker. Thank you very much.

What this amendment does is it will provide treatment to stop that alcoholic from getting back in his car and knocking off your constituents, Mr. Speaker. It also provides the provision that he or she will repay for that treatment. That is what it says. We are not going for a free ride for this. We are saying, let us bring that alcoholic to recovery and then when financially able, let him or her repay for that recovered state. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—82

Barber	Fee	Manmiller	Rieger
Beloff	Gamble	Michlovic	Rybak
Blaum	George	Micozzie	Seventy
Borski	Greenfield	Miller	Shupnik
Burd	Harper	Moehlmann	Stewart
Cappabianca	Horgos	Morris	Swaim
Cawley	Hutchinson, A.	Mrkonic	Sweet
Civera	Irvis	Mullen	Van Horne
Clark	Itkin	Murphy	Wachob
Cohen	Jackson	O'Donnell	Wambach
Colafella	Kowalshyn	Olasz	Wargo
Cole	Kukovich	Oliver	Wass
Cowell	Lashingier	Petrarca	Wiggins
DeMedio	Laughlin	Petrone	Williams, H.
DeWeese	Lescovitz	Piccola	Williams, J. D.
Dawida	Levin	Pievsky	Wozniak
Deal	Livengood	Pistella	Wright, D. R.
Dombrowski	McIntyre	Pucciarelli	Wright, R. C.
Donatucci	McMonagle	Rappaport	
Duffy	Maiiale	Rasco	Ryan,
Durham	Manderino	Richardson	Speaker

NAYS—108

Anderson	Fargo	Letterman	Serafini
Armstrong	Fischer	Levi	Showers
Arty	Foster, W. W.	Lewis	Sieminski
Belardi	Foster, Jr., A.	Lloyd	Sirianni
Belfanti	Freind	Lucyk	Smith, B.
Bittle	Fryer	McClatchy	Smith, E. H.
Bowser	Gallagher	McVerry	Smith, L. E.
Boyes	Gallen	Mackowski	Snyder
Brandt	Gannon	Madigan	Spencer
Brown	Geist	Marmion	Stairs
Burns	Gladeck	Merry	Steighner
Caltagirone	Grabowski	Miscevich	Stevens
Cessar	Greenwood	Mowery	Stuban
Cimini	Grieco	Nahill	Swift
Clymer	Gruitza	Noye	Taddonio
Cochran	Gruppo	Pendleton	Taylor, E. Z.
Cordisco	Hagarty	Perzel	Taylor, F. E.
Cornell	Haluska	Peterson	Telek
Coslett	Hasay	Phillips	Tigue
Cunningham	Hayes	Pitts	Trello
DeVerter	Heiser	Pott	Vroon
Daikeler	Hoeffel	Pratt	Wenger
Davies	Honaman	Punt	Weston
Dietz	Johnson	Reber	Wilson
Dininni	Kennedy	Rocks	Wogan
Dorr	Klingaman	Salvatore	Wright, J. L.
Evans	Lehr	Saurman	Zwinkl

NOT VOTING—6

Alden	Emerson	Gray	Spitz
Berson	Fleck		

EXCUSED—3

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

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

Let us recess for the purpose of taking lunch and return promptly at 1:45 p.m.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The members are reminded that today flu shots are available at the nurse's station, and it is my understanding that the time for receiving those shots has been extended for a short period.

DEMOCRATIC CAUCUS

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

Mr. O'DONNELL. Mr. Speaker, there will be an immediate Democratic caucus, and I do mean immediate. It will last 5 minutes, and the subject matter is HB 2469, which you can find on page 2. Thank you.

The SPEAKER. The Democratic caucus is urged to report to their caucus room immediately.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 526, PN 538 By Rep. A. C. FOSTER

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for annual assessments for district attorneys' associations.

LOCAL GOVERNMENT.

SB 527, PN 539 By Rep. A. C. FOSTER

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for annual assessments for district attorneys' associations.

LOCAL GOVERNMENT.

RECESS

The SPEAKER. Without objection, this House stands in recess until 1:45. The Chair hears no objection.

AFTER RECESS

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

LEAVE OF ABSENCE CANCELED

REMARKS ON VOTES SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, who asks that he be removed from leave of absence.

The Chair further recognizes the gentleman, who submits for the record an indication of how he would have voted on the bills that he missed voting on this morning.

Mr. RITTER submitted the following remarks for the Legislative Journal:

Mr. Speaker, the reason for my leave of absence this morning was because I was attending a meeting at the Wm. Allen High School in Allentown.

Had I been present, I would have voted in the affirmative on the following bills:

SB 1046, PN 1791
HB 2519, PN 3378
HB 2522, PN 3381
HB 2603, PN 3503
HB 2559, PN 3457
HB 2644, PN 3570

I would have voted in the negative on HB 2520, PN 3379.

Further, Mr. Speaker, on HB 2533, PN 3568, I would have voted in the affirmative for the following amendments - A8711, A8728, A8770, A8717, A8730, and A8756 - and in the negative on amendment A8747.

CONSIDERATION OF HB 2533 RESUMED

On the question recurring,

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

Mr. EVANS offered the following amendments No. A8853:

Amend Title, page 1, line 7, by inserting after "offenders," providing for blood alcohol charts,

Amend Sec. 8, page 15, line 5, by striking out "A SECTION" and inserting

sections

Amend Sec. 8, page 15, by inserting between lines 13 and 14 § 1553. Posting of blood alcohol charts.

(a) Posting of charts.—All owners of establishments in this Commonwealth where alcoholic beverages are sold for consumption on the premises, and Pennsylvania State Liquor stores shall prominently post on their premises a chart indicating blood alcohol levels in the human body and the associated impact of them. Charts indicating blood alcohol levels shall be constructed and supplied by the Pennsylvania Liquor Control Board and the Pennsylvania State Police.

(b) Exception.—The provisions of subsection (a) shall not apply to restaurants as defined in section 102 of the act of April 12, 1951 (P.L. 90, No. 21), known as the "Liquor Code."

(c) Penalty.—Owners of establishments, other than Pennsylvania State Liquor stores, which do not post blood alcohol charts in accordance with subsection (a) shall upon conviction be sentenced to pay a fine of \$50.

On the question,

Will the House agree to the amendments?

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

Mr. EVANS. Mr. Speaker, this amendment will provide purchasers at taverns or State stores the opportunity to see firsthand and to have charts. If everyone looks on their desks, there is a little, small card that I passed out to everyone to assure that what you have is a blood alcohol chart.

I think it is extremely important that we attempt to deal with the educational issue of drunken driving. What I have found is that this particular bill, in my opinion, does not go far enough, and the answer is not just about the business of deterrents but the answer is also about educating our citizenry. So by offering this chart and having it at taverns and State stores, I feel that people will begin to get an idea of

exactly how alcohol will have an impact upon their bodies. I think that as legislators in this particular body we should truly be concerned about educating our constituents as well as deterring them. I would hope that after you have read over my amendment closely, you will support it. Thank you, Mr. Speaker.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I commend the House and Mr. Evans on all of their interests and intentions in the amendments that are being offered; however, once again in a Motor Vehicle Code amendment, to require charts and things of this type, it would appear to me to be more appropriate in the Liquor Control Board Act than in the Motor Vehicle Code. I would therefore ask that it be defeated at this time and supported as presented subsequently, hopefully.

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

Mr. EVANS. Mr. Speaker, I would disagree with the prime sponsor of this particular bill solely because I think that education is the key in terms of what I am trying to propose through this particular amendment, and I do not think that it is about an issue of what is the proper place versus what is the improper place. I think the fact of the matter is that the amendment that I am offering is about the issue of education, and if we are truly about dealing with the question of drunken driving in the State of Pennsylvania, I would hope that all of my colleagues from both sides of the aisle would strongly look at their cards again, and remember, it is clear that we need to be about the business of educating as well as deterring. Thank you very much, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Would Mr. Evans consent to interrogation, please?

The SPEAKER. The gentleman indicates he does consent. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, we have discussed this privately before. I would simply like you to restate your legislative intent. My understanding is that the obligation, the legal obligation, to construct and supply in the sense of printing these charts will rest with the appropriate State agencies. The responsibility to print these charts will not rest with the restaurant owner or the tavern owner. Is that your legislative intent?

Mr. EVANS. That is correct.

Mr. COWELL. Thank you.

Mr. Speaker, if I might make a brief remark?

The SPEAKER. The gentleman is in order.

Mr. COWELL. Mr. Speaker, I would urge that we adopt the Evans amendment. As Representative Evans has already suggested, as we consider this law and as we consider the language before us, I think we can be reasonably certain that we are going to see some kind of new law in this area in the very near future. An effort to emphasize education as well as the tighter penalties ought to be a major part of that new law. I think the Evans language is very appropriate. I think that it

will help, not just penalize drunk drivers but help avoid situations where drivers, or let me say those who are inebriated, actually go out on the roads with their automobiles. This is an appropriate place to deal with this issue, and I would urge that we adopt the amendment.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

As a member of the task force, I would like to share with the members that the task force has not completed its work. This legislation is only the first recommendation from the task force. We are presently considering many educational things that will be needed in our school systems and also in the treatment of alcoholism.

We will be coming forth with a full report later in October, which will include many educational recommendations, and I think they will be very comprehensive, and I think this kind of idea can be included in those and will be appropriately addressed at that time.

I urge the members to not put it in as a part of the bill or a part of the Vehicle Code. I do not think it is necessary, and I urge the members not to support this amendment.

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

Mrs. TAYLOR. Mr. Speaker, may I interrogate Representative Evans?

The SPEAKER. The lady may proceed.

Mrs. TAYLOR. Mr. Speaker, in addition to making this blood alcohol card available in the establishments, is it your intent that the charts be placed in an appropriate spot so that all those who would be in the establishment would be able to see the chart?

Mr. EVANS. Yes; but in this particular amendment, Mr. Speaker, basically I am only speaking about giving out the cards, that they would have them at the taverns and the State stores. I have another amendment dealing with the question of charts.

Mrs. TAYLOR. I understood that, Mr. Speaker. I think one of the things that could have been a part of this amendment—and maybe the Representative had that in mind—was that the card would be placed in a public place just in case everybody who might have come into that establishment may not have been able to have received personally that card, but the chart would be placed in an obvious place. I just wondered if that was your intent, sir.

Mr. EVANS. Yes, it was.

Mrs. TAYLOR. Thank you very much.

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

Mr. J. D. WILLIAMS. Mr. Speaker, I rise in support of the Evans amendment, and the reason I do so, Mr. Speaker, is because I find that many times when we are dealing with situations of this nature, particularly even crime situations, in this Commonwealth itself we have no preventive measures. We are always ready to deal with the aftereffects and not the cause. I think that this is a good amendment because it is an amendment that would allow people who drink to be aware of

the problems that could happen after that, and also they could be aware and could have this chart posted in liquor establishments. I have been fighting in my district problems that we are having with problem bars, et cetera, and this is certainly a result of drunken driving, because those establishments sell alcohol to the drivers themselves.

I support this amendment, and I am urging my colleagues also to support it. Thank you.

Mr. SEVENTY. Mr. Speaker, I would like to ask Mr. Evans a question.

The SPEAKER. The gentleman from Allegheny, Mr. Seventy, desires recognition. The gentleman is in order.

Mr. SEVENTY. Mr. Speaker, what would happen to the owner if he did not display this chart? Is there some sort of penalty or fine? That is my problem with the amendment.

Mr. EVANS. Yes; there is a lightweight penalty of \$50.

Mr. SEVENTY. A lightweight penalty? I am sorry. I did not hear you.

Mr. EVANS. Yes, Mr. Speaker, of \$50.

Mr. SEVENTY. What is the penalty?

Mr. EVANS. Fifty dollars if convicted.

Mr. SEVENTY. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—132

Armstrong	Durham	Lucyk	Shupnik
Arty	Evans	McIntyre	Smith, B.
Barber	Fargo	McMonagle	Smith, E. H.
Belardi	Fee	Mackowski	Smith, L. E.
Belfanti	Fischer	Maiale	Snyder
Beloff	Foster, Jr., A.	Manderino	Spencer
Blaum	Fryer	Michlovic	Stairs
Borski	Gallagher	Micozzie	Steighner
Bowser	Gamble	Miller	Stevens
Brown	Gannon	Moehlmann	Stewart
Burd	Geist	Morris	Stuban
Burns	George	Mrkonic	Swaim
Caltagirone	Gladeck	Mullen	Sweet
Cappabianca	Greenfield	Murphy	Taylor, E. Z.
Cawley	Greenwood	O'Donnell	Taylor, F. E.
Cessar	Gruitza	Oliver	Telek
Clymer	Haluska	Perez	Tigue
Cohen	Harper	Petrone	Van Horne
Colafella	Hasay	Phillips	Wachob
Cole	Hayes	Pievsky	Wambach
Cordisco	Hoeffel	Pott	Wargo
Coslett	Horgos	Pratt	Wass
Cowell	Hutchinson, A.	Pucciarelli	Weston
Cunningham	Iris	Rappaport	Wiggins
DeMedio	Itkin	Rasco	Williams, H.
DeVerter	Johnson	Richardson	Williams, J. D.
DeWeese	Kowalyszyn	Rieger	Wilson
Davies	Kukovich	Ritter	Wogan
Dawida	Laughlin	Rocks	Wozniak
Deal	Lescovitz	Rybak	Wright, D. R.
Dombrowski	Levin	Salvatore	Wright, J. L.
Donatucci	Livengood	Serafini	Wright, R. C.
Duffy	Lloyd	Showers	Zwikl

NAYS—50

Anderson	Grieco	McVerry	Pitts
Bittle	Gruppo	Madigan	Reber
Boyes	Hagarty	Manmiller	Saurman
Brandt	Heiser	Marmion	Seventy
Cimini	Honaman	Merry	Sieminski
Cochran	Jackson	Miscevich	Spitz

Cornell	Kennedy	Mowery	Swift
Daikeler	Klingaman	Nahill	Taddonio
Dietz	Lashingner	Noye	Vroon
Dininni	Lehr	Olasz	Wenger
Dorr	Letterman	Peterson	
Foster, W. W.	Levi	Piccola	Ryan,
Gallen	McClatchy	Pistella	Speaker

NOT VOTING—15

Alden	Emerson	Gray	Punt
Berson	Fleck	Lewis	Sirianni
Civera	Freind	Pendleton	Trello
Clark	Grabowski	Petrarca	

EXCUSED—2

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

On the question recurring,

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

Mr. EVANS offered the following amendments No. A8854:

Amend Title, page 1, line 7, by inserting after "offenders," providing for blood alcohol cards,

Amend Sec. 8, page 15, line 5, by striking out "A SECTION" and inserting sections

Amend Bill, page 15, by inserting between lines 13 and 14 § 1553. Provision of blood alcohol card.

(a) Cards.—All owners of establishments in this Commonwealth where alcoholic beverages are sold for consumption on the premises and Pennsylvania State Liquor Stores shall make available a card indicating blood alcohol levels in the human body and the associated impact of them. Cards indicating blood alcohol levels shall be constructed and supplied by the Pennsylvania Liquor Control Board and the Pennsylvania State Police.

(b) Exception.—The provisions of subsection (a) shall not apply to restaurants as defined in the act of April 12, 1951 (P.L. 90, No. 21), known as the "Liquor Code."

(c) Penalty.—Owners of establishments, other than Pennsylvania State Liquor Stores, which do not provide blood alcohol cards in accordance with subsection (a) shall upon conviction be sentenced to pay a fine of \$50.

On the question,

Will the House agree to the amendments?

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

Mr. EVANS. Mr. Speaker, I want to thank the members for passing the last amendment.

This next amendment is about the same business of attempting to educate our constituency. What I will attempt to do is based on the conversation that I had with Representative Taylor about posting charts in taverns and State stores, and the charts will be available so that people can see them and then can be educated.

Again I stress to you, if we are going to be about the business of attempting to deal with drunken drivers, we have to also be about the business of educating our constituency. I would hope that most of you, probably when I put this on your desks, it probably also enlightened you about the amount of alcohol you can drink before you are considered

legally drunk. So I would hope that members on both sides of the aisle would strongly consider supporting me on this amendment. Thank you.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

In the interest of time, my comments from the last amendment would apply at this time. Thank you.

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

The following roll call was recorded:

YEAS—169

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

NAYS—21

Anderson	Daikeler	Klingaman	Moehlmann
Bittle	Fargo	McClatchy	Peterson
Bowser	Foster, W. W.	Mackowski	Reber
Brandt	Gallen	Madigan	Saurman
Cochran	Honaman	Merry	Wenger
Cornell			

NOT VOTING—7

Alden	Emerson	Gray	Petrarca
Berson	Fleck	Lewis	

EXCUSED—2

Frazier Kolter

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

REMARKS ON VOTES

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

Mr. TRELLO. Mr. Speaker, on the Evans amendment 8853 to HB 2533, my switch was inoperative, and I would like to be recorded in the affirmative.

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

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

Mr. FREIND. Mr. Speaker, on amendment 8853 to HB 2533 I was not in my seat. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 2533 CONTINUED

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A8863:

Amend Title, page 1, line 11, by inserting after "agreements,"
restricting consumption of alcohol in a vehicle in operation,

Amend Sec. 8, page 15, line 5, by striking out "A SECTION" and inserting
sections

Amend Sec. 8, page 15, by inserting between lines 13 and 14 § 3715. Restriction on alcoholic beverages.

(a) General rule.—It is unlawful for any person who is a driver in any vehicle other than a motor home to consume any alcoholic beverage in the vehicle while the vehicle is in operation on any highway in this Commonwealth.

(b) Motor homes.—It is unlawful for any person who is a driver or a passenger located in the forward one-third of a motor home to consume any alcoholic beverage in the motor home while the motor home is in operation on any highway in this Commonwealth.

(c) Penalty.—A person who violates any provision of this section is guilty of a summary offense.

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

This amendment does something that I think most people feel is already in the Motor Vehicle Code. It makes it illegal for someone to drive down the street with a can of beer in their mouth while they are driving the automobile. It prohibits driving and drinking at the same time, and it makes it a summary offense.

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

The following roll call was recorded:

YEAS—184

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

NAYS—2

Greenwood Nahill

NOT VOTING—11

Alden	Emerson	Lewis	Petrarca
Beloff	Fleck	Madigan	Wachob
Berson	Gray	Merry	

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A8810:

Amend Sec. 9 (Sec. 3731), page 18, lines 2 through 4, by striking out all of lines 2 and 3 and "(4)" in line 4 and inserting

(3)

Amend Sec. 9 (Sec. 3731), page 18, line 7, by striking out "(5)" and inserting

(4)

Amend Sec. 9 (Sec. 3731), page 18, line 13, by striking out "(6)" and inserting

(5)

Amend Sec. 9 (Sec. 3731), page 18, line 28, by striking out "(7)" and inserting

(6)

Amend Sec. 9 (Sec. 3731), page 19, line 20, by striking out "(8)" and inserting

(7)

Amend Sec. 9 (Sec. 3731), page 20, line 7, by striking out "(9)" and inserting

(8)

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

During the deliberations of the task force, the requirements for 30, 60, and 90 days in jail, it was my understanding that those penalties carried with them the opportunity for a judge to release in work release those who were incarcerated, the reason being that the individual would in this way be able to continue to maintain his job and support his family. The language that is in the bill defines a day as 24 consecutive hours. We were very careful to word the 48-hour penalty to prevent the judge from sentencing someone to jail at 1 minute of 12 and releasing them at 2 minutes after and considering that 2 days. We insisted upon 48 consecutive hours, but that language carried over and would apply also to the other penalties and therefore preclude work release. Therefore, this amendment is needed in order to make that provision. Thank you.

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

Mr. RITTER. Mr. Speaker, would the gentleman consent to brief interrogation?

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

Mr. RITTER. Mr. Speaker, now usually when you are talking about 30 days, 90 days, et cetera, you are talking about second and third and fourth offenders. We are not talking necessarily about first-time offenders, are we, Mr. Speaker?

Mr. SAURMAN. We are not indeed talking about first offenders.

Mr. RITTER. So you are saying, Mr. Speaker, that on the second or third offense, your amendment would allow work release for a second or third offender.

Mr. SAURMAN. That is correct.

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

Mr. Speaker, I am opposed to the amendment. I have no problem with trying to provide a break for a first offender under drunken driving, but I think the second, third, and subsequent offenses ought to be dealt with a little more severely. I think if it is going to mean anything, in the law it should mean

30 days and not 30 days of work release or 90 days of work release if someone was injured.

I think we ought to reject the amendment. We are talking again now, remember, about second, third, fourth, and fifth offenders in some cases, so it seems to me that there ought not to be a break involved for them. First offenders, yes, but not for second and third. I would ask that we defeat the amendment, Mr. Speaker.

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

Mr. MISCEVICH. Mr. Speaker, will the maker of the amendment stand for brief interrogation?

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

Mr. MISCEVICH. Since your amendment is so explicit in the number of hours that must be served, is it also explicit in the fact where this sentence will be served?

Mr. SAURMAN. No, it is not.

Mr. MISCEVICH. Well, due to the fact that maybe a first-time offender might have to go to jail with a very hardened criminal, whether it be a male or a female, I think that we should reject this until there is more clarification in the language.

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

The following roll call was recorded:

YEAS—163

Anderson	Fischer	McMonagle	Showers
Armstrong	Foster, W. W.	McVerry	Shupnik
Arty	Foster, Jr., A.	Mackowski	Sieminski
Barber	Freind	Madigan	Sirianni
Belardi	Gallagher	Manderino	Smith, B.
Belfanti	Gallen	Manmiller	Smith, E. H.
Bittle	Gamble	Marmion	Smith, L. E.
Blaum	Gannon	Merry	Snyder
Bowser	Geist	Michlovic	Spencer
Boyes	George	Micozzie	Spitz
Brandt	Gladeck	Miller	Stairs
Burd	Greenfield	Moehlmann	Steighner
Burns	Greenwood	Morris	Stevens
Caltagirone	Grieco	Mowery	Stewart
Cawley	Gruitza	Mrkonic	Stuban
Cessar	Gruppo	Mullen	Swaim
Cimini	Hagarty	Nahill	Swift
Civera	Haluska	Noye	Taddonio
Clark	Harper	O'Donnell	Taylor, E. Z.
Clymer	Hayes	Olasz	Telek
Cochran	Heiser	Pendleton	Tigue
Cohen	Hoeffel	Perzel	Trello
Colafella	Honaman	Peterson	Van Horne
Cole	Horgos	Petrarca	Vroon
Cordisco	Hutchinson, A.	Petrone	Wachob
Cornell	Irvis	Phillips	Wargo
Coslett	Jackson	Piccola	Wass
Cowell	Johnson	Pievsky	Wenger
DeMedio	Kennedy	Pistella	Weston
DeVerter	Klingaman	Pott	Wiggins
Daikeler	Kukovich	Pucciarelli	Williams, H.
Davies	Lashinger	Punt	Williams, J. D.
Dawida	Laughlin	Rappaport	Wilson
Deal	Lehr	Reber	Wogan
Dininni	Lescovitz	Richardson	Wozniak
Dombrowski	Letterman	Rieger	Wright, D. R.
Donatucci	Levi	Rocks	Wright, J. L.
Dorr	Livengood	Salvatore	Wright, R. C.
Duffy	Lloyd	Saurman	
Evans	McClatchy	Serafini	Ryan,

Fargo
Fee

McIntyre

Seventy

Speaker

NAYS—21

Brown	Grabowski	Miscevich	Ritter
Cunningham	Hasay	Murphy	Rybak
DeWeese	Itkin	Oliver	Taylor, F. E.
Dietz	Kowalshyn	Pitts	Wambach
Durham	Lucyk	Rasco	Zwikl
Fryer			

NOT VOTING—13

Alden	Cappabianca	Gray	Maiale
Beloff	Emerson	Levin	Pratt
Berson	Fleck	Lewis	Sweet
Borski			

EXCUSED—2

Frazier

Kolter

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

QUESTION OF INFORMATION

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Cowell, rise?

Mr. COWELL. Mr. Speaker, a point of inquiry—

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

Mr. COWELL. —concerning the amendments.

The number that was on the board was amendment 8810. I thought I heard some description of the amendment that is numbered 8718. Did we in fact vote on 8810?

The SPEAKER. The statement I had made earlier referring to the other numbers was for the prior amendment. We did in fact vote on 8810 then.

Mr. COWELL. Okay. Thank you.

On the question recurring,

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

Mr. EVANS offered the following amendments No. A8718:

Amend Sec. 9 (Sec. 3731), page 17, line 10, by inserting a colon after "and"

Amend Sec. 9 (Sec. 3731), page 17, lines 10 and 11, by striking out "serve a minimum term of imprisonment of:"

Amend Sec. 9 (Sec. 3731), page 17, line 12, by striking out "Not" and inserting

Serve a minimum term of imprisonment of not

Amend Sec. 9 (Sec. 3731), page 17, line 12, by inserting after "hours"

or perform not less than 60 nor more than 70 hours of public community service work as determined by the court

Amend Sec. 9 (Sec. 3731), page 17, line 14, by striking out "Not" and inserting

Serve a minimum term of imprisonment of not

Amend Sec. 9 (Sec. 3731), page 17, line 14, by inserting after "days"

or perform not less than 80 nor more than 90 hours of public community service work as determined by the court

Amend Sec. 9 (Sec. 3731), page 17, line 18, by striking out "Not" and inserting

Serve a minimum term of imprisonment of not

Amend Sec. 9 (Sec. 3731), page 17, line 22, by striking out “Not” and inserting

Serve a minimum term of imprisonment of not

On the question,

Will the House agree to the amendments?

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

Mr. EVANS. Mr. Speaker, I hope that everyone will listen to me clearly in terms of the amendment that I am about to offer to this particular bill. I myself am extremely concerned about the question of drunken driving, but I am extremely concerned also about what we are going to do to deal with the problem. In Newsweek about a week ago they dealt with a story on this. On “Good Morning America” on a local television program they also dealt with the question of drunken driving. It seems to me that when we begin to deal with a response of dealing with drunken drivers in terms of mandatory sentencing, that is only as a result of people’s frustrations, that they are sick and tired of people getting off and not being dealt the type of justice they truly need.

The amendment that I am offering today is offering mandatory community service for the first and the second offense. With the first offense under this particular bill, the person can get 48 hours’ ARD or mandatory community service. The minimum would be 60 hours; the maximum would be 70 hours.

Understanding the fact that our prisons at this particular point in the State of Pennsylvania are at 109 percent capacity, and I also hear in Bucks County that they have inmates four to a cell, it is clear to me that in our counties as well as our State penal system we need to find some way to intelligently deal with this question.

I am certainly concerned about that drunken driver who is a repeat offender and who would bodily hurt someone with their automobile. I can also tell you that from a reality standpoint we need to be conscious of the fact that we cannot put everybody out of sight and out of mind and resolve the problem.

On the second offense it is 30 days’ incarceration. The suggestion that I am offering is an amendment that would say minimum 80 hours, maximum 90 hours.

Twenty-four States across the United States have mandatory community service. Joe Namath, who was just found guilty or who was just picked up for intoxication in Florida, is eligible for a fine of \$250 and maximum community service. What I am saying to you is that we need to approach this intelligently, because the fact of the matter is that every drunken driver cannot be handled the same. As much as we would like to handle every drunken driver the same, the fact of the matter is that you and I know that is not possible. So what I am asking is for you to strongly consider my amendment. The only thing I am saying is I am not removing the aspect of mandatory prison, but I am only saying mandatory community service, that the judge would be able to say that this person should work in the accident ward; this person should work in the hospital; this person should work in this particular agency.

We need to approach this intelligently. If you read the story in Newsweek, they said the problem with drunken driving and the reason people have so much frustration with it is because there are so many loopholes to it. Who is getting around the loopholes? The judges, the DA’s, the trial attorneys, not the average person on the street. So what I am offering is something that I believe can go a little bit further than just warehousing people in jail and not dealing with the real question of trying to have a solution to this particular problem. I would appreciate your support. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

I rise to oppose this amendment. One of the major reasons for this bill and the provision of the mandatory sentencing is a deterrent to drinking and driving, so that fewer people in this Commonwealth will drink more than they should and then drive a vehicle. The only way you are going to have that deterrent is to have a penalty in there that is known, that is fixed, that the people know that if they get caught, that is what is going to happen. If we start putting in a lot of fancy options, we are going to lose the effectiveness of this bill.

I come from a county that has had a judge for some time who has been very concerned with this issue, not just the last year or two. He told me he has tried everything. The only thing that has been effective is jail sentences. And in Warren County, if you get caught, you know that you are going to serve time. It has been a deterrent, it is an effective deterrent, and it has worked in other States. I urge my colleagues to not support this amendment.

REQUEST TO DIVIDE AMENDMENTS

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

Mr. RITTER. Mr. Speaker, I want to ask if the amendment can be divided.

The SPEAKER. Where would the gentleman suggest the division take place?

Mr. RITTER. About the middle of the page, after where the three lines of underlining are; in other words, “public community service work as determined by the court,” and then it would be “Amend Sec. 9...page 17, line 14...” Immediately prior to that would be one amendment; and from “page 17, line 14,” on would be a separate amendment.

What I am trying to do is separate first offense from second and subsequent offenses, Mr. Speaker.

The SPEAKER. Will the gentleman restate his last statement?

Mr. RITTER. The public service that Mr. Evans is talking about deals with first offenders and second and subsequent offenders. I simply want to deal with that part of the amendment that pertains to first offenders as one amendment, and then vote on the rest of the amendment which deals with second and subsequent offenders.

AMENDMENTS DIVIDED

The SPEAKER. The Chair is of the opinion that division would be permitted. The gentleman is moving that the question be divided?

Mr. RITTER. Yes, Mr. Speaker.

The SPEAKER. I suggest the members of the House listen to the following division: The amendment will be divided so that the House will vote initially on approximately the first half of page 1, down to and including the three underlined sections beginning with "or perform not less than,..." ending with "...by the court." It is my understanding that that is the first portion of the divided amendment. Is that correct?

Mr. RITTER. Yes, Mr. Speaker.

The SPEAKER. The balance of the amendment as presented would be the second vote. Is that correct, Mr. Ritter?

Mr. RITTER. Yes, Mr. Speaker.

On the question,

Will the House agree to Part I of the amendments?

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

Mr. RITTER. Mr. Speaker, I support that first section of the amendment. I think that this is an alternative to incarceration on the first offense. I think it gives some discretion. I think it is a viable alternative. It is not that mandatory prison term, and I think for the first offense we ought to have or at least the judge ought to have the ability to make an either-or decision. I support the first part of the amendment and ask for support, Mr. Speaker.

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

Mr. SAURMAN. Mr. Speaker, as Representative Peterson has already said, this is destructive of the intent of the bill. We want people to know what the penalty is, and we want it to be fixed. There are other aspects of this which include the kind of work, how appropriate it would be, who would administer it, and liability problems that could incur. All of these things need to be considered.

However, if the judge feels that this kind of program is an adequate program for imposing as far as the sentence is concerned, then let him impose it on top of what we have recommended. We have no problem with that. But in lieu of, it is destructive, and we would ask that this amendment be defeated.

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

Mr. EVANS. Mr. Speaker, although I smile, I basically support Representative Ritter's motion for the purpose of dividing the amendment.

Mr. Speaker, I also would like to express to Representative Saurman that I tend to disagree. For some strange reason, if he thinks that judges are going to force everyone into jail and it is clear that they may understand that it is a mandatory sentence, I just had a Representative express to me this morning that if certain kinds of individuals come in front of that judge, you and I both know, Mr. Speaker, that judges are not going to put everyone into Graterford or whatever your particular local county jail may be. The fact of the matter is that we must deal with the reality of it all, and we need to look at the question of this mandatory community service, that 24 States, as I expressed earlier, are now doing this, and the fact of the matter is that we need to deal with the reality of it all. So I

would hope that everyone would support Representative Ritter in his motion.

The SPEAKER. On the question, the question being the first half of the amendments as described earlier and as offered by the gentleman, Mr. Evans, and divided by the gentleman, Mr. Ritter, those in favor of the first portion will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to Part I of the amendments?

The following roll call was recorded:

YEAS—108

Barber	Greenfield	Miscevich	Steighner
Belfanti	Gruitza	Moehlmann	Stewart
Beloff	Hagarty	Morris	Stuban
Blaum	Haluska	Mrkonic	Swaim
Borski	Harper	Nahill	Sweet
Bowser	Horgos	Olasz	Swift
Brown	Hutchinson, A.	Oliver	Taddonio
Caltagirone	Irvis	Pendleton	Taylor, F. E.
Cappabianca	Jackson	Petrarca	Telek
Cawley	Kowalshyn	Petrone	Tigle
Clark	Kukovich	Pievsky	Trello
Cohen	Lashinger	Pistella	Van Horne
Colafella	Laughlin	Pratt	Wachob
Cole	Lehr	Pucciarelli	Wambach
DeMedio	Lescovitz	Rappaport	Wargo
DeWeese	Letterman	Reber	Wass
Dawida	Levi	Richardson	Weston
Deal	Levin	Rieger	Wiggins
DeBrowski	Livengood	Ritter	Williams, J. D.
Donatucci	Lucyk	Rocks	Wogan
Evans	McIntyre	Rybak	Wozniak
Fargo	McMonagle	Seventy	Wright, D. R.
Fee	McVerry	Shupnik	Wright, R. C.
Fryer	Mackowski	Sirianni	Zwilk
Gamble	Maiale	Snyder	
George	Manderino	Spencer	Ryan,
Gladeck	Michlovic	Stairs	Speaker
Grabowski	Miller		

NAYS—82

Anderson	Davies	Hoeffel	Piccola
Armstrong	Dietz	Honaman	Pitts
Arty	Dininni	Itkin	Pott
Belardi	Dorr	Johnson	Punt
Bittle	Duffy	Kennedy	Rasco
Boyes	Durham	Klingaman	Salvatore
Brandt	Fischer	Lewis	Saurman
Burd	Fleck	Lloyd	Serafini
Burns	Foster, W. W.	McClatchy	Showers
Cessar	Foster, Jr., A.	Madigan	Sieminski
Cimini	Freind	Manmiller	Smith, B.
Civera	Gallagher	Marmion	Smith, E. H.
Clymer	Gallen	Merry	Smith, L. E.
Cochran	Gannon	Micozzie	Spitz
Cordisco	Geist	Mowery	Stevens
Cornell	Greenwood	Murphy	Taylor, E. Z.
Coslett	Grieco	Noye	Vroon
Cowell	Gruppo	Perzel	Wenger
Cunningham	Hasay	Peterson	Wilson
DeVerter	Hayes	Phillips	Wright, J. L.
Daikeler	Heiser		

NOT VOTING—7

Alden	Emerson	Mullen	Williams, H.
Berson	Gray	O'Donnell	

EXCUSED—2

Frazier	Kolter
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The question was determined in the affirmative, and Part I of the amendments was agreed to.

On the question,
Will the House agree to Part II of the amendments?

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

Mr. EVANS. Mr. Speaker, we just passed the first half of the amendment. In the second half I was expressing to you that on a second offense under this particular bill, an individual can be incarcerated for 30 days, mandatory sentence. Clearly I agree that on a second offense we need to have a strong message to the drunken driver. However, realistically are you actually talking about taking drunken drivers and sticking them in with murderers and rapists, even if they have not hit anyone, destroyed any property? What you are actually saying is that they will go to jail 30 days, no parole, no good time, nothing but 30 days in jail.

The only thing this amendment is stating is that the judge has an option. It is either-or, and the prison term is still there. It is only either-or. I would again hope that both sides of the aisle would support me in this amendment. Thank you very much.

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

Mr. RITTER. Yes, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, as I said earlier on one of the other amendments, I have no problem with providing some options for first offenders. I think that this amendment goes beyond that. It says to second offenders, you are entitled to a break that we already gave you on the first offense. I think that is wrong. I think there ought to be a mandatory jail sentence if in fact you have not learned your lesson after the first time. I would ask that we defeat this amendment, Mr. Speaker.

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

Mr. SAURMAN. Mr. Speaker, thank you.

I would ask, too, that this portion of the amendment be defeated. I think that the judges have had options throughout the history of our problem, and it has been a problem because of the death and destruction that has taken place I think as a result of those options. That is the message that we want to send, that we want a mandatory sentence. To leave the option there is again destructive of the intent.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans, for the second time on the question.

Mr. EVANS. You can roll it, Mr. Speaker.

The SPEAKER. On the question, the question being the second portion of the Evans amendments as divided by the gentleman, Mr. Ritter, those in favor will vote "aye"; those opposed, "no."

On the question recurring,
Will the House agree to Part II of the amendments?

The following roll call was recorded:

YEAS—39

Barber	Lucyk	Pievsky	Taylor, F. E.
Clark	McIntyre	Richardson	Trello
DeWeese	Manderino	Rieger	Weston
Deal	Miscevich	Rocks	Wiggins
Evans	Moehlmann	Seventy	Williams, H.
Haluska	Mullen	Shupnik	Williams, J. D.
Harper	Olasz	Sirianni	Wright, R. C.
Hutchinson, A.	Oliver	Spencer	
Irvis	Pendleton	Stairs	Ryan,
Kukovich	Petrarca	Swaim	Speaker
Levin			

NAYS—150

Anderson	Dorr	Lehr	Rasco
Armstrong	Duffy	Lescovitz	Reber
Arty	Durham	Letterman	Ritter
Belardi	Fargo	Levi	Rybak
Belfanti	Fee	Lewis	Salvatore
Bittle	Fischer	Livengood	Saurman
Blaum	Foster, W. W.	Lloyd	Serafini
Borski	Foster, Jr., A.	McClatchy	Showers
Bowser	Freind	McMonaghe	Sieminski
Boyes	Fryer	McVerry	Smith, B.
Brandt	Gallagher	Mackowski	Smith, E. H.
Brown	Gallen	Madigan	Smith, L. E.
Burd	Gamble	Maiale	Snyder
Burns	Gannon	Manmiller	Spitz
Caltagirone	Geist	Marmion	Steighner
Cappabianca	George	Merry	Stevens
Cawley	Gladeck	Michlovic	Stewart
Cessar	Grabowski	Micozzie	Stuban
Cimini	Greenfield	Miller	Sweet
Civera	Greenwood	Morris	Swift
Clymer	Grieco	Mowery	Taddonio
Cochran	Gruitza	Mrkonic	Taylor, E. Z.
Cohen	Gruppo	Murphy	Telek
Colafella	Hagarty	Nahill	Tigue
Cole	Hasay	Noye	Van Horne
Cordisco	Hayes	Perzel	Vroon
Cornell	Heiser	Peterson	Wachob
Coslett	Hoeffel	Petrone	Wambach
Cowell	Honaman	Phillips	Wargo
Cunningham	Horgos	Piccola	Wass
DeMedio	Itkin	Pistella	Wenger
DeVerter	Jackson	Pitts	Wilson
Daikeler	Johnson	Pott	Wogan
Davies	Kennedy	Pratt	Wozniak
Dawida	Klingaman	Pucciarelli	Wright, D. R.
Dietz	Kowalyshyn	Punt	Wright, J. L.
Dininni	Lashinger	Rappaport	Zwilk
Dombrowski	Laughlin		

NOT VOTING—8

Alden	Berson	Emerson	Gray
Beloff	Donatucci	Fleck	O'Donnell

EXCUSED—2

Frazier	Kolter
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The question was determined in the negative, and Part II of the amendments was not agreed to.

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

Mr. EVANS offered the following amendment No. A8721:

Amend Sec. 9 (Sec. 3731), page 17, line 10, by striking out "\$300" and inserting "\$600"

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

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

Mr. EVANS. Mr. Speaker, this amendment that I am offering is for the purpose of increasing the fine from \$300 to \$600, and it is a companion amendment on page 31 of your booklet. I am offering an increase so that the local counties can have additional funds for the purpose of education. So I am asking you to support the amendment to increase the fine from \$300 to \$600 for the purpose of their having additional money to deal with the question of education and alcoholism. Thank you.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

The subject and the question of how much to put for a fine was debated and considered, as were other elements of this bill. I think it is important to note that over the past year, 44 percent of those who have been arrested in Pennsylvania for drunk driving are semiskilled or unskilled workers, and 36 percent of the people earned less than \$12,000. It is my opinion that if we raise the fine to \$600, what we will be doing is finding a lot of people indigent, unable to pay the fine, and therefore unable to pay the other costs that are involved with this program, and increasing the cost, therefore, to the State and to the citizens. I think that the \$300 fine is a reasonable amount and ought to remain. Thank you.

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

Mr. EVANS. Mr. Speaker, I would tend to disagree with Representative Saurman solely on the reason that if you are talking about sending a message to the drunken driver, it is clear by doubling the fine you are sending a clear message first. Secondly, they can also pay in installments. So I do not think that should necessarily be some kind of concern.

I think if the members of this House really want to be tough on the question of drunk drivers, then you should be tough on their pockets. If they can afford a car and they can afford to buy the alcohol, the fact of the matter is that we should increase it to \$600.

I would hope everyone would support me on this amendment. Thank you, Mr. Speaker.

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

Mr. SAURMAN. If the fine itself were the total cost being imposed here, then I would agree, but the \$300 is only the fine. The cost of the program under the ARD, the school and so forth, will represent a sum in addition of over \$300. There will also be accompanying increased costs for automobile insurance because of this violation. Therefore, the total cost to the individual mounts rather quickly. I think that has to be considered in terms of what this overall penalty is. I again would ask that this amendment be defeated.

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

(A roll-call vote was taken.)

VOTE RETAKEN

The SPEAKER. The Chair is advised that due to technical difficulties, the last roll call will have to be rerun. The House will be temporarily at ease while our technician, Mr. Mazia, works on the machine.

The vote on amendment A8721, the amendment offered by the gentleman, Mr. Evans, the last vote taken, which amendment failed by a vote of 59 to 131, this vote will be retaken. This, to remind the members, was the amendment that increased the fine from \$300 to \$600.

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

The following roll call was recorded:

YEAS—63

Armstrong	Freind	McIntyre	Seventy
Arty	Fryer	Manderino	Shupnik
Barber	Gamble	Miscevich	Steighner
Blaum	Gannon	Moehlmann	Stewart
Brown	George	Mrkonic	Sweet
Caltagirone	Grabowski	Olasz	Taylor, F. E.
Cawley	Greenfield	Oliver	Trello
Civera	Harper	Pendleton	Wambach
Clark	Horgos	Petrarca	Wargo
Colafella	Hutchinson, A.	Petrone	Wass
Cunningham	Iris	Pistella	Wiggins
DeWeese	Kukovich	Pitts	Williams, H.
Deal	Laughlin	Rappaport	Williams, J. D.
Duffy	Lescovitz	Rasco	Wozniak
Evans	Levin	Richardson	Wright, R. C.
Foster, Jr., A.	Livengood	Rocks	

NAYS—124

Anderson	Fargo	McMonagle	Serafini
Belardi	Fee	McVerry	Showers
Belfanti	Fischer	Mackowski	Sirianni
Bittle	Foster, W. W.	Madigan	Smith, B.
Borski	Gallagher	Maiale	Smith, E. H.
Bowser	Gallen	Manmiller	Smith, L. E.
Boyes	Geist	Marmion	Snyder
Brandt	Gladeck	Merry	Spencer
Burd	Greenwood	Micozzie	Spitz
Burns	Grieco	Miller	Stairs
Cappabianca	Gruitza	Morris	Stevens
Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Mullen	Swaim
Clymer	Hasay	Murphy	Swift
Cochran	Hayes	Nahill	Taddonio
Cohen	Heiser	Noye	Taylor, E. Z.
Cole	Hoeffel	Perzel	Telek
Cordisco	Honaman	Peterson	Tigue
Cornell	Itkin	Phillips	Van Horne
Coslett	Jackson	Piccola	Vroon
Cowell	Johnson	Pievsky	Wachob
DeMedio	Kennedy	Pott	Wenger
DeVertter	Klingaman	Pratt	Weston
Daikeler	Kowalshyn	Pucciarelli	Wilson
Davies	Lashingier	Punt	Wogan
Dawida	Lehr	Reber	Wright, D. R.
Dietz	Letterman	Rieger	Wright, J. L.
Diminni	Levi	Ritter	Zwilk
Dombrowski	Lewis	Rybak	
Donatucci	Lloyd	Salvatore	Ryan,
Dorr	Lucyk	Saurman	Speaker
Durham	McClatchy		

NOT VOTING—10

Alden	Emerson	Gruppo	O'Donnell
Beloff	Fleck	Michlovic	Sieminski
Berson	Gray		

EXCUSED—2

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

On the question recurring,

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

REMARKS ON VOTE

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

Mr. CUNNINGHAM. I inadvertently voted "yes" on amendment 8721. I should have voted "no." Thank you.

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

FILMING PERMISSION GRANTED

The SPEAKER. The Chair gives permission to WICU from Erie for 10 minutes of silent filming.

**CONSIDERATION OF HB 2533 CONTINUED
AMENDMENT A8718, PART II,
RECONSIDERED**

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, who moves that the vote by which amendment A8718, Part II, to HB 2533 was defeated on the 29th day of September be reconsidered. This motion is seconded by the gentleman from Philadelphia, Mr. Evans.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

Will the House agree to Part II of the amendments?

The SPEAKER. The question recurs, will the House agree to the amendment offered by the gentleman, Mr. Evans, being A8718, Part II, as divided by the gentleman, Mr. Ritter?

PART II OF AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Ritter, who moves that the second portion of that amendment be further divided as follows: On page 1 of the amendment, eight lines up from the bottom, beginning "Amend Sec. 9 (Sec. 3731)," down to and including the three underlined portions be treated as one portion of the divided question, the balance being treated as the separate portion, it being the understanding of the Chair and the gentleman, Mr. Ritter, and the gentleman, Mr. Evans, that there is a deficiency as we had previously considered the question.

The Chair recognizes the gentleman, Mr. Ritter.

Mr. RITTER. Mr. Speaker, the reason for the second division is that we need to restore the language on the second, third, and fourth offenses to read to "Serve a minimum term of imprisonment...." That language has to be put back in. So if we accept that part of the second part of the amendment, then we would have in the bill that public service would be available to those who commit the first offense, but the minimum prison term would be there for those who commit the second, third, and fourth offenses. So I would ask support for the first part of the second part of the amendment.

The SPEAKER. The question before the House is the second portion of the amendment as submitted by the gentleman, Mr. Evans, and as earlier divided by the gentleman, Mr. Ritter, excepting therefrom the words "Amend Sec. 9 (Sec. 3731), page 17, line 14, by inserting after 'days' or perform not less than 80 nor more than 90 hours of public community service work as determined by the court."

Will the gentleman, Mr. Ritter, explain to the House the effect of voting for or against the question that is before the House?

PARLIAMENTARY INQUIRY

Mr. RITTER. Mr. Speaker, one point of parliamentary inquiry. Are we talking about the section that you read? Is that what we are voting on now?

The SPEAKER. No. We are excepting that.

Mr. RITTER. Then, Mr. Speaker, I would ask that we vote in favor of the amendment, because that restores the language of the section which is the 30-day jail sentence, the 90-day jail sentence, and the 1-year jail sentence. It restores the language that says you will serve a minimum term of imprisonment of not less than the 30 days, the 90 days, or the 1 year. We need this part of the amendment so we can restore the minimum sentencing for second, third, and fourth offenses. I would ask your support for that part of the amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I suggest that all members who are in favor of minimum sentences for persons other than first-time offenders—in other words, those who have offended the law the second and third and subsequent times—vote in favor of the question before the House right now, because this will affirm our position in favor of certain minimum sentences for those persons who have violated the drunk driving statute of this Commonwealth.

I urge all members in favor of that position to vote "yes."

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

I concur with the majority leader. I can understand the confusion that we must have on the floor, but the way the amendment has been redrafted, it is necessary that we return the language to the bill if indeed we are going to have the mandatory sentences for third, fourth, and fifth offenders.

QUESTION OF INFORMATION

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

Mr. LETTERMAN. Mr. Speaker, a question. Would this bill require a fiscal note, or do these amendments require a fiscal note?

The SPEAKER. It is the understanding of the Chair that it is not required that we have a fiscal note for these amendments.

MOTION TO RECOMMIT

Mr. LETTERMAN. Well, as I read this one, it would certainly take a lot of money. I would request that we have fiscal notes attached to these amendments.

The SPEAKER. The Chair would request that we get this technical vote out of the way right now, and then perhaps prior to considering the next portion, the gentleman could make a statement or a motion, whatever is appropriate. This is a technical vote, essentially, right now.

Mr. LETTERMAN. But, Mr. Speaker, this technical part of it is what really does it.

The SPEAKER. All right. Does the gentleman have a motion to make to the Chair?

Mr. LETTERMAN. Yes. I have a motion that we have fiscal notes prepared. This thing is going to cost a fortune.

The SPEAKER. Is it the motion of the gentleman that the bill, together with amendments, be recommitted to the Committee on Appropriations?

Mr. LETTERMAN. Yes, sir.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—6

DeWeese	Letterman	Mullen	Rieger
Heiser	McIntyre		

NAYS—185

Anderson	Fargo	McClatchy	Seventy
Armstrong	Fee	McMonagle	Showers
Arty	Fischer	McVerry	Shupnik
Barber	Foster, W. W.	Mackowski	Sieminski
Belardi	Foster, Jr., A.	Madigan	Sirianni
Belfanti	Freind	Maiale	Smith, B.
Berson	Fryer	Manderino	Smith, E. H.
Bittle	Gallagher	Manmiller	Smith, L. E.
Blaum	Gallen	Marmion	Snyder
Borski	Gamble	Merry	Spencer
Bowser	Gannon	Michlovic	Spitz
Boyes	Geist	Micozzie	Stairs
Brandt	George	Miller	Steighner
Brown	Gladeck	Miscevich	Stevens
Burd	Grabowski	Moehlmann	Stewart
Burns	Gray	Morris	Stuban
Caltagirone	Greenfield	Mowery	Swaim
Cappabianca	Greenwood	Mrkonic	Sweet
Cawley	Grieco	Murphy	Swift
Cessar	Gruitza	Nahill	Taddonio
Cimini	Gruppo	Noye	Taylor, E. Z.
Civera	Hagarty	O'Donnell	Taylor, F. E.
Clark	Haluska	Olasz	Telek
Clymer	Harper	Oliver	Tigue
Cochran	Hasay	Pendleton	Trello
Cohen	Hayes	Perzel	Van Horne

Colafrilla	Hoeffel	Peterson	Vroon
Cole	Honaman	Petrone	Wachob
Cordisco	Horgos	Phillips	Wambach
Cornell	Hutchinson, A.	Piccola	Wargo
Coslett	Irvis	Pievsky	Wass
Cowell	Itkin	Pistella	Wenger
Cunningham	Jackson	Pitts	Weston
DeMedio	Johnson	Pott	Wiggins
DeVerter	Kennedy	Pratt	Williams, H.
Daikeler	Klingaman	Pucciarelli	Williams, J. D.
Davies	Kowalshyn	Punt	Wilson
Dawida	Kukovich	Rappaport	Wogan
Deal	Lashinger	Rasco	Wozniak
Dietz	Laughlin	Reber	Wright, D. R.
Dininni	Lehr	Richardson	Wright, J. L.
Dombrowski	Lescovitz	Ritter	Wright, R. C.
Donatucci	Levi	Rocks	Zwilk
Dorr	Lewis	Rybak	
Duffy	Livengood	Salvatore	Ryan,
Durham	Lloyd	Saurman	Speaker
Evans	Lucyk	Serafini	

NOT VOTING—6

Alden	Emerson	Levin	Petrarca
Beloff	Fleck		

EXCUSED—2

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

The SPEAKER. The question recurs, will the House agree to the amendment offered by the gentleman, Mr. Evans, as divided by the gentleman, Mr. Ritter, twice, which is presently before the House?

The following roll call was recorded:

YEAS—190

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

Davies	Kowalshyn	Pratt	Williams, H.
Dawida	Kukovich	Pucciarelli	Williams, J. D.
Deal	Lashingier	Punt	Wilson
Dietz	Laughlin	Rappaport	Wogan
Dininni	Lehr	Rasco	Wozniak
Dombrowski	Lescovitz	Reber	Wright, D. R.
Donatucci	Levi	Richardson	Wright, J. L.
Dorr	Levin	Rieger	Wright, R. C.
Duffy	Lewis	Ritter	Zwikl
Durham	Livengood	Rocks	
Evans	Lloyd	Rybak	Ryan,
Fargo	Lucyk	Salvatore	Speaker

NAYS—2

Letterman Mullen

NOT VOTING—5

Alden Berson Emerson Fleck
Beloff

EXCUSED—2

Frazier Kolter

The question was determined in the affirmative, and Part I of Part II of the amendments was agreed to.

The SPEAKER. The question recurs, will the House agree to the last portion of the Evans amendment, as divided by the gentleman, Mr. Ritter?

The Chair recognizes the gentleman from Lehigh, Mr. Ritter, to explain what is left of the Evans amendment to be voted upon.

Mr. RITTER. Mr. Speaker, this is the portion that would have provided for public service work for second and subsequent offenders under the drunk driving bill. This is the part that I objected to. This is the part that we rejected earlier. I would ask that you vote in the negative. That will simply say that on the second and subsequent offenses you are not eligible for public service work, that you will in fact get the minimum prison term that is required under the bill. I would ask that we vote in the negative on this last portion of the amendment.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Evans, on essentially the same question the gentleman debated earlier. The gentleman may proceed.

Mr. EVANS. Mr. Speaker, since I now do not have the endorsement of the leadership on the Republican and the Democratic side, I withdraw this amendment. That is the second half. Am I right?

The SPEAKER. That is the second half of the second half; yes.

Mr. EVANS. Since Mr. Hayes and Mr. Irvis are not willing to stand up and support me again, I will withdraw it.

The SPEAKER. True leadership. The Chair thanks the gentleman.

MR. IRVIS REQUESTED TO PRESIDE

The SPEAKER. The question recurs, will the House agree to the bill as amended? And based on the endorsement of the gentleman, Mr. Evans, the Chair requests that the minority leader and former Speaker of this House come up and temporarily preside.

THE SPEAKER PRO TEMPORE
(K. LEROY IRVIS) IN THE CHAIR

The SPEAKER pro tempore. From now on, the Chair will recognize only those of us who are certified drys. That should end the debate in about 5 minutes.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER pro tempore. The Chair recognizes the majority leader. For what purpose does the gentleman rise?

Mr. HAYES. Mr. Speaker, while you and the Parliamentarian review those parliamentary questions before you at the present time, I would like to announce that the lady from Susquehanna, Miss Sirianni, has the orphan bridge bill ready for introduction. If there are any persons who have not yet sponsored that bill and would like to, she has it at the desk. Thank you, Mr. Speaker.

CONSIDERATION OF HB 2533 CONTINUED

On the question recurring,

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

Mr. COCHRAN offered the following amendments No. A8800:

Amend Sec. 9 (Sec. 3731), page 17, line 9, by striking out the bracket before the period

Amend Sec. 9 (Sec. 3731), page 17, line 9, by striking out "'] and'" and inserting

For a first offense the sentencing court shall order the person to serve as an assistant in a medical emergency room from 10 p.m. to 6 a.m. on Friday and Saturday nights for a period of three months. For a second and subsequent offenses

Amend Sec. 9 (Sec. 3731), page 17, lines 12 through 14, by striking out all of lines 12 and 13 and "(ii)" in line 14, and inserting

(i)

Amend Sec. 9 (Sec. 3731), page 17, line 18, by striking out "(iii)" and inserting

(ii)

Amend Sec. 9 (Sec. 3731), page 17, line 22, by striking out "(iv)" and inserting

(iii)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Fayette, Mr. Cochran, on the amendment.

Mr. COCHRAN. Thank you, Mr. Speaker.

Mr. Speaker, this is a very simple amendment. It simply states that on the first offense, anyone sentenced will be sentenced to 8 hours on a Friday and Saturday night, from 10 p.m. to 6 a.m., working as an assistant in an emergency room of a first-aid station or a hospital.

I have no intentions of really having them work. I would just like to have them in the emergency room to see what it looks like to see a body coming in after they have been mutilated in an automobile accident caused by a drunken driver. I think that has a lot more of an effect than simply fining them and putting them maybe in a jail or on a community payroll to work for the public. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, but the Chair draws to the attention of the membership that if the gentleman's amendment is accepted, in part it states that on page 17 of the bill, lines 12 through 14 shall be stricken. The House has just added in the Evans amendment A8718 the word "not" in line 12, page 17. The effect of adopting the Cochran amendment would be to further confuse things, as if you are not already sufficiently confused, and it would strike out the action of the House on the Evans amendment.

The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel, on the amendment.

Mr. HOEFFEL. Thank you, Mr. Speaker.

Just to point out what I guess everybody understands, this amendment would cause a great deal of confusion in our hospitals and I think would do far more harm than good. I am sure the hospitals do not want a bunch of convicted drunk drivers assisting medical procedures in the emergency rooms, and I would recommend a negative vote. Thank you.

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

The following roll call was recorded:

YEAS—14

Brandt	Mullen	Serafini	Telek
Cochran	Perzel	Sieminski	Vroon
Fischer	Pott	Stairs	Wilson
Moehlmann	Rasco		

NAYS—176

Anderson	Evans	Lewis	Rocks
Armstrong	Fargo	Livengood	Rybak
Arty	Fee	Lloyd	Salvatore
Barber	Foster, W. W.	Lucyk	Saurman
Belardi	Foster, Jr., A.	McClatchy	Seventy
Belfanti	Freind	McIntyre	Showers
Beloff	Fryer	McMonagle	Shupnik
Bittle	Gallagher	McVerry	Smith, B.
Blaum	Gallen	Mackowski	Smith, E. H.
Borski	Gamble	Madigan	Smith, L. E.
Bowser	Gannon	Maiale	Snyder
Boyes	Geist	Manderino	Spencer
Brown	George	Manmiller	Spitz
Burd	Gladeck	Marmion	Steighner
Burns	Grabowski	Merry	Stevens
Caltagirone	Greenfield	Michlovic	Stewart
Cappabianca	Greenwood	Micozzie	Stuban
Cawley	Grieco	Miller	Swaim
Cessar	Gruitza	Miscevich	Sweet
Cimini	Gruppo	Morris	Swift
Civera	Hagarty	Mowery	Taddonio
Clark	Haluska	Mrkonjic	Taylor, E. Z.
Clymer	Harper	Murphy	Taylor, F. E.
Cohen	Hasay	Nahill	Tigue
Colafella	Hayes	Noye	Trello
Cole	Heiser	O'Donnell	Van Horne
Cordisco	Hoeffel	Olasz	Wachob
Cornell	Honaman	Oliver	Wambach
Coslett	Horgos	Peterson	Wargo
Cowell	Hutchinson, A.	Petrarca	Wass
Cunningham	Irvis	Petrone	Wenger
DeMedio	Itkin	Phillips	Weston
DeVerter	Jackson	Piccola	Wiggins
DeWeese	Johnson	Pievsky	Williams, H.
Daikeler	Kennedy	Pistella	Williams, J. D.
Davies	Klingaman	Pitts	Wogan
Dawida	Kowalyshyn	Pratt	Wozniak
Deal	Kukovich	Pucciarelli	Wright, D. R.
Dietz	Lashinger	Punt	Wright, J. L.

Dininni	Laughlin	Rappaport	Wright, R. C.
Dombrowski	Lehr	Reber	Zwkl
Donatucci	Lescovitz	Richardson	
Dorr	Letterman	Rieger	Ryan,
Duffy	Levi	Ritter	Speaker
Durham	Levin		

NOT VOTING—7

Alden	Emerson	Gray	Sirianni
Berson	Fleck	Pendleton	

EXCUSED—2

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

On the question recurring,

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

Mr. LLOYD offered the following amendments No. A8715:

Amend Sec. 9 (Sec. 3731), page 19, by inserting between lines 19 and 20

(7.1) In addition to the conditions set forth in paragraph (7) for Accelerated Rehabilitative Disposition of any charge brought under this section, the judge may impose, and the person shall accept, the condition that the person engage in a program of collecting litter from public and private property, especially property which is littered with alcoholic beverage containers. The duration of such person's participation in a litter collection program shall not exceed the duration of the probationary period imposed on the person under Accelerated Rehabilitative Disposition.

Amend Sec. 9 (Sec. 3731), page 20, by inserting between lines 15 and 16

(10) In any case in which a person is sentenced to a period of imprisonment as a result of a conviction for violating any provision of this section, the judicial officer imposing that sentence shall consider assigning that person to a daytime work release program pursuant to which the person would be required to collect litter from public and private property, especially property which is littered with alcoholic beverage containers.

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Earlier today we affirmed our desire to have work release available for people who are in prison for second and subsequent offenses for drunk driving. One part of this amendment would require the judges, when they are considering the various kinds of work release which they might approve, would have them consider sentencing that person to work cleaning up litter, especially litter dealing with discarded alcoholic beverage containers.

The second part of the amendment deals with the same kind of possible requirement as part of the community work under ARD. The basic theory, Mr. Speaker, is not to require that judges do this but to give them basically the alert that we think that this is a valid thing for them to consider when they are fashioning their community work for their work-release kinds of programs.

I would urge adoption of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

When I mentioned work release earlier, I did not mean release from prison to go out and pick up leaves; I meant go out and do the man's occupational job so that he could put bread on the table and that we would not be putting these people into a position where they depended on welfare or other public funds.

I would urge a negative vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Lloyd, on the amendment for the second time.

Mr. LLOYD. Mr. Speaker, very briefly, in my county people believe that it is not a good thing to have prisoners sitting in jail when there are public works to be done. Also in my county, farmers get very upset when they have beer cans and beer bottles that puncture their tires, that they have to clean out of their fields, and most residents get upset when they have to go out in their front yard and find the same thing.

For lots of reasons this legislature is not going to pass a bottle bill. It seems to me, especially with young teenage offenders, that we ought to have the option and ought to invite our judges to utilize those people to clean up the litter. That may be leaf raking in some people's opinion, but in many other people's opinion—and you go home and ask the farmers—this is going to help them out and help them get their fields clean, and I think that is something we ought to be considering. I do not consider that to be a handout at all. I consider that to be an awful lot better than letting the guy go about his normal business and go to work every day as though nothing had happened to him and there is no stigma attached to drunk driving at all. I urge adoption of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—145

Armstrong	Fischer	McMonagle	Sirianni
Arty	Foster, W. W.	Maiale	Smith, B.
Barber	Foster, Jr., A.	Manderino	Smith, E. H.
Belardi	Freind	Manmiller	Smith, L. E.
Belfanti	Fryer	Marmion	Spencer
Beloff	Gallen	Merry	Spitz
Bittle	Gamble	Michlovic	Stairs
Blaum	Gannon	Micozzie	Steighner
Borski	George	Miller	Stewart
Bowser	Gladeck	Miscevich	Stuban
Boyes	Gray	Moehlmann	Swaim
Brown	Greenfield	Morris	Sweet
Burd	Grieco	Murphy	Swift
Caltagirone	Gruitza	Nahill	Taylor, E. Z.
Cappabianca	Gruppo	Noye	Taylor, F. E.
Cawley	Hagarty	O'Donnell	Telek
Cimini	Haluska	Olasz	Tigue
Civera	Harper	Oliver	Trello
Clark	Hasay	Petrarca	Van Horne
Cochran	Hayes	Phillips	Wachob
Cohen	Heiser	Pievsky	Wambach
Cole	Hutchinson, A.	Pistella	Wargo
Cornell	Irviss	Pratt	Wass
Cowell	Jackson	Pucciarelli	Wenger
DeMedio	Kennedy	Rappaport	Weston

DeVerter	Klingaman	Reber	Wiggins
DeWeese	Kowalshyn	Richardson	Williams, H.
Dawida	Kukovich	Rieger	Williams, J. D.
Deal	Lashingier	Ritter	Wilson
Dietz	Laughlin	Rocks	Wogan
Dininni	Lehr	Rybak	Wozniak
Dombrowski	Lescovitz	Salvatore	Wright, D. R.
Donatucci	Levin	Serafini	Zwikl
Durham	Livengood	Seventy	
Evans	Lloyd	Showers	Ryan,
Fargo	Lucyk	Shupnik	Speaker
Fee	McIntyre	Sieminski	

NAYS—46

Anderson	Duffy	Lewis	Piccola
Brandt	Gallagher	McClatchy	Pitts
Burns	Geist	McVerry	Pott
Cessar	Grabowski	Mackowski	Punt
Clymer	Greenwood	Mowery	Rasco
Colafella	Hoefel	Mrkonic	Saurman
Cordisco	Honaman	Mullen	Snyder
Coslett	Horgos	Pendleton	Stevens
Cunningham	Itkin	Perzel	Taddonio
Daikeler	Johnson	Peterson	Vroon
Davies	Letterman	Petrone	Wright, J. L.
Dorr	Levi		

NOT VOTING—6

Alden	Emerson	Madigan	Wright, R. C.
Berson	Fleck		

EXCUSED—2

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

On the question recurring,

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

Mr. REBER offered the following amendment No. A8843:

Amend Sec. 9 (Sec. 3731), page 20, by inserting between lines 19 and 20

(g) Order for installation of alcohol safety interlock system.—The sentencing court may require any person sentenced pursuant to subsection (e)(ii), (iii) or (iv) to install an alcohol safety interlock system on any automobile registered in that person's name or in the name of any member of the person's immediate family. The order shall specify the length of time during which the system must remain installed. An alcohol safety interlock system is any device which tests reaction time and coordination and prevents the ignition or normal operation of the vehicle if the test is failed.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, you have in front of you an amendment which is not in the packet. It was a handout today. This refines the page 22 amendment that is in the packet and specifically talks about what I consider to be probably the best strengthening of this bill that this House could do.

This particular amendment provides a "may" type of legislation for a sentencing court, the sentencing court particularly in the case of individuals who are repeat offenders. This amendment does not affect the first-time offender, the ARD

program, or someone who may be convicted as a result of a first-time offense. It goes to particularly and only repeat offenders. What it does is allow the discretion of the sentencing court to consider in the Commonwealth of Pennsylvania requiring a driver convicted for the second and subsequent offenses to have installed on his vehicle, and other vehicles that he can readily ascertain in the possession of his family, a safety interlock system. This safety interlock system is a type of system that would have to be operated before a vehicle could be put in a mobilized fashion. I have been very concerned about this issue, and I think the real issue is not allowing the harm to take place, and obviously if the car does not start, the harm does not take place with a drunk driver.

As I emphasized earlier, this is a "may" provision. The sentencing court does not have to mandate it as part of the probationary sentence. It again only goes to repeat offenders, not first-time offenders, and, of course, would be regulated through the probation department in the particular county where the sentence is imposed.

I would certainly urge adoption of this amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

I would only like to reiterate the remarks of the gentleman, Mr. Reber. I think this is a good idea; I think it is an idea which will actually deter those who are prone to drunken driving from repeating their offense. We are not only going to rely here upon the threat of prison, but we are going to rely on the wonders of modern technology to aid in that effort. I would only refer the members to an editorial that was passed out from KDKA-TV, which describes, in a bit more detail than either Mr. Reber or I would like to take the time to do today, how exactly that system would work and the benefits that could result.

I would also ask for an affirmative vote, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Misceovich.

Mr. MISCEVICH. Mr. Speaker, will the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Reber, indicates he will so stand. The gentleman, Mr. Misceovich, is in order and may proceed.

Mr. MISCEVICH. Mr. Speaker, if you know something about alcoholics, they have ways of doing things. They might be sitting there knitting and have a bottle in their knitting bag or whatever. Suppose a guy who really knows he is going to go out and get drunk has two cars at home and he does not take the car with the interlock system on it. Now what do you do about it? You are forcing somebody to pay \$400 for this piece of equipment, and it is sitting at home in the driveway. He takes his pickup truck or his motorcycle or the other car. Now what do we do?

Mr. REBER. Mr. Speaker, I would direct your attention to the amendment that attempts to obviously regulate the concern that you are expressing, that being that the sentencing court may not only order the vehicle that is titled in the defendant's name, the convicted offender's name, but also

any other immediate member of the family. Some people are concerned that this would render a hardship if in fact that individual has a tendency to be prone to only operate one particular motor vehicle. Obviously I think that consideration could be made at the time of the imposition of the sentencing hearing. This is something that could be pointed out to the court, and as I said before, it is discretionary. In the criminal justice system there would be a sentencing hearing, and these are the considerations that could go into that. Basically what this is doing is giving discretion to the court to order it where they consider it under the circumstances to be a necessity.

I think the other practical side to the answering of your question is the fact that nothing is foolproof. Obviously there are many individuals who are charged but not even convicted. I think here we have a situation where, as Representative Saurman has said on many occasions when speaking about this particular concept, this innovative idea, if you will, that if it saves one life, it is probably worthwhile, and if it can save a number of accidents from happening, it is certainly also worthwhile. So while it is not a foolproof situation, I think it goes to enhance the teeth of this legislation.

Mr. MISCEVICH. Mr. Speaker, just one more. Is it possible for this person to take some sort of a little squeeze ball and squeeze this ball into this apparatus and open up the ignition of this vehicle and still drive while he is drunk?

Mr. REBER. Well, obviously, the consideration for that would be to regulate this through the probation department. As part of the program for the probation of the individual to whom this particular sentence has been prescribed, the county probation department could in fact, as part of their checklist, if you will, tend to cause this to be brought in for evaluation on a periodic basis, and obvious attempts to circumvent the operability of this would be in effect a probation violation, so I would feel if someone wants to render themselves subject to those additional penalties, let them so do it.

Mr. MISCEVICH. Have you seen this piece of equipment work or demonstrated?

Mr. REBER. There have been demonstrations. I think Representative Sweet is aware of the demonstrations that were held at the Pittsburgh hearings before the Judiciary Committee, and it is also my information that the Governor's task force also had demonstrations of this particular device presented to them.

Mr. MISCEVICH. Thank you, Mr. Speaker.

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

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

As a cosponsor of the amendment, I urge its adoption because of the fact that so very few drunken drivers are apprehended, let alone convicted. And when you are talking about only maybe 1 or 2 percent actually being convicted, here we have a device, and if it would be, let us say, only 40 percent or 50 percent or even 20 percent effective in preventing the starting of such a vehicle, it is certainly much, much better than the current percentages that we are working with.

Furthermore, I would like to challenge the ingenuity of some of our high-technology experts out there. The current-

type devices work on a timing principle. I would like to see if someone could develop a voice-actuated ignition that also contained a Breathalyzer device. Tell me it cannot be done. I did not think a decade ago that I would have a little wafer-sized pocket calculator in my pocket. If somebody would develop a system like that, I think this idea would really be off the ground and we would keep a lot of drunken drivers off the road. I urge support for the amendment.

The SPEAKER pro tempore. The Chair recognizes, on the amendment, the gentleman from Butler, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would subject himself to brief interrogation.

The SPEAKER pro tempore. The gentleman, Mr. Reber, indicates that he will so submit himself. The gentleman, Mr. Burd, is in order and may proceed.

Mr. BURD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask, do you have any figures if this has actually ever been mandated in other States?

Mr. REBER. I am sorry. I could not hear the question.

Mr. BURD. Has this ever been mandated in other States?

Mr. REBER. I do not believe it has been mandated in any other State, and as I stated before, this is not a mandatory type of aspect. It would be in the discretion of the trial court for repeat offenders.

Mr. BURD. Can you supply me with any figures that maybe have been used in other States and not as a mandate but as a safety device?

Mr. REBER. I do not have any such figures readily available.

Mr. BURD. Okay. Thank you, Mr. Speaker.

Mr. Speaker, who are you prescribing would pay for this device that would be installed in an automobile?

Mr. REBER. There will be, if this amendment is accepted by the House, a return to amendment 8814 on page 13 of the packet that was passed over earlier. That provides for a funding scheme for counties to get involved in for the implementation and the cost of the program if they would so desire. Additionally, if a county would so desire to place the cost directly on the particular defendant involved, they also have the discretion to so do that. So it would be up to the county, and I think we have developed a workable scheme for counties that feel they should not handle this without financing, or alternatively, again, a county could impose this as part of the cost on the individual himself.

Mr. BURD. And what might that cost be, Mr. Speaker?

Mr. REBER. The particular cost projected for the device is in the neighborhood of about \$400.

Mr. BURD. Four hundred dollars. And you are saying that there is no way that the State would ever be liable for making the installation should a judge deem that with the method that you are prescribing here, that the Commonwealth would never be involved as far as the actual cost of installation?

Mr. REBER. The Commonwealth would in fact not be involved in paying the freight, if you will, for the particular device or the installation thereof. It would be imposed on the individual involved in the particular sentence with this particular device being a condition of that sentence.

Mr. BURD. Or the county?

Mr. REBER. Or the county; that is correct.

Mr. BURD. I have not had a chance to see the device, and I understand that some of your folks have taken a look at it. Being an old farm boy like I am, I know that back in the old days we used to be able to very quickly what we call hot-wire an automobile if we lost our keys somewhere along the line. I was just wondering how complicated this device really is, and would it really serve as a deterrent for a person starting his automobile should he try to find a different method?

Mr. REBER. I have been told that the individual who would attempt to do this would immobilize the car altogether in his attempt to hot-wire it, so I think it would serve the same purpose.

Mr. BURD. Okay.

I have one other question that really is a concern of mine. I underscored in your amendment "an alcohol safety interlock system," and I am aware that what you are trying to do is to make it a little confusing for the person to start his car should his reflexes be off a percentage point here or a percentage point there. But now let me ask you a hypothetical question, if I may: Let us suppose I am on a crowded freeway and for some reason or other I have to come to an abrupt stop because of safety problems. Traffic is very bad, and I have an occasion where I stall the engine on my automobile. Of course, under a situation like that, now probably I am a little excited. How quickly am I going to be able to get my vehicle going again and get out of the way of traffic? I could be endangering other people's lives just for the simple reason that I am stalled there, and all for the reason that I through my excitement cannot get my automobile started again. Has any thought been given to that?

Mr. REBER. The technical experts who have been marketing this and showing it to the various individuals who are concerned about it have certified it for safety purposes for just the exact situation you are concerned about. From a reaction time, a test time, of putting this to work in the field, there appears to be no problem with what we are talking about.

Mr. BURD. Well, of course, Mr. Speaker, I am a fireman also, and I know from going to fire drills that as long as the whistle is not blowing, our guys can go out and in due time climb ladders and get pumps started and put pressure on a hose in a matter of seconds, but let the whistle blow and let the pressure be on under a real situation and I just do not believe that those tests that you are trying to make me believe can actually happen.

That is all my interrogation, Mr. Speaker. If I could, I would like to make a comment.

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

Mr. BURD. Mr. Speaker, I rise really to object to this amendment for the very reasons that I just stated, in that rather than this being a safety device to protect lives, if you would flip that record over and look at it from the standpoint of stalling out on the highway or being able to hot-wire the thing anyhow, all I can see this doing really is costing either a county or a constituent of any one of ours \$400 for a device

that I really do not think is going to do the job. Therefore, I would ask the colleagues on both sides of the aisle to give this particular amendment very strict attention, because I really do not think this is something we want to be doing for our constituency here in Pennsylvania. Thank you, Mr. Speaker.

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

Mr. STEVENS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of this amendment?

The SPEAKER pro tempore. The gentleman, Mr. Reber, indicates he will stand for interrogation. The gentleman, Mr. Stevens, is in order and may proceed.

Mr. STEVENS. Mr. Speaker, is there anything in present law that would prohibit a court from requiring this device at this time?

Mr. REBER. At the present time there may be some confusion as to what can be imposed as a sentence for driving under the influence. Accordingly, this is put in to clarify that concern and consideration should the sentencing court deem it an appropriate sanction to be placed on the individual being sentenced who is the repeat offender.

Mr. STEVENS. Thank you.

Mr. Speaker, may I make a comment?

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

Mr. STEVENS. I would respectfully oppose this legislation. I think for one thing it gives the court too much discretion as to when they are going to require these devices, and more importantly, the lower-income families and the middle-income families are going to have to spend money on a device that could better be used for rehabilitation and for counseling. I agree with the intent of the amendment, but I think that we are still ahead of the time. A Star Wars-type device is not ready yet, and I think that at this time the best thing to do would be to just enforce the law and spend the money for rehabilitation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

Would Mr. Reber, the maker of the amendment, stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Reber, indicates he will so stand. The gentleman, Mr. Peterson, may proceed.

Mr. PETERSON. Mr. Speaker, has any State or Federal agency approved this device as an effective measure?

Mr. REBER. I am not sure of that, but I think under the regulations of the Department of Transportation, just like any of the devices that we are talking about under this particular bill, it would have to be certified by them and would be certified by them for implementation through the Commonwealth. I am sure that any probation department, any sentencing court, would want that as part and parcel of their consideration for that imposition.

Mr. PETERSON. Do you know of any State agency or any Federal agency that has certified that kind of device as being effective and workable at the present time?

Mr. REBER. Mr. Speaker, if I could yield to Representative Sweet, he might have some information on that.

The SPEAKER pro tempore. The gentleman, Mr. Reber, yields to the gentleman, Mr. Sweet, who will answer the question.

Mr. SWEET. Mr. Speaker, I do not know of a specific State offhand, although I know there are extensive experiments going on in California right now, and the Federal Government has invested somewhere near \$1 billion on analyzing these kinds of devices. The technology has been available for quite some time, and there are a number of States that have been toying with the idea. I could not name you a specific one off the top of my head, however.

The SPEAKER pro tempore. Does the gentleman, Mr. Peterson, wish to continue to interrogate the gentleman, Mr. Reber?

Mr. PETERSON. Yes.

The SPEAKER pro tempore. The gentleman, Mr. Reber, indicates that he will continue to stand for interrogation. The gentleman, Mr. Peterson, may continue.

Mr. PETERSON. I do not want to be repetitive, but I was somewhat confused when you were previously asked a question. If I was fined or if I was found guilty and had three vehicles and the court decided all three of my family vehicles should have that, who would pay for that?

Mr. REBER. As I said before, there will be a program offered for an appropriate financing arrangement if a county does not decide to place this upon the individual who has been sentenced for the imposition of this particular device. What the county would do then in that situation is it would have these devices available for placement on the vehicle or vehicles in question, and then obviously at the conclusion of the length of sentence, if you will, for the necessity of having this device, it would then be returned to the county. The county would then be in essence the owner. Their probation department or a particular department designated by the county would handle and administer this.

Additionally, the county involved could make a determination on their own that they would desire to place this cost on the defendant himself, and the cost then would be on the defendant himself for the implementation of the device.

Mr. PETERSON. But it was not your intention that the individual necessarily would have to pay for his devices.

Mr. REBER. I think we should leave that up to the particular county involved, the manner and the sophisticatedness of their particular probation department, and allow the opportunity obviously to be there under the financing scheme that I have referenced earlier. Obviously, we were not going to debate a financing scheme if in fact there was no particular need for it. I think your question will be and would be answered in much more detail if we would get to that particular amendment.

Mr. PETERSON. Can I make a few comments?

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

Mr. PETERSON. Thank you, Mr. Speaker.

There are a lot of good ideas coming to surface today about controlling drunken drivers, and this possibly can be one of the future, but I am afraid today we are already starting to load up what was a simple, good bill that has worked in many States with a lot of good, creative ideas. As we load up this bill and make it more confusing and give more alternatives, we are so liable to end up where we are, not necessarily maybe with this device but with some of the ones we have already passed.

This may be a good idea. This may be something we will want to do down the road, but I get real concerned when I see an amendment that was passed over that we are going to consider later that will appropriate a half a million dollars, that the taxpayers of the Commonwealth are going to pay for this device that has not been approved by any Department of Transportation or any Federal agency to be a workable effective. In other words, we are going to finance an experiment. I would be willing to invest that money at some point in time, but I think today it is important that we pass a bill that makes sense. All of these alternatives were considered by the task force and talked about very seriously, but we tried to come down to a simple, basic bill, the kind of bill that has worked in many States in this country and that we need in Pennsylvania, that is enforceable, that has penalties in it that are sure, not a lot of choices for judges to make so that we continue the same system. I urge my colleagues to defeat this amendment at this time. I do not think its time has come.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of this amendment, please?

The SPEAKER pro tempore. The gentleman, Mr. Reber, indicates he will stand for interrogation. The gentleman, Mr. George, is in order and may proceed.

Mr. GEORGE. Mr. Speaker, will you explain, if you will, what cars will be involved? Are you saying that if an individual is an offender, he will not be allowed to drive any car without one of these mechanisms on it? Is that what you are saying?

Mr. REBER. I am saying what appears on amendment 8843. That is readily ascertainable by looking at the language. It says, "...on any automobile registered in that person's name or in the name of any member of the person's immediate family." As I said before, it is discretionary with the court. The court will certainly look into that as part of the presentence investigation, and this would be considered by the court in determining whether more than one vehicle comes into play within that particular spectrum of the person's family situation.

Mr. GEORGE. Mr. Speaker, if I may continue on this, I do not know what the courts will do. I am asking you just what you put in the amendment. Are you saying that this individual will not be allowed to drive an automobile that belongs to the family - the son, the daughter, or anybody living in the household - unless it has one of these apparatuses on it? That is my question.

Mr. REBER. Mr. Speaker, the amendment is rather plain. It says nothing about any car which the individual may be driving. It simply mandates the installation of an alcohol safety interlock system on his vehicle and any vehicle of the member family if so sentenced by the court. Obviously, if the person wants to come up to Clearfield County and drive your vehicle, it certainly may not be equipped with such a device, but that does not preclude the fact of stopping the vast majority of times and situations when the individual will be operating the car that is most available, and obviously that would be his vehicle or a member of the immediate family.

Mr. GEORGE. What I am saying again, Mr. Speaker—May I continue, because I think this needs a little clarity.

Suppose, and I am not going to give you hypotheticals; I am going to give you things that I believe could happen. I know we are all here today to see to it that we get some legislation that will save lives. We are not here to get legislation that is going to impoverish everybody, especially the innocent. I am asking you, if I were to break down and I were one of those involved with this situation and I were in Pittsburgh and needed a Hertz Rent A Car, could I rent a car that did not have one of these apparatuses even though it was directed by the court that I had to drive a car with an apparatus? That is all I am asking.

Mr. REBER. I believe I have said it twice, Mr. Speaker. I will say it a third time.

The only particular vehicle that could be mandated for this device to be placed on is the individual's or the individual's family. The sentencing does not go in the form of an order to an individual that he or she cannot operate a vehicle at any time unless it is so equipped with a device. The concern is the discretion to be placed with a sentencing court in this amendment to mandate through a sentence the implementation of such a device on the vehicle of the individual who is being sentenced. It does not obviously preclude him from operating a Hertz Rent A Car if he would so see fit or if he would borrow someone else's car. Obviously, the practicalities of the situation do not allow implementation of the amendment to those particular situations.

Mr. GEORGE. Mr. Speaker, if I may make a statement, please?

The SPEAKER pro tempore. The gentleman is in order and may make a statement.

Mr. GEORGE. Mr. Speaker, we are here today to perform a task that has been before us for a considerable length of time. I do not really believe that there is an individual in here, whether or not he or she would imbibe on their own, who would want to see the reckless endeavor that we have been witnessing on the highways in Pennsylvania. Until those of you have been involved with a crisis such like this, you will never really know the true meaning of what happens. Let me say to you that it is evident that the maker of this amendment himself is not sure whether all these amendments that we have already voted upon are going to be a deterrent, or surely they would not want to be insisting on another and another and another. Secondly, he would not have "may" in it if he felt that the judge or anybody else knew what was going to be the exact meaning of such a disposition as this.

I know that there will be some who say, oh, you know, if you vote against an amendment like this, that means you do not want a good bill. No, Mr. Speaker, we want to send a bill over there that does not have a bunch of hogwash in it, and we want to vote a bill over there that has true meaning. We do not want to send a bill over there, Mr. Speaker— I think you had better listen. If you want to impoverish a man's family, if you want to say that you are going to insist that an apparatus go on his son's car so that the kid next door says, what is that apparatus? Was your dad convicted? Listen, Mr. Speaker, a habitual is a sickness and a sickness for which these people need help. Yes, they need taken off the highway, but we no longer should place the imposition on that poor wife or that poor child who suffered enough. If you want to harass the family, why do you not give them an armband that says my dad is a drunk. That is what you are doing with this apparatus.

I insist we use our heads. I insist we give them a good bill, but not this kind of garbage. Thank you, Mr. Speaker.

WELCOME

The SPEAKER pro tempore. The Chair at this time is pleased to welcome to the hall of the House Ms. Judy Lynch, who is a county executive of Erie County, and Mr. Ken Wayne from Erie County. They are here as the guests of the Erie County delegation.

CONSIDERATION OF HB 2533 CONTINUED

The SPEAKER pro tempore. The Chair recognizes, on the amendment, the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Mr. Speaker, I will keep it short.

I would like a vote in favor of this amendment, and I will tell you why. If you think about it in the perspective that we should, everything we have talked about to this point has been a deterrent to someone getting in the car and driving while they are drunk, but the fact of the matter is, someone who is drunk is not rational, and you have to get a device in that car to keep him from getting in the car and driving down the road. I think this is a good amendment and it is a start. I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes for the second time the gentleman from York, Mr. Foster, on the amendment.

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

I would like to address to the opponents of the amendment certain comments. I am amazed that any of them could perceive this as a watering down of the bill, and you can bet your bottom dollar, if it were, you would not see me up here supporting it. If we are going to water down anything, let us water down these drunks' booze, not the sentences.

Here is the thing that the opponents of the amendment overlooked. Whatever sentences we impose in the bill, and I am voting for the most stringent of them, but whatever sentences we impose, you first have to apprehend the drunk. Secondly, you then have to convict him, and I do not need to tell you what a problem it is to get a conviction in drunken

driving. Here we have something that keeps them off the road in the first place. Now you can tell me, Mr. Foster, it is not going to be 100 percent effective; it is not going to be 80 percent effective or whatever percent you choose, but any percentage you can come up with is better than the 1 or 1 1/2 percent of alcoholics who are taken off the roads through any other method. If you compare those percentages, I think you will be voting for this amendment.

WELCOME

The SPEAKER pro tempore. The Chair at this time is pleased to recognize Mrs. Marie Tursi, who is the president of Mothers Against Drunk Drivers, that is the M.A.D.D. organization, and the members of the M.A.D.D. organization from various chapters. They are here in the balcony as the guests of Representative Saurman, and the Chair would welcome them and assure them that every member on the floor of this House is in sympathy with their campaign and their crusade.

CONSIDERATION OF HB 2533 CONTINUED

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

The following roll call was recorded:

YEAS—130

Arty	Fischer	McMonagle	Saurman
Barber	Foster, W. W.	McVerry	Serafini
Belardi	Foster, Jr., A.	Mackowski	Seventy
Belfanti	Gallen	Madigan	Shupnik
Beloff	Gannon	Maiale	Sieminski
Bittle	Gladeck	Manderino	Sirianni
Borski	Gray	Manmiller	Smith, B.
Boyes	Greenwood	Marmion	Smith, E. H.
Burns	Grieco	Michlovic	Smith, L. E.
Caltagirone	Gruitza	Miscevich	Snyder
Cappabianca	Gruppo	Morris	Steighner
Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Mrkonic	Swaim
Clark	Harper	Murphy	Sweet
Cohen	Hayes	Nahill	Swift
Colafella	Heiser	Noye	Taddonio
Cornell	Honaman	Olasz	Taylor, E. Z.
Cowell	Horgos	Oliver	Taylor, F. E.
Cunningham	Irviss	Petrarca	Telek
DeVerter	Itkin	Petrone	Trello
DeWeese	Johnson	Phillips	Van Horne
Daikeler	Kennedy	Piccola	Wachob
Davies	Klingaman	Pievsky	Wambach
Dawida	Kowalyszyn	Pistella	Wass
Deal	Kukovich	Pratt	Weston
Dietz	Lashinger	Pucciarelli	Wiggins
Dombrowski	Lehr	Punt	Williams, J. D.
Donatucci	Lescovitz	Reber	Wilson
Dorr	Levi	Richardson	Wogan
Duffy	Levin	Rieger	Wright, D. R.
Durham	Lewis	Rocks	
Evans	Lloyd	Rybak	Ryan,
Fargo	McIntyre	Salvatore	Speaker

NAYS—62

Anderson	Fee	Lucy	Showers
Armstrong	Freind	McClatchy	Spencer
Blaum	Fryer	Merry	Spitz
Bowser	Gallagher	Micozzie	Stairs
Brandt	Gamble	Moehlmann	Stevens
Brown	Geist	Mullen	Stewart
Burd	George	O'Donnell	Tigue

Cawley	Grabowski	Pendleton	Vroon
Civera	Greenfield	Perzel	Wargo
Clymer	Hasay	Peterson	Wenger
Cochran	Hoeffel	Pitts	Williams, H.
Cole	Hutchinson, A.	Pott	Wozniak
Cordisco	Jackson	Rappaport	Wright, J. L.
Coslett	Laughlin	Rasco	Wright, R. C.
DeMedio	Letterman	Ritter	Zwikl
Dininni	Livengood		

NOT VOTING—5

Alden	Emerson	Fleck	Miller
Berson			

EXCUSED—2

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

The SPEAKER pro tempore. Because the House has adopted the last amendment, it is now proper for us to return to page 13, amendment 8814, offered by the gentleman, Mr. Reber. This is a companion amendment - page 13, amendment 8814, offered by the gentleman, Mr. Reber.

On the question recurring,

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

Mr. REBER offered the following amendments No. A8814:

Amend Title, page 1, line 7, by inserting after "offenders," providing for the purchase of certain ignition locking equipment, making an appropriation,

Amend Sec. 8, page 15, line 5, by striking out "A SECTION" and inserting sections

Amend Sec. 8, page 15, by inserting between lines 13 and 14 § 1553. Alcohol safety interlock system purchase/loan fund.

(a) Fund established.—The Commonwealth shall establish a fund to provide interest-free loans to counties for the purchase of alcohol safety interlock systems. An alcohol safety interlock system is any device which tests reaction time and coordination and prevents the ignition or normal operation of the vehicle if the test is failed.

(b) Repayment.—Loans made from this fund are to be repaid from installation and rental fees charged by the counties to persons who have been ordered, as a condition of acceptance of Accelerated Rehabilitative Disposition as a result of a charge of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance), to have such a device installed in their automobiles.

(c) Promulgation of regulations.—This fund shall be administered by the Department of Transportation which shall promulgate rules and regulations for the implementation of this program.

(d) Appropriation.—The sum of \$500,000 is hereby appropriated to the Department of Transportation for the purpose of establishing the loan fund authorized by this section. The department shall not expend more than 10% of the appropriated funds for administrative expenses.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Reber.

Mr. REBER. Mr. Speaker, with your permission, I would like to yield the microphone to Representative Sweet.

The SPEAKER pro tempore. The gentleman, Mr. Reber, yields to the gentleman, Mr. Sweet.

DOCUMENTS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Sweet, on the amendment.

Mr. SWEET. Thank you, Mr. Speaker.

This amendment will offer a means for the counties to begin these programs by providing no-interest loans from the State to the county. I have distributed for your review a June 2 letter to Thomas Foerster, the chairman of the Allegheny County Board of Commissioners, from Judge Robert Dauer, who is the administrative judge of the Criminal Division in Allegheny County. That letter explains how the financial mechanisms would work, and I would refer you to that letter. Mr. Speaker, with your permission I would like to offer both that letter and the earlier editorial into the record.

I would ask for a favorable vote on the amendment, Mr. Speaker.

Mr. SWEET submitted a letter and an editorial for the Legislative Journal.

(For letter and editorial, see Appendix.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter, on the amendment.

Mr. RITTER. Mr. Speaker, will the gentleman, Mr. Sweet, consent to interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Sweet, indicates he will so stand for interrogation. The gentleman, Mr. Ritter, is in order and may proceed.

Mr. RITTER. Mr. Speaker, the last amendment we adopted provided that the court may require under the second, third, and fourth offenses that this device be installed in the vehicle. Is that correct?

Mr. SWEET. I believe so, Mr. Speaker.

Mr. RITTER. Mr. Speaker, the amendment in front of us talks about buying this equipment, that the Commonwealth will loan the money to the counties, and that the loans from the fund are to be repaid from the installation and rental fees charged by the counties to persons who have been ordered as a condition of acceptance of the ARD program to have such a device installed. Under the second or third or fourth offense, Mr. Speaker, I do not see that people are eligible for ARD. Who is going to pay for this device for those people?

Mr. SWEET. Mr. Speaker, as originally drafted, this particular amendment was going to deal with the ARD program. I think that the language that you pointed out is probably superfluous at this point. The important point about the amendment—and I think the amendment is still appropriate to be considered at this stage—is that it will allow the counties to buy the equipment, take title to it, and then allow it to be used in the program. I think you have pointed out a technical defect in the amendment that perhaps could be amended in the Senate, but I would still urge that it be offered now, because the language you mentioned is not contradictory; it is merely superfluous at this stage.

Mr. RITTER. Mr. Speaker, I beg to differ. Let us go over the amendment again.

This amendment says that we are going to provide \$500,000 to the Department of Transportation for the purposes of establishing the loan fund authorized by this section. When you talk about repayment of those loans, that repayment will come from a fee to be charged by the counties to those persons who have agreed to accept ARD and as a condition of that have been ordered to put the device in their car. Now it seems to me that when you talk about second, third, and fourth offenses, they are not eligible for ARD, and if the judge says you will put that device in your car, this amendment presently before us does not, in my opinion, allow the county to charge a fee.

Now, if you want the taxpayers of this Commonwealth to pay a half a million dollars for those devices, then let us say so. But let us not try to talk about being superfluous; this amendment is very clear. It seems to me that the only people who are going to pay for this device are those who are on the first offense or under an ARD program, not second, third, and fourth offenders which the previous amendment dealt with. It seems to me the amendment is very defective.

Further, I am very much concerned that we will not have a loan program. We will simply have the taxpayers of this State pay a half a million dollars to put in these devices so that those people who need them can have them. I do not think that is our intent. I think we ought to vote against this amendment and come up with a better one which does the job that Mr. Sweet and Mr. Reber intended to do.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Sweet, on the amendment.

Mr. SWEET. I really do not agree with the gentleman's interpretation of how a court would read this language. If you really want to delay, we can delay the House. We will withdraw the amendment and have it redrafted and bring it back before we finish today, but I would warn you that if we do that, then we are going to leave the prior amendment in the law and we are not going to have this means for the counties to start the program.

I think the hypertechnical reading of the amendment which you have given us is accurate. I do not think that that is the way the court has to read it, and if you insist on your point, we can withdraw it and have it redrafted. I really would suggest that we decide one way or the other, rather than debate it for half an hour.

Mr. RITTER. Mr. Speaker, it is not a question of whether or not I want to hold up the House; it is a question of whether or not we are going to accept an amendment which will do the job that was intended. Would the gentleman indicate to me where in this amendment it authorizes the imposition of fees on anyone convicted of drunken driving who has this device in their car other than those who are under the accelerated rehabilitative disposition? Where in the amendment does it give the counties the authority to do that?

Mr. SWEET. Mr. Speaker, we could debate this for 20 more minutes. I can read it in such a way that a court, if they wanted to, would do what I think we all want to intend, but I

am not going to quibble over it for another hour. The Legislative Reference Bureau could be redrafting it, and that is what we will do if that is what is necessary to satisfy you.

Mr. RITTER. Mr. Speaker, again, I intend to vote "no." I do not want to take a chance that the taxpayers of this Commonwealth are going to have to pay for the buying of these devices so they can be installed—

Mr. SWEET. Mr. Speaker, I have already agreed to withdraw the amendment.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. Amendment A8814 is withdrawn. The gentleman, Mr. Sweet, said he will have it redrafted to try to avoid the type of reading of it which the gentleman, Mr. Ritter, pointed out as a possibility in court.

On the question recurring,

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

Mr. R. C. WRIGHT offered the following amendments No. A8867:

Amend Sec. 5 (Sec. 1547), page 5, line 18, by inserting after "of"

the movement of

Amend Sec. 5 (Sec. 1547), page 5, line 24, by inserting after "of"

the movement of

Amend Sec. 5 (Sec. 1547), page 10, line 21, by inserting after "control"

of the movement

Amend Sec. 9 (Sec. 3731), page 15, line 18, by inserting after "of"

the movement of

Amend Sec. 11 (Sec. 3755), page 21, line 17, by inserting after "control"

of the movement

Amend Sec. 11 (Sec. 3755), page 21, line 29, by inserting after "control"

of the movement

On the question,

Will the House agree to the amendments?

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

Mr. R. C. WRIGHT. Mr. Speaker, the purpose of my amendment is to be sure that in the definition of driving under the influence we are focusing our attention on those persons who not only drink but also drive. The way that the definition currently appears in the bill, a person who is under the influence but just in the car—they could be sleeping it off, could be in the back seat—possibly under the present wording of the bill they would be guilty of driving under the influence, and that is the purpose of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Saurman, is recognized on the amendment.

Mr. SAURMAN. Thank you, Mr. Speaker.

I just wanted to say that this is an agreed-upon amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

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

NAYS—2

Foster, Jr., A. Rappaport

NOT VOTING—7

Alden	Burns	Fleck	Pendleton
Berson	Emerson	Gray	

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mr. LASHINGER offered the following amendment No. A8817:

Amend Sec. 9 (Sec. 3731), page 16, line 2, by removing the period after "GREATER" and inserting

and the person is incapable of safe driving.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with a critical part of the bill and a much-debated section of the bill. It would amend that section which provides that an individual is guilty per se. This .10 violation would automatically make an individual guilty of driving under the influence. What the amendment attempts to do is reinsert a rebuttable presumption that has existed for some time in the Commonwealth, and that would provide that the person has to be proven to be incapable of safe driving.

Let me paint this hypothetical for the membership. Right now there is no probable-cause requirement in the legislation. The hypothetical could go like this: An individual could be coming out of a licensed drinking establishment—or in the case of some of the members here, an unlicensed drinking establishment—and be stopped by a police officer on the way out. That could be sufficient suspicion, reasonable suspicion under the bill, the fact that a person was coming out of a drinking establishment. That could be reasonable suspicion to stop that individual, administer a PBT, a preliminary breath test, at that point, be satisfied, make the arrest, administer the blood alcohol, having had no probable cause to that point, and find that person guilty. And yet there is possibly no connection, in one or two or three or however many cases, between that person's ability to operate the vehicle at that point and the .10 blood alcohol level.

The Judiciary Committee conducted a number of hearings throughout the Commonwealth, and this is one of the major questions that was raised at all the hearings and especially by a member of the bench in Chester County, Judge Sugerman, who has before him now probably one of the major cases involving the validity of the Breathalyzer in Pennsylvania. That case has yet to reach a decision in the common pleas court in Chester County, but at some future date we will see a decision on the validity of the blood alcohol test, yet he, during his testimony, seriously questioned the validity of the Breathalyzer that is being used right now in Pennsylvania.

It is rare for us to adopt any type of absolute liability in the law or for us to create standards like we are attempting to create in this driving-under-the-influence legislation. We are asking individuals essentially to make scientific determinations using just random knowledge that is available to them either by looking at those cards that we have now mandated be provided in drinking establishments or just using their intuitive knowledge about how many drinks might equate to a .10 blood alcohol level. So we are asking them to make a decision between four drinks and five drinks. When they leave the establishment, they might have stopped at the fourth drink and be .09, yet incapable of operating the vehicle safely, and not be involved in a per se violation; and yet the .10, capable of operating the vehicle safely—and it has been proven and Judge Sugerman testified to this effect that there are people at

.10 who continue to operate the vehicle safely—could be found guilty automatically as a result of this.

We are talking about very serious penalties. I understand; I am compassionate in terms of the concerns of the Mothers Against Drunk Drivers; I can understand their concerns. In the vehicular homicide section I think we have adequately addressed that. But if you link up the .10 violation and you look at the mandatory sentence in the vehicular homicide section, you have said then that that person automatically will be doing 3 years' minimum time in one of those cases. Yet there is still no probable cause for the officer to have made an arrest at that point. There might not be any causal connection or any link between his ability to operate the vehicle safely and his blood alcohol level at that point, and yet we are saying that that person is automatically guilty.

The proponents of the bill—and validly—can state that this .10 has been tested constitutionally in other States and it has been upheld. In doing some quick research we have found that there are some cases, though, coming down in other States that talk about the validity and the ability to rely on evidence that is provided strictly by a Breathalyzer. So instead of attacking the .10, the scientific—and it appears that that is accepted medically and scientifically—instead of attacking that, what we are saying, though, is in arriving at that .10 and making the arrest at that level, there is no probable-cause requirement in the bill. Essentially what we have done in the way that the bill has been designed is gone back to allowing police officers in the Commonwealth to make roadblock searches, roadblock stops of vehicles, to pull people over to administer a Breathalyzer test, find that person .10—and yet that has had no impact on that person's driving ability—and say that that person is automatically guilty.

If we are seriously concerned, I think that the bottom line in all of this type of legislation is, one, we want to see an increase in arrests, we want an increase in penalties; but most importantly, what I have seen in all these cases, what people want most in Pennsylvania is swiftness of adjudication. If you leave it like this—and now I am talking in pure practical terms—you will not see any swiftness in the adjudication of these cases. Instead we will see what other States have been experiencing, and that is appeal after appeal when you are talking about people possibly doing 48 hours of time in our county facilities.

All I am suggesting, Mr. Speaker, is that we add back that rebuttable presumption that there be some connection, the connection being that the person is incapable of safe driving. Thank you, Mr. Speaker.

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

Mr. CUNNINGHAM. Mr. Speaker, earlier today we insured that almost nobody was going to be prosecuted under the provisions of this bill. If we accept the Lashinger amendment, we will insure that of those relative few who are ever prosecuted, very, very few will ever be convicted. This amendment would create a prosecutorial nightmare and I think provide a windfall to defense attorneys. I would strongly urge its rejection.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

To cut through all the legalese that the proponent of the amendment has given to us, in essence what this bill will do is revert to current law. The purpose of the bill is to give the prosecutors and the police an effective way of enforcing the new law that we are trying to adopt. That is by a per se conviction. I do not know whether the courts will find this unconstitutional or not, but I believe that we should give it a shot and pass the bill as it currently is and reject the Lashinger amendment. Thank you, Mr. Speaker.

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

Mr. McVERRY. Mr. Speaker, I do not believe that the intention of the Lashinger amendment is to take away the potentiality that .1 blood alcohol content by volume in the bloodstream constitutes an offense or a violation of the statute, but rather to avoid the fact that if the bill is accepted without this amendment, we have in fact taken away any standard by which the police must measure the conduct of a person operating a vehicle on the highway. Right now the standard by which police officers have the right to stop anyone, be they under the influence or otherwise, is that they have observed them to be incapable of safe driving. If we remove the standard of individuals having to be incapable of safe driving for purposes of being stopped, then anyone and everyone under any circumstances, irrespective of whether they are under the influence or not, is subject to be stopped, given a preliminary breath test, and/or taken into the station at the whim of the law enforcement officials. And I do not mean to suggest that the law enforcement officials will abuse that right, because they have the responsibility of protecting all of us. However, what I do suggest is that if we fail to accept the Lashinger amendment, we have removed all standards by which law enforcement officials must operate and we have subjected all of the people in Pennsylvania to an unfair burden with respect to being stopped in the operation of a vehicle.

I would request that the Lashinger amendment be accepted.

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

Mr. VROON. Mr. Speaker, I must disagree with the former speaker on his statement concerning the standards. There is a standard in this bill and the standard is .10 percent, and according to what you all have received on your desks today, the words are very telling. In other words, I am quoting, no human being can be considered a safe driver if the blood alcohol concentration is .10 percent or greater.

I think that is a standard and that is a very positive standard. I think by introducing the idea that he has to be incapable of driving a car, by whose judgment, I pray ask? Who is going to judge whether that person is driving safely or not? It is going to be up to the subjective judgment of an officer, an officer of the law who happens to apprehend him. Then it comes to the validity of these tests, and Mr. Lashinger mentioned one of our favorite judges from Chester County. I was

there, too, when Judge Sugerman testified, and I remember him saying very clearly and distinctly, be careful about the validity of those tests; I am currently involved in hearing a case regarding those tests. But he did not say or recommend that we insert a safeguard such as this in the law. Rather, Judge Sugerman then proceeded to say, I heartily recommend the law as it is written.

Mr. Speaker, I think we are going to fiddle around with a good bill and we are going to weaken it considerably if we pass this amendment. I strongly urge you to vote against this amendment and keep this a good solid bill.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Would Mr. Lashinger consent to interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Lashinger, indicates he will stand for interrogation. The gentleman, Mr. Lloyd, is in order and may proceed.

Mr. LLOYD. Mr. Speaker, you indicated in explaining your amendment that you had done some research into the scientific validity of the .10. What I would like to do is have you basically share that with the rest of us.

The first question, Mr. Speaker, is, are you conceding that .10 is in fact a level of blood alcohol content which makes this unsafe for anyone to be driving? Do you agree with that?

Mr. LASHINGER. Mr. Speaker, I do not have specific knowledge to say that that applies to everyone across the board. I know there are some camps who would agree with that, and there are some camps who would disagree. Perhaps you misunderstood that the challenge applies to the validity of the results of the Breathalyzer test and not to the .10 and its scientific value.

Mr. LLOYD. Then, Mr. Speaker, your research did not really get into the question of whether .10 or .8 or 1.2 is the right level?

Mr. LASHINGER. No. I relied on the information that I am sure has been available and circulated to the other members from various groups and agencies throughout the Commonwealth.

Mr. LLOYD. Mr. Speaker, based on your research, do you have any indication of what percentage of the people who are now charged with drunk driving get off even though they have a blood alcohol content in excess of .10?

Mr. LASHINGER. I could not give you an exact figure, Mr. Speaker, but I could suggest to you that some of those reasons—and I am sure each of us knows what you are talking about—some of those reasons are already remedied as to why some of those people are getting off in other parts of the bill, but I am sure it is a fairly large percentage. Perhaps one of the designers of the bill could best answer that question.

The SPEAKER pro tempore. Is the gentleman through with his interrogation?

Mr. LLOYD. Mr. Lashinger has indicated, Mr. Speaker, that he does not have that information. Perhaps Mr. Saurman would be a better person, if he would stand for interrogation, or Mr. Piccola.

The SPEAKER pro tempore. Would the gentleman, Mr. Lashinger, yield to the gentleman, Mr. Saurman?

Mr. LASHINGER. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Saurman, may proceed.

Mr. SAURMAN. Would you repeat the question?

Mr. LLOYD. Yes.

Mr. Speaker, my first concern is, how valid is it to say that .10 will render everybody incapable of driving, or is there some evidence that .08 with some people is the level and 1.2 in other people?

Mr. SAURMAN. Okay.

All onsite tests that have been made have shown that people with .10 BAC (blood alcohol content) are impaired and should not be on the highway. This conclusion has been reached by the American Medical Association and the National Highway Safety. There is significant impairment of the nonmotor functions of the brain and other body parts at .10. Judgment is impaired, reflex time is reduced, visual perception is impaired, tunnel vision begins to take place, color intensity dulls, color distinction suffers, and hearing is impaired. That impairment begins at .05 and continues to increase and become more perceived and more difficult depending upon the individual. At .10 the degree of intensity of impairment varies from individual to individual, from about 16 percent to 60 percent, depending on the drinking habits of the individual, but of any individual, that level renders that person incapable of driving safely on our highways.

Mr. LLOYD. Mr. Speaker, have there been any challenges to the validity of the various kinds of tests as to whether or not they accurately show .10?

Mr. SAURMAN. Mr. Speaker, there have been 253 State Supreme Court challenges to the .10 testing, and it has been upheld. There have been four United States Supreme Court cases, again where the validity has been upheld.

Mr. LLOYD. Well, Mr. Speaker, is the fact that they were upheld because as a matter of theory it is possible to test and produce a .10 result, or is that based on the facts of a particular case? In other words, my concern is, I guess, twofold, Mr. Speaker. One would be, is .10 capable of being ascertained; and two, the question is, how likely is it that the officer or the medical examiner who is doing it is going to make a mistake?

Mr. SAURMAN. If I understand your question, at least the second part of it is, how valid is the Breathalyzer test?

Mr. LLOYD. That is correct, Mr. Speaker.

Mr. SAURMAN. All right. The document that was passed around was intended to support the evidence that the Breathalyzer test is in fact valid. The test itself—when I am talking of Breathalyzer, I am talking about breath analysis—the technique measures the amount of alcohol that is in the lungs, which has a definite proportionate relationship to the amount of blood per weight per volume in the body blood itself. It measures then both the exhaling of the air in the lungs and measures it chemically to determine the actual amount of alcohol there, and by that ratio the determination is made of the total amount in the body.

In one of the hearings there was testimony that a judge had asked to have his test repeated immediately following the one test. It takes 20 seconds for the body process to replace that air; in addition to which, once you have exhaled and emptied your lungs and you take in fresh air, that intake automatically increases the amount of oxygen percentage-wise in the air that is in your lungs, so that when you exhale all you have and then take in fresh air, there naturally would be a drop, which is what was being referred to.

The safety mechanism in this testing is that once a person has taken the test, then a standard, which is set at .10, is administered to that same individual. If it does not show .10, then the test is invalid, and I think that that indicates that the test is indeed valid and has been accepted nationwide.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes for the second time the gentleman from Allegheny, Mr. McVerry, on the amendment.

Mr. McVERRY. Mr. Speaker, in supporting the Lashinger amendment, I am not at all questioning the validity or the authenticity of the test, provided it is administered in an appropriate fashion. What I am suggesting, however, is if you fail to accept the Lashinger amendment, you have taken away any standards against which the police have the right to stop you. Ergo, what I mean is, for each and every one of you, if you drive out of the parking lot on any given day from any given place including this House, you can be stopped and tested for blood alcohol content in your bloodstream. I suggest to you that that is partly due process of the law or equal treatment under the law.

I suggest to you that if police officers have a standard against which they have to observe your conduct, that is, capable or incapable of safe driving, then they should have every right to stop you and they should have every right to prosecute you for violation of this statute if your blood alcohol reading is in excess of .10. However, if you fail to accept the amendment, what you have done is open the floodgates in a sense to random checking of anybody who is operating a vehicle on the highway. If that is your intention, then so be it.

If, however, you wish to uphold the Constitution of the United States with respect to equal protection of the law, I suggest that you accept the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger, for the second time for concluding remarks on the amendment.

Mr. LASHINGER. Thank you, Mr. Speaker.

In conclusion, Mr. Speaker, I agree with the comments made by Mr. McVerry. I would disagree with the comments made by some previous speakers that there are going to be any fewer prosecutions in this area as a result of this amendment. This amendment does not water down the proposal, as Mr. McVerry indicated. Instead, what it does is it establishes a standard by which police officers could measure your ability to operate that vehicle, and that is the connection that we think, the probable-cause connection, is necessary in order to determine if a person is driving under the influence, instead of this .10 level or this per se level.

Again, if we are looking for more arrests in this area, if we are looking for swiftness of adjudication, I would suggest that we adopt the amendment. Thank you, Mr. Speaker.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

There has been a lot of talk by the previous speakers, first of all, about probable cause. During the recess I took the opportunity to speak to Commissioner Dan Dunn of the State Police and discussed this situation with him. He says there certainly is probable cause and arrests will be made in the procedures that have been made in the past for violations for weaving and for other observable scenes. If indeed a local policeman stands outside a tavern and waits for someone to get in his car and drive off knowing that he may be and then arrests him, that is entrapment.

Furthermore, on the task force, the membership of the task force included two judges; it included the Secretary of Health; it included the Secretary of Transportation; it included the Secretary of Insurance; it included also the Commissioner of Police. There were representatives of all aspects of society, and this .10 was debated at great length. It was researched at great length. It has been researched at great length throughout the Nation as well as throughout the Commonwealth of Pennsylvania.

It is my concern and strong opinion that this part of this bill, .10, gives the opportunity for our policemen to make the arrests that are necessary. And incidentally, we are now arresting 1 out of 2,000 drunks; we are suffering nearly 1,000 deaths on our highways, 26,000 nationally. I think now is the time that we have to think about why we are here today. We are here to stop drunk driving on our highways, and if this amendment passes, it is going to defeat the purpose for which we are here. I urge you and beg you to defeat this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

Just very quickly, as a member of the task force, having served with George Saurman and other members and many people across this Commonwealth, this issue has been studied for many, many months, and it is my opinion that this is the most important vote we have taken so far today. It is my opinion, and I believe the opinion of most of the task force, that if we adopt the Lashinger amendment, the slaughter on our highways will continue. People will continue to die needlessly. People will continue to be disabled for the rest of their lives. The cost to our disability system, our auto insurance system, our health care system—we are paying a lot of ways in this Commonwealth—will continue.

I urge my colleagues to oppose the Lashinger amendment if you really want to stop the drunk driving problem in this Commonwealth.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—28

Barber	Lashing	Pendleton	Spitz
Donatucci	McVerry	Petrone	Swaim
Evans	Moehlmann	Rappaport	Wiggins
Gladeck	Mrkonic	Reber	Wright, R. C.
Haluska	Mullen	Richardson	
Harper	O'Donnell	Rocks	Ryan,
Horgos	Olasz	Shupnik	Speaker
Kukovich	Oliver		

NAYS—158

Anderson	Dombrowski	Letterman	Salvatore
Armstrong	Dorr	Levi	Saurman
Arty	Duffy	Lewis	Serafini
Belardi	Durham	Livengood	Seventy
Belfanti	Fargo	Lloyd	Showers
Bittle	Fee	Lucyk	Sieminski
Blaum	Fischer	McClatchy	Sirianni
Borski	Foster, W. W.	McMonagle	Smith, B.
Bowser	Foster, Jr., A.	Mackowski	Smith, E. H.
Boyes	Freind	Madigan	Smith, L. E.
Brandt	Fryer	Maiale	Snyder
Brown	Gallagher	Manderino	Spencer
Burd	Gallen	Manmiller	Stairs
Burns	Gamble	Marmion	Steighner
Caltagirone	Gannon	Merry	Stevens
Cappabianca	Geist	Micozzie	Stewart
Cawley	George	Miller	Stuban
Cessar	Grabowski	Miscevich	Sweet
Cimini	Greenfield	Morris	Swift
Civra	Greenwood	Mowery	Taddonio
Clark	Grieco	Murphy	Taylor, E. Z.
Clymer	Gruitza	Nahill	Taylor, F. E.
Cochran	Gruppo	Noye	Telek
Cohen	Hagarty	Pezel	Tigue
Colafella	Hasay	Peterson	Trello
Cole	Hayes	Petrarca	Van Horne
Cordisco	Heiser	Phillips	Vroon
Cornell	Hoeffel	Piccola	Wachob
Coslett	Honaman	Pievsky	Wambach
Cowell	Hutchinson, A.	Pistella	Wargo
Cunningham	Irvis	Pitts	Wass
DeMedio	Itkin	Pott	Wenger
DeVertter	Jackson	Pratt	Weston
DeWeese	Johnson	Pucciarelli	Wilson
Daikcler	Kennedy	Punt	Wogan
Davies	Klingaman	Rasco	Wozniak
Dawida	Kowalyshyn	Rieger	Wright, D. R.
Deal	Laughlin	Ritter	Wright, J. L.
Dietz	Lehr	Rybak	Zwinkl
Dininni	Lescovitz		

NOT VOTING—11

Alden	Emerson	Levin	Williams, H.
Beloff	Fleck	McIntyre	Williams, J. D.
Berson	Gray	Michlovic	

EXCUSED—2

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

The SPEAKER pro tempore. The Speaker pro tempore now returns the gavel to the Speaker.

**THE SPEAKER (MATTHEW J. RYAN)
IN THE CHAIR**

The SPEAKER. The Chair thanks the gentleman from Allegheny County, Mr. Irvis, for presiding.

REMARKS ON VOTE

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

Mr. BURNS. Mr. Speaker, on amendment A8867 to HB 2533 my switch did not function. Had it been working, I would have voted in the affirmative.

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

CONSIDERATION OF HB 2533 CONTINUED

The SPEAKER. At the rate that the House is progressing with the amendments, it would appear that we will be in session until approximately 8:30 this evening. My suggestion would be that if any of the amendments yet to be offered are duplicative of what has already been accepted, perhaps they should be reviewed with the thought that they be withdrawn. In any event, I think all of the members would appreciate debate being kept to a minimum.

On the question recurring,

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

Mr. PISTELLA offered the following amendments No. A8780:

Amend Sec. 9 (Sec. 3731), page 19, line 5, by striking out "mandatory"

Amend Sec. 9 (Sec. 3731), page 19, line 7, by inserting after "months."

The judge shall, in the alternative upon a first offense and upon a showing of good cause, which shall include the fact that the individual earns his living by driving or operating a motor vehicle order a limited suspension of the operating privilege. The order for limited suspension shall specify the exact times during which the suspension shall be operative and the length of time the limited suspension shall continue in effect. The operation of a motor vehicle during the times that the limited suspension is in effect shall be deemed a violation of the terms and conditions of Accelerated Rehabilitative Disposition.

On the question,

Will the House agree to the amendments?

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this is what is known as a bread-and-butter license in which a limited license will be issued in the discretion of the court for first offense ARD only, this special license under certain conditions to be issued if that individual, up for the very first, very first drunk driving offense, does in fact make their living by the use or operation of a motor vehicle in this Commonwealth. In addition, there are certain circumstances that must be taken into consideration by the court, such as no loss of life, the time of the occurrence of the incident, no major property damages.

This would provide for the operation of a motor vehicle during a set period of time. I would like to also emphasize that it is stipulated in this amendment that any violation for the operation of a motor vehicle with that license immediately

revokes the ARD privilege and the court can resume the prosecution of that offense. I would encourage the support of the members.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

Just to point out what I think we are doing with this amendment. If you get picked up three or four times under the present system for going 5 or 6 miles over the speed limit and lose your license, you are not going to get a work license in Pennsylvania, but if you get arrested for drunken driving, we are going to make a special exception for you. We did away with this program before because it was not workable and it was so badly abused. I urge my colleagues to defeat this amendment.

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

Mr. MURPHY. Mr. Speaker, I would like to interrogate the author of the amendment.

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

Mr. MURPHY. Mr. Speaker, did I hear you say if there is a loss of life or injury or property damage, this bread-and-butter license would not be granted?

Mr. PISTELLA. Mr. Speaker, the provision set up in this bill as it is written now outlines and highlights the judicial decision of the issuance of ARD. This amendment says that if the provisions of ARD in fact are not followed, the license cannot in fact be issued.

Mr. MURPHY. But your amendment in no way specifies that a bread-and-butter license could not be given in the case where there is injury or property damage. Is that true?

Mr. PISTELLA. That is correct. But I would like to draw the attention of the House to pages 16 and 17 of the bill, which stipulate certain dispositions prohibited. It is outlined there - if an individual has already under current law been in an ARD program or if in fact an individual had been in an ARD program within the last 7 years, if there was any other violation to take place at the time of the occurrence, and if in fact there were any incidents or events surrounding that accident in which an individual other than the defendant were in fact killed or seriously injured as a result of the accident.

Mr. MURPHY. Thank you, Mr. Speaker.

May I make a comment?

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

Mr. MURPHY. Mr. Speaker, I think we all have some sympathy for somebody who might be arrested and is in danger of losing their license, but if you read this amendment and think of the intent of it, virtually everybody working could argue that they needed their driver's license to get to work. Even legislators, I would be willing to bet, could put a good argument forth in the courts that we need our driver's license in order to get to work and to do our jobs. I think this opens a broad loophole in this law, and while the intent might be good and while there are certain jobs and positions in our society that absolutely require a driver's license, it does not

address those positions. It leaves a wide tunnel to drive through for the courts to permit people to get off a suspended license, and I believe other than a jail sentence, a suspended license is a major deterrent to people driving under the influence of drinking. To open up this kind of a loophole, I think, makes a mockery of this legislation. I urge the defeat of this amendment. Thank you.

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

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

The amendment addresses the point that someone's living may depend upon this amendment. I submit that our living may depend on rejecting this amendment. I urge a negative vote.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a few points, if I could. This amendment is in no way, shape, or form an attempt to make a mockery of this bill. If I could refresh the memory of my distinguished colleague from Allegheny County, when soliciting support for his amendment A8770, it mandated, which this House in fact voted 151 to 33 to support, that an individual can in fact not get their driver's license reinstated unless they pay restitution. So the question now, Mr. Speaker, is in fact, what came first, the chicken or the egg? Are we going to say that we are going to suspend or revoke your driving privileges, Mr. Truckdriver, Mr. Cabdriver, Mr. Policeman, Mr. Fireman, and it is just too bad that you cannot get the license back or you cannot earn a living or you cannot support your family because you have made one mistake?

There is, I am sure, nobody in this House who is as sympathetic to the plight of victims of drunk driving as I am - not Mr. Peterson, not Mr. Foster, no one else. But the point is this, Mr. Speaker: Mr. Piccola pointed out earlier in this discussion on the Cunningham amendment that what you are talking about is an ARD program that has been tightened up, and you are dealing with an individual who happens to have been stopped one time for a traffic violation, not causing any injury or damage or death, and is suddenly forced to perhaps go on welfare or find some other form of employment to support his family.

I would urge the support and the adoption of the bread-and-butter amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—46

Barber	Donatucci	Letterman	Punt
Brown	Evans	Levin	Richardson
Cappabianca	Fischer	McIntyre	Rieger
Cawley	Gladeck	Miscevich	Seventy
Cessar	Grabowski	O'Donnell	Swaim
Clark	Gray	Olasz	Trello
Cohen	Haluska	Oliver	Van Horne
Colafella	Harper	Pendleton	Wachob
Coslett	Hasay	Petrone	Wiggins
DeWeese	Horgos	Pievsky	Williams, H.
Deal	Irvis	Pistella	Williams, J. D.

Dombrowski Kukovich

NAYS—145

Anderson	Freind	Mackowski	Sieminski
Armstrong	Fryer	Madigan	Sirianni
Arty	Gallagher	Manderino	Smith, B.
Belardi	Gallen	Manmiller	Smith, E. H.
Belfanti	Gamble	Marmion	Smith, L. E.
Bittle	Gannon	Merry	Snyder
Blaum	Geist	Michlovic	Spencer
Borski	George	Micozzie	Spitz
Bowser	Greenfield	Miller	Stairs
Boyes	Greenwood	Moehlmann	Steighner
Brandt	Grieco	Morris	Stevens
Burd	Gruitza	Mowery	Stewart
Burns	Gruppo	Mrkonjic	Stuban
Caltagirone	Hagarty	Mullen	Sweet
Cimini	Hayes	Murphy	Swift
Civera	Heiser	Nahill	Taddonio
Clymer	Hoeffel	Noye	Taylor, E. Z.
Cochran	Honaman	Perzel	Taylor, F. E.
Cole	Hutchinson, A.	Peterson	Telek
Cordisco	Itkin	Petrarca	Tigue
Cornell	Jackson	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Cunningham	Kennedy	Pitts	Wargo
DeMedio	Klingaman	Pott	Wass
DeVerter	Kowalshyn	Pratt	Wenger
Daikeler	Lashinger	Pucciarelli	Weston
Davies	Laughlin	Rappaport	Wilson
Dawida	Lehr	Rasco	Wogan
Dietz	Lescovitz	Reber	Wozniak
Dininni	Levi	Ritter	Wright, D. R.
Dorr	Lewis	Rocks	Wright, J. L.
Duffy	Livengood	Rybak	Wright, R. C.
Durham	Lloyd	Salvatore	Zwikl
Fargo	Lucyk	Saurman	
Fee	McClatchy	Serafini	Ryan,
Foster, W. W.	McMonagle	Showers	Speaker
Foster, Jr., A.	McVerry	Shupnik	

NOT VOTING—6

Alden	Berson	Fleck	Maiale
Beloff	Emerson		

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mr. JOHNSON offered the following amendments No. A8830:

Amend Title, page 1, line 8, by inserting after "Dispositions,"

providing for the forfeiture of vehicles,

Amend Bill, page 20, by inserting between lines 19 and 20

Section 10. Title 75 is amended by adding a section to read:

§ 3731.1. Forfeiture of vehicle.

(a) Vehicle considered contraband.—Upon any person being charged for a violation of section 3731 (relating to driving under influence of alcohol or controlled substance), no property rights shall exist in any vehicle which was used to commit the violation. The vehicle shall be deemed contraband, shall be immediately confiscated by the prosecuting authorities and shall be delivered to agents of the department.

(b) Disposition of vehicle.—The department shall dispose of vehicles confiscated under the provisions of this section by the sale of the vehicles through the Department of Revenue pursuant to regulations promulgated by the Department of Revenue.

(c) Commencement of proceedings.—The proceedings for the forfeiture of a vehicle shall be in rem. The Commonwealth shall be the plaintiff and the vehicle shall be the defendant. A petition shall be filed within five days after confiscation in the court of common pleas of the county in which the vehicle was taken by the police or other authorized peace officer, verified by oath or affirmation of any police officer or other proper person. In the event that the petition is not filed within the time prescribed in this section, the vehicle shall be immediately returned to the person from whom confiscated or to the owner of the vehicle.

(d) Contents of petition.—The petition shall contain the following:

- (1) The description of the vehicle seized.
- (2) A statement of the time and place of seizure.
- (3) The name and address of the owner, if known.
- (4) The name and address of the person in possession, if known.

(5) The statement of the circumstances under which the arrest for violating section 3731 was made.

(6) A request for an order forfeiting the vehicle to the Commonwealth unless cause be shown to the contrary.

(e) Service of petition.—A copy of the petition shall be served in any manner provided by law for service of process or complaint in an action in assumpsit on the owner if he can be found within this Commonwealth. If the owner cannot be found within this Commonwealth, a copy of the petition shall be served on the owner by registered mail or certified mail, return receipt requested, addressed to the last known address of the owner. The person in possession and all encumbrance holders having a perfected security interest in the property confiscated shall be notified in a like manner. The copies shall have endorsed thereon a notice substantially similar to the following:

To the claimant of the within vehicle: You are required to file an answer to this petition setting forth your title in and right to possession of said vehicle, within 20 days from the service hereof, and you are also notified that if you fail to file said answer, a decree of forfeiture will be entered against said vehicle.

(f) Signing of notice.—The notice shall be signed by the petitioner or his attorney or the district attorney or Attorney General.

(g) Advertisement.—If the owner of the vehicle is unknown, notice of the petition shall also be given by an advertisement in only one newspaper of general circulation published in the county where the vehicle was seized once a week for two successive weeks. No other advertisement of any sort shall be necessary any other law to the contrary notwithstanding. The notice shall contain a statement of the seizure of the vehicle, with the description thereof, and the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in the notice which shall not be less than ten days from the date of the last publication.

(h) Claim for vehicle.—Upon the filing of any claim for the vehicle setting forth a right of possession thereof, the case shall be deemed at issue and a hearing shall be held within five days thereof.

(i) Conduct of hearing.—The claimant shall have the burden of proving that he is not subject to the provisions of this section but the burden of proof shall be upon the Commonwealth to prove all other facts necessary for the forfeiture of a vehicle. In the event that the Commonwealth has not met its burden by a preponderance of the evidence or the claimant has proved that he is not subject to the provisions of this section, the court shall order the vehicle returned to the claimant; otherwise, the court shall order the same forfeited to the Commonwealth. If the claimant proves to the satisfaction of the court that he is the registered owner of the vehicle and that he did not know, nor had reason to know, that it was being used to commit a violation of section 3731, the court, in its discretion, may order the vehicle returned to the claimant.

(j) Divesting of liens.—Forfeiture of a vehicle to the Commonwealth shall act to divest any liens or encumbrances upon the vehicle.

(k) Exception.—The provisions of this section shall not apply in the case of a motor vehicle which is owned by any person or entity which leases or rents vehicles as a business.

Amend Sec. 10, page 20, line 20, by striking out "10" and inserting

11

Amend Sec. 11, page 20, line 30, by striking out "11" and inserting

12

Amend Sec. 12, page 22, line 2, by striking out "12" and inserting

13

Amend Sec. 13, page 22, line 14, by striking out "13" and inserting

14

Amend Sec. 14, page 24, line 13, by striking out "14" and inserting

15

On the question,

Will the House agree to the amendments?

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

Mr. JOHNSON. Thank you, Mr. Speaker.

The purpose of this bill is to provide some form of immediate punishment for those who are drunken drivers. This provides that the vehicle will be impounded at the time the driver is found to be intoxicated. There will be a hearing. If the hearing sustains the findings, the vehicle will be confiscated by the State. Some provisions in here: If the owner of the vehicle did not have reason to believe the vehicle would be used in this purpose, that is an exception. There is also an exception for a leased vehicle from a bona fide leasing company. I would point out, if there is any lien against the vehicle, the lien does not follow the vehicle. It is divested from the vehicle, and the debtor would still be obligated to the creditor for any lien on the car.

I would suggest to you, Mr. Speaker, that this is one method where we can bring immediate, prompt action to deter drunken driving. I certainly feel that there is merit to this. It will make parents think twice about giving the family car to their children. Every spring we lose some of our high school graduates to drunken driving. It will make an employer think twice before he gives a vehicle to an employee, and I believe it will make each one of us who owns a car think twice.

I believe this is an amendment which has real merit. It can be used as a deterrent to drunken driving, to save lives, and I would urge your favorable consideration.

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

Mr. SAURMAN. Mr. Speaker, very quickly, there is a constitutional problem with confiscation. There are leased automobiles; there are borrowed automobiles. There are many, many problems with this. It would be great if it could work, but I do not see how it can. I urge that we vote this down.

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

Mr. LLOYD. Mr. Speaker, I rise to oppose the amendment for the reason that on the second page where we talk about divesting of liens, if I understand the gentleman's explanation, what happens here is that a car dealer or a finance company which has a lien on that car, once the car is forfeited and sold, if that creditor does not get satisfied, he has to look now to Mr. Judgmentproof, who used to own a car and now does not anymore, who is now in prison, to try to satisfy the debt on the car. Mr. Speaker, if we did not do that, if we said, hey, we are going to pay that creditor off, then I could go along with the amendment, but because we are not going to do that, I oppose it and urge the members to do the same.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—10

Arty	Foster, Jr., A.	Morris	Pitts
Civera	Freind	Mrkonic	Pratt
Clymer	Johnson		

NAYS—182

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

NOT VOTING—5

Alden Berson Emerson Fleck
Beloff

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mr. ITKIN offered the following amendments No. A8754:

Amend Sec. 13 (Sec. 3571), page 23, lines 15 and 16, by striking out "FOR EXPENDITURES INCURRED FOR COUNTY JAILS," in line 15, all of line 16 and inserting which shall be further divided as follows:

(i) Fifty percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol program to be used solely for the purposes of aiding programs promoting alcoholism prevention, education, treatment and research.

(ii) Fifty percent of the moneys received shall be used for expenditures incurred for county jails, prisons, workhouses and detention centers.

Amend Sec. 13 (Sec. 3573), page 24, lines 10 and 11, by striking out "FOR EXPENDITURES INCURRED" in line 10, all of line 11, and inserting which shall be further divided as follows:

(i) Fifty percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol program to be used solely for the purposes of aiding programs promoting alcoholism prevention, education, treatment and research.

(ii) Fifty percent of the moneys received shall be used for expenditures incurred for county jails, prisons, workhouses and detention centers.

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, the way the bill is presently written, half of all the fines and forfeitures go into the county treasury, but they go into the county treasury for one specific purpose, to be used exclusively for the payment of jails, detention centers, and other facilities of incarceration. When we impose a minimum fine of \$300 on persons convicted of driving under the influence, there is obviously a windfall of money that could be apportioned to the counties for other purposes. My amendment seeks to take the money that the county would receive and apportion it into two categories: half would go toward the need for additional facilities of incarceration and the cost of that incarceration, and the other half would go to the single county authority's drug and alcohol program.

I would like to point out that with a minimum fine of \$300, half of that fine will go to the county—that means \$150—and when we deal with a 2-day incarceration, some of the costs of incarceration that counties have been charging other counties to house prisoners has run around \$38 a day.

The cost of incarcerating a person in this category, driving under the influence, would probably be among the most minimum security requirements necessary. Consequently, I think that the costs can be far less than \$38 a day and still provide sufficient moneys to be provided for the drug and alcohol program. In other words, the counties are getting all of the money. This amendment will not change the money that they will receive; it just says that some of that money, half of it, must go into the D and A (drug and alcohol) program.

Many counties now do have and in fact are supporting D and A programs, and so in that instance they will not have to necessarily provide any additional money. But there are certain counties and some counties that provide no funding for drug and alcohol programs, and instead of allowing this to be a windfall for the counties, I felt that this would be an important amendment to offer.

I would like to point out that 70 percent of first-time arrests for DUI (driving under the influence) have identifiable alcohol problems, and in terms of this D and A problem, over 100 programs have recently closed because of the lack of funding. This is a problem that is costing the economy in Pennsylvania, estimated to be \$2.3 billion, and the State of Pennsylvania is only providing \$23.5 million for treating this problem.

Mr. Speaker, I think this is reasonable. I think that this is not an undue burden on the counties. In fact, I feel in most instances the counties will still have sufficient moneys to provide for the cost of incarceration, and I urge the adoption of the amendment.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I hope that this amendment will do what Mr. Wambach wanted to do, and I am very happy to agree to it. It puts the cost where I think it ought to be, on the user. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

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

Civera	Haluska	O'Donnell	Taylor, E. Z.
Clark	Harper	Olasz	Taylor, F. E.
Clymer	Hasay	Oliver	Telek
Cochran	Hayes	Pendleton	Tigue
Cohen	Hoeffel	Perzel	Trello
Colafrella	Honaman	Peterson	Van Horne
Cole	Horgos	Petrarca	Vroon
Cordisco	Hutchinson, A.	Petrone	Wachob
Cornell	Irvis	Phillips	Wambach
Coslett	Itkin	Piccola	Wargo
Cowell	Johnson	Pievsky	Wass
Cunningham	Kennedy	Pistella	Wenger
DeMedio	Klingaman	Pitts	Weston
DeVerter	Kowalyszyn	Pott	Wiggins
DeWeese	Kukovich	Pratt	Williams, H.
Daikeler	Lashingier	Pucciarelli	Williams, J. D.
Davies	Laughlin	Punt	Wilson
Dawida	Lehr	Rappaport	Wogan
Deal	Lescovitz	Rasco	Wozniak
Dietz	Letterman	Reber	Wright, D. R.
Dininni	Levi	Richardson	Wright, J. L.
Dombrowski	Levin	Rieger	Wright, R. C.
Donatucci	Lewis	Ritter	Zwilk
Dorr	Livengood	Rocks	
Duffy	Lucy	Rybak	Ryan,
Durham	McClatchy	Salvatore	Speaker
Evans	McIntyre	Saurman	

NAYS—2

Jackson Lloyd

NOT VOTING—6

Alden Emerson Freind Heiser
Berson Fleck

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mrs. HEISER offered the following amendments No. A8751:

Amend Sec. 11 (Sec. 3755), page 21, line 16, by inserting before "If,"

(a) General rule.—

Amend Sec. 11 (Sec. 3755), page 22, by inserting between lines 1 and 2

(b) Immunity from civil liability.—No physician, nurse or technician or hospital employing such physician, nurse or technician, and no other employer of such physician, nurse or technician shall be civilly liable for properly withdrawing blood or obtaining a urine sample and reporting test results to the police pursuant to this section. No physician, nurse or technician or hospital employing such physician, nurse or technician may administratively refuse to perform such tests and provide the results to the police officer except as may be reasonably expected from unusual circumstances that pertain at the time of admission.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Heiser.

Mrs. HEISER. Mr. Speaker, this amendment is really designed to provide immunity from civil liability to emergency room personnel, very much like we do in section 5 where we provide immunity to hospitals and doctors.

It should not be a controversial amendment. It just follows through section 5.

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

Mr. SAURMAN. This is agreed to, Mr. Speaker. It is a good amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

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

NAYS—1

Wright, D. R.

NOT VOTING—6

Alden Emerson Miscovich Murphy
Berson Fleck

EXCUSED—2

Frazier Kolter

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

REMARKS ON VOTE

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

Mr. D. R. WRIGHT. Mr. Speaker, I intended to vote in the affirmative on amendment A8751 to HB 2533.

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

CONSIDERATION OF HB 2533 CONTINUED

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

Miss SIRIANNI offered the following amendments No. A8803:

Amend Bill, page 24, by inserting between lines 12 and 13 Section 14. Title 42 is amended by adding a section to read: § 6309. Annual surveys.

The department together with the Pennsylvania State Police shall annually conduct a survey to determine at what period of time during the day or night are the greatest number of drivers operating motor vehicles while under the influence of alcohol or controlled substances. The State Police shall thereupon increase traffic patrols during this period of time.

Amend Sec. 14, page 24, line 13, by striking out "14" and inserting

15

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the lady had to leave the floor for a moment. I can tell you what her amendment does.

Her amendment states that the Department of Transportation and the Pennsylvania State Police would have to annually review the times of day and night when the incidence of drunk driving is most prevalent. Once those time periods are established, the Pennsylvania State Police would have to increase their patrol of State highways during those hours.

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

Mr. SAURMAN. Mr. Speaker, this procedure can be done administratively with no difficulty. The court reporting network already requires the date to be put on the form; all it has to do is include the time. Then it will be computerized and the material would be rapidly put together and made available.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. The lady from Susquehanna wants to persist in making sure that this procedure is followed and not left to the happenstance of the Department of Transportation and the State Police.

I urge support of the lady's amendment.

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

Mr. RAPPAPORT. Mr. Speaker, could the majority leader inform us as to whether this amendment also applies to local police as well as the State Police?

Mr. HAYES. This amendment does not require local police to participate in the survey or to participate in the requirements which result from the survey.

Mr. RAPPAPORT. I thank the majority leader, Mr. Speaker.

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

The following roll call was recorded:

YEAS—167

Table listing names of members who voted 'YEAS' (167 total). Includes names like Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Bittle, Blaum, Borski, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Colafella, Cole, Cordisco, Cornell, Coslett, Cunningham, DeMedio, DeVerter, Daikeler, Davies, Dawida, Dietz, Diminni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fee, Fischer, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallagher, Gallen, Gamble, Geist, George, Gladeck, Gray, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Hasay, Hayes, Heiser, Hoeffel, Honaman, Horgos, Hutchinson, A., Itkin, Jackson, Johnson, Kennedy, Klingaman, Lashinger, Lehr, Lescovitz, Letterman, Levi, Lewis, Livengood, Lloyd, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiaale, Manderino, Manmiller, Marmion, Merry, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Mullen, Murphy, Nahill, Noye, O'Donnell, Olasz, Oliver, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Rieger, Ritter, Rocks, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stuban, Swift, Taddonio, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Van Horne, Vroon, Wambach, Wargo, Wass, Wenger, Weston, Wiggins, Williams, J. D., Wilson, Wogan, Wright, D. R., Wright, J. L., Wright, R. C., Zwinkl, Ryan, Speaker.

NAYS—25

Table listing names of members who voted 'NAYS' (25 total). Includes names like Beloff, Bowser, Boyes, Cohen, Cowell, DeWeese, Deal, Grabowski, Harper, Irvis, Kowalshyn, Kukovich, Laughlin, Levin, Lucyk, Michlovic, Pendleton, Richardson, Rybak, Stewart, Swaim, Sweet, Wachob, Williams, H., Wozniak.

NOT VOTING—5

Table listing names of members who did not vote (5 total). Includes Alden, Berson, Emerson, Fleck, Gannon.

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mr. LASHINGER offered the following amendments No. A8859:

Amend Title, page 1, line 1, by inserting a comma after “(Vehicles)”

Amend Title, page 1, line 1, by striking out “and” where it appears the first time

Amend Title, page 1, line 2, by inserting after “Procedure”) and 18 (Crimes and Offenses)

Amend Title, page 1, line 13, by removing the period after “penalties” and inserting
and for crimes relating to liquor.

Amend Bill, page 24, by inserting between lines 12 and 13

Section 14. Sections 6307 and 6308 of Title 18 are amended to read:

§ 6307. Misrepresentation of age to secure liquor.

(a) Offense defined.—A person [is guilty of] commits a misdemeanor of the third degree if he, being under the age of 21 years, knowingly and falsely represents himself to be 21 years of age to any licensed dealer or other person, for the purpose of procuring or having furnished to him, any intoxicating liquors.

(b) Penalty.—In addition to any other penalty imposed pursuant to this title, a person who is convicted of violating the provisions of subsection (a) shall be sentenced to pay a fine of \$300 for the first violation and \$500 for a subsequent violation.

§ 6308. Purchase, consumption, possession or transportation of intoxicating beverages.

(a) Offense defined.—A person commits a [summary offense] misdemeanor of the third degree if he, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or transports any alcohol, liquor or malt or brewed beverages.

(b) Penalty.—In addition to any other penalty imposed pursuant to this title, a person who is convicted of violating the provisions of subsection (a) shall be sentenced to pay a fine of \$300 for the first violation and \$500 for a subsequent violation.

Section 15. Title 18 is amended by adding sections to read:
§ 6310.1. Selling or furnishing intoxicating liquors to minors.

(a) Offense defined.—A person commits a misdemeanor of the third degree if he, being 21 years of age or older, sells or furnishes or purchases with the intent to sell or furnish any spiritous, vinous or brewed and malt beverages or liquors to any person who is less than 21 years of age.

(b) Penalty.—In addition to any other penalty imposed pursuant to this title, a person who is convicted of violating the provisions of subsection (a) shall be sentenced to pay a fine of \$300 for the first violation and \$500 for a subsequent violation.

§ 6310.2. Manufacture or sale of a false age identification card.

(a) Offense defined.—A person commits a misdemeanor of the second degree if he knowingly manufactures or sells an identification card falsely stating the date of birth of another. The term identification card shall mean a card similar to one issued by the Liquor Control Board for the purpose of identifying a person desiring an alcoholic beverage.

(b) Penalty.—In addition to any other penalty imposed pursuant to this title, a person who is convicted of violating the provisions of subsection (a) may be sentenced for up to one year of imprisonment and shall be sentenced to pay a fine of \$5,000.

§ 6310.3. Carrying a false age identification card.

(a) Offense defined.—A person commits a misdemeanor of the third degree if he, being under the age of 21 years, carries an identification card falsely stating the date of his birth. The term identification card shall mean a card similar to one issued by the Liquor Control Board for the purpose of identifying a person desiring an alcoholic beverage.

(b) Penalty.—In addition to any other penalty imposed pursuant to this title, a person who is convicted of violating the provisions of subsection (a) shall be sentenced to pay a fine of \$300 for the first violation and \$500 for a subsequent violation.

§ 6310.4. Posting of law.

Any licensed dealer shall display in a conspicuous place copies of sections 6307 (relating to misrepresentation of age to secure liquor), 6308 (relating to purchase, consumption, possession or transportation of intoxicating beverages), 6310.1 (relating to selling or furnishing intoxicating liquors to minors) and 6310.2 (relating to manufacture or sale of a false age identification card).

Amend Sec. 14, page 24, line 13, by striking out “14” and inserting

16

On the question,

Will the House agree to the amendments?

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

Mr. LASHINGER. Thank you, Mr. Speaker. This is my chance to regroup and recover, Mr. Speaker.

Mr. Speaker, this addresses another aspect of the driving-under-the-influence problem, and that is as it relates to those people under the age of 21 and how they are securing alcohol in the Commonwealth. Right now what we are experiencing as regards enforcement in this area is we are seeing licensees being penalized for minors coming into an establishment and attempting to purchase liquor. We are seeing the juveniles then in turn testifying against the licensee, the licensee being penalized by the LCB (Liquor Control Board), and the juvenile essentially being reimbursed for his trip up here to Harrisburg to testify against the licensee. What this would do is establish a minimum penalty. It moves it from the existing summary offense to a third-degree misdemeanor for minors who falsely misrepresent themselves in attempting to purchase alcoholic beverages. It establishes a minimum fine of \$300. Right now the fine can be up to \$300. The experience has been that most minors are being penalized \$50, \$75, randomly, \$100.

It also in a separate section of the amendment deals with those persons who sell or furnish liquor to minors, so it increases the penalty again for the licensee. They would continue to be penalized much like they are now, but we are attempting to penalize the minor at the same time we are penalizing the licensee.

Another section deals with those individuals who are supplying false identification cards, which would be a new section in the Crimes Code. It is currently not covered for those people who are manufacturing and selling false ID's to these minors who attempt to purchase liquor in various establishments throughout the Commonwealth. Thank you, Mr. Speaker.

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would for the first time in the Commonwealth set minimum fines for some of the major causes of drunk driving by minors in the State. The amendment attacks one of the causes of drunk driving rather than simply attacking the results by striking out at what appears to be an accepted norm in many communities throughout the Commonwealth of adults purchasing or furnishing liquor for minors.

Mr. Speaker, it is time that those who knowingly and willfully break the liquor laws of this State know that at the very least there will be a minimum fine involved. I would ask for the positive consideration of members on both sides of the aisle for this amendment. Thank you.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I think this amendment is something that we need. It will address a very serious problem, and I would urge its support.

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

Mr. GALLEN. Mr. Speaker, I agree with the intent of this amendment. There is one problem that I have with the amendment, and that is the word "transportation."

Mr. Speaker, if anyone would go to a beer distributor and pick up a case of beer, put it in their car in their trunk, and bring it home and forget to take it out, and their son or daughter who is under 21 says, dad, can I have the car, and the child takes the car and is stopped and the case of beer is discovered in the car, it is really an offense without any intent or without knowing. That is why I have objections to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Armstrong	Fischer	McIntyre	Saurman
Arty	Foster, W. W.	McMonagle	Serafini
Barber	Foster, Jr., A.	McVerry	Seventy
Belardi	Freind	Mackowski	Showers
Belfanti	Gallagher	Madigan	Shupnik
Beloff	Gamble	Maiale	Sieminski
Bittle	Gannon	Manderino	Sirianni
Blaum	Geist	Manmiller	Smith, B.
Borski	George	Marmion	Smith, E. H.
Bowser	Gladeck	Merry	Smith, L. E.
Boyes	Grabowski	Michlovic	Snyder
Brandt	Gray	Micozzie	Spencer
Brown	Greenfield	Miller	Spitz
Burd	Greenwood	Miscevich	Stairs
Burns	Grieco	Moehlmann	Steighner
Caltagirone	Gruitza	Morris	Stevens
Cappabianca	Gruppo	Mowery	Stewart
Cawley	Hagarty	Mrkonic	Suban
Cessar	Haluska	Murphy	Swaim
Cimini	Harper	Nahill	Sweet
Civera	Hasay	Noye	Swift
Clark	Hayes	O'Donnell	Taddonio
Clymer	Heiser	Olasz	Taylor, E. Z.
Cochran	Hoeffel	Oliver	Taylor, F. E.
Cohen	Honaman	Pendleton	Telek
Colafella	Horgos	Perzel	Tigue
Cole	Hutchinson, A.	Peterson	Trello
Cordisco	Irvis	Petrarca	Van Horne

Cornell	Itkin	Petrone	Vroon
Coslett	Jackson	Phillips	Wachob
Cowell	Johnson	Piccola	Wambach
Cunningham	Kennedy	Pievsky	Wargo
DeVerter	Klingaman	Pistella	Wass
DeWeese	Kowalyshyn	Pitts	Wenger
Daikeler	Kukovich	Pott	Weston
Davies	Lashinger	Pratt	Wiggins
Dawida	Laughlin	Pucciarelli	Williams, H.
Deal	Lehr	Punt	Wilson
Dietz	Lescovitz	Rappaport	Wogan
Dininni	Letterman	Rasco	Wozniak
Dombrowski	Levi	Reber	Wright, D. R.
Donatucci	Levin	Richardson	Wright, J. L.
Dorr	Lewis	Rieger	Wright, R. C.
Duffy	Livengood	Ritter	Zwinkl
Durham	Lloyd	Rocks	
Evans	Lucyk	Rybak	Ryan,
Fargo	McClatchy	Salvatore	Speaker
Fee			

NAYS—4

Anderson	Fryer	Gallen	Mullen
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NOT VOTING—6

Alden	DeMedio	Fleck	Williams, J. D.
Berson	Emerson		

EXCUSED—2

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

The SPEAKER. At this point we are moving from the prepared packet of amendments into amendments that have been submitted in the course of the day.

The Chair would remind the members that it is the responsibility of the members to submit seven copies of the amendments and also to have seen to the distribution of the amendments.

On the question recurring,

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

Mr. DAVIES offered the following amendment No. A8772:

Amend Sec. 9 (Sec. 3731), page 20, by inserting between lines 19 and 20

(g) Evidence for conviction.—A conviction for violation of this section shall not be based solely on the results of any test based on the analysis of a person's breath. Whenever evidence derived from a breath test is used by the Commonwealth, the evidence shall also be accompanied by any one of the following forms of evidence:

- (1) A chemical analysis of blood or urine;
- (2) The failure of a driver simulator test; or
- (3) The failure of a field sobriety test based on the determination of distance, direction and stability.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Mr. Speaker, this states that the evidence for conviction of any violation of this section shall not be based solely on the results of any test based on a person's breath, or Breathalyzer. Whenever evidence derived from a breath test is

used by the Commonwealth, that evidence shall also be accompanied by any one of the following additional forms of evidence: either a chemical analysis of blood or urine, the failure of a driver to pass a driver simulator test, or the failure of that driver to pass a field sobriety test based on determinations of his capability to judge distance, direction, and the exercise of his individual stability.

This, of course, addresses the fact of the concern and eliminates the concern about the validity which Judge Sugerman challenged in the evidence given to the hearings in Montgomery County as to the validity of that type of test. It therein states that more physical evidence would have to be available in one item and one item of these only, not all three of them but one that would corroborate that evidence which has been offered as to the content of the blood .10 reading on the Breathalyzer.

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

Mr. SAURMAN. Mr. Speaker, I think that we have addressed the situation relative to .10 and its validity. Secondly, of course, if we require an additional test for every arrest, the blood test as recommended or a urine test, it would increase the cost of this whole process. If we also require a driver simulator test, we really have gotten into a financial situation. The sobriety test will be a part of the probable cause, and therefore, I think this amendment is unnecessary and should be defeated.

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

Mr. DAVIES. Mr. Speaker, they talk about tests and they talk about the additional cost of what they would install to prohibit this, and yet they seem to be unwilling to bend on what the costs are as far as the actual establishment of the capabilities of the individual to operate that particular vehicle. If Mr. Saurman would have extended his study and looked at the evidence that is now available from the tests that are being conducted in universities in California, you would be considering even possibly lowering the matter of what the content of the blood is, because they have discovered in those tests that with the hallucinogens, particularly that of marijuana, there is a carryover factor or a storage factor in the brain cells which would seriously inhibit an individual with a blood content of below the level of .10. This evidence, of course, has been ascertained and is available in research.

To back that up with additional information that was not brought forth yet as far as the research is concerned, the points as they increase from .10 to .15 seriously increase the chance of an accident four times over for a person having that kind of content. What this would attempt to do is to catch those particular people who are even beyond what the normal .10 would do in the blood test or validate those as far as the capability of actually driving.

The driver simulator itself could be used in educational programs throughout this State. It could be established on a regional basis, and as far as the regional basis is concerned, it could be used not just in driver education, but it could be used in the rehab programs and all the other programs that should

be established relative to the reeducation of those drivers who do not have those capabilities.

I would ask for support of this type of additional testing or programming as far as the need and the evidence and establish that physical evidence with the additional Breathalyzer information.

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

Mr. SAURMAN. Mr. Speaker, I would just like to point out to the members of the House that the bill does contain the right of the police officer to conduct as many chemical tests as are necessary. If he is not certain or feels that there is something additionally present to the alcohol or that the person is obviously high and that the count is not where it should be, he can then require a chemical blood or urine test, but to mandate it for every arrest I think is wrong. So since it does exist now as a tool for the police officer, I do not think this is necessary.

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

The following roll call was recorded:

YEAS—25

Belardi	Davies	Merry	Wargo
Bowser	Fischer	Micozzie	Williams, H.
Boyes	Fryer	Miller	Wilson
Cawley	Hasay	Mochlmann	
Cessar	Hayes	Mullen	Ryan,
Civera	Kukovich	Serafini	Speaker
Coslett	McClatchy	Stairs	

NAYS—163

Anderson	Foster, Jr., A.	Lucyk	Salvatore
Armstrong	Freind	McIntyre	Saurman
Arty	Gallagher	McMonagle	Seventy
Belfanti	Gallen	McVerry	Showers
Beloff	Gamble	Mackowski	Sieminski
Bittie	Gannon	Madigan	Sirianni
Blaum	Geist	Maiale	Smith, B.
Borski	George	Manderino	Smith, E. H.
Brandt	Gladeck	Manmiller	Smith, L. E.
Brown	Grabowski	Marmion	Snyder
Burd	Gray	Michlovic	Spencer
Burns	Greenfield	Miscevich	Spitz
Caltagirone	Greenwood	Morris	Steighner
Cappabianca	Grieco	Mowery	Stevens
Cimini	Gruitza	Mrkonic	Stewart
Clark	Gruppo	Murphy	Stuban
Clymer	Hagarty	Nahill	Swaim
Cochran	Haluska	Noye	Sweet
Cohen	Harper	Olasz	Swift
Colafella	Heiser	Oliver	Taddonio
Cordisco	Hoeffel	Pendleton	Taylor, E. Z.
Cornell	Honaman	Perzel	Taylor, F. E.
Cowell	Horgos	Peterson	Telek
Cunningham	Hutchinson, A.	Petrarca	Tigue
DeMedio	Irvis	Petrone	Trello
DeVerter	Itkin	Phillips	Van Horne
DeWeese	Jackson	Piccola	Vroon
Daikeler	Johnson	Pievsky	Wachob
Dawida	Kennedy	Pistella	Wambach
Deal	Klingaman	Pitts	Wass
Dietz	Kowalyshyn	Pott	Wenger
Dininni	Lashinger	Pratt	Weston
Dombrowski	Laughlin	Pucciarelli	Wiggins
Donatucci	Lehr	Punt	Williams, J. D.
Dorr	Lescovitz	Rappaport	Wogan
Duffy	Letterman	Rasco	Wozniak
Durham	Levi	Richardson	Wright, D. R.

Evans	Levin	Rieger	Wright, J. L.
Fargo	Lewis	Ritter	Wright, R. C.
Fee	Livengood	Rocks	Zwilk
Foster, W. W.	Lloyd	Rybak	

NOT VOTING—9

Alden	Cole	Fleck	Reber
Barber	Emerson	O'Donnell	Shupnik
Berson			

EXCUSED—2

Frazier Kolter

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

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

Mr. DAVIES offered the following amendments No. A8768:

Amend Sec. 9 (Sec. 3731), page 17, line 13, by removing the period after "offense" and inserting
or in lieu of a prison sentence the court may order a period of five days of public service.

Amend Sec. 9 (Sec. 3731), page 17, line 17, by removing the period after "years" and inserting
or in lieu of a prison sentence the court may order a period of 60 days of public service.

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

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

Mr. DAVIES. Mr. Speaker, this merely addresses itself as a "may" provision. It is not necessarily to be invoked by the judicial system after it has established the prison sentence, but it says, in lieu of the prison sentence, it would extend the 48 hours of imprisonment to a potential of 5 days of public service. It does not designate what type of public service, because again, it could be adjusted to whatever program and whatever the judicial system found to be the most effective in their own communities or their own county situations.

In the second, it would also just make a "may" provision for that of the 30 days, and in lieu of the 30 days, it could require some 60 days of public service, which again would fit to the same description as that above. It gives the judicial system that latitude to establish some kind of program which may be a more effective deterrent than placing someone in jail.

In all of the national conferences that I have attended thus far on this very subject over a 3-year period, I found that most of the five experts in the last one that I attended agree that as far as the jail sentence, in some instances it is not an effective deterrent and this type of service may be a better deterrent. I think that the latitude should be granted to those judges and to those courts that could find it and make it a working program, and it is only that "may" provision.

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

Mr. SAURMAN. Very briefly, Mr. Speaker, I thought we had taken care of this with the Evans amendment. I think this is superfluous and would urge its defeat.

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

Mr. RITTER. Mr. Speaker, we did do that with the Evans amendment, except again Mr. Davies' amendment goes beyond that and for the second offense would still provide public service jobs, where the amendment that has already been adopted provides public service only for the first offense.

I also urge that we reject the amendment.

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

The following roll call was recorded:

YEAS—3

Bowser	Davies	Moehlmann
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NAYS—188

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

NOT VOTING—6

Alden	Emerson	Mullen	Rappaport
Berson	Fleck		

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mr. DAVIES offered the following amendments No. A8767:

Amend Sec. 9 (Sec. 3731), page 17, line 10, by inserting after "and"

, except as provided in subparagraph (i),

Amend Sec. 9 (Sec. 3731), page 17, line 13, by removing the period after "offense" and inserting if the person has a blood alcohol level of .15 or above or if the violation resulted in property damage or personal injury to another person. If the person has a blood alcohol level of .10 to .149, the person shall pay the fine and be offered the Accelerated Rehabilitative Disposition in lieu of the prison term. If the person has a blood alcohol level of .075 to .099, then the person shall only pay the fine and undergo the license suspension.

On the question,

Will the House agree to the amendments?

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

Mr. DAVIES. Mr. Speaker, again based upon most of this as far as national research and again those conferences and the studies that have been done by those national experts, it states that if a person's blood alcohol level would be above .15, at which I have already stated the chance of having accidents would increase fourfold above that level which is established at .10, or if the accident itself would violate the matter of property damage or personal damage, then, of course, it would carry those more serious penalties. If the person has a blood alcohol level of .10 to .149, the person would pay the fine and be offered the ARD program in lieu of the prison term, and if the blood alcohol level was below, and this lowers the level beyond what it is now in the scope of the bill, to a .075 to .099, then the person would only be fined and undergo the license suspension.

Again, this brings into effect that matter of where the individual may have some hallucinogen in his system and has used it for a great length of time, where their capability has been seriously deterred with less of an alcohol content than what is magically established at the .10 factor in this bill. This bill in no way addresses what this research in California has put forth. It does not in any way take that into consideration, and this would at least establish those standards which would address themselves to some of the concerns that have been expressed.

The figure has been bandied about the caucus room that it is only some 5 percent of the accidents in the United States that are drug related. National statistics do not bear that out. In many instances they go far beyond that, and this tries to address some of those concerns where there is a combination of drugs, particularly those where there is a residual effect of certain types of hallucinogens, and tries to address that

concern, which has failed to be spoken to as far as this legislation is concerned. Thank you, Mr. Speaker.

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

Mr. SAURMAN. Mr. Speaker, again, we have debated and discussed the .10 requirement. An amendment like this would cause great confusion among the public, not to mention among the police and in the courts. Again I urge the defeat of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—7

Belardi	Davies	Moehlmann	Wilson
Bowser	Heiser	Serafini	

NAYS—181

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

NOT VOTING—9

Alden	Berson	Emerson	Gray
Arty	Cohen	Fleck	Mullen
Beloff			

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A8837:

Amend Sec. 5 (Sec. 1547), page 8, line 10, by striking out “(2)” and inserting

(4)

Amend Sec. 5 (Sec. 1547), page 8, line 14, by striking out “(3) or (4)” and inserting

(2) or (3)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Saurman, and asks him to explain his amendment.

Mr. SAURMAN. Yes, sir.

This, very briefly, just changes a few numbers. Originally the .10 was number one in the listing; it was changed to number four. Therefore, reference to those numbers had to be corrected, and that is all that is involved, the correction of those numbers.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

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

Davies	Lashinger	Pratt	Williams, J. D.
Dawida	Laughlin	Pucciarelli	Wilson
Deal	Lehr	Punt	Wogan
Dietz	Lescovitz	Rappaport	Wozniak
Dininni	Letterman	Rasco	Wright, D. R.
Dombrowski	Levi	Reber	Wright, J. L.
Donatucci	Levin	Richardson	Wright, R. C.
Dorr	Lewis	Rieger	Zwinkl
Duffy	Livengood	Ritter	
Durham	Lloyd	Rocks	Ryan,
Evans	Lucyk	Rybak	Speaker
Fargo			

NAYS—2

George Mullen

NOT VOTING—8

Alden	Berson	Fleck	Shupnik
Beloff	Emerson	Gray	Williams, H.

EXCUSED—2

Frazier Kolter

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

On the question recurring,

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

Mr. SWEET offered the following amendments No. A8874:

Amend Title, page 1, line 7, by inserting after “offenders,” providing for the purchase of certain ignition locking equipment, making an appropriation,

Amend Sec. 8, page 15, line 5, by striking out “A SECTION” and inserting sections

Amend Sec. 8, page 15, by inserting between lines 13 and 14 § 1553. Alcohol safety interlock system purchase/loan fund.

(a) Fund established.—The Commonwealth shall establish a fund to provide interest-free loans to counties for the purchase of alcohol safety interlock systems. An alcohol safety interlock system is any device which tests reaction time and coordination and prevents the ignition or normal operation of the vehicle if the test is failed.

(b) Repayment.—Loans made from this fund are to be repaid from installation and rental fees charged by the counties to persons who have been sentenced pursuant to section 3731(e)(1)(ii), (iii) or (iv) (relating to driving under influence of alcohol or controlled substance) to have such a device installed in their automobiles.

(c) Promulgation of regulations.—This fund shall be administered by the Department of Transportation which shall promulgate rules and regulations for the implementation of this program.

(d) Appropriation.—The sum of \$500,000 is hereby appropriated to the Department of Transportation for the purpose of establishing the loan fund authorized by this section. The department shall not expend more than 10% of the appropriated funds for administrative expenses.

On the question,

Will the House agree to the amendments?

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, this is a redraft of the earlier amendment dealing with the loan fund that we discussed. I believe the

redraft corrects the problems which the gentleman, Mr. Ritter, raised, and I would like to ask for an affirmative vote.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I am concerned about a half a million dollars of taxpayers' money to do this project. I voted in support of the apparatus. I think that it is a great idea. I think it sends a message that we are trying to do something positive to prevent this, but I do not think that we should be doing it at taxpayer cost. It was said that if there are three cars in a family, it could be \$1,200 for that family, and I do not think that the taxpayers should pick up that tab. I again would ask for a negative vote on this amendment.

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

Mr. SWEET. Mr. Speaker, I think that the gentleman, Mr. Saurman, does not fully understand how the procedure would work.

We are not talking about expenditure of taxpayers' funds that would not be repaid. This is a loan program, not a grant, number one. Number two, you are not talking about \$1,200 of expense that is ultimately going to be borne by any single individual. This works on an installment basis. The device would be used many times over and really would result in very, very little, if any, cost to anyone except individuals who were convicted for the second, third, or more times for drunken driving.

So it is not \$500,000 that is going to be expended ultimately by the Commonwealth of Pennsylvania. It is merely a loan fund to allow counties like Allegheny, which want to start this program, to get the up-front money to get it going. The county will be repaid by the individuals in whose cars this device is placed, and after that happens, the county will repay the State. Thank you, Mr. Speaker.

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

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

I do not believe I am known around the House as the last of the big spenders, but I certainly do not have any trouble supporting the amendment. And for those who are concerned about the cost, if you would consider the costs that we will incur in other areas, incarceration, if we can keep people from driving drunk, we will save money on this.

I urge an affirmative vote.

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

Mr. SAURMAN. Just one quick comment. If it is possible for these people to repay the cost of this, they ought to be able to get a private loan and repay it there. Why should the State be involved with providing the money for it?

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

The following roll call was recorded:

YEAS—56

Barber	Fee	Maiale	Pucciarelli
Borski	Fischer	Manderino	Reber
Cappabianca	Foster, Jr., A.	Michlovic	Richardson
Cawley	Gamble	Morris	Rybak
Clark	Greenwood	Mrkonic	Seventy
Cohen	Horgos	Murphy	Swaim
Colafella	Irvis	Nahill	Sweet
Cordisco	Itkin	O'Donnell	Taylor, F. E.
Dawida	Kowalyszyn	Oliver	Van Horne
Deal	Kukovich	Petrarca	Wachob
Dombrowski	Lescovitz	Petrone	Wambach
Donatucci	Levi	Pievsky	Wargo
Duffy	Lucyk	Pistella	Wiggins
Evans	McMonagle	Pratt	Williams, J. D.

NAYS—131

Anderson	Foster, W. W.	Lloyd	Sieminski
Armstrong	Freind	McClatchy	Sirianni
Arty	Fryer	McVerry	Smith, B.
Belardi	Gallagher	Mackowski	Smith, E. H.
Belfanti	Gallen	Madigan	Smith, L. E.
Beloff	Gannon	Manmiller	Snyder
Bittle	Geist	Marmion	Spencer
Blaum	George	Merry	Spitz
Bowser	Gladeck	Micozzie	Stairs
Boyes	Grabowski	Miller	Steighner
Brandt	Gray	Miscevich	Stevens
Brown	Greenfield	Moehlmann	Stewart
Burd	Grieco	Mowery	Suban
Burns	Gruitza	Mullen	Swift
Callagirone	Gruppo	Noye	Taddonio
Cessar	Hagarty	Olasz	Taylor, E. Z.
Cimini	Haluska	Pendleton	Telek
Civera	Hasay	Perzel	Tigue
Clymer	Hayes	Peterson	Trello
Cochran	Heiser	Phillips	Vroon
Cole	Hoeffel	Piccola	Wass
Cornell	Honaman	Pitts	Wenger
Coslett	Hutchinson, A.	Pott	Weston
Cowell	Jackson	Punt	Wilson
Cunningham	Johnson	Rappaport	Wogan
DeMedio	Kennedy	Rasco	Wozniak
DeVerter	Klingaman	Ritter	Wright, D. R.
Daikeler	Lashingier	Rocks	Wright, J. L.
Davies	Laughlin	Salvatore	Wright, R. C.
Dietz	Lehr	Saurman	Zwilk
Dininni	Letterman	Serafini	
Dorr	Lewis	Showers	Ryan, Speaker
Durham	Livengood	Shupnik	
Fargo			

NOT VOTING—10

Alden	Emerson	Levin	Rieger
Berson	Fleck	McIntyre	Williams, H.
DeWeese	Harper		

EXCUSED—2

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Montgomery, Mr. Reber, rise?

Mr. REBER. Mr. Speaker, on amendment 8772 my switch did not operate. I would like to be recorded in the affirmative. Thank you.

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

CONSIDERATION OF HB 2533 CONTINUED

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

Mr. PETRONE offered the following amendment No. A8847:

Amend Sec. 9 (Sec. 3731), page 17, line 13, by inserting after "offense."

In cases involving no personal injury the sentencing court may, in lieu of imprisonment, sentence the defendant to perform two days of public service work per week for one month, under the supervision of the sentencing court.

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

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

Mr. PETRONE. Thank you, Mr. Speaker.

This amendment is a very clear and concise correction of some language offered earlier by my colleague, Mr. Evans. This is specifically for a first offender. In cases involving no personal injury, the sentencing court may, in lieu of imprisonment, sentence the defendant to perform 2 days of public service work per week for 1 month under the supervision of the sentencing court.

This was recommended by some magistrates and chiefs of police who feel that there should be an option for the magistrate under a guilty conviction or plea to sentence the offender within the district to perform this work.

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

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

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

Mr. SAURMAN. Mr. Speaker, did I understand that this is to clarify language that was offered by Mr. Evans in his amendment?

Mr. PETRONE. It was, Mr. Speaker, already included but in a more vague form in Mr. Evans' amendment, yes. This is more specific.

Mr. SAURMAN. What happens then, Mr. Speaker, if this is to pass? We will have two requirements that are not compatible. Which will take precedence?

Mr. PETRONE. That is what we are discussing now. Mr. Speaker, that is what we are discussing now.

Mr. SAURMAN. You mean we are discussing it in the floor debate?

Mr. PETRONE. No. We have asked from the Parliamentarian a ruling.

The SPEAKER. Will the gentleman yield?
Will the gentleman, Mr. Petrone, come to the rostrum?
(A conference was held at the Speaker's podium.)

AMENDMENT WITHDRAWN

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

Mr. PETRONE. I withdraw amendment A8847.

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 Philadelphia, Mr. Mullen.

Mr. MULLEN. Mr. Speaker, this will be my last speech, and it will only be for a minute, but I do think you are making a terrible mistake if you pass this bill today the way it is.

The most objectionable feature about this bill is that what you are doing is imposing a mandatory sentence on first offenders. Now, certainly I do not condone drunken driving, but I have been practicing law for 30 years, and I do not think there is a month of December that goes by that I do not pick up two or three drunken driving cases. Now, most of those people whom I represent—and the other lawyers in here, I am sure you have the same experience—are young people who made a mistake, and certainly I know those young people, in driving a motor vehicle under intoxicating influences, can cause very serious accidents which will result in death, but you are dealing with human beings. We are all human beings, and mistakes are made.

Now, most of those people I represented over the years—and there are not that many, because, as I say, most of them are in the month of December, coming from Christmas parties—are decent, respectable young people. For example, last Christmas I recall representing a young girl who was only 19 years old. Now, when she was apprehended by the police officer, she did not realize that she was under the influence. No doubt she was; we had the Breathalyzer test, et cetera. This is what you are doing: you are subjecting those young people, or even old people—many times it is old people—to a terrible situation. To put them into the jailhouse down in Philadelphia is like putting a person in hell.

This is a terrible mistake, and that is why I have to vote against the bill. I have no objections to mandatory sentences for people who commit the offense a second or third or fourth time, but when you do it to a person who has never been involved in a situation like this the first time, that is a terrible mistake, and I feel that if you do it this session, you will have to change it next session, because you have to have some compassion for your fellow human beings. Nobody condones it, but you have to have compassion and realize that you are dealing with human beings. Thank you.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I just want to congratulate everyone on their patience. I am not going to belabor the point for the bill. I am sure that everyone knows the contents.

What I would like to do is to hold up these pieces of paper which represent 60,000 signatures collected by the Mothers Against Drunk Drivers, asking you to vote "yes" at this time. Thank you.

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

Mr. CUNNINGHAM. Mr. Speaker, in the next day or so, the newspapers of this Commonwealth are probably going to tout this bill as a crackdown on drunk driving, but I would submit that after having spent nearly the entire day today advocating the rights of social drinkers with very, very little discussion of the rights of their innocent potential victims, this bill is all bark and very, very little bite.

Under the provisions of the bill that we are about to pass, the majority of the people who will drive drunk and get caught in this Commonwealth will never be prosecuted. They are not going to be prosecuted even if they have an accident, and they are not going to be prosecuted even if that accident results in an injury to another person unless that injury is a serious injury or in fact kills the person, or unless they totally flaunt the law by getting caught twice. That to me does not seem like much of a deterrent.

Mr. Speaker, I am going to vote for this bill, because at least it nibbles away at the edges of the problem, but I feel today we have squandered away a golden opportunity to take a bite out of a very, very serious problem.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

The gentleman, Mr. Saurman, just commended us on our patience. I think it is in order, regardless of how we may view this legislation individually, that Mr. Saurman and the other persons who served on the task force be commended for their professional presentation of this legislation. And regardless of what others may say, this is certainly a good first step in addressing a problem that is not only common to Pennsylvania but nationwide. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—192

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

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

NAYS—1

Mullen

NOT VOTING—4

Alden Berson Emerson Fleck

EXCUSED—2

Frazier Kolter

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 SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the majority whip. Mr. CESSAR. Thank you, Mr. Speaker.

I would like to submit some remarks for the record for the gentleman from Allegheny County, Mr. Frazier, who had to leave.

Mr. CESSAR submitted the following remarks for Mr. FRAZIER for the Legislative Journal:

Legislation amending the Motor Vehicle Code and criminal statutes of the Commonwealth to stiffen the penalties for the D.U.I. offense (Driving Under the Influence), further providing for the rehabilitation of offenders, mandatory sentencing, and operator's license restriction is long overdue. The combination of intoxication or incapacity as a result of the ingestion of alcohol and/or other controlled substances together with the dangerous instrumentality of an automobile (recognized implicitly in our Assault by Vehicle offense) has long taken an unnecessary and unconscionable toll of innocent victims on the highways, roads, and streets of our Commonwealth and its subentities. The human cost involved makes this form of regulation a valid exercise of governmental police power in that it further protects our most vital resource: the public health, safety, and welfare of this Commonwealth's 12 million citizens. I strongly support the efforts of Governor Dick Thornburgh, his administration, the prime sponsor and cosponsors from both sides of the aisle in this

Mr. COSLETT. Mr. Speaker, I rise to support this amendment of Mr. Lloyd's. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—186

Anderson	Fee	McClatchy	Serafini
Armstrong	Fischer	McIntyre	Seventy
Arty	Foster, W. W.	McMonagle	Showers
Barber	Foster, Jr., A.	McVerry	Shupnik
Belardi	Freind	Mackowski	Sieminski
Belfanti	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	Micozzie	Spitz
Brown	Gladeck	Miller	Stairs
Burd	Grabowski	Miscevich	Steighner
Burns	Greenfield	Moehlmann	Stevens
Caltagirone	Greenwood	Morris	Stewart
Cappabianca	Grieco	Mowery	Stuban
Cawley	Gruitz	Mrkonic	Swaim
Cessar	Gruppo	Mullen	Sweet
Cimini	Hagarty	Murphy	Swift
Civera	Haluska	Nahill	Taddonio
Clark	Harper	Noye	Taylor, E. Z.
Clymer	Hasay	O'Donnell	Taylor, F. E.
Cochran	Hayes	Olasz	Telek
Cohen	Heiser	Oliver	Tigue
Colafella	Hoeffel	Pendleton	Trello
Cole	Honaman	Perzei	Van Horne
Cordisco	Horgos	Peterson	Vroon
Cornell	Hutchinson, A.	Petrarca	Wachob
Coslett	Irviss	Petrone	Wambach
Cowell	Itkin	Phillips	Wargo
Cunningham	Jackson	Piccola	Wass
DeMedio	Johnson	Pievsky	Wenger
DeVertter	Kennedy	Pistella	Weston
DeWeese	Klingaman	Pitts	Wiggins
Davies	Kowalyshyn	Pott	Williams, H.
Dawida	Kukovich	Pratt	Williams, J. D.
Deal	Lashingner	Punt	Wilson
Dietz	Laughlin	Rappaport	Wogan
Dininini	Lehr	Rasco	Wozniak
Dombrowski	Lescovitz	Reber	Wright, D. R.
Donatucci	Letterman	Richardson	Wright, J. L.
Dorr	Levi	Rieger	Wright, R. C.
Duffy	Levin	Ritter	Zwilk
Durham	Livengood	Rocks	
Evans	Lloyd	Rybak	Ryan,
Fargo	Lucy	Salvatore	Speaker

NAYS—1

Michlovic

NOT VOTING—10

Alden	Daikeler	Gray	Pucciarelli
Beloff	Emerson	Lewis	Saurman
Berson	Fleck		

EXCUSED—2

Frazier Kolter

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

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

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Luzerne, Mr. Coslett.

Mr. COSLETT. Mr. Speaker, I rise to support this bill. This bill would provide money for the construction of a multi-purpose building at Penn State University in the Lehman campus. The building will finally provide physical education, convocation, and study facilities for the students. At present, the students have no gym, auditorium, or convocation facilities. The students have to be bused a considerable distance to take required courses in physical education.

The enrollment in this campus has increased 32 percent over the last 3 years, Mr. Speaker, and I ask my colleagues on both sides of this aisle to support this bill. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I also rise to support this bill, not for the reason that the gentleman just espoused of the building of the building at Penn State, but I support this bill because now it has been amended with the Lloyd amendment that continues the commitment of this General Assembly to coal in Pennsylvania.

I was appalled to see that the Governor sent over a bill that wanted to take away moneys that we had committed to coal research or to conversion of buildings at Penn State and all over this Commonwealth, take that money away for the building of one structure in the Wilkes-Barre area for Penn State. I think that at the time that we committed ourselves to promote the coal industry and to promote jobs in Pennsylvania, we were sending—at least I thought we were sending—a message to those people who worked in the coalfields and those people who earn a living mining coal that we had a commitment to do things in this legislature that would promote the sale of coal, the production of coal within the Commonwealth. The amendment that Mr. Lloyd has put in continues that commitment on the part of the General Assembly, and I think it was very important that we put that amendment in and pass this bill.

I am appalled that the Governor was renegeing on his promise to the coal miners and the coal industry of Pennsylvania by sending a bill over that took the conversion-to-coal moneys and committed them without any thought to where we had committed the moneys to coal. Now, with the coal research moneys, I think we will continue, as we should, our attempt to find ways to keep the coal industry in Pennsylvania alive and vital for the men who work in the industry. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—186

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

NAYS—1

George

NOT VOTING—10

Alden	DeWeese	Gray	Lewis
Beloff	Emerson	Harper	Wright, R. C.
Berson	Fleck		

EXCUSED—2

Frazier Kolter

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 Clearfield, Mr. George. For what purpose does the gentleman rise?

Mr. GEORGE. Mr. Speaker, I pushed the right button on HB 2662 but it did not indicate it on that vote.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2469, PN 3613**, entitled:

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.

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

Evans	Lucyk	Rybak	Speaker
Fargo	McClatchy	Salvatore	

NAYS—0

NOT VOTING—8

Alden	Berson	Fleck	Lewis
Beloff	Emerson	Gray	Taylor, E. Z.

EXCUSED—2

Frazier	Kolter
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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.

* * *

The House proceeded to third consideration of **HB 2577**, **PN 3528**, entitled:

An Act providing for the historic preservation of the State Capitol Building, establishing a Capitol Preservation Committee and establishing the Capitol Restoration Trust Fund.

On the question,

Will the House agree to the bill on third consideration?

Mr. COHEN offered the following amendments No. A8872:

Amend Title, page 1, line 4, by inserting after "COMMITTEE"

providing for the removal of a certain statue

Amend Bill, page 3, by inserting between lines 25 and 26 Section 4. Removal of Statue.

Within 90 days of the date of final enactment of this act, the Department of General Services shall remove from Capitol grounds the statue of Boies Penrose.

Amend Sec. 4, page 3, line 26, by striking out "4" and inserting

5

Amend Sec. 5, page 6, line 5, by striking out "5" and inserting

6

Amend Sec. 6, page 7, line 12, by striking out "6" and inserting

7

Amend Sec. 7, page 8, line 18, by striking out "7" and inserting

8

Amend Sec. 8, page 8, line 21, by striking out "8" and inserting

9

On the question,

Will the House agree to the amendments?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is a very simple Capitol beautification amendment. This amendment has only one sentence of any significance. That sentence reads as follows: "Within 90 days of...final enactment of this act, the Department of General Services shall remove from Capitol grounds the statue of Boies Penrose."

Over the past year we have heard of what has happened on "This Day in History" throughout the 300 years of our Commonwealth. In placing this series on the agenda, the leadership of this House has taken the position that the study of history is important. I agree that the study of history is important, but we do not honor everyone of prominence who went before us.

We do not honor Benedict Arnold in Pennsylvania, although he was a Pennsylvanian. We do not honor the many elected officials in Pennsylvania who supported the British during the Revolutionary War, nor do we honor the small number of elected officials along the Maryland border of Pennsylvania who supported the Confederacy during the Civil War. We do not honor the local officials in Philadelphia in 1903 whom Lincoln Steffens in a famous magazine article labeled "corrupt and contented." On a national level, we do not honor Spiro Agnew, Richard Nixon, or the many indicted and unindicted coconspirators in Watergate.

There is no reason for us to honor Boies Penrose. Penrose had a record that is an embarrassment to Pennsylvania government and an embarrassment to American democracy.

Penrose gloried in his ill repute. When the legislature elected him in 1886 to the U.S. Senate, Penrose said, "One shudders for democracy when one considers that I have been elected." When the U.S. Constitution was changed to allow direct election of U.S. Senators and Penrose was elected to the U.S. Senate in 1914, Penrose commented that "The people are fools for electing me."

Some people said that Penrose was immoral. Penrose said that he was merely amoral, that he had no morals. He belonged to no religion; he followed no ethical code.

Penrose is well known for having invented what he called the squeeze bill. The squeeze bill was a bill designed to seriously injure one industry or another. If the industry would come up with a lot of money quickly, the squeeze bill would die. If the industry would refuse to yield to this kind of extortion, the bill would move through the legislative process until the industry changed their minds.

Penrose also specialized in blackmail. He would confidentially urge business leaders and elected officials to feel free to violate one law or another and then threatened to have them prosecuted or publicly disgraced if they disagreed with him. He said that he never took any money for himself, that all the money he raised went for politics, yet when he died he left a fortune worth over \$100 million in today's dollars.

As a legislator, Penrose consistently voted against the best interests of his constituents. He was a strong opponent of immigration of people from Eastern Europe of Catholic and Jewish faiths. He was a strong opponent of women's suffrage. He was a strong opponent of the League of Nations. He said he did not like industrial workers because he did not like the way they smelled.

Among Penrose's lesser faults was his hatred of the Pennsylvania House of Representatives. He called members of the House "nitwits." In his one term in the House, he was invited to attend a party for a State Representative serving his 30th year. His reaction was that the member who had served 30 years in the House was being—

Mr. GRABOWSKI. Mr. Speaker?

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

Mr. GRABOWSKI. Mr. Speaker, I would appreciate a little order. I am interested in what Mr. Cohen is saying, and I would like to hear.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. COHEN. "My God," Penrose said, "if my people" of my district "sent me to the House of Representatives more than one term, I'd know they were trying to get rid of me."

The time has come to get rid of the Penrose statue, which has celebrated a disgraceful 36-year career for 52 years now. Penrose is the only 20th century U.S. Senator to have a statue in his honor in the Capitol Complex. The erection of his statue was the subject of great controversy after his death. After it was put up by the legislature in a controversial vote, many people wanted to take it down. There is no reason why it should not be taken down now.

It is unlikely that there will be statues of Matthew Ryan or Sam Hayes placed in the Capitol Complex. It is unlikely—

The SPEAKER. Will the gentleman yield?

If the Speaker may question the gentleman as to why that is unlikely?

Mr. COHEN. I was just coming to that, Mr. Speaker.

The SPEAKER. You have not, Mr. Cohen, read this bill closely.

Mr. COHEN. Perhaps there is a secret loophole that I missed.

We have generally outgrown the vanity of having statues of political leaders. There has been no statue of any political leader placed up in the Capitol area over the last 50 years.

Since Penrose's time, the legislature has grown in responsiveness, accountability, and integrity. The norms of the era of Boies Penrose are norms no more.

You should note that those newspaper columnists who have defended the Penrose statue have defended the Penrose statue by saying that the political conditions in Pennsylvania are the same now as they were in his time. There are statues of dubious honor, but at least as far as the records of the Legislative Data Processing Commission show, only the Penrose statue was set off by legislative enactment in 1927. To get the Penrose statue down, unlike any other statue that the Legislative Data Processing Commission has record of, will require a change of law.

Both Governor Shapp and Governor Thornburgh used the Penrose statue as a campaign prop. We do not need campaign props to celebrate Pennsylvania corruption.

The only thing that Penrose had in common with members of this House to any significant degree, if any degree at all, is Republican Party affiliation. But members of the majority as well as members of the minority should be against the continued perpetuation of the Penrose legacy. I do not at all believe that Boies Penrose is representative of the modern-day Republican Party or the modern-day political process.

I urge every member to support the removal of this statue of a man who, in the words of current Pennsylvania historian

Paul Beers, in a recent book, was "one of the most prominent scoundrels in the history of American politics," and who, in the words of President Theodore Roosevelt, was "a big buccaneer." Thank you, Mr. Speaker.

The SPEAKER. It would appear that the Chair was accurate when the Chair predicted that we would not adjourn until 8:30 this evening.

REMARKS ON VOTE

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

Mr. DeWEESE. Mr. Speaker, during the final vote on HB 2662 I was standing with Mike Ross of channel 27 news and did not get to vote. I would like to be recorded in the affirmative, please.

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

CONSIDERATION OF HB 2577 CONTINUED

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

Mr. RAPPAPORT. Mr. Speaker, this is indeed a very interesting amendment, but unfortunately it does not go far enough.

I would recall to the House that we have in front of the Capitol those huge bronze doors, and had some research been done on that, it would have determined that the portraits of the various people which are on those doors—I know we have all looked at them with great interest and have researched just who those people are—but for those few spectators or pages who have not done that research, I will tell you who they are. They are the contractors and the architects and the designers of this lovely building which this bill is designed to preserve and protect, and may I recall to your recollection just what happened to those people. I believe there are over a dozen portraits cast in bronze on those huge, beautiful doors, and of those dozen people, I believe fully nine of them either committed suicide in lieu of trial or were indicted and later served time for their activities in the construction of this building.

Mr. Speaker, I would suggest that if we are going to take down the statue of Boies Penrose, then we also must eradicate those faces from the doors. We might, therefore, pass a bill changing the history books that are used in the required course in Pennsylvania history taught in all of our schools, and I suggest a number of other things will have to be changed.

And I rise for a different reason, Mr. Speaker. The late Mr. Penrose was the leader of the old seventh ward in Philadelphia, albeit the Republican leader, a ward in which I had the honor of serving as a Democratic committeeman and which is now part of the fifth ward. It is not undue to his activities that the ward is called the "Bloody Fifth," since there was a fight within the Republican organization in 1929 that led to the murders that gave us that appellation.

I disagree with my good friend, Mr. Cohen. I think that the statue of Boies Penrose should remain in the Capitol precinct

as a memorial forever to the Pennsylvanians who are here and shall succeed us, and to the great traditions of the Grand Old Party, and, therefore, I intend to vote against this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair is about to ask that a Speaker pro tem take the rostrum so that he, too, can participate in the fun. I think that the gentleman has laid open a very vulnerable position if we are going to compare records of the two parties, and I would request that we not go into this type activity again. I do not think it is appropriate.

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

Mr. GAMBLE. Mr. Speaker, I think it is very inappropriate, after we have passed a tough drunken driving bill, to have a happy hour here.

Personally, Boies Penrose never did anything to me, and I do not think he did anything to anyone here, and I would like that we would get on and vote "yes" or "no," and I say, if it costs one dime to remove it, let it stand. Let us vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I know the Speaker admonished us to stay away from certain observations of the gentleman, Mr. Rappaport, but I think what we would end up doing is putting some more statues up, but we probably should refrain from that.

But with regard to those which are already standing on this hallowed Capitol Hill, I do not believe that we should allow Mr. Cohen's delicate sense of history to guide us on this day. I believe we should allow every bit of Pennsylvania history to stand just as it is.

I suggest we oppose the gentleman's amendment. Thank you.

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

The following roll call was recorded:

YEAS—27

Blaum	Grabowski	Manderino	Petrarca
Caltagirone	Harper	Michlovic	Pistella
Clark	Hoeffel	Miscevich	Pratt
Cohen	Irvis	O'Donnell	Richardson
DeWeese	Kukovich	Olasz	Trello
Deal	Lucyk	Oliver	Williams, H.
Fischer	Maiale	Pendleton	

NAYS—156

Anderson	Fargo	Livengood	Showers
Armstrong	Fee	Lloyd	Shupnik
Arty	Foster, Jr., A.	McClatchy	Sieminski
Belardi	Freind	McMonagle	Sirianni
Belfanti	Fryer	McVerry	Smith, B.
Beloff	Gallagher	Mackowski	Smith, E. H.
Bittle	Gallen	Madigan	Smith, L. E.
Borski	Gamble	Manmiller	Snyder
Bowser	Gannon	Marmion	Spencer
Boyes	Geist	Merry	Stairs
Brandt	George	Miller	Steighner
Brown	Gladeck	Moehlmann	Stevens
Burd	Gray	Morris	Stewart
Burns	Greenfield	Mowery	Stuban
Cappabianca	Greenwood	Mrkoncic	Swaim
Cawley	Grieco	Mullen	Swift
Cessar	Gruitza	Murphy	Taddonio
Cimini	Gruppo	Nahill	Taylor, E. Z.
Civera	Hagarty	Noye	Taylor, F. E.

Clymer	Haluska	Perzel	Telek
Cochran	Hasay	Peterson	Tigue
Colafiglia	Hayes	Petron	Van Horne
Cole	Heiser	Phillips	Vroon
Cordisco	Honaman	Piccola	Wachob
Cornell	Horgos	Pievsky	Wambach
Coslett	Hutchinson, A.	Pitts	Wargo
Cowell	Itkin	Pott	Wass
Cunningham	Jackson	Pucciarelli	Wenger
DeMedio	Johnson	Punt	Weston
DeVerter	Kennedy	Rappaport	Williams, J. D.
Daikeler	Klingaman	Rasco	Wilson
Davies	Kowalshyn	Reber	Wogan
Dawida	Lashingier	Rieger	Wozniak
Dietz	Laughlin	Ritter	Wright, D. R.
Dininni	Lehr	Rybak	Wright, J. L.
Dombrowski	Lescovitz	Salvatore	Zwikl
Donatucci	Letterman	Saurman	
Dorr	Levi	Serafini	Ryan,
Duffy	Levin	Seventy	Speaker
Durham	Lewis		

NOT VOTING—14

Alden	Evans	Micozzie	Sweet
Barber	Fleck	Rocks	Wiggins
Berson	Foster, W. W.	Spitz	Wright, R. C.
Emerson	McIntyre		

EXCUSED—2

Frazier Kolter

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

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

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

The question is, shall the bill pass finally?

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

YEAS—190

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

Coslett	Irvis	Petrone	Wachob
Cowell	Itkin	Phillips	Wambach
Cunningham	Jackson	Piccola	Wargo
DeMedio	Johnson	Pievsky	Wass
DeVerter	Kennedy	Pistella	Wenger
DeWeese	Klingaman	Pitts	Weston
Daikeler	Kowalshyn	Pott	Wiggins
Davies	Kukovich	Pratt	Williams, H.
Dawida	Lashinger	Pucciarelli	Williams, J. D.
Deal	Laughlin	Punt	Wilson
Dietz	Lehr	Rappaport	Wogan
Dininni	Lescovitz	Rasco	Wozniak
Dombrowski	Letterman	Reber	Wright, D. R.
Donatucci	Levi	Richardson	Wright, J. L.
Dorr	Levin	Rieger	Zwikl
Duffy	Lewis	Ritter	
Durham	Livengood	Rocks	Ryan,
Evans	Lloyd	Rybak	Speaker

NAYS—1

Hutchinson, A.

NOT VOTING—6

Alden	Emerson	McIntyre	Wright, R. C.
Berson	Fleck		

EXCUSED—2

Frazier Kolter

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 York, Mr. Lehr.

Mr. LEHR. Mr. Speaker, on HB 2533, amendment A8830, I would like to be recorded in the affirmative rather than negative. Thank you.

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

STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mr. DAVIES. I request unanimous consent, Mr. Speaker, to address a piece of legislation I placed on the desk.

The SPEAKER. The Chair hears no objection. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, I placed a piece of legislation on the desk which is dealing with the stress that possibly State employees may face in the pursuit of their jobs, and under any particular conditions of stress where that person either threatened his life or somebody else's life or threatened somebody with bodily injury, it would require that a psychological or mental health test be taken within 48 hours, and in the next 48 hours the report would be given back to the agency by which that gentleman had been employed, if there is anyone interested in signing the legislation. Thank you.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I submit the following list of additions and deletions of sponsorship of bills for the record, in accordance with the House rules:

ADDITIONS:

HB 2626, Cochran; HB 2633, Belfanti.

DELETIONS:

HB 2499, George, Misceovich.

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. Thank you, Mr. Speaker.

I move that this House do now adjourn until Monday, November 8, 1982, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

The SPEAKER. The Chair thanks the gentleman.

Prior to taking the vote, the Chair wishes all the members of the House who are running for reelection the very best of luck.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:05 p.m., e.d.t., the House adjourned.