

# Legislative Journal

TUESDAY, MAY 10, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 38

## HOUSE OF REPRESENTATIVES

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

### THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

#### PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

O God of all grace and Father of all mankind, it is with heartfelt praise and thankful gratitude that we bow before Thee in the quiet moments of this day. We recognize our dependence upon Thee and our need of Thy continued presence and guidance in all of life.

O God, help us to show forth our thanksgiving by living lives of thanks and praise to Thee; fill us with the righteousness of Thy indwelling spirit, that we may always do that which is commendable in Thy sight; and challenge us to set standards and produce works which will speak Thy truth before our fellow men. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 960** By Representative PIEVSKY

An Act to further provide for the expenses of the Executive and Judicial Departments of the Commonwealth for the fiscal period July 1, 1982 to June 30, 1983.

Referred to Committee on APPROPRIATIONS, May 10, 1983.

**No. 961** By Representatives STUBAN, BELFANTI and PHILLIPS

An Act authorizing the Department of General Services to convey a tract of land in Mahoning Township, Montour County to the Danville Daycare Center for Child Development Inc.

Referred to Committee on STATE GOVERNMENT, May 10, 1983.

**No. 962** By Representatives STUBAN, FRYER, BELFANTI, A. C. FOSTER, JR., PHILLIPS and LEVI

An Act amending "The Borough Code," approved February 1, 1966 (P. L. 1656, No. 581), further providing for the sale of land to a volunteer fire company located within the borough.

Referred to Committee on LOCAL GOVERNMENT, May 10, 1983.

**No. 963** By Representatives PISTELLA, BELFANTI, HOEFFEL, McMONAGLE, HARPER, TRELLO, MORRIS, KUKOVICH and F. E. TAYLOR

An Act amending "The Marriage Law," approved August 22, 1953 (P. L. 1344, No. 383), providing for the publication and distribution of a booklet relating to marriage and parenthood.

Referred to Committee on STATE GOVERNMENT, May 10, 1983.

**No. 964** By Representatives PISTELLA, BELFANTI, HOEFFEL, McMONAGLE, HARPER, TRELLO, MORRIS, PRATT, FATTAH, F. E. TAYLOR and R. C. WRIGHT

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for an educational program relating to family responsibilities; and making an appropriation.

Referred to Committee on EDUCATION, May 10, 1983.

**No. 965** By Representatives PISTELLA, BELFANTI, HOEFFEL, McMONAGLE, HARPER, TRELLO, CIVERA, WIGGINS, MORRIS, KUKOVICH, PRATT, LINTON, FATTAH, AFFLERBACH and F. E. TAYLOR

An Act amending the "Protection From Abuse Act," approved October 7, 1976 (P. L. 1090, No. 218), requiring police officers to give certain advice relating to the act.

Referred to Committee on JUDICIARY, May 10, 1983.

**No. 966** By Representatives COY, COWELL, KOSINSKI, TIGUE, GALLAGHER, D. R. WRIGHT, DeWEESE, DAVIES, NOYE, FREIND, DOMBROWSKI, ALDERETTE, McCALL, LAUGHLIN, COLAFELLA and LESCOVITZ

An Act amending "The Library Code," approved June 14, 1961 (P. L. 324, No. 188), further providing for the confidentiality of library circulation records.

Referred to Committee on EDUCATION, May 10, 1983.

**No. 967** By Representatives SWEET, HOEFFEL, MICHLOVIC, O'DONNELL,

F. E. TAYLOR, IRVIS, MANDERINO, WACHOB, PISTELLA, DALEY, LESCOVITZ, WOZNIAK, McINTYRE, AFFLERBACH, GRUITZA, BELFANTI, GALLAGHER, SEVENTY, PRATT, VAN HORNE, TRELLO, GAMBLE, MAIALE, FREEMAN, PETRARCA, MURPHY, MORRIS, LETTERMAN, LLOYD, RYBAK, WAMBACH, KOSINSKI, ALDERETTE, DAWIDA, FISCHER, BLAUM, MICOZZIE, EVANS, COWELL, STEIGHNER, CLARK, TIGUE, McHALE, PERZEL and CAPPABIANCA

An Act amending the "Municipality Authorities Act of 1945," (P. L. 382, No. 164), expanding the general powers to community development projects.

Referred to Committee on LOCAL GOVERNMENT, May 10, 1983.

**No. 968** By Representatives COY, BALDWIN, SHOWERS, McCALL, ALDERETTE, DALEY, LAUGHLIN, D. R. WRIGHT, DOMBROWSKI, COLAFELLA and COLE

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for exclusions from the tax for education.

Referred to Committee on FINANCE, May 10, 1983.

**No. 969** By Representatives ITKIN, CESSAR, J. L. WRIGHT, RYBAK, F. E. TAYLOR, MRKONIC, KOWALYSHYN, WARGO, BOYES, HALUSKA, ANGSTADT, KUKOVICH, KOSINSKI, TRELLO, ALDERETTE, MORRIS, POTT, NAHILL, D. R. WRIGHT, CAWLEY, SWEET, FREEMAN, JOHNSON, FATTAH, DeLUCA, PISTELLA, SEVENTY, OLASZ, MICOZZIE, PETRARCA, McVERRY, MAIALE, SHOWERS, E. Z. TAYLOR, PRESTON and COLAFELLA

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for the operation of vending facilities by licensed blind persons; creating a Committee of Blind Vendors; and imposing duties on Blindness and Visual Services.

Referred to Committee on HEALTH AND WELFARE, May 10, 1983.

**No. 970** By Representatives POTT, McCLATCHY, BURD, KOSINSKI, MILLER, COY, J. L. WRIGHT, HALUSKA, PHILLIPS, BOOK, BOYES, F. E. TAYLOR, HERSHEY, PRATT, GODSHALL, BELARDI, PRESTON and OLASZ

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentencing alternatives for summary offenders involving drugs and alcohol.

Referred to Committee on JUDICIARY, May 10, 1983.

**No. 971** By Representatives POTT, McCLATCHY, BURD, KOSINSKI, MILLER, COY, J. L. WRIGHT, HALUSKA, PHILLIPS, BOOK, BOYES, F. E. TAYLOR, HERSHEY, NOYE, SIRIANNI and FATTAH

An Act amending the "Mental Health Procedures Act," approved July 9, 1976 (P. L. 817, No. 143), extending time for withdrawal from voluntary treatment.

Referred to Committee on HEALTH AND WELFARE, May 10, 1983.

**No. 972** By Representatives POTT, McCLATCHY, BURD, KOSINSKI, MILLER, COY, J. L. WRIGHT, HALUSKA, PHILLIPS, BOOK, BOYES, F. E. TAYLOR, HERSHEY, WOGAN, NOYE, BUNT, PRATT, JOHNSON, MERRY, B. SMITH, SIRIANNI, PRESTON and COLAFELLA

An Act amending the "Pennsylvania Drug and Alcohol Abuse Control Act," approved April 14, 1972 (P. L. 221, No. 63), providing immunity from liability.

Referred to Committee on HEALTH AND WELFARE, May 10, 1983.

#### SENATE BILLS FOR CONCURRENCE

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

**SB 280, PN 299**

Referred to Committee on LOCAL GOVERNMENT, May 10, 1983.

**SB 527, PN 796**

Referred to Committee on MILITARY AND VETERANS AFFAIRS, May 10, 1983.

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, May 9, 1983, will be postponed until the Journal is in print. The Chair hears no objection.

#### SENATE MESSAGE

AMENDED HOUSE BILL  
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 61, PN 943**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip. Does the gentleman have any leaves of absence? The minority whip indicates he has no leaves of absence.

Does the majority whip have any leaves of absence for the Democratic Party? The majority whip indicates there are no requests for leaves.

**MASTER ROLL CALL RECORDED**

The SPEAKER. The Chair is about to take the master roll call for today. The members will proceed to vote.

The following roll call was recorded:

**PRESENT—200**

Afflerbach	Fargo	Lloyd	Robbins
Alderette	Fattah	Lucyk	Rudy
Angstadt	Fee	McCall	Ryan
Armstrong	Fischer	McClatchy	Rybak
Arty	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Belardi	Freeman	McVerry	Scheetz
Belfanti	Freind	Mackowski	Schuler
Beloff	Fryer	Madigan	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Brandt	Geist	Marmion	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Spencer
Caltagirone	Grieco	Miller	Spitz
Cappabianca	Gruitza	Miscevich	Stairs
Carn	Gruppo	Moehlmann	Steighner
Cawley	Hagarty	Morris	Stevens
Cessar	Haluska	Mowery	Stewart
Cimini	Harper	Mrkonic	Stuban
Civera	Hasay	Murphy	Sweet
Clark	Hayes	Nahill	Swift
Clymer	Herman	Noye	Taylor, E. Z.
Cohen	Hershey	O'Brien	Taylor, F. E.
Colafrella	Hoeffel	O'Donnell	Telek
Cole	Honaman	Olasz	Tigue
Cordisco	Hutchinson	Oliver	Trello
Cornell	Itkin	Perzel	Truman
Coslett	Jackson	Peterson	Van Horne
Cowell	Jarolin	Petrarca	Vroon
Coy	Johnson	Petrone	Wachob
Deluca	Kasunic	Phillips	Wambach
DeVerter	Kennedy	Piccola	Wargo
DeWeese	Klingaman	Pievsky	Wass
Daley	Kosinski	Pistella	Wiggins
Davies	Kowalyshyn	Pitts	Williams
Dawida	Kukovich	Pott	Wilson
Deal	Lashingner	Pratt	Wogan
Dietz	Laughlin	Preston	Wozniak
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Reinard	
Duffy	Levin	Richardson	Irvis,
Durham	Linton	Rieger	Speaker
Evans	Livengood		

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—3**

Battisto                  Weston                  Zwickl

**WELCOMES**

The SPEAKER. The Chair at this time is delighted to welcome students of the Leacock Elementary School, who are here with Miss Eberly, their teacher. They are here as the guests of Representative Schuler.

The Chair is delighted to welcome to the hall of the House the representative of the General Assembly for the Youth Day in Government from McCaskey High School, Miss Kathy Tomlinson. She is here with her adviser, the chairman of the history department, Mr. Robert Herr. They are both here as the guests of Representative Miller.

**CALENDAR**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 413, PN 474**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the United States of America, acting through the Department of Labor, Job Corps, a tract of land and buildings, known as the C. Howard Marcy State Hospital, situate in the City of Pittsburgh, Allegheny County, Pennsylvania.

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—192**

Afflerbach	Fargo	Lloyd	Robbins
Alderette	Fattah	Lucyk	Rudy
Angstadt	Fee	McCall	Ryan
Armstrong	Fischer	McClatchy	Rybak
Baldwin	Foster, W. W.	McHale	Saloom
Barber	Foster, Jr., A.	McMonagle	Salvatore
Belardi	Freeman	McVerry	Saurman
Belfanti	Freind	Mackowski	Scheetz
Beloff	Fryer	Madigan	Schuler
Blaum	Gallagher	Maiale	Semmel
Book	Gallen	Manderino	Serafini
Bowser	Gamble	Manmiller	Seventy
Boyes	Geist	Markosek	Showers
Brandt	George	Marmion	Sirianni
Broujos	Gladeck	Mayernik	Smith, B.
Bunt	Godshall	Merry	Smith, L. E.
Burd	Greenwood	Michlovic	Snyder, D. W.
Burns	Grieco	Micozzie	Snyder, G. M.
Caltagirone	Gruitza	Miller	Spencer
Cappabianca	Gruppo	Miscevich	Stairs
Carn	Hagarty	Moehlmann	Steighner
Cawley	Haluska	Morris	Stevens
Cessar	Harper	Mowery	Stewart
Cimini	Hasay	Mrkonic	Stuban
Civera	Hayes	Murphy	Sweet
Clark	Herman	Nahill	Swift

Clymer	Hershey	Noye	Taylor, E. Z.
Cohen	Hoefel	O'Brien	Taylor, F. E.
Colafella	Honaman	O'Donnell	Telek
Cole	Hutchinson	Olasz	Tigue
Cordisco	Itkin	Oliver	Trello
Cornell	Jackson	Perzel	Truman
Coslett	Jarolin	Peterson	Van Horne
Cowell	Johnson	Petrarca	Vroon
Coy	Kasunic	Petrone	Wachob
Deluca	Kennedy	Phillips	Wambach
DeVerter	Klingaman	Piccola	Wargo
DeWeese	Kosinski	Pievsky	Wass
Daley	Kowalyszyn	Pistella	Wiggins
Davies	Kukovich	Pott	Williams
Dawida	Lashinger	Pratt	Wilson
Deal	Laughlin	Preston	Wogan
Dietz	Lehr	Punt	Wozniak
Dininni	Lescovitz	Rappaport	Wright, D. R.
Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Reinard	
Dorr	Levin	Richardson	Irvis,
Duffy	Linton	Rieger	Speaker
Evans	Livengood		

NAYS—0

NOT VOTING—8

Arty	Flick	McIntyre	Spitz
Durham	Gannon	Pitts	Wright, R. C.

EXCUSED—3

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

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

RESOLUTION ADOPTED

Mr. COHEN called up HR 32, PN 325, entitled:

Memorializing Congress to cease interest on and absolve a percentage of the Federal Unemployment Trust Fund debt of the affected states.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Afflerbach	Fargo	Lloyd	Robbins
Alderette	Fattah	Lucyk	Rudy
Angstadt	Fee	McCall	Ryan
Armstrong	Fischer	McClatchy	Rybak
Arty	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Belardi	Freeman	McVerry	Scheetz
Belfanti	Freind	Mackowski	Schuler
Beloff	Fryer	Madigan	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Brandt	Geist	Marmion	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Spencer
Caltagirone	Grieco	Miller	Spitz
Cappabianca	Gruitza	Miscevich	Stairs
Carn	Gruppo	Moehlmann	Steighner

Cawley	Hagarty	Morris	Stevens
Cessar	Haluska	Mowery	Stewart
Cimini	Harper	Mrkonic	Stuban
Civera	Hasay	Murphy	Sweet
Clark	Hayes	Nahill	Swift
Clymer	Herman	Noye	Taylor, E. Z.
Cohen	Hershey	O'Brien	Taylor, F. E.
Colafella	Hoefel	O'Donnell	Telek
Cole	Honaman	Olasz	Tigue
Cordisco	Hutchinson	Oliver	Trello
Cornell	Itkin	Perzel	Truman
Coslett	Jackson	Peterson	Van Horne
Cowell	Jarolin	Petrarca	Vroon
Coy	Johnson	Petrone	Wachob
Deluca	Kasunic	Phillips	Wambach
DeVerter	Kennedy	Piccola	Wargo
DeWeese	Klingaman	Pievsky	Wass
Daley	Kosinski	Pistella	Wiggins
Davies	Kowalyszyn	Pitts	Williams
Dawida	Kukovich	Pott	Wilson
Deal	Lashinger	Pratt	Wogan
Dietz	Laughlin	Preston	Wozniak
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Reinard	
Duffy	Levin	Richardson	Irvis,
Durham	Linton	Rieger	Speaker
Evans	Livengood		

NAYS—0

NOT VOTING—0

EXCUSED—3

Battisto	Weston	Zwinkl
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The question was determined in the affirmative, and the resolution was adopted.

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

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House Mr. Frederick Hoy of Lock Haven, Pennsylvania, the nephew of James Lovette, executive director of the House Game and Fisheries Committee, who will be a guest page for the next 2 days. He is here at the invitation of Representative Russ Letterman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 447, PN 885, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from the axle tax.

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

Mr. LETTERMAN offered the following amendments No. A0557:

Amend Title, page 1, line 2, by removing the period after "tax" and inserting  
; and providing for temporary provisions for certain vehicles.

Amend Bill, page 1, by inserting between lines 4 and 5

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 4949. Temporary provisions for certain vehicles.

(a) General rule.—Notwithstanding any provision of this title to the contrary, it is lawful to operate a four-axle vehicle, purchased on or before the effective date of this section, which does not exceed the maximum gross weight of 73,280 pounds on any highway in this Commonwealth, regardless of the maximum axle weight provisions of section 4943 (relating to maximum axle weight of vehicles).

(b) Expiration of section.—This section shall expire May 31, 1988.

Amend Sec. 1, page 1, line 5, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 5 and 6, by striking out "of the Pennsylvania Consolidated Statutes"

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, what I am attempting to do is to say that it is lawful to operate a four-axle vehicle purchased on or before the effective date of this section which does not exceed the maximum gross weight of 73,280 pounds on any highway in this Commonwealth. What we are trying to do is say that if they do not exceed the maximum gross weight, then the tri-axle vehicles should not be held to the weight done by the portable scales.

I have written to the company that makes these scales, and I would like to read to you two items which make me believe that these scales should be outlawed completely, although I am not asking that at this time. It says, "Ideal weighing sites should be flat, level and hard surfaced." Now, all of us know that the State Police do not use any flat, level, and hard-surfaced areas when they weigh. "Approaches should be long enough for a straight line movement of vehicle prior to and during weighing. Realizing the problems of finding ideal weighing surfaces, the MD-500-E Weigher is designed to weigh on a side slope, not exceeding 5 degrees, and on any surface capable of holding the weigher above ground. The site chosen should not be up or down hill, in a hollow or on a crest, as these conditions will redistribute the weights of the axles."

One other item: "Locate a truck in good condition that has enough power to smoothly climb the weigher and is carrying a single front wheel weight of approximately 4,000 pounds or is pulling a single axle trailer. (Do not attempt to use a tandem axle or a drive axle, as the weight shift across drive axles and between tandem axles is inconsistent.)"

Now, Mr. Speaker, one of the things that this really says to me is that the scales which we are using out there are not consistent, and it has been proven in courts all throughout Pennsylvania. The thing that happens is that someone gets arrested and is fined maybe \$200 or \$300. In order for that man to prove that he is not guilty, he has to take a lawyer to court. This costs him about \$800. What we are saying is that the

State Police are not being very particular in the place which they designate as a weighing spot. I do not know of any one of them who takes these trucks to a hard, level, flat surface to weigh. They weigh them in the mud; they weigh them up and down hills. The booklet absolutely says you should not weigh up or down hill. They do not even give you a 5-degree variance on that, only on the side slope, which they also weigh on.

I am just saying that we should be fair to the construction vehicles of this State, especially at a time when everybody is hurting pretty bad. We are getting the money. These people actually pay for a license to haul 73,280. In order for most of the truckers in my area—and I am sure it is every other area—to legally haul so that they are not arrested, my truckers are staying down around 68,000 pounds. This is the only way they can haul to be absolutely sure they are not going to be illegal when they go out on the road. Now either we do this, or then I feel we should reduce the license fee to these people at a proper rate. There is no way we can continue to allow this kind of operation to proceed any further. I ask you for an affirmative vote on my amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. Dininni, on the Letterman amendment.

Mr. DININNI. Mr. Speaker, I rise in opposition to the amendment itself. What Mr. letterman is saying pertaining to the scales I agree with, and that is another issue and it is not part of his amendment. I agree with him on the other aspects of his explanation but certainly not pertaining to the amendment itself.

First, what this amendment is attempting to do is remove the axle weights up to 73,280. That is in direct violation of title 23 of the United States Code. If you read that further, they could withhold our State funds from us. And again, I do not want to go through the same battle that we went through last week here trying to recoup the funds that were being withheld from us. Here we go again trying to solve one problem, what seems to be a problem, and getting into the bucket again. So I rise in opposition to that amendment.

Furthermore, the amendment was poorly drafted. What he is doing really is permitting trucks of 73,280 to operate on any highway in Pennsylvania. He does not say that they are State roads; he says any highway. So if you have a community that eliminates truck traffic through their community, this would permit them to operate. That is number one. Then you have State highways that are posted to much, much lower limits, so it would permit them to operate on these highways.

So for these reasons, if we can work out some kind of a compromise, I would be willing, but under these circumstances, I would ask all of the members of the House to vote "no" on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Letterman amendment, the Chair recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, I am not splitting hairs, but I think if Mr. Dininni would read the amendment, we are addressing the gross weight of 73,280.

I would remind the members of this House that a similar bill passed in the last session with only in the area of approximately six negative votes. And I am speaking from personal knowledge of one trucker whom I personally took back 80 registrations for. He is paying a fee on the basis of 73,280, and I can produce evidence to show where he has been cited in the amount of \$1,300 when his gross bill of lading specifies 66,000 pounds.

I am asking you gentlemen to listen very carefully to the plight of many of these truckers, in particular in the hilly areas of Pennsylvania. Consider these truckers who haul asphalt, sand, and any type of aggregate. When they are going up a hill, this material will slide. At the very top is a State Police weigh team waiting for them on the side of the road. I am asking how any reasonable person can expect that man to prevent that load from sliding. The same holds true on the down side of the hill. As they are going downhill, this material will slide forward. I want you to consider this very carefully, because we are addressing the gross bill of lading, 73,280, the gross weight.

Something else that all of us hold near and dear to our hearts - garbage collectors. I alert you to the fact that every garbage hauler, be he municipal or private, who has a compactor on the back end is now being cited, because there is absolutely no way that they can comply with the axle weight with that packer hanging over the back end.

These are the issues that must be addressed. Do you want to continue to harass these men or do you want to be fair and equitable? I would ask your consideration in a favorable vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the Letterman amendment, the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

Last year, again I would like to reiterate what Representative Olasz said, this bill passed overwhelmingly. HB 34 was supposed to address this 2 years ago. In HB 34 we talked about 20,000 pounds on a front axle, and it was supposed to be a grandfather clause for 4 years and it was supposed to resolve this. In our last Transportation Committee meeting, Mr. Hohenwarter said he wanted to reduce the 20,000 pounds from the front axle to 12,000 pounds, and we did not have proxies there and it seemed to pass, and now I have the truckers from my district calling me saying, how could you preempt the Federal law? In one case we are saying we are going from 20,000 pounds to 12,000 pounds, you know, by regulation, not by statute or law here in the House, and on another side of the coin we are saying, well, we cannot go 73,280 overall because we will be preempted, and they throw that \$500 million in front of us again. So it is too farfetched.

What we are talking about here is about a grandfather clause. A case in point: In my district, Burrell Construction bought 100 new trucks. They sent the specs to Detroit; the specs said 73,280 overall. What has happened now, when I went along with 80,000 pounds, I see now I made a mistake, because all we did was we took care of the interstates, but now on the intrastates, the tri-axle trucks that pave your streets,

which we need, they are saying to them, even though they did not weigh these trucks for 24 years, Mr. Speaker, they are saying to us now we are weighing them yesterday. These trucks are obsolete. So Burrell has 100 trucks worth \$80,000 apiece which are scrap. There is not even a used-car market for them. So we came out with HB 34 asking for a grandfather clause until 1988 to wear these trucks out, and then, when we send the specs to Detroit— That is where it belongs, in Detroit. Put the right specs on these trucks. When they come back to Burrell Construction, they should comply with the bridge formula of the Federal Government and with the State formula. They are not, and for 24 years we did not weigh them.

So all I am saying is a grandfather clause for these construction outfits in Pennsylvania who need the grandfather clause because they have the trucks. That is why we passed this overwhelmingly last year. Only because of the emission control battle was it overlooked, and I think this is a good amendment. It is only a grandfather clause for the 4 years to let these construction firms work out of their dilemma.

Also, Burrell Construction was harassed so many times by the State Police, they invited the State Police to come down, and they said, tell us how we can comply with the law. Here are two trucks. So they loaded the trucks from the front. They walked around it; the one was 1,000 pounds under. They walked around the other one; it was 200 pounds under. He said, walk around it again and weigh it again with the portable scales. It was in violation. They drove these trucks down Coxcombe Hill in the New Kensington area. On the bottom of the hill, they weighed them again and both trucks were out of compliance.

So they are looking to the General Assembly; they are saying, hey, look, when we ordered the trucks— In fact, Joe Kolter said he is putting a bill in in Washington to correct this, because he had the same problem that Amos is having with it. So what we have to do, like we have done every time before, Mr. Speaker, is to give the contractors an opportunity to utilize the trucks they bought—no fault of their own. And when they purchase the trucks, we should have a law that says, in Detroit, comply with our bridge formula. Burrell Construction took 10 trucks, and it cost them \$5,000 a truck to modify them. They also bought 12 trucks down in Georgia, used trucks, because they refused an order from Detroit because they did not comply. They are trying to work out of this dilemma, and for us to sit back and say damn the construction companies is wrong. We should never have passed 80,000 pounds in the first place. So what I am saying is let us give these construction firms in Pennsylvania a break.

The SPEAKER. The Chair thanks the gentleman.

## WELCOME

The SPEAKER. The Chair at this time is delighted to welcome to the hall of the House the Honorable Lawrence Prattis, a judge of the common pleas bench in Philadelphia, candidate for Superior Court. He is here as the guest of the entire Philadelphia delegation. He stands to my left.

**CONSIDERATION OF HB 447 CONTINUED**

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye, on the Letterman amendment.

Mr. NOYE. Thank you, Mr. Speaker.

Would the gentleman, Mr. Letterman, stand for interrogation?

The SPEAKER. The gentleman, Mr. Letterman, indicates he will so stand. The gentleman, Mr. Noye, is in order and may proceed.

Mr. NOYE. Mr. Speaker, I have no problem with your amendment. However, your amendment is drafted as it relates to construction vehicles. My question is, in trying to follow the debate—

Mr. LETTERMAN. Excuse me. You must have the wrong amendment. This is A0557.

Mr. NOYE. Okay, fine. That answers that part of the question.

My question is, I think from the debate that has gone on here that the problem that you are trying to address with construction vehicles also is the same problem that the milk haulers are experiencing in trying to meet the bridge formula. Is this correct?

Mr. LETTERMAN. That is right.

Mr. NOYE. Then if your amendment is adopted, the milk haulers who have these trucks that cannot comply with the bridge formula in any way would be exempt under your bill? Under the provisions of the bill, they would be able to operate?

Mr. LETTERMAN. Yes.

Mr. NOYE. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. Does the gentleman wish to make a statement on the amendment?

Mr. NOYE. Yes, Mr. Speaker.

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

Mr. NOYE. Mr. Speaker, if this is the case, this is a problem that we have been experiencing for quite some time. We had meetings last year with PennDOT; we had meetings with the Federal Government; we had the people in here from the U.S. DOT (Department of Transportation), and they told us that we could change the law, but it really is going to have no effect as far as they are concerned. It is a Federal problem; it is a Federal law. I am willing to give it a try. I am willing to try anything to get the milk haulers out from under this problem, but I do not think it is going to do any good until, hopefully, as was mentioned, Mr. Kolter is successful in Washington.

The problems that we are experiencing are that the farmers out there with milk are being threatened with shutoff of service because the milk haulers who cannot comply with the weight standards on the roads cannot legally travel to pick up that milk and then legally carry it back to the creameries. So I see no objection to the amendment, but I really, frankly, do not think we are going to succeed in doing what we hope we can do.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Dininni.

Mr. DININNI. Mr. Speaker, I only want to make one more point. First of all, the previous speakers referred to construction vehicles. In present law today, all construction vehicles, for a \$50 fee, can have a permit, and it is an annual permit, to travel on designated routes, but not on interstate highways, which is in direct violation of title 23. So right now all construction vehicles have that right, but this amendment goes much, much further, and I still recommend that we vote "no" on the amendment until we have a better amendment or work this problem out.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BURD. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Letterman amendment. I, too, have some reservations with the way the language is specifically drawn; however, I also know this to be an ongoing problem in the trucking industry in Pennsylvania. This is one of the final arguments that we are trying to help that industry along with, and you cannot get away from the fact that when these people buy a truck in good faith and go out and buy a license plate in good faith and then find that because of the axle law and because of the way the load is being distributed on a truck, they in fact cannot haul the weight that they purchased the license for, it seems to me it is very unfair in these economic crisis days that we are having in not only the trucking industry but all the industries in Pennsylvania.

I therefore very reluctantly support the Letterman amendment. I do not think it solves the problem completely, because there are other trucks out there other than construction trucks having the same problem, but for now I would urge my colleagues on this side of the aisle to support the Letterman amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the Letterman amendment, the gentleman, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

The way I wrote my previous amendment, it was construction vehicles, and then Representative Letterman talked to me and said they are having the same trouble with the coal tri-axle trucks. Now, we are talking just for a temporary, 4-year grandfather clause. For 24 years we never weighed these trucks. Think of that. For 24 years we never bothered the construction trucks until we passed 80,000 pounds interstate. We took care of our interstate people who come in from other States, but we ripped off the construction vehicles. So all we are saying, again, a grandfather clause. It passed overwhelmingly last year. I do not know what all the fuss is about. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clearfield, Mr. George, on the Letterman amendment.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I think that this matter needs a certain amount of clarity. The minority chairman of the Trans-

portation Committee admits that something has to be done at some time or other, and I can assure you that he is absolutely accurate. What my friend, Mr. Dininni, did not say is that it seems to be that every time there is an argument in which some member wants to provide some safety measure or some economic measure, the gentlemen in the Department of Transportation keep insisting that it is going to cost us some funds.

Mr. Speaker, if you will bear with me, I will only be a moment. I just want to make a point and then let you all think about it. There was a piece of legislation put into the Vehicle Code, and Mr. Dininni knows it, that allows trucks on certain road constructions to haul unlimited weight. He knows that. It is in the Vehicle Code.

Also, as far as Federal 25, right now we have a bunch of people who have \$80,000 or \$90,000 in a truck that have class 19 that can no longer haul class 19, because they are three-axle trucks, and under the new axle law that we just passed, those people cannot haul 65,000, as the law insisted, the law that we put into effect, but only 58,400. So we cannot wait any longer.

Now, Mr. Dininni insists we will lose money, but I want to remind him that the Federal bridge law is a law to protect the highways, not just safety, and an excessive weight on one axle does not prescribe or insist that there is a violation of the axle law on the weight discrimination between two axles. We have been trying for 3 years to rectify a bad situation on axle weights. The Department of Transportation now wants laws passed that the scales need only be tested once a year because they know there are problems.

I will not belabor it any longer, Mr. Speaker. This is the first step of making something bad a little bit better, and I ask that you support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as a guest of the Chair and a guest of the Philadelphia delegation, Mrs. Loretta Brown, who is sitting up here to the left of the Speaker.

She will be fascinated by our fiscal discussions, because she is the manager of a bank. She probably will not understand the depth and perception which we bring to such discussions.

### CONSIDERATION OF HB 447 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, for the second time on his own amendment.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, two points that I want to bring out here is the fact that I am not asking for any protection for a man knowingly violating the law. And I said "knowingly," because when you come to axle weights, there is no way a man knows that he is violating that law.

I have checked with the Department of Agriculture, who calibrates the scales. They have informed me that upon cali-

bration those scales at best can only be calibrated within 1 percent of accuracy and that the possibility stands that when they weigh the first truck, that scale has been tossed around and misused in a way that it could be as much as 3 percent off.

What we are saying and what we are trying to deal with here is the fact that we would like to see the Department of Transportation come up with a better method of weighing these trucks. We are not asking for the elimination of it. We are asking them to only treat these people fairly. I believe, personally, that the State Police and the men assigned to the scale detail know when they are weighing a truck that they are not accurate, and I know that they believe they can make that arrest stick as long as that trucker does not take it to court, that the minute he takes it to court he beats it. In the courts of Centre County, there has not been one time that one man has taken that to court and has not beaten it. So there has to be some indication there that there is a real failure on the part of these scales. I ask you for an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

### YEAS—185

Afflerbach	Fargo	Levin	Rudy
Angstädt	Fattah	Linton	Ryan
Armstrong	Fee	Livengood	Rybak
Arty	Fischer	Lloyd	Saloom
Baldwin	Flick	Lucyk	Saurman
Barber	Foster, W. W.	McCall	Scheetz
Belardi	Foster, Jr., A.	McHale	Schuler
Belfanti	Freeman	McIntyre	Semmel
Beloff	Freind	McMonagle	Serafini
Blaum	Fryer	McVerry	Seventy
Book	Gallagher	Mackowski	Showers
Bowser	Gallen	Madigan	Sirianni
Boyes	Gamble	Maiale	Smith, B.
Brandt	Gannon	Manderino	Smith, L. E.
Broujos	Geist	Manmiller	Snyder, D. W.
Bunt	George	Markosek	Snyder, G. M.
Burd	Gladeck	Marmion	Spencer
Caltagirone	Godshall	Mayernik	Stairs
Cappabianca	Greenwood	Merry	Steighner
Carn	Grieco	Michlovic	Stevens
Cawley	Gruitza	Micozzie	Stewart
Cessar	Gruppo	Miller	Stuban
Cimini	Hagarty	Miscevich	Sweet
Civera	Haluska	Morris	Swift
Clark	Harper	Mowery	Taylor, E. Z.
Clymer	Hasay	Mrkonic	Taylor, F. E.
Cohen	Hayes	Nahill	Telek
Colafella	Herman	Noye	Tigue
Cole	Hershey	O'Donnell	Trello
Cordisco	Hoefel	Olasz	Truman
Cornell	Hutchinson	Oliver	Van Horne
Coslett	Itkin	Peterson	Vroon
Coy	Jackson	Petrarea	Wachob
Deluca	Jarolin	Petrone	Wambach
DeVerter	Johnson	Phillips	Wargo
DeWeese	Kasunic	Piccola	Wass
Daley	Kennedy	Pievsky	Wiggins
Davies	Klingaman	Pistella	Williams
Dawida	Kosinski	Pott	Wilson
Deal	Kowalshyn	Pratt	Wogan
Dietz	Kukovich	Preston	Wozniak
Dombrowski	Lashingier	Punt	Wright, D. R.
Donatucci	Laughlin	Rappaport	Wright, R. C.
Dorr	Lehr	Reber	
Duffy	Lescovitz	Richardson	Irvis,



Durham	Letterman	Rieger	Speaker
Evans	Levi	Robbins	
NAYS—13			
Alderette	Honaman	Murphy	Reinard
Burns	McClatchy	O'Brien	Salvatore
Cowell	Moehlmann	Perzel	Wright, J. L.
Dininni			
NOT VOTING—2			
Pitts	Spitz		
EXCUSED—3			
Battisto	Weston	Zwikel	

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. MERRY offered the following amendments No. A0698:

Amend Title, page 1, line 2, by inserting after "Statutes," further defining "resident"; providing for the burden of proof of residency in proceedings regarding driving an unregistered vehicle; further providing for investigations by police officers; and

Amend Bill, page 1, by inserting between lines 4 and 5

Section 1. The definition of "resident" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\*\*\*

"Resident." A person dwelling permanently or continuously for a period exceeding [30] 60 consecutive days within this Commonwealth, except that a person who regularly dwells in two or more states shall declare residence to be in any one of the states.

\*\*\*

Section 2. Sections 1301 and 6308(b) of Title 75 are amended to read:

§ 1301. Driving unregistered vehicle prohibited.

(a) General rule.—It is a summary offense for any person to drive or for an owner knowingly to permit to be driven upon any highway any vehicle of a type required to be registered under this chapter which is not registered or for which the appropriate fee has not been paid when and as required in this title.

(b) Proof of residency.—A person charged under this section has the burden of proving that he is a nonresident whenever he asserts a defense based on section 1303 (relating to vehicles of nonresidents exempt from registration). If he produces at the office of the issuing authority satisfactory proof that he is a nonresident within five days after being charged with a violation of this section, the issuing authority shall dismiss the charge.

(c) Penalty.—Any person violating this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75.

§ 6308. Investigation by police officers.

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(b) Authority of police officer.—[Any] Whenever a police officer has articulable and reasonable grounds to suspect a violation of this title, he may stop a vehicle, upon request or signal, for

the purpose of inspecting the vehicle as to its equipment and operation, or vehicle identification number or engine number, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

\*\*\*

Amend Sec. 1, page 1, line 5, by striking out "1" and inserting

3

Amend Sec. 1, page 1, lines 5 and 6, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Sec. 2, page 2, line 7, by striking out "2" and inserting

4

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, this amendment seeks to solve a very serious problem that exists throughout the border areas of Pennsylvania where we have residents of Pennsylvania registering their cars in an out-of-State State.

I am from Erie and Crawford Counties. The people up there register their cars in Ohio, subverting our mandatory inspection laws and our no-fault insurance laws. This results in a safety hazard to the people in Pennsylvania. It also results in the loss of revenue, because these people are giving their tax moneys in the form of registration to bordering States, and they are also giving their sales tax money. It is my understanding that this problem exists along the New Jersey borders and also the Delaware borders, and to a lesser extent in New York, Maryland, and West Virginia.

Currently it is against the law to register your car out of State, but the State Police have found it impossible to enforce this because the burden of proof is on the police. This amendment simply changes the identification of the word "resident" so that the burden of proof is now on the driver of the automobile rather than on the police. It is an amendment similar to a bill that had 58 cosponsors and is very much needed throughout the Commonwealth. I urge its positive consideration.

The SPEAKER. The Chair thanks the gentleman.

On the Merry amendment, the Chair recognizes the gentleman from Washington, Mr. Lescovitz.

Mr. LESCOVITZ. Mr. Speaker, this is an agreed-to amendment. It is definitely a problem with the counties that have the bordering States of New York, New Jersey, Ohio, and West Virginia, and I would appreciate an affirmative vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—200

Afflerbach	Fargo	Lloyd	Robbins
Alderette	Fattah	Lucyk	Rudy
Angstadt	Fee	McCall	Ryan
Armstrong	Fischer	McClatchy	Rybak
Arty	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman

Belardi	Freeman	McVerry	Scheetz
Belfanti	Freind	Mackowski	Schuler
Beloff	Fryer	Madigan	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Brandt	Geist	Marmion	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Spencer
Caltagirone	Grieco	Miller	Spitz
Cappabianca	Gruitza	Miscevich	Stairs
Carn	Gruppo	Moehlmann	Steighner
Cawley	Hagarty	Morris	Stevens
Cessar	Haluska	Mowery	Stewart
Cimini	Harper	Mrkonic	Stuban
Civera	Hasay	Murphy	Sweet
Clark	Hayes	Nahill	Swift
Clymer	Herman	Noye	Taylor, E. Z.
Cohen	Hershey	O'Brien	Taylor, F. E.
Colaflera	Hoeffel	O'Donnell	Telek
Cole	Honaman	Olasz	Tigue
Cordisco	Hutchinson	Oliver	Trello
Cornell	Itkin	Perzel	Truman
Coslett	Jackson	Peterson	Van Horne
Cowell	Jarolin	Petrarca	Vroon
Coy	Johnson	Petrone	Wachob
Deluca	Kasunic	Phillips	Wambach
DeVerter	Kennedy	Piccola	Wargo
DeWeese	Klingaman	Pievsky	Wass
Daley	Kosinski	Pistella	Wiggins
Davies	Kowalshyn	Pitts	Williams
Dawida	Kukovich	Pott	Wilson
Deal	Lashingier	Pratt	Wogan
Dietz	Laughlin	Preston	Wozniak
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Reinard	
Duffy	Levin	Richardson	Irvis,
Durham	Linton	Rieger	Speaker
Evans	Livengood		

NAYS—0

NOT VOTING—0

EXCUSED—3

Battisto Weston Zwikl

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. MERRY offered the following amendments No. A0697:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for registration of vehicles of non-residents; and

Amend Bill, page 1, by inserting between lines 4 and 5

Section 1. Section 1303(a) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1303. Vehicles of nonresidents exempt from registration.

(a) General rule.—A nonresident owner of any foreign vehicle may operate or permit the operation of the vehicle within this Commonwealth without registering the vehicle in this Commonwealth or paying any fees to the Commonwealth, provided the vehicle at all times when operated in this Commonwealth is duly registered and in full compliance with the registration

requirements of the place of residence of the owner and further provided the vehicle is not:

(1) used for the transportation of persons for hire, compensation or profit;

(2) regularly operated in carrying on business within this Commonwealth;

(3) designed, used or maintained primarily for the transportation of property for hire, compensation or profit and not subject to reciprocity under section 6144 (relating to vehicle registration and licensing) or 6149 (relating to automatic reciprocity); [or]

(4) special mobile equipment if not also required to be and actually registered under the laws of the place of residence of the owner[.]; or

(5) leased to a resident for a period exceeding 30 days in the calendar year.

\*\*\*

Amend Sec. 1, page 1, line 5, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 5 and 6, by striking out "of the Pennsylvania Consolidated Statutes"

Amend Sec. 2, page 2, line 7, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, this is a companion amendment to the amendment that just passed. What it does is this works on people who lease cars. We have leasing companies that now find that it is cheaper to register the car in an out-of-State State and bring it into Pennsylvania. This will not affect the short-term leases. The intent is that those who have long-term leases would now be leasing cars that would only be registered in Pennsylvania, if you are a Pennsylvania resident. In subsection (5) it applies to only those residents who lease a car for exceeding 30 days. I urge its affirmative adoption.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Afflerbach	Evans	Linton	Rieger
Alderette	Fargo	Livengood	Robbins
Angstadt	Fattah	Lloyd	Rudy
Armstrong	Fee	Lucyk	Ryan
Arty	Fischer	McCall	Rybak
Baldwin	Flick	McClatchy	Salvatore
Barber	Foster, W. W.	McHale	Saurman
Belardi	Foster, Jr., A.	McIntyre	Scheetz
Belfanti	Freeman	McMonagle	Schuler
Beloff	Freind	McVerry	Semmel
Blaum	Fryer	Mackowski	Serafini
Book	Gallagher	Madigan	Seventy
Bowser	Gallen	Maiale	Showers
Boyes	Gamble	Manderino	Sirianni
Brandt	Gannon	Manmiller	Smith, B.
Broujos	Geist	Markosek	Smith, L. E.
Bunt	George	Marmion	Snyder, D. W.
Burd	Gladeck	Mayernik	Snyder, G. M.
Burns	Godshall	Merry	Spencer
Caltagirone	Greenwood	Michlovic	Spitz
Cappabianca	Grieco	Micozzie	Stairs
Carn	Gruitza	Miller	Steighner
Cawley	Gruppo	Miscevich	Stevens

Cessar	Hagarty	Moehlmann	Stewart
Cimini	Haluska	Morris	Stuban
Civera	Harper	Mowery	Swift
Clark	Hasay	Mrkonic	Taylor, E. Z.
Clymer	Hayes	Murphy	Taylor, F. E.
Cohen	Herman	Nahill	Telek
Colafella	Hershey	Noye	Tigue
Cole	Hoeffel	O'Brien	Trello
Cordisco	Honaman	O'Donnell	Truman
Cornell	Hutchinson	Olasz	Van Horne
Coslett	Itkin	Oliver	Vroon
Cowell	Jackson	Perzel	Wachob
Coy	Jarolin	Peterson	Wambach
Deluca	Johnson	Petrarca	Wargo
DeVerter	Kasunic	Petrone	Wass
DeWeese	Kennedy	Phillips	Wiggins
Daley	Klingaman	Piccola	Williams
Davies	Kosinski	Pievsky	Wilson
Dawida	Kowalyshyn	Pistella	Wogan
Deal	Kukovich	Pitts	Wozniak
Dietz	Lashinger	Pott	Wright, D. R.
Dininni	Laughlin	Preston	Wright, J. L.
Dombrowski	Lehr	Punt	Wright, R. C.
Donatucci	Lescovitz	Rappaport	
Dorr	Letterman	Reber	Irvis,
Duffy	Levi	Reinard	Speaker
Durham	Levin	Richardson	

NAYS—1

Saloom

NOT VOTING—2

Pratt Sweet

EXCUSED—3

Battisto Weston Zwikl

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—197

Afflerbach	Fargo	Lloyd	Rudy
Angstadt	Fattah	Lucyk	Ryan
Armstrong	Fee	McCall	Rybak
Arty	Fischer	McHale	Saloom
Baldwin	Flick	McIntyre	Salvatore
Barber	Foster, W. W.	McMonagle	Saurman
Belardi	Foster, Jr., A.	McVerry	Scheetz
Belfanti	Freeman	Mackowski	Schuler
Beloff	Freind	Madigan	Semmel
Blaum	Fryer	Maiale	Serafini
Book	Gallagher	Manderino	Seventy
Bowser	Gallen	Manmiller	Showers
Boyes	Gamble	Markosek	Sirianni
Brandt	Gannon	Marmion	Smith, B.
Broujos	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micozzie	Spencer
Caltagirone	Greenwood	Miller	Spitz
Cappabianca	Grieco	Miscevich	Stairs
Carn	Gruitza	Moehlmann	Steighner
Cawley	Gruppo	Morris	Stevens

Cessar	Hagarty	Mowery	Stewart
Cimini	Haluska	Mrkonic	Stuban
Civera	Harper	Murphy	Sweet
Clark	Hasay	Nahill	Swift
Clymer	Hayes	Noye	Taylor, E. Z.
Cohen	Herman	O'Brien	Taylor, F. E.
Colafella	Hershey	O'Donnell	Telek
Cole	Hoeffel	Olasz	Tigue
Cordisco	Honaman	Oliver	Trello
Cornell	Hutchinson	Perzel	Truman
Coslett	Itkin	Peterson	Van Horne
Cowell	Jackson	Petrarca	Vroon
Coy	Jarolin	Petrone	Wachob
Deluca	Johnson	Phillips	Wambach
DeVerter	Kennedy	Piccola	Wargo
DeWeese	Klingaman	Pievsky	Wass
Daley	Kosinski	Pistella	Wiggins
Davies	Kowalyshyn	Pitts	Williams
Dawida	Kukovich	Pott	Wilson
Deal	Lashinger	Pratt	Wogan
Dietz	Laughlin	Preston	Wozniak
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Reinard	
Duffy	Levin	Richardson	Irvis,
Durham	Linton	Rieger	Speaker
Evans	Livengood	Robbins	

NAYS—2

Alderette McClatchy

NOT VOTING—1

Kasunic

EXCUSED—3

Battisto Weston Zwikl

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.

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**

**HB 131, PN 145** By Rep. RAPPAPORT  
An Act providing for official visitation of prisons.

JUDICIARY.

**HB 629, PN 697** By Rep. RAPPAPORT  
An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the share of certain parents.

JUDICIARY.

**BILL REPORTED AND REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT**

**HB 643, PN 717** By Rep. RAPPAPORT  
An Act amending the act of May 16, 1921 (P. L. 579, No. 262), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth, seventh and eighth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a

warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," removing sheriffs and district attorneys from the prison board.

JUDICIARY.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democrats will caucus at 1:30. It will give us some time to get some lunch. I would suggest that we return to the floor at 2:30 p.m.

The SPEAKER. The Chair thanks the gentleman.

NO REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, on your list of bills to be voted—if I could have the majority leader's attention for a second—you have listed HB 258 for a vote this afternoon. Has that been withdrawn?

The SPEAKER. The Chair has been informed that that bill will remain held over, as it was announced from the Chair.

Mr. NOYE. Yes. Our caucus had requested that. Okay.

There is no need for a Republican caucus. We had caucused on all the bills yesterday, and we will be ready to go.

The SPEAKER. The Chair thanks the gentleman.

RULES SUSPENDED

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

Mr. DORR. Mr. Speaker, I move that the rules of the House be temporarily suspended so that the House may consider immediately a resolution which I will introduce.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

Table listing names of members who voted 'YEAS' in a roll call, including Afferbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Belardi, Belfanti, Belfoff, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Caltagirone, Cappabianca, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Grieco, Livengood, Lloyd, Lucy, McCall, McClatchy, McHale, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Markosek, Marmion, Mayernik, Merry, Michlovic, Micozzie, Miller, Misceovich, Rieger, Robbins, Rudy, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Spencer, Spitz.

Table listing names of members who were present or absent during the proceedings, including Carn, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, Daley, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Hoeffel, Honaman, Itkin, Jackson, Jarolin, Johnson, Kasunic, Kennedy, Klingaman, Kosinski, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Preston, Punt, Rappaport, Reber, Reinard, Richardson, Stairs, Steighner, Stevens, Stewart, Stuban, Swift, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Truman, Van Horne, Vroon, Wambach, Wargo, Wass, Wiggins, Williams, Wilson, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Irvis, Speaker.

NAYS—0

NOT VOTING—8

Table listing names of members who did not vote, including DeWeese, Hutchinson, Linton, McIntyre, Pratt, Sweet, Wachob, Wogan.

EXCUSED—3

Table listing names of members who were excused, including Battisto, Weston, Zwilk.

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION ADOPTED

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

Mr. DORR. Mr. Speaker, I would like to introduce a resolution honoring and recognizing this as Small Business Week. The resolution has been circulated, Mr. Speaker.

The following resolution was read:

House Resolution No. 93

A RESOLUTION

Congratulating Pennsylvania's small business community.

WHEREAS, The foundation of our great Nation's prosperity has been the entrepreneurial genius of its citizenry; and WHEREAS, This ingenuity has nurtured our free enterprise system into the mainspring of American progress; and WHEREAS, The future well-being of our country depends upon the continuing vitality of this free enterprise system; and

WHEREAS, An essential component of economic vitality is the existence of vigorous competition in the marketplace; and WHEREAS, Members of Pennsylvania's small business community have proven to be dynamic and innovative leaders of economic development; and

WHEREAS, Small business has demonstrated its capacity for leadership by providing well over half of the new jobs in our economy; and

WHEREAS, The accomplishments of Pennsylvania's small business community stand as an inspiration to help future generations face the challenges of tomorrow; and

WHEREAS, The President of the United States has proclaimed the week beginning May 8, 1983 as Small Business Week; therefore be it

RESOLVED, That the House of Representatives, in recognition of Small Business Week, hereby extend its congratulations and its thanks to Pennsylvania's small business community for its contributions to this Commonwealth and express its best wishes for continuing future prosperity.

Donald W. Dorr  
Italo S. Cappabianca  
Frank A. Serafini  
Roger F. Duffy  
Steve Seventy  
Terry E. Van Horne  
L. Eugene Smith  
Roy Reinard  
Fred Taylor

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Afflerbach	Fargo	Livengood	Robbins
Alderette	Fattah	Lloyd	Rudy
Angstadt	Fee	Lucyk	Ryan
Armstrong	Fischer	McCall	Rybak
Arty	Flick	McClatchy	Saloom
Baldwin	Foster, W. W.	McHale	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Belardi	Freeman	McVerry	Scheetz
Belfanti	Freind	Mackowski	Schuler
Beloff	Fryer	Madigan	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Brandt	Geist	Marmion	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Spencer
Caltagirone	Grieco	Miller	Spitz
Cappabianca	Gruitza	Miscevich	Stairs
Carn	Gruppo	Moehlmann	Steighner
Cawley	Hagarty	Morris	Stevens
Cessar	Haluska	Mowery	Stewart
Cimini	Harper	Mrkonic	Stuban
Civera	Hasay	Murphy	Sweet
Clark	Hayes	Nahill	Swift
Clymer	Herman	Noye	Taylor, E. Z.
Cohen	Hershey	O'Brien	Taylor, F. E.
Colafella	Hoeffel	O'Donnell	Telek
Cole	Honaman	Olasz	Tigue
Cordisco	Hutchinson	Oliver	Trello
Cornell	Itkin	Perzel	Van Horne
Coslett	Jackson	Peterson	Vroon
Cowell	Jarolin	Petrarca	Wachob
Coy	Johnson	Petrone	Wambach
Deluca	Kasunic	Phillips	Wargo
DeVerter	Kennedy	Piccola	Wass
Daley	Klingaman	Pievsky	Wiggins
Davies	Kosinski	Pistella	Williams
Dawida	Kowalyszyn	Pitts	Wilson
Deal	Kukovich	Pott	Wogan
Dietz	Lashinger	Preston	Wozniak
Dininni	Laughlin	Punt	Wright, D. R.
Dombrowski	Lehr	Rappaport	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Reinard	
Duffy	Levi	Richardson	Irvis,

Durham  
Evans

Levin  
Linton

Rieger

Speaker

NAYS—0

NOT VOTING—4

DeWeese  
Battisto

McIntyre  
Weston

Pratt  
Zwinkl

Truman

EXCUSED—3

The question was determined in the affirmative, and the resolution was adopted.

**PARLIAMENTARY INQUIRY**

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies. For what purpose does the gentleman rise?  
Mr. DAVIES. A parliamentary inquiry, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, in your earlier remarks about elementary school exemplary conduct and discipline, are we to assume that you are asking this body to collectively elevate themselves to that level, or are you only using that as an example for reflection or possibly a potential achievement at some distant goal? If the latter be the case, personally, I would doubt if this body ever collectively will catch the slightest mirror image of that, or if it is to make a step toward that, I doubt very much if we would have that kind of improvement. I would appreciate your comment.

The SPEAKER. The Chair is delighted to comment on the gentleman's question. The Chair has pointed out that elementary school children were sitting in the gallery superbly disciplined. It is the Chair's opinion that perhaps as we get older we get less disciplined, and that may be a bad or a good thing, but the Chair would be pleased not to let the children know that and would suggest that at least when we have children in the balcony, who may not get another example of State Government at work, we conduct ourselves on a level at least equal to theirs.

Mr. DAVIES. Thank you, Mr. Speaker.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 860, PN 970** By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, limiting regulation of private parking lots to municipal police departments.

TRANSPORTATION.

**BILL REREPORTED FROM COMMITTEE**

**SB 5, PN 850 (Amended)** By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating repair, replacement and other activities relating to odometers by imposing both civil liability and criminal penalties.

TRANSPORTATION.

RECESS

The SPEAKER. This House will now stand in recess until 2:30 p.m.

AFTER RECESS

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

CALENDAR CONTINUED
BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 8, PN 1102, entitled:

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), entitled "An act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repeals," further providing for grounds for annulment of voidable marriages.

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—200

- Afflerbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Belardi, Belfanti, Beloff, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Caltagirone, Cappabianca, Carn, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Fargo, Fattah, Fee, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Hoeffel, Honaman, Hutchinson, Itkin, Jackson, Jarolin, Lloyd, Lucyk, McCall, McClatchy, McHale, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Markosek, Marmion, Mayermik, Merry, Michlovic, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Peterson, Petrarca, Robbins, Rudy, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Truman, Van Horne, Vroon

- Coy, Deluca, DeVerte, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Johnson, Kasunic, Kennedy, Klingaman, Kosinski, Kowalshyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Linton, Livengood, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Preston, Punt, Rappaport, Reber, Reinard, Richardson, Rieger, Wachob, Wambach, Wargo, Wass, Wiggins, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Irvis, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

- Battisto, Weston, Zwilk

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 529, PN 596, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), permitting the sale of liquor that is part of a decedent's estate.

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

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

The question is, shall the bill pass finally?

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

YEAS—190

- Afflerbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Belardi, Belfanti, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Cappabianca, Carn, Cawley, Cessar, Cimini, Civera, Clark, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Hasay, Hayes, Herman, Hershey, McClatchy, McHale, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Markosek, Marmion, Mayermik, Merry, Michlovic, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift

Clymer	Hoefel	O'Donnell	Taylor, E. Z.
Colafella	Honaman	Olasz	Taylor, F. E.
Cordisco	Hutchinson	Oliver	Telek
Cornell	Itkin	Perzel	Tigue
Coslett	Jackson	Peterson	Trello
Cowell	Jarolin	Petrarca	Truman
Coy	Kasunic	Petrone	Van Horne
Deluca	Kennedy	Phillips	Vroon
DeVerter	Klingaman	Piccola	Wachob
Daley	Kosinski	Pievsky	Wambach
Davies	Kowalshyn	Pistella	Wargo
Dawida	Kukovich	Pitts	Wass
Deal	Lashinger	Pott	Wiggins
Dietz	Laughlin	Pratt	Williams
Dininni	Lehr	Preston	Wilson
Dombrowski	Lescovitz	Punt	Wogan
Donatucci	Letterman	Rappaport	Wozniak
Dorr	Levi	Reber	Wright, D. R.
Duffy	Levin	Reinard	Wright, J. L.
Durham	Linton	Richardson	Wright, R. C.
Evans	Livengood	Rieger	
Fargo	Lucyk	Robbins	Irvis,
Fattah	McCall	Rudy	Speaker

NAYS—2

Fee Lloyd

NOT VOTING—8

Beloff Cohen DeWeese Johnson  
Caltagirone Cole Harper McIntyre

EXCUSED—3

Battisto Weston Zwilk

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 delighted to welcome to the hall of the House the Chair's personal attorney and the Chair's personal friend of many years. He is Attorney Wendell Freeland of the Allegheny County Bar, and I would like to have him stand so the members may see whom the Chair turns to for advice.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 667, PN 744**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), clarifying a provision relating to secondary service areas.

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

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

The question is, shall the bill pass finally?

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

YEAS—181

Afflerbach	Fattah	Levin	Saloom
Alderette	Fee	Linton	Salvatore
Angstadt	Fischer	Lucyk	Saurman
Armstrong	Flick	McCall	Scheetz
Arty	Foster, W. W.	McClatchy	Schuler
Baldwin	Foster, Jr., A.	McHale	Semmel
Barber	Freeman	McMonagle	Serafini
Belardi	Freind	McVerry	Seventy
Belfanti	Fryer	Mackowski	Showers
Blaum	Gallagher	Maiale	Sirianni
Book	Gallen	Manderino	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Marmion	Snyder, D. W.
Brandt	Geist	Mayernik	Snyder, G. M.
Broujos	George	Merry	Spencer
Bunt	Gladeck	Michlovic	Spitz
Burd	Godshall	Micozzie	Stairs
Burns	Greenwood	Miller	Steighner
Caltagirone	Grieco	Miscevich	Stevens
Cappabianca	Gruitza	Morris	Stewart
Carn	Gruppo	Mowery	Stuban
Cawley	Hagarty	Murphy	Sweet
Cessar	Haluska	Nahill	Swift
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clark	Herman	O'Donnell	Telek
Clymer	Hershey	Olasz	Tigue
Colafella	Hoefel	Oliver	Trello
Cole	Honaman	Perzel	Truman
Cordisco	Hutchinson	Petrarca	Van Horne
Cornell	Itkin	Petrone	Vroon
Coslett	Jackson	Phillips	Wachob
Cowell	Jarolin	Pievsky	Wambach
Deluca	Johnson	Pistella	Wargo
DeVerter	Kasunic	Pott	Wass
Daley	Kennedy	Pratt	Wiggins
Davies	Klingaman	Preston	Williams
Dawida	Kosinski	Rappaport	Wogan
Deal	Kowalshyn	Reber	Wozniak
Dombrowski	Kukovich	Reinard	Wright, D. R.
Donatucci	Lashinger	Richardson	Wright, J. L.
Dorr	Laughlin	Rieger	Wright, R. C.
Duffy	Lehr	Robbins	
Durham	Lescovitz	Rudy	Irvis,
Evans	Letterman	Ryan	Speaker
Fargo	Levi	Rybak	

NAYS—11

Coy Lloyd Moehlmann Pitts  
Dietz Madigan Peterson Punt  
Dininni Manmiller Piccola

NOT VOTING—8

Beloff DeWeese Livengood Mrkonc  
Cohen Harper McIntyre Wilson

EXCUSED—3

Battisto Weston Zwilk

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

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

REMARKS ON VOTE

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

Mr. FEE. Mr. Speaker, to change my vote on HB 529 to "yes."

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

Mr. FEE. Thank you, Mr. Speaker.

**RESOLUTIONS ADOPTED**

Mr. COY called up **HR 75, PN 981**, entitled:  
Amending House Rule 43 by adding a subcommittee.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—198**

Afflerbach	Fargo	Livengood	Rieger
Alderette	Fattah	Lloyd	Robbins
Angstadt	Fee	Lucyk	Rudy
Armstrong	Fischer	McCall	Ryan
Arty	Flick	McClatchy	Rybak
Baldwin	Foster, W. W.	McHale	Saloom
Barber	Foster, Jr., A.	McIntyre	Salvatore
Belardi	Freeman	McMonagle	Saurman
Belfanti	Freind	McVerry	Scheetz
Blaum	Fryer	Mackowski	Schuler
Book	Gallagher	Madigan	Semmel
Bowser	Gallen	Maiale	Serafini
Boyes	Gamble	Manderino	Seventy
Brandt	Gannon	Manmiller	Showers
Broujos	Geist	Markosek	Sirianni
Bunt	George	Marmion	Smith, B.
Burd	Gladeck	Mayernik	Smith, L. E.
Burns	Godshall	Merry	Smith, D. W.
Caltagirone	Greenwood	Michlovic	Snyder, G. M.
Cappabianca	Grieco	Micozzie	Spencer
Carn	Gruitza	Miller	Spitz
Cawley	Gruppo	Miscevich	Stairs
Cessar	Hagarty	Moehlmann	Steighner
Cimini	Haluska	Morris	Stevens
Civera	Harper	Mowery	Stewart
Clark	Hasay	Mrkonic	Stuban
Clymer	Hayes	Murphy	Sweet
Cohen	Herman	Nahill	Swift
Colafella	Hershey	Noye	Taylor, E. Z.
Cole	Hoeffel	O'Brien	Taylor, F. E.
Cordisco	Honaman	O'Donnell	Telek
Cornell	Hutchinson	Olasz	Tigue
Coslett	Itkin	Oliver	Trello
Cowell	Jackson	Perzel	Truman
Coy	Jarolin	Peterson	Van Horne
Deluca	Johnson	Petrarca	Vroon
DeVerter	Kasunic	Petrone	Wachob
DeWeese	Kennedy	Phillips	Wambach
Daley	Klingaman	Piccola	Wargo
Davies	Kosinski	Pievsky	Wass
Dawida	Kowalshyn	Pistella	Wiggins
Deal	Kukovich	Pitts	Williams
Dietz	Lashinger	Pott	Wogan
Dininni	Laughlin	Pratt	Wozniak
Dombrowski	Lehr	Preston	Wright, D. R.
Donatucci	Lescovitz	Punt	Wright, J. L.
Dorr	Letterman	Rappaport	Wright, R. C.
Duffy	Levi	Reber	
Durham	Levin	Reinard	Irvis,
Evans	Linton	Richardson	Speaker

**NAYS—0**

**NOT VOTING—2**

Beloff Wilson

**EXCUSED—3**

Battisto Weston Zwilk

The question was determined in the affirmative, and the resolution was adopted.

\* \* \*

Mr. RAPPAPORT called up **HR 80, PN 1018**, entitled:

Urging that the House Judiciary Subcommittee on Crime and Corrections investigate conditions at State and county prisons.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—199**

Afflerbach	Fargo	Livengood	Rieger
Alderette	Fattah	Lloyd	Robbins
Angstadt	Fee	Lucyk	Rudy
Armstrong	Fischer	McCall	Ryan
Arty	Flick	McClatchy	Rybak
Baldwin	Foster, W. W.	McHale	Saloom
Barber	Foster, Jr., A.	McIntyre	Salvatore
Belardi	Freeman	McMonagle	Saurman
Belfanti	Freind	McVerry	Scheetz
Beloff	Fryer	Mackowski	Schuler
Blaum	Gallagher	Madigan	Semmel
Book	Gallen	Maiale	Serafini
Bowser	Gamble	Manderino	Seventy
Boyes	Gannon	Manmiller	Showers
Brandt	Geist	Markosek	Sirianni
Broujos	George	Marmion	Smith, B.
Bunt	Gladeck	Mayernik	Smith, L. E.
Burd	Godshall	Merry	Snyder, D. W.
Burns	Greenwood	Michlovic	Snyder, G. M.
Caltagirone	Grieco	Micozzie	Spencer
Cappabianca	Gruitza	Miller	Spitz
Carn	Gruppo	Miscevich	Stairs
Cawley	Hagarty	Moehlmann	Steighner
Cessar	Haluska	Morris	Stevens
Cimini	Harper	Mowery	Stewart
Civera	Hasay	Mrkonic	Stuban
Clark	Hayes	Murphy	Sweet
Clymer	Herman	Nahill	Swift
Cohen	Hershey	Noye	Taylor, E. Z.
Colafella	Hoeffel	O'Brien	Taylor, F. E.
Cole	Honaman	O'Donnell	Telek
Cordisco	Hutchinson	Olasz	Tigue
Cornell	Itkin	Oliver	Trello
Coslett	Jackson	Perzel	Truman
Cowell	Jarolin	Peterson	Van Horne
Coy	Johnson	Petrarca	Vroon
Deluca	Kasunic	Petrone	Wachob
DeVerter	Kennedy	Phillips	Wambach
DeWeese	Klingaman	Piccola	Wargo
Daley	Kosinski	Pievsky	Wass
Davies	Kowalshyn	Pistella	Wiggins
Dawida	Kukovich	Pitts	Williams
Deal	Lashinger	Pott	Wogan
Dietz	Laughlin	Pratt	Wozniak
Dininni	Lehr	Preston	Wright, D. R.
Dombrowski	Lescovitz	Punt	Wright, J. L.
Donatucci	Letterman	Rappaport	Wright, R. C.
Dorr	Levi	Reber	
Duffy	Levin	Reinard	Irvis,
Durham	Linton	Richardson	Speaker
Evans			



NAYS—0

NOT VOTING—1

Wilson

EXCUSED—3

Battisto

Weston

Zwilk

The question was determined in the affirmative, and the resolution was adopted.

### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate, May 9, 1983

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 23, 1983 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, May 23, 1983 unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### RESOLUTIONS ADOPTED CONTINUED

Mr. DEAL called up **HR 85, PN 1041**, entitled:

Establishing a Special Committee to Investigate the Pennsylvania State Police.

On the question,

Will the House adopt the resolution?

Mr. RYAN offered the following amendment No. A0792:

Amend first resolved clause, page 2, line 8, by striking out "four" and inserting  
six

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I had occasion earlier today to discuss generally some of the contents of HR 85 with the prime sponsor, Mr. Deal. At that time, Mr. Speaker, I pointed out to the gentleman that the resolution as drafted had a provision in it that called for the Speaker to appoint seven members of the majority party and four members of the minority party as members of that committee. I expressed to him my concern that the perception, within our caucus at least, was that the committee was lopsidedly structured in favor of the majority party and that a review of a number of special committees appointed

over a number of years indicated to me that in most cases these special committees would carry a balance in favor of the majority party of 5 to 4, 7 to 6, 4 to 3, but some reasonable balance was nevertheless maintained, yet retaining a majority for the majority party.

I do not know that Mr. Deal has had an opportunity to discuss this with any of his colleagues; I asked him if he would, and I do not see him, frankly, on the floor of the House right now, but I did indicate to him that I was going to put in this amendment, asking that the balance of this committee be more fairly structured. This amendment would increase the minority representation— Mr. Speaker, could I have order, not because I think the members are disorderly but because my voice is not strong.

The SPEAKER. The minority leader is most gracious. I wish the members would be as gracious toward him.

The gentleman, Mr. Deal, is on the floor of the House, Mr. Ryan. He is at the majority leader's desk.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, one of the, if not advertised or spoken intents connected with this resolution in fact deals with the treatment of certain minorities, the minorities being racial minorities in connection with the State Police. Here I am addressing that same issue, although it is a political minority, and I think in fairness and in keeping with our prior practice, my amendment should be accepted so that the structure of this committee, if the resolution passes, would be 7-6 - seven members of the majority party, six of the minority party. I would ask for a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

On the Ryan amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I recognize that there was a conversation between the minority leader and myself. He is correct that I have not had an opportunity to have further discussion with other persons.

Mr. Speaker, I would like to speak against the amendment. The problem that we are concerned about is so serious, we are not concerned whether it is Democratic, Republican, or what have you. In putting this resolution together we were concerned about the image that is now being portrayed to the general public of the State Police. I would hope that this body would not support the amendment in order that we may move forward with passing this resolution and continue to protect the credibility of our State Police. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I think the gentleman should become somewhat concerned about the integrity and the credibility of the investigating committee. The gentleman suggests to us that he is looking out for the welfare of the State Police, the morale of the State Police. I know there is an underlying theme here of discrimination in minority practices that the gentleman is concerned about in connection with the State Police, and I am concerned about the same thing.

I think we deserve, we, the minority in this House, deserve proper representation, certainly no more than the gentleman

asks for on behalf of the black community, as he has argued from time to time in connection with hiring practices of the State Police. Yet here in the next breath he can say that a 7-4 breakup is fair. I take offense at this type of an answer, at the styling of this particular resolution, and I ask for a "yes" vote on my amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Ryan amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise to oppose the Ryan amendment. Mr. Ryan is correct when he indicates that most of our committees, special committees of this nature in the past, have been 4-3 committees. If Mr. Ryan had proposed an 8-6 split, that would have been percentagewise 4-3, but he chose something to advantage the minority over and above what they usually have, a 7-6.

I think it is not the intention of the majority party, Mr. Speaker, to run a railroad with the committee with a 7-to-4 vote, and I would commit for this House, if we pass this resolution in the manner that it is, that we will have a 4-3 amendment prepared to adopt at a future date. We want to get the committee moving, though. We want to get it in place, and there is no amendment in the hands of the members who want to begin the work of this committee that would allow us to propose a 4-3 split. But we do want to get the committee moving, and we will commit that we will run a 4-3-split amendment at a future date, perhaps next week if it can be prepared by then.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—115

Angstadt	Fischer	Lehr	Salvatore
Armstrong	Flick	Levi	Saurman
Arty	Foster, W. W.	Lloyd	Scheetz
Baldwin	Foster, Jr., A.	McClatchy	Schuler
Belardi	Freind	McVerry	Semmel
Belfanti	Fryer	Mackowski	Serafini
Blaum	Gallen	Madigan	Showers
Book	Gannon	Manmiller	Sirianni
Bowser	Geist	Marmion	Smith, B.
Boyes	Gladeck	Merry	Smith, L. E.
Brandt	Godshall	Micozzie	Snyder, D. W.
Bunt	Greenwood	Miller	Snyder, G. M.
Burd	Grieco	Moehlmann	Spencer
Burns	Gruppo	Mowery	Spitz
Cawley	Hagarty	Nahill	Stairs
Cessar	Haluska	Noye	Stevens
Cimini	Hasay	O'Brien	Stuban
Civera	Hayes	Perzel	Swift
Clymer	Herman	Peterson	Taylor, E. Z.
Cornell	Hershey	Phillips	Telek
Coslett	Hoeffel	Piccola	Tigue
Coy	Honaman	Pitts	Vroon
DeVerter	Jackson	Pott	Wachob
Davies	Jarolin	Punt	Wass
Dietz	Johnson	Reber	Wilson
Dininni	Kennedy	Reinard	Wogan
Dorr	Klingaman	Robbins	Wright, J. L.
Durham	Kowalyszyn	Rudy	Wright, R. C.
Fargo	Lashingar	Ryan	

NAYS—83

Afflerbach	Evans	McCall	Richardson
Alderette	Fattah	McHale	Rieger
Barber	Fee	McMonagle	Rybak
Beloff	Freeman	Maiale	Saloom
Broujos	Gallagher	Manderino	Seventy
Caltagirone	Gamble	Markosek	Steighner
Cappabianca	George	Mayermik	Stewart
Carn	Gruitza	Michlovic	Sweet
Clark	Harper	Miscevich	Taylor, F. E.
Cohen	Hutchinson	Morris	Trello
Colafella	Itkin	Mrkonic	Truman
Cole	Kasunic	Murphy	Van Horne
Cordisco	Kosinski	O'Donnell	Wambach
Cowell	Kukovich	Olasz	Wargo
Deluca	Laughlin	Oliver	Wiggins
DeWeese	Lescovitz	Petrone	Williams
Daley	Letterman	Pievsky	Wozniak
Dawida	Levin	Pistella	Wright, D. R.
Deal	Linton	Pratt	
Dombrowski	Livengood	Preston	Irvis,
Donatucci	Lucyk	Rappaport	Speaker
Duffy			

NOT VOTING—2

McIntyre      Petrarca

EXCUSED—3

Battisto      Weston      Zwilk

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

On the question,  
Will the House adopt the resolution as amended?

Mr. RYAN offered the following amendment No. A0794:

Amend second resolved clause, page 2, lines 12 through 22, by striking out "It may issue subpoenas under the hand and seal" in line 12, all of lines 13 through 21, and "Commonwealth in such case." in line 22

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

The SPEAKER. The Chair recognizes the minority leader.  
Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, the members will recall at the time the gentleman, Mr. George, asked for a special committee that I offered an amendment at that time that would have the effect of removing the subpoena powers granted to the committee from the resolution. Now, again I spoke to the gentleman, Mr. Deal, this morning, or rather earlier today, and I explained to him at that time that we had as a matter of practice during at least the 4 years that the Republicans were in the majority not given subpoena powers to special committees or really any committees other than the Appropriations Committee.

The SPEAKER. Will the gentleman yield for a moment.

FILMING PERMISSION GRANTED

The SPEAKER. Permission has been granted to the Republican Information Office to take still photographs for a period of 10 minutes, the reason I interrupted the gentleman, Mr. Ryan. He might well be embarrassed unless some of you members sit down while these still photographs are taken.

**CONSIDERATION OF HR 85 CONTINUED**

The SPEAKER. The Chair now recognizes the minority leader again.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, as I said, we in the majority for a period of 4 years—at the urging, incidentally, of the present Speaker of the House and the present majority leader—deleted in each Rules Committee meeting where a resolution came before us provisions for subpoena. We at that time advised the special members of the committee or the members of the committee generally that if they felt there was a need for subpoena power, they could return to the floor of the House asking that the committee be granted the power of subpoena.

It is my recollection that during the debate some month or 6 weeks ago, the majority leader, Mr. Manderino, agreed with me that in fact that had been the practice for 4 years. It is my further recollection that during that 4-year time—and I am without the information at this moment—there was at least one example of a committee chairman coming back to the floor saying that he did indeed need subpoena powers to accomplish the object of the committee investigation or hearing. This House, I believe, unanimously, and if not unanimously, by a very, very substantial majority, granted that subpoena power.

I expressed my belief to the gentleman, Mr. Deal, in a private conversation that I thought the same thing would hold true in this particular subcommittee or select committee investigation. Although I had no response from the gentleman with regard to whether or not he agreed with me or disagreed, I asked him if he would consult with his advisers on this particular question. I am submitting now to you, the members of the House here on the floor, that this is the way it was run for 4 years. It was not done in a partisan manner but rather it was done in a spirit of fairness, and it is with that spirit that I ask for a positive vote on this particular amendment at this time. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**WELCOME**

The SPEAKER. The Chair at this time is delighted to welcome to the hall of the House, as the guests of Representative Lehr, the West Side Christian School of York students, here as the guests of the entire York County delegation as well as Representative Lehr. The children, together with their teachers, are in the gallery.

**CONSIDERATION OF HR 85 CONTINUED**

The SPEAKER. The Chair now recognizes, on the question of the adoption of the second Ryan amendment, the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I rise to oppose this amendment. I listened to my colleague speak very clearly of things that we have done in the past and somewhat of an agreement that you have had in the past. I would like to share with you, Mr. Speaker, we are not talking about an ordinary investigation.

We are not talking about an investigation of just how an individual may run a department. Mr. Speaker, we are talking about an investigation of the highest law enforcement agency in the Commonwealth of Pennsylvania. Mr. Speaker, we are talking about some serious allegations that have been made against members of the State Police. We are talking about some testimony in a court where a judge has stated that members of that police department lie. There was a report of perjury. There are allegations of theft by members of our highest ranking law enforcement agency in this Nation. There have been some reports of members of that agency removing fingerprints and taking them from one location to another to convict—

Mr. RYAN. Mr. Speaker?

The SPEAKER. Will the gentleman, Mr. Deal, yield.

**POINT OF ORDER**

The SPEAKER. For what purpose does the minority leader rise?

Mr. RYAN. Mr. Speaker, it has been called to my attention that the gentleman is straying far, far from the amendment, and I wonder if he would restrict his remarks to the amendment.

The SPEAKER. The Chair would have to in this case disagree with the gentleman, Mr. Ryan. It is the opinion of the Chair that the gentleman, Mr. Deal, is making an argument that his request for subpoena powers is because of a special condition that has to be met under this investigation, and consequently, the gentleman, Mr. Deal, is ruled to be in order and may proceed.

Mr. DEAL. Mr. Speaker, having been a member of the largest police department in the Commonwealth of Pennsylvania, I am well aware of what happens when there are investigations of a police department. For us to pass a resolution without having the subpoena power would be hypocrisy; it would be a joke, because you know and I know, Mr. Speaker, that you could not get members of the State Police to come before our investigating committee. Things are happening now in the State Police where even top-ranking police officers are being transferred, and it appears that some of them are being transferred because they do not have protection.

Mr. Speaker, it is necessary, it is highly necessary and very important that we have subpoena power. It does not make sense for us to pass a resolution now without subpoena power just to go through a charade or a pretense of having an investigation, knowing full well over past experience that you could not get members of that law enforcement agency to come before us. I wager to say that as soon as one would volunteer to come, they would be transferred or other things would happen, but if we have the subpoena power, most of those members of the State Police are law-abiding, good State Police officers who would honor a subpoena. They would come before our investigating body and shed some light on what is happening in that great body, which would be beneficial.

Mr. Speaker, I would hope that this body will certainly oppose the amendment to strike out the heart of this resolution so that we can do justice to those men and women in the State Police and the 11 million people here in the Commonwealth of Pennsylvania. I beg you, I plead with you, please do not, please do not, regardless of what side of the aisle you sit on, do not vote to remove the subpoena power. To say that would be like laughing at the conditions which exist, because it would give the appearance, though I know better, that you do not care. I beg you, let us have the public perceive us as a responsible, law-abiding group, that we make the laws but we also make sure that we will see that those laws we pass are carried out or we will do whatever is necessary to investigate them and right the wrongs that may exist. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the adoption of the second Ryan amendment, the Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose amendment 794 striking out the subpoena power in this resolution.

Mr. Speaker, on a recent occasion before the Subcommittee on Appropriations chaired by the subcommittee chairman, Representative DeWeese, I had an opportunity, under courtesy extended, I would imagine, to all legislators, to query Commissioner Dunn. At that time he said he would respond to some questions that we had in writing, et cetera. That was not complied with. This was in February of this year, Mr. Speaker. I think he had sufficient time to do that.

We are talking about an investigation into the once highly acclaimed Pennsylvania State Police force, highly acclaimed in the Commonwealth of Pennsylvania as well as in the Nation. Mr. Ryan chooses to throw the cloud or the fog, if you will, on this resolution by initially inferring that it is an investigation into the minority's problems with the Pennsylvania State Police and then changing on his next statement when he got before the mike to say the undertones of minority. Well, I have a file before me today, Mr. Speaker, that has come from many different sources, many different sources talking about the improprieties within the State Police, some from published reports, some from unpublished reports, but the bulk of the allegations will be fulfilled only if subpoena power is granted to this special committee.

Quoting from a statement this morning, Representative Deal said, "The purpose of the investigation is to determine the accuracy of allegations without engaging in partisan politics so that the public confidence in our State Police can be restored." I think we should abide by that statement. I believe the integrity of a 25-year career with the Philadelphia Police Department with Mr. Deal will in fact be carried out with this investigating committee. I urge you to vote for subpoena power for the committee and against the Ryan amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

## WELCOMES

The SPEAKER. The Chair at this time is delighted to welcome a group of students, teachers, and parents from the O. J. Roberts School District. They are here in the balcony as the guests of Representative Morris.

The Chair is also pleased to welcome to the hall of the House, as the guest of Representatives Petrone and DeWeese, Miss Lisa DeRose from Pittsburgh. The young lady is to my left.

## CONSIDERATION OF HR 85 CONTINUED PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman from Montgomery, Mr. Reber, seek recognition on the Ryan amendment?

Mr. REBER. That is correct, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman for that purpose. The gentleman is in order and may proceed.

Mr. REBER. Frankly, Mr. Speaker, I rise to raise a point of parliamentary inquiry.

The SPEAKER. The gentleman may proceed.

Mr. REBER. Mr. Speaker, I rise to raise a point of parliamentary inquiry, and for purposes of the Speaker, I am referring to House rule 51.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. REBER. Mr. Speaker, in House rule 51 there is language that "When authorized by such a resolution, such Committee shall be empowered to issue subpoenas...." My question to the Chair is, in line 12 on page 2 of the resolution, HR 85, there is reference that a subpoena under the hand and seal of its chairman may issue. My question to the Chair is, does this mean that the chairman unilaterally can issue subpoenas, or does it command a majority vote as required under House rule 51 of that particular committee?

The SPEAKER. It is the opinion of the Chair and the Chair so rules that had this resolution been correctly drafted, as it certainly should have been, the resolution would have been referred to as a select committee rather than a special committee. The Chair rules that if this resolution is adopted, this committee will be considered as a select committee, and it will be governed by all the safeguards and be granted the powers of rule 51.

Mr. REBER. Mr. Speaker, with all due indulgence, I respectfully request the Chair to rule whether the committee acting as a committee has to vote on the issuance of subpoena or whether the chairman unilaterally can act on his own. I would submit that rule 51 requires a majority vote of the committee and does not allow dictatorial powers to its chairman.

The SPEAKER. Will the gentleman yield for a moment until we check the rule.

In order to answer the gentleman's question, the Chair will read from rule 51: "Each member of the Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. The Sergeant-at-Arms of the Legislature or other person designated by the Committee

shall serve any subpoenas issued by the Committee, when directed to do so by the Committee." That is the rule under 51. The Chair has ruled that this resolution, if adopted, will be handled as a select committee of the House, governed by all the rules found under 51. And to make it very clear, that means the chairman is not empowered unilaterally to issue subpoenas. It would have to be done under the authority of the committee.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, is that ruling despite the fact that the language of the resolution itself says "under the hand and seal of its chairman"?

The SPEAKER. That is correct. The Chair has so ruled, and let there be no mistake about that.

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

The SPEAKER. If that is not clear, the Chair will state it again.

This resolution is to be considered as a select resolution governed by the rules of this House. The particular rule is rule 51, and in that rule subpoenas are issued by the committee. They may be handed out under the direction of the committee by the chairman, but this does not grant the chairman unilateral powers to issue subpoenas.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I still, nevertheless, would ask that my amendment be adopted, and in furtherance of that, I ask the Speaker to answer a point of parliamentary inquiry.

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

Mr. RYAN. It is my understanding, Mr. Speaker, that the last select committee that was formed by this House—that is, the one chaired by the gentleman, Mr. George—the committee itself evidently adopted rules by a majority of that committee that gave Mr. George the right to issue subpoenas. My question to you, Mr. Speaker, is, could a majority of this committee adopt a rule that would give to the chairman of this committee the right to issue subpoenas on his own, as happened in the Conservation Committee situation?

The SPEAKER. It is the opinion of the Chair that no committee may violate the rules of the House. This select committee and all select committees should be advised that the issuance of subpoenas is the issuance of the committee. The spokesperson for the committee is up to the committee to decide, but the committee may not give to any one individual the powers of the committee. Those powers are granted by the rules of the House and the votes of the House.

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

The following roll call was recorded:

YEAS—99

Table with 4 columns: Angstadt, Armstrong, Arty, Belardi, Book, Fargo, Fischer, Flick, Foster, W. W., Foster, Jr., A., Lehr, Levi, McClatchy, McVerry, Mackowski, Ryan, Salvatore, Saurman, Scheetz, Schuler

Table with 4 columns: Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Cessar, Cimini, Civera, Clark, Clymer, Cornell, Coslett, DeVerter, Davies, Dietz, Dininni, Dorr, Durham, Freind, Gallen, Gannon, Geist, Gladeck, Godshall, Greenwood, Grieco, Gruppo, Hagarty, Hasay, Hayes, Herman, Hershey, Honaman, Jackson, Johnson, Kennedy, Klingaman, Lashingier, Madigan, Manmiller, Marmion, Merry, Miller, Moehlmann, Mowery, Nahill, Noye, O'Brien, Perzel, Peterson, Phillips, Piccola, Pitts, Pott, Punt, Reber, Reinard, Robbins, Semmel, Serafini, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Spencer, Spitz, Stairs, Stevens, Swift, Taylor, E. Z., Telek, Vroon, Wass, Wilson, Wogan, Wright, J. L.

NAYS—99

Table with 4 columns: Afflerbach, Alderette, Baldwin, Barber, Belfanti, Beloff, Blaum, Caltagirone, Cappabianca, Carn, Cawley, Cohen, Colafella, Cole, Cordisco, Cowell, Coy, Deluca, DeWeese, Daley, Dawida, Deal, Dombrowski, Donatucci, Duffy, Evans, Fattah, Fee, Freeman, Fryer, Gallagher, Gamble, George, Gruitza, Haluska, Harper, Hoeffel, Hutchinson, Itkin, Jarolin, Kasunic, Kosinski, Kowalshyn, Kukovich, Laughlin, Lescovitz, Letterman, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McHale, McIntyre, McMonagle, Maiale, Manderino, Markosek, Mayernik, Michlovic, Misceвич, Morris, Mrkonic, Murphy, O'Donnell, Olasz, Oliver, Petrarca, Petrone, Pievsky, Pistella, Pratt, Preston, Richardson, Rieger, Rudy, Rybak, Saloom, Seventy, Showers, Steighner, Stewart, Stuban, Sweet, Taylor, F. E., Tigie, Trello, Truman, Van Horne, Wachob, Wambach, Wargo, Wiggins, Williams, Wozniak, Wright, D. R., Wright, R. C., Irvis, Speaker

NOT VOTING—2

Table with 2 columns: Micozzie, Rappaport

EXCUSED—3

Table with 3 columns: Battisto, Weston, Zwilk

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

REMARKS ON VOTE

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

Mr. RAPPAPORT. I sought recognition before the Speaker announced the vote. I believe that I inadvertently did not vote. Is that correct?

The SPEAKER. The Chair did not take note of that. The gentleman is not recorded. How does the gentleman wish to have his remarks spread upon the record?

Mr. RAPPAPORT. In the negative, Mr. Speaker.

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

### WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House a group of communications students and their instructor from Wilson College, who are here as the guests of the gentleman from Franklin, Mr. Coy.

### AMENDMENT A0794 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan, who moves that the vote by which Ryan amendment A0794 for HR 85 was defeated on the 10th day of May be reconsidered.

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

The following roll call was recorded:

YEAS—174

Afflerbach	Fee	Lloyd	Rudy
Angstadt	Fischer	McCall	Ryan
Armstrong	Flick	McClatchy	Rybak
Arty	Foster, W. W.	McMonagle	Saloom
Baldwin	Foster, Jr., A.	McVerry	Salvatore
Belardi	Freeman	Mackowski	Saurman
Belfanti	Freind	Madigan	Scheetz
Blaum	Fryer	Manderino	Schuler
Book	Gallagher	Manmiller	Semmel
Bowser	Gallen	Markosek	Serafini
Boyes	Gamble	Marmion	Seventy
Brandt	Gannon	Mayermik	Showers
Broujos	Geist	Merry	Sirianni
Bunt	George	Michlovic	Smith, B.
Burd	Gladeck	Micozzie	Smith, L. E.
Burns	Godshall	Miller	Snyder, D. W.
Caltagirone	Greenwood	Miscevich	Snyder, G. M.
Cappabianca	Grieco	Moehlmann	Spencer
Cawley	Gruitza	Morris	Spitz
Cessar	Gruppo	Mowery	Stairs
Cimini	Hagarty	Mrkonic	Steighner
Civera	Haluska	Murphy	Stevens
Clark	Hasay	Nahill	Stewart
Clymer	Hayes	Noye	Stuban
Cohen	Herman	O'Brien	Sweet
Colafella	Hershey	O'Donnell	Swift
Cole	Hoeffel	Olasz	Taylor, E. Z.
Cordisco	Honaman	Oliver	Taylor, F. E.
Cornell	Itkin	Perzel	Telek
Coslett	Jackson	Peterson	Trello
Cowell	Jarolin	Petrarca	Van Horne
Coy	Johnson	Phillips	Vroon
DeLuca	Kasunic	Piccola	Wachob
DeVerter	Kennedy	Pievsky	Wargo
Daley	Klingaman	Pistella	Wass
Davies	Kosinski	Pitts	Wilson
Dawida	Kowalshyn	Pott	Wogan
Dietz	Kukovich	Pratt	Wozniak
Dininni	Lashingier	Punt	Wright, D. R.
Dombrowski	Laughlin	Rappaport	Wright, J. L.
Dorr	Lehr	Reber	Wright, R. C.
Duffy	Lescovitz	Reinard	
Durham	Letterman	Rieger	Irvis,
Fargo	Levi	Robbins	Speaker

### NAYS—25

Alderette	Evans	Livengood	Richardson
Barber	Fattah	Lucyk	Tigue
Beloff	Harper	McHale	Truman
Carn	Hutchinson	McIntyre	Wambach
DeWeese	Levin	Petrone	Wiggins
Deal	Linton	Preston	Williams
Donatucci			

### NOT VOTING—1

Maiale

### EXCUSED—3

Battisto Weston Zwilk

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

On the question recurring,  
Will the House agree to the amendment?  
The clerk read the following amendment No. A0794:

Amend second resolved clause, page 2, lines 12 through 22, by striking out "It may issue subpoenas under the hand and seal" in line 12, all of lines 13 through 21, and "Commonwealth in such case." in line 22

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

The SPEAKER. On that question, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I think the members should know that during the interval between the last roll call on this amendment and the reconsideration motion, there was a conference at the rostrum. At that time the gentleman, Mr. Manderino, indicated that the ruling of the Chair that the chairman of a committee could never on his own issue subpoenas but rather is subject to the rule 51 words, as I understood the words to be—that is, that the committee itself must decide who is to be subpoenaed—that question has now come into issue, and I believe I am stating accurately the Chair's thoughts, as I understood them, that some further research must be done on that question.

The SPEAKER. That is correct. The Chair would repeat. Basically what it said was that no committee can by its own rules violate a rule of the House. The question really is, if a committee gives the unilateral right to a chairman to issue subpoenas, is that committee violating rule 51? And that question is debatable because the rule is vague.

The minority leader may continue.

Mr. RYAN. Thank you, Mr. Speaker.

Because of the reversal, if you please, of the ruling of the Chair, I would again urge you to vote that the subpoena power be removed from this resolution. Now I have an additional reason for asking you to do that.

I said earlier that if the chairman or the committee finds that it needs subpoena power, it can come back before this House and ask for subpoena power, and that still holds true: In addition to that, now because there is uncertainty as to whether or not a majority of the members of this committee could give the chairman the right to issue subpoenas as he sees fit, because of that uncertainty in our rules, which will require

further research by the Chair, I am suggesting to you to remove the subpoena power now, give the Speaker of the House an opportunity to do research. In the meantime, if the resolution passes, let the committee be formed, let them go about their business and determine also whether or not subpoena powers are even needed.

So for all of the reasons that I have stated, I would ask that those in their seats vote with me on this particular issue and, of course, those not in their seats not vote at all. Thank you, Mr. Speaker.

**THE SPEAKER.** The Chair thanks the gentleman.

The Chair wants to restate the question, because the Chair does not believe the gentleman, Mr. Ryan, stated it precisely, and of course, we think that lack of precision was unintentional.

There is no question in the Chair's mind but that the subpoena powers are granted to a committee, and rule 51 clearly says that they must issue from the committee. That is not in question. What is in question is, if the committee decides to grant that power unilaterally to its chairman, saying in effect we will now vote this one time because we trust your judgment for whatever reason and you will issue subpoenas in our name, is that a violation of rule 51? On that point there is division.

The Chair recognizes the majority leader.

**Mr. MANDERINO.** Mr. Speaker, two quick points.

Under the rule 51, in 19—I do not know the year now, I forget it; Steve Freind will help me remember the year—there was a committee of this House called the Gleason Committee, and not only did that committee empower its chairman to issue subpoenas; it empowered its staff to issue subpoenas, and the staff did issue subpoenas. It was blanket authority, and it was not voted on in each individual instance by the committee. The Greenleaf Committee on Liquor Control in the Senate operates similarly.

**Mr. RYAN.** Mr. Speaker?

**THE SPEAKER.** The Chair recognizes the minority leader.

**Mr. RYAN.** I have so many times heard the gentleman, Mr. Manderino, say what goes on in the Senate is of no concern to us, and I wonder why he now goes and relies on Senator Greenleaf's committee.

**Mr. MANDERINO.** Just to point out, Mr. Speaker, that there is fairness and there is fairness.

**THE SPEAKER.** The Chair recognizes the majority leader.

**Mr. MANDERINO.** Mr. Speaker, the George Committee presently investigating the Department of Environmental Resources is using that kind of authority, although no subpoenas have yet been issued. The committee has adopted rules. It seems to me that once we establish a committee, that committee should adopt rules by a majority vote of that committee; they have a right to adopt reasonable rules. Mr. Ryan alludes to that right to adopt reasonable rules as a reason that we should not grant subpoena powers to this committee. His amendment deals with whether this committee should have subpoena powers.

So let us not get confused on the issue. For all of the reasons that Mr. Deal recited and for all of the reasons that

Mr. Wambach recited, there is absolutely a necessity for this committee to have subpoena powers, and we should vote on that issue of whether or not subpoena powers are necessary for this committee to do its work.

**Mr. Speaker,** I ask all members to vote in the negative on the Ryan amendment.

And, Mr. Ryan, since you had the question raised as to members in their seats, I have a listing, Mr. Ryan, of about 12 of your members who are not here. I do not know how we got 98 votes up from the other side last time.

**THE SPEAKER.** The Chair recognizes the gentleman from Delaware, Mr. Freind.

**Mr. FREIND.** Thank you, Mr. Speaker.

I appreciate the opportunity of the gentleman from Westmoreland to tiptoe down memory lane with him. Like an elephant, however, I never forget. The gentleman, Mr. Manderino, is completely wrong in his memory. The Gleason Committee never issued one subpoena that was not voted upon by the entire membership of the committee. As a matter of fact, the Gleason Committee requested the House to change the rules to permit the chairman to issue subpoenas in his own name. That resolution was defeated. If you remember, Mr. Manderino, the committee members voted on every subpoena, and you should remember; you voted "no" on each one of them.

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

**Mr. SAURMAN.** Mr. Speaker, it seems to me that the procedure that we are following is similar to that in an investigation of any sort by our police department, by detectives and investigators who are professionally trained.

We have reserved the right to a search warrant to probable cause, and no one is allowed to just rush in without first coming back and showing some reason for the need for that warrant. I think that what Mr. Ryan's amendment is saying is, get that probable cause, come back, and certainly having shown a need for it, then the subpoena power will be granted. It has been in the past. All it does is show a bit of restraint and keep the investigation in the nature that it ought to be, a fact-finding thing, based on the need, what has been shown, what the probable cause is that actually exists, not on allegations.

**THE SPEAKER.** The Chair thanks the gentleman.

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

**Mr. DEAL.** Mr. Speaker, I will be very brief. I just want to remind this body that there is sworn testimony already in the courts of this land. The testimony itself alleges that there was bribery in the State Police. The testimony in the court is already out that there was tampering with evidence. It is already out that there was theft of services.

I believe, Mr. Speaker, there is enough here now that we do not need to go out and then come back. I think a clear case of evidence has been presented to you today to warrant all of us to want to quickly send the committee into the State Police and find out what is wrong. How do we sit idly by and say to the people in this Commonwealth, with all of the evidence that is before us of tampering with evidence, moving finger-

prints from one place to the other to convict people, switching evidence so that some people will not be convicted, people in uniform stealing from the Commonwealth of Pennsylvania, and you would sit here and tell us you do not need subpoena powers to go and investigate these kinds of allegations? Do you expect people who were accused of stealing property from the government to say, oh, here I am, pretty, nice people from the legislature; you do not need the power; I will just come running? It does not happen that way, Mr. Speaker.

We know from past experience, past experience, if you ever plan to investigate law enforcement agencies, you have got to go there well prepared to give those officers some protection. That may be the real problem in this State and in this country, that people sitting in the legislature have not had a real understanding of how crucial it is to make sure that we have the kind of police department that people can have faith in.

You cannot get that information. Trust me, trust me, both sides. To go there without subpoena power, we might as well stay at home and admit that we have no intention of making sure we correct the ills and the image that the State Police now has.

I beg you, please vote against the Ryan amendment. Give us the kind of power so that we can investigate this matter and bring the information back to this body so that you may do what needs to be done to continue to carry out your responsibility as a responsible legislator.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland, Mr. Broujos, on the Ryan amendment.

Mr. BROUJOS. If it please the Speaker, I think that the House is entitled to an opinion and a statement with respect to the question of the power of a chairman to issue subpoenas once he is authorized by the committee. It is my opinion and strong feeling that the committee's powers and the chairman's cannot rise higher than the legislature itself. A legislature cannot delegate its authority even to a political subdivision or to someone else if it has the duty. I feel that the statement should be made so that the House understands that in fact the committee chairman cannot be empowered to issue subpoenas when the rule so clearly states that it shall be the committee. It is an improper and unlawful delegation.

The SPEAKER. The Chair adds to the gentleman's parliamentary inquiry by stating that the Chair completely agrees with the gentleman. The powers of the committee may not rise above the powers of the House, nor may the chairman issue subpoenas unless the chairman is so instructed by the committee, according to rule 51.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, a further point of parliamentary inquiry along the same lines raised by the gentleman.

Is the Speaker ruling that the committee can or cannot delegate to the chairman the right to issue subpoenas to whomsoever that chairman desires to issue them to?

The SPEAKER. The Speaker has ruled and reiterates that the chairman cannot be empowered to issue subpoenas until rule 51 is changed. Rule 51 clearly states that subpoenas can be issued only by the committee, at the direction of the committee.

The Chair recognizes the gentleman from Bucks, Mr. Cordisco.

Mr. CORDISCO. Mr. Speaker, I agree with the gentleman, Mr. Deal, that this committee should have subpoena power. However, I still believe at this present time that the area that we are attempting to discuss remains very, very clouded. I was wondering if the Speaker would temporarily pass over the amendment and resolution until we got a clarification or amendment that addressed that particular issue.

Mr. Speaker, I am addressing you. I would like to inform the majority leader. However—

The SPEAKER. The Chair apologizes. What is the request of the gentleman, Mr. Cordisco?

Mr. CORDISCO. Mr. Speaker, it is my opinion that at the present time maybe we should pass over this particular amendment and resolution until we get an amendment that addresses this particular issue, because I think without a doubt—

The SPEAKER. The Chair does not like to interrupt a member, but the Chair would have to advise the member that no amendment to this resolution can resolve the parliamentary question. If the gentleman means an amendment to the rules, that is the only way that this problem could be resolved. It cannot be resolved by an amendment to a substantive resolution, which is what is before us.

Mr. CORDISCO. Okay. Then can I interrogate Mr. Deal, please?

The SPEAKER. The gentleman, Mr. Deal, indicates that he will stand for interrogation. The gentleman, Mr. Cordisco, is in order and may proceed.

Mr. CORDISCO. Mr. Speaker, is it your intention to go before your full committee to get approval before any subpoena will be issued?

Mr. DEAL. Mr. Speaker, I am honored that one is making some grand assumption. There is no clear message that I will be on the committee, let alone be chairman of the committee. Therefore, I am not in a position to answer that question.

The SPEAKER. Does the gentleman, Mr. Cordisco, wish to continue the interrogation?

Mr. CORDISCO. Mr. Speaker, as the sponsor of this resolution, would you support the position?

Mr. DEAL. Mr. Speaker, as a member of this legislative body, I support the rules. If there is a rule 51 that spells out the responsibilities and obligations of a committee and subpoena power, then I would abide by that rule, should I be so fortunate enough to serve on that distinguished select committee.

The SPEAKER. Does the gentleman, Mr. Cordisco, have additional questions?

Mr. CORDISCO. No, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.



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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, is the gentleman, Mr. Salvatore, here?

Mr. RYAN. Am I next?

The SPEAKER. The Chair does not see him. The gentleman's vote will be stricken from the board.

The Chair recognizes the minority leader.

Mr. RYAN. Beloff, Donatucci, Harper, Levin, Maiale, McIntyre, Petrarca, Pratt, Rieger, Trello, Truman.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, Mr. Salvatore, Mr. Perzel, Mr. Gladeck, Mr. Dininni, Mr. Grieco, Mr. Spencer, Mr. Snuffy Smith, Mr. Dorr.

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair instructs the members on both sides of the aisle as to the rules of the House. If you are in your seat, you are required to vote. If you are absent, no one is permitted to vote for you. Only those present and in their seats will vote on the question.

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

The following roll call was recorded:

YEAS—89

Angstadt	Fischer	Lehr	Reber
Armstrong	Flick	Levi	Reinard
Arty	Foster, W. W.	McClatchy	Robbins
Belardi	Foster, Jr., A.	McVerry	Ryan
Book	Freind	Mackowski	Saurman
Bowser	Gallen	Madigan	Scheetz
Boyes	Gannon	Manmiller	Schuler
Brandt	Geist	Marmion	Semmel
Bunt	Godshall	Merry	Serafini
Burd	Greenwood	Micozzie	Sirianni
Burns	Gruppo	Miller	Smith, B.
Cessar	Hagarty	Moehlmann	Snyder, G. M.
Cimini	Hasay	Mowery	Spitz
Civera	Hayes	Nahill	Stairs
Clark	Herman	Noye	Swift
Clymer	Hershey	O'Brien	Taylor, E. Z.
Cornell	Honaman	Peterson	Telek
Coslett	Jackson	Phillips	Vroon
DeVerter	Johnson	Piccola	Wass
Davies	Kennedy	Pitts	Wilson
Dietz	Klingaman	Pott	Wogan
Durham	Lashingner	Punt	Wright, J. L.
Fargo			

NAYS—90

Afflerbach	Duffy	Livengood	Rudy
Alderette	Evans	Lloyd	Rybak
Baldwin	Fattah	Lucyk	Saloom
Barber	Fee	McCall	Seventy
Belfanti	Freeman	McHale	Showers
Blaum	Fryer	McMonagle	Steighner
Broujos	Gallagher	Manderino	Stewart
Caltagirone	Gamble	Markosek	Stuban
Cappabianca	George	Mayernik	Sweet
Carn	Gruitza	Michlovic	Taylor, F. E.
Cawley	Haluska	Miscevich	Tigue

Cohen	Hoefel	Morris	Van Horne
Colafilella	Hutchinson	Mrkonic	Wachob
Cole	Itkin	Murphy	Wambach
Cordisco	Jarolin	O'Donnell	Wargo
Cowell	Kasunic	Olasz	Wiggins
Coy	Kosinski	Oliver	Williams
Deluca	Kowalshyn	Petrone	Wozniak
DeWeese	Kukovich	Pievsy	Wright, D. R.
Daley	Laughlin	Pistella	Wright, R. C.
Dawida	Lescovitz	Preston	
Deal	Letterman	Rappaport	Irvis,
Dombrowski	Linton	Richardson	Speaker

NOT VOTING—21

Beloff	Harper	Petrarca	Snyder, D. W.
Dininni	Levin	Pratt	Spencer
Donatucci	McIntyre	Rieger	Stevens
Dorr	Maiale	Salvatore	Trello
Gladeck	Perzel	Smith, L. E.	Truman
Grieco			

EXCUSED—3

Battisto	Weston	Zwilk
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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 adopt the resolution as amended?

Mr. PUNT offered the following amendments No. A0811:

Amend Resolution, page 1, by inserting between lines 9 and 10

WHEREAS, The House of Representatives is concerned that the quota system used for hiring and promoting members of the State Police has adversely affected the morale and competency of the force; and

Amend Fourth Whereas Clause, page 2, line 3, by inserting after "Police"

, including a review of the affects of the "quota system" on the force overall and on members of the force and on qualified persons denied employment or promotion due to its operation,

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

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

Mr. PUNT. Mr. Speaker, much has been said over the years about the quota system for our State Police force. Much has been said both good and bad about it. I happen to believe that the quota system was very highly discriminatory and brought about a lesser class of people to serve in our leading law enforcement organization of this State. If this House of Representatives so designates that the committee will investigate the alleged charges as outlined in the resolution, I believe that it is imperative that we look at the success or failure and the impact the quota system has had on our State Police force.

The quota was filled as of February 1983. When we have in a nonminority a vast majority—in fact, over half of those individuals who took the State Police examination had a total percentile ranging from 1 to 20 percent and were approved and admitted into the academy versus an individual who received 97 percent as a nonminority and was disapproved—it is highly discriminatory, ridiculous, and is bringing down the sincerity, the effectiveness of our State Police force. I would

like to amend into the resolution that this committee investigate into the morale, the effectiveness that this quota system has had on our State Police force, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

GERMANENESS QUESTIONED

The SPEAKER. On the Punt amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I think the Punt amendment deals with a sole and separate issue. It is directed toward a matter that has been before this House before, matters that we discussed and debated at length. I think the resolution that has been presented here is specific in the areas that it wants to look into. I think to add the Punt amendment would complicate the work of the committee, and since they go in different directions - this phase that Mr. Punt would like to look into and what the resolution wants to look into - I question the germaneness of the amendment and ask that the matter be put to a vote of the House.

The SPEAKER. The Chair thanks the gentleman.

The question is on the adoption of the Punt amendment.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. A point of parliamentary inquiry, Mr. Speaker. I thought the question raised by the majority leader was one of germaneness and that we were voting on that.

The SPEAKER. The Chair apologizes to the gentleman, Mr. Davies, and to the House. The Chair was involved in catching up with the calendar and did not pay strict attention.

The motion of the gentleman, Mr. Manderino, is to the germaneness of the Punt amendment. Mr. Manderino suggests that the amendment is not germane. This is a question for the House to decide.

Those who feel the Punt amendment is germane will vote "yes" or "aye"; those who feel the Punt amendment is non-germane will vote "no" or "nay."

On the question,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—128

Table with 4 columns of names: Angstadt, Armstrong, Arty, Baldwin, Belardi, Belfanti, Blaum, Book, Bowser, Boyes, Brandt, Bunt, Burd, Cappabianca, Cawley, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallen, Gamble, Gannon, Geist, Godshall, Greenwood, Grieco, Gruppo, Hagarty, Levi, Lloyd, Lucyk, McCall, McClatchy, McVerry, Mackowski, Madigan, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Moehlmann, Rudy, Ryan, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Snyder, D. W., Snyder, G. M.

Table with 4 columns of names: Cessar, Cimini, Civera, Clark, Clymer, Colafella, Cole, Cordisco, Cornell, Coslett, Coy, DeVerter, Davies, Dietz, Dorr, Durham, Fargo, Haluska, Hasay, Hayes, Herman, Hershey, Hoeffel, Honaman, Jackson, Jarolin, Johnson, Kennedy, Klingaman, Kosinski, Lashinger, Lehr, Lescovitz, Letterman, Morris, Mowery, Mrkonic, Nahill, Noye, O'Brien, Olasz, Perzel, Peterson, Phillips, Piccola, Pitts, Pott, Punt, Reber, Reinard, Robbins, Spitz, Stairs, Steighner, Stevens, Stuban, Swift, Taylor, E. Z., Telek, Tigue, Vroon, Wachob, Wass, Wilson, Wogan, Wozniak, Wright, J. L., Wright, R. C.

NAYS—62

Table with 4 columns of names: Afflerbach, Alderette, Barber, Beloff, Broujos, Burns, Caltagirone, Carn, Cohen, Cowell, Deluca, DeWeese, Daley, Dawida, Deal, Dombrowski, Duffy, Evans, Fattah, Fee, Freeman, Gallagher, George, Gruitza, Hutchinson, Itkin, Kasunic, Kowalshyn, Kukovich, Laughlin, Levin, Linton, Livengood, McHale, McIntyre, McMonagle, Manderino, Markosek, Mayernik, Misceovich, Murphy, O'Donnell, Oliver, Petrone, Pievsky, Pistella, Preston, Rappaport, Richardson, Rieger, Rybak, Stewart, Sweet, Taylor, F. E., Trello, Van Horne, Wambach, Wargo, Wiggins, Williams, Wright, D. R., Irvis, Speaker

NOT VOTING—10

Table with 4 columns of names: Dininni, Donatucci, Gladeck, Harper, Maiale, Petrarca, Pratt, Smith, L. E., Spencer, Truman

EXCUSED—3

Table with 3 columns of names: Battisto, Weston, Zwikt

The majority having voted in the affirmative, the question was determined in the affirmative and the amendments were declared germane.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, although I still believe that the Punt amendment will complicate the work of the committee, I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—164

Table with 4 columns of names: Afflerbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Belardi, Belfanti, Blaum, Book, Bowser, Boyes, Dorr, Duffy, Durham, Fargo, Fee, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallagher, Letterman, Levi, Lloyd, Lucyk, McCall, McClatchy, McMonagle, McVerry, Mackowski, Madigan, Manderino, Manmiller, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni

Brandt	Gallen	Markosek	Smith, B.
Broujos	Gamble	Marmion	Smith, L. E.
Bunt	Gannon	Mayernik	Snyder, D. W.
Burd	Geist	Merry	Snyder, G. M.
Burns	George	Michlovic	Spencer
Caltagirone	Godshall	Micozzie	Spitz
Cappabianca	Greenwood	Miller	Stairs
Cawley	Grieco	Moehlmann	Steighner
Cessar	Gruitza	Morris	Stevens
Cimini	Gruppo	Mowery	Stewart
Civera	Hagarty	Mrkonic	Stuban
Clark	Haluska	Murphy	Sweet
Clymer	Hasay	Nahill	Swift
Cohen	Hayes	Noye	Taylor, E. Z.
Colafella	Herman	O'Brien	Taylor, F. E.
Cole	Hershey	Olasz	Telek
Cordisco	Hoefel	Peterson	Tigue
Cornell	Honaman	Petrone	Trello
Coslett	Jackson	Phillips	Van Horne
Cowell	Jarolin	Piccola	Vroon
Coy	Johnson	Pievsky	Wachob
Deluca	Kasunic	Pistella	Wargo
DeVerter	Kennedy	Pitts	Wass
Daley	Klingaman	Pott	Williams
Davies	Kosinski	Punt	Wilson
Dawida	Kowalshyn	Reber	Wogan
Dietz	Lashinger	Reinard	Wozniak
Dombrowski	Lehr	Rieger	Wright, D. R.
Donatucci	Lescovitz	Robbins	Wright, J. L.

NAYS—27

Barber	Hutchinson	McHale	Truman
Beloff	Itkin	Miscevich	Wambach
Carn	Kukovich	O'Donnell	Wiggins
DeWeese	Laughlin	Oliver	Wright, R. C.
Deal	Levin	Preston	
Evans	Linton	Rappaport	Irvis,
Fattah	Livengood	Richardson	Speaker
Freeman			

NOT VOTING—9

Dininni	McIntyre	Perzel	Pratt
Gladeck	Maiale	Petrarca	Salvatore
Harper			

EXCUSED—3

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

On the question recurring,  
Will the House adopt the resolution as amended?

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. The Chair is informed that the gentleman, Mr. Blaum, has ordered an amendment.

Mr. BLAUM. Yes, Mr. Speaker. It has not come down yet from the Legislative Reference Bureau, so I ask for a temporary delay.

The SPEAKER. The Chair will pass over HR 85 until it has completed the calendar.

The Chair advises the gentleman, Mr. Blaum, and all other members of this House that as long as the present Speaker stands here, he does not intend to wait until the last moment for amendments to come down. The Chair will wait this time until we have completed the calendar. We will pass over temporarily HR 85.

REMARKS ON VOTE

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

Mr. WILSON. Mr. Speaker, on HR 80, PN 1018, had I been quicker, I would have voted on it.

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

RESOLUTIONS ADOPTED CONTINUED

Mr. GEIST called up HR 91, PN 1098, entitled:

Relating to the observance of National Nursing Home Week in Pennsylvania.

On the question,  
Will the House adopt the resolution?

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

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

At this time I just would like to take the opportunity to thank you and your staff for the fine cooperation that you have shown us and the members of the House in the preparation of the National Nursing Home Week resolution, and I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman. He is most gracious.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Livengood	Rudy
Alderette	Fargo	Lloyd	Ryan
Angstadt	Fattah	Lucyk	Rybak
Armstrong	Fee	McCall	Saloom
Arty	Fischer	McClatchy	Salvatore
Baldwin	Flick	McHale	Saurman
Barber	Foster, W. W.	McMonagle	Scheetz
Belardi	Foster, Jr., A.	McVerry	Schuler
Belfanti	Freeman	Mackowski	Semmel
Beloff	Freind	Madigan	Serafini
Blaum	Fryer	Maiale	Seventy
Book	Gallagher	Manderino	Showers
Bowser	Gallen	Manmiller	Sirianni
Boyes	Gamble	Markosek	Smith, B.
Brandt	Gannon	Marmion	Smith, L. E.
Broujos	Geist	Mayernik	Snyder, D. W.
Bunt	George	Merry	Snyder, G. M.
Burd	Gladeck	Michlovic	Spencer
Burns	Godshall	Micozzie	Spitz
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Carn	Gruitza	Moehlmann	Stevens
Cawley	Gruppo	Morris	Stewart
Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Mrkonic	Sweet
Civera	Hasay	Murphy	Swift
Clark	Hayes	Nahill	Taylor, E. Z.
Clymer	Herman	Noye	Taylor, F. E.
Cohen	Hershey	O'Brien	Telek
Colafella	Hoefel	O'Donnell	Tigue
Cole	Honaman	Olasz	Trello
Cordisco	Hutchinson	Oliver	Truman
Cornell	Itkin	Peterson	Van Horne
Coslett	Jackson	Petrarca	Vroon
Cowell	Jarolin	Petrone	Wachob

Coy	Johnson	Phillips	Wambach
Deluca	Kasunic	Piccola	Wargo
DeVerter	Kennedy	Pievsky	Wass
DeWeese	Klingaman	Pistella	Wiggins
Daley	Kosinski	Pitts	Williams
Davies	Kowalyszyn	Pott	Wilson
Dawida	Kukovich	Preston	Wogan
Deal	Lashinger	Punt	Wozniak
Dietz	Laughlin	Rappaport	Wright, D. R.
Dininni	Lehr	Reber	Wright, J. L.
Dombrowski	Lescovitz	Reinard	Wright, R. C.
Donatucci	Letterman	Richardson	
Dorr	Levi	Rieger	Irvis,
Duffy	Levin	Robbins	Speaker
Durham	Linton		

NAYS—0

NOT VOTING—4

Harper	McIntyre	Perzel	Pratt
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EXCUSED—3

Battisto	Weston	Zwilk
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The question was determined in the affirmative, and the resolution was adopted.

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Mr. DORR called up **HR 54, PN 622**, entitled:

Directing the Joint State Government Commission to appoint a task force to study ways in which the Commonwealth can reduce the competition with private enterprise.

On the question,  
Will the House adopt the resolution?

**RESOLUTION RECOMMITTED**

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

Mr. ITKIN. Mr. Speaker, I move that HR 54 be recommitted to the Committee on Rules.

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

The following roll call was recorded:

YEAS—192

Afflerbach	Fargo	Lloyd	Rudy
Alderette	Fattah	Lucyk	Ryan
Angstadt	Fee	McCall	Rybak
Arty	Fischer	McClatchy	Saloom
Baldwin	Flick	McHale	Salvatore
Barber	Foster, W. W.	McMonagle	Saurman
Belardi	Foster, Jr., A.	McVerry	Scheetz
Belfanti	Freeman	Mackowski	Schuler
Beloff	Freind	Madigan	Semmel
Blaum	Fryer	Maiale	Serafini
Book	Gallagher	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Brandt	Geist	Marmion	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Spitz
Caltagirone	Grieco	Miller	Stairs
Cappabianca	Gruitza	Miscevich	Steighner
Carn	Gruppo	Moehlmann	Stevens
Cawley	Hagarty	Morris	Stewart
Cessar	Haluska	Mowery	Stuban
Cimini	Hasay	Mrkonic	Sweet

Civera	Hayes	Murphy	Swift
Clark	Herman	Nahill	Taylor, E. Z.
Clymer	Hershey	Noye	Taylor, F. E.
Cohen	Hoeffel	O'Brien	Telek
Colafrella	Honaman	O'Donnell	Tigue
Cole	Hutchinson	Olasz	Trello
Cordisco	Itkin	Oliver	Truman
Cornell	Jackson	Perzel	Van Horne
Coslett	Jarolin	Peterson	Vroon
Cowell	Johnson	Petrarca	Wachob
Coy	Kasunic	Petrone	Wambach
Deluca	Kennedy	Phillips	Wargo
DeVerter	Klingaman	Piccola	Wass
DeWeese	Kosinski	Pievsky	Wiggins
Daley	Kowalyszyn	Pistella	Williams
Davies	Kukovich	Pitts	Wilson
Dawida	Lashinger	Preston	Wogan
Deal	Laughlin	Punt	Wozniak
Dietz	Lehr	Rappaport	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Dombrowski	Letterman	Reinard	Wright, R. C.
Dorr	Levi	Richardson	
Duffy	Levin	Rieger	Irvis,
Durham	Linton	Robbins	Speaker
Evans	Livengood		

NAYS—3

Gallen	Pott	Spencer
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NOT VOTING—5

Armstrong	Harper	McIntyre	Pratt
Donatucci			

EXCUSED—3

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 224, PN 257**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for hearings on applications for new hotel and restaurant liquor licenses.

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

Mr. O'DONNELL offered the following amendments No. A0601:

Amend Title, page 1, line 18, by removing the period after "licenses" and inserting  
and the issuance of such licenses.

Amend Sec. 1 (Sec. 402), page 2, line 19, by striking out "residents of the municipality" and inserting  
inhabitants of the neighborhood within a radius of one thousand feet of the place proposed to be licensed

Amend Sec. 1 (Sec. 402), page 2, line 21, by striking out "by the resident of the municipality" and inserting  
of such inhabitants

Amend Bill, page 2, by inserting between lines 24 and 25  
Section 2. Section 404 of the act, amended September 2, 1971 (P.L.429, No.103), is amended to read:

Section 404. Issuance of Hotel, Restaurant and Club Liquor Licenses.—Upon receipt of the application, the proper fees and bond, and upon being satisfied of the truth of the statements in

the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board, or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of [five hundred] one thousand feet of the place proposed to be licensed: And provided further, That the board shall not issue new licenses in any license district more than twice each license year, effective from specific dates fixed by the board, and new licenses shall not be granted, except for hotels as defined in this act, unless the application therefor shall have been filed at least thirty days before the effective date of the license: And provided further, That nothing herein contained shall prohibit the board from issuing a new license for the balance of any unexpired term in any license district to any applicant in such district, who shall have become eligible to hold such license as the result of legislative enactment, when such enactment shall have taken place during the license term of that district for which application is made or within the thirty days immediately preceding such term, nor shall anything herein contained prohibit the board from issuing at any time a new license for an airport restaurant, or municipal golf course, as defined in section 461 of this act, for the balance of the unexpired license term in any license district: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

Amend Sec. 2, page 2, line 25, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the majority whip.

Mr. O'DONNELL. Thank you, Mr. Speaker.

The purpose of this bill is very simply to give residents of the area that is affected an opportunity to testify at Liquor Control Board hearings. The purpose of the amendment is to reflect the sentiment which was expressed in the committee that the choice of who may testify may well have been too broad. The original draft of the bill used the term "municipality," so that anyone who was in the municipality could testify

at the hearing. The consensus of the committee, with which I agree, was, although that was convenient as a legal matter, it extends beyond and includes a lot of people who have no real, legitimate interest in the outcome of the transfer or of the renewal. Accordingly, the purpose of this amendment is to substitute for "municipality" the term "one thousand feet." It would then limit the number of people who could testify to those who were residents within a radius of 1,000 feet. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware, Mr. Freind.

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

The SPEAKER. Would the gentleman state the point.

Mr. FREIND. Would it be possible to divide this amendment into two parts?

The SPEAKER. Where does the gentleman suggest the division be made?

Mr. FREIND. After the line "of such inhabitants."

The SPEAKER. It is the opinion of the Chair that such a division is possible. Does the gentleman request that the amendment be so divided?

Mr. FREIND. I do. Yes, Mr. Speaker, please.

### AMENDMENTS DIVIDED

The SPEAKER. The Chair has ruled that the amendment offered by the gentleman, Mr. O'Donnell, is divisible, and it is hereby divided. The division, for those following this debate, occurs about the middle of the page of the amendment after the words "of such inhabitants." Consequently, the amendment to be offered before the House begins "Amend Title, page 1, line 18, by removing the period after 'licenses'..." and ends with the words "...and inserting of such inhabitants." That is all that is currently before the House.

On the question,

Will the House agree to Part I of the amendments?

### PARLIAMENTARY INQUIRY

The SPEAKER. On that question, the Chair recognizes the majority whip.

Mr. O'DONNELL. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the point.

Mr. O'DONNELL. I am sure you just said it, but I would appreciate it if you would repeat it. The issue before the House is Part I?

The SPEAKER. That is correct. I will repeat it.

Mr. O'DONNELL. Thank you, Mr. Speaker.

The SPEAKER. Some people apparently are getting a little tired.

The question before the House is the adoption of the following words, beginning at the top of the page of the amendment, "Amend Title, page 1, line 18, by removing the period after 'licenses' and inserting..." and ending with these words, "...the resident of the municipality' and inserting of such inhabitants." That is all that is currently before the House. The question is on the amendment as stated by the Chair.

Does the gentleman from Delaware, Mr. Freind, wish to be recognized on that question?

Mr. FREIND. Yes. Thank you, Mr. Speaker.

The SPEAKER. Excuse me. Does the gentleman from Berks, Mr. Davies, have a further clarification?

Mr. DAVIES. Mr. Speaker, before I must commit a vote to that, I have a question of interrogation that I need clarification on from the maker of the amendment.

The SPEAKER. The Chair will recognize you after the other two members have been recognized.

The Chair recognizes the gentleman from Delaware, Mr. Freind, on the current amendment.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the first portion of this amendment. If the first portion of this amendment is defeated, the bill would remain in its original intent.

HB 224 when introduced—now, I am a cosponsor of the legislation—would permit anybody who resided in a municipality to testify with respect to a renewal or a transfer of a liquor license. What the first part of this amendment, which I am opposing, would do would be limit that right of standing, that right to testify, to only those who reside within 1,000 feet of the license in question.

Now, there are many instances in most municipalities where an individual can be concerned about a license or a tavern beyond 1,000 feet. Maybe it is located where his son or daughter gets the school bus. Maybe it is located near a school or near a church or where a relative works or any number of other reasons. I think it is unfair to limit arbitrarily the right to testify—it is a standing issue—to only those who reside within 1,000 feet.

Now, what you have to remember is that we are not increasing to the whole municipality notice, official notice by registered mail. That would remain at 1,000 feet. But by defeating the first part of the amendment, Mr. Speaker, anybody who lived in the municipality would have the right to come to the hearing and testify either in favor of or against the transfer or the renewal.

Keep in mind that this legislature overwhelmingly passed this provision last term. Both Houses passed it. It unfortunately was in a bill that contained a number of other issues, and for other issues not related to this, the Governor vetoed it. But I would sincerely hope that I could be supported by my colleagues here to defeat the first part of this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment.

And another thing: I had intended to have an amendment drawn, but because of the legality of the amendment I was asking for, they told me it would be impossible to do the research to have that amendment done in time for this today.

I do not believe that this should be interfering with transfers of sale, and I also agree that 1,000 feet is overdoing it. I think that it should be down to 500 feet. So I agree with the O'Donnell amendment and disagree with Mr. Freind. Thank you.

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

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for a brief question?

The SPEAKER. The majority whip has indicated that he will stand for interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. For the sake of clarification, Mr. Speaker, is "inhabitants" to include or does it include or is there any guarantee that it does include that if I have a small business within that 1,000 feet of that establishment and I do not reside there, I am going to be given or guaranteed the right to testify on that, be it a grocery store or be it some other business that may be sensitive in nature, that it may not lend itself well to that kind of other liquor license or establishment being opened there?

Mr. O'DONNELL. The short answer to your question, Mr. Speaker, is that I do not know.

The original draft language used the word "resident," so clearly the answer would be no. There is a policy question about whether you want businesses that are to be affected to be included among those people who could testify. They arguably have a legitimate interest, but on the other hand, their interest is economic. That is clearly distinguishable from the standard in the code of the peace, morals, and well-being of the community. An economic interest, although legitimate, is separable.

For purposes of this legislative history, it is my view that the word "inhabitant" does not include property owner but only includes those people who are residents. However, although that is for purposes of legislative history, we have not been able to find any cases in the code construing the word "inhabitant." So the caveat that I offer you is that if there are such cases that have found the word "inhabitant" to include such businesses under other sections of the code, it would include such businesses under this amendment.

Mr. DAVIES. In other words, Mr. Speaker, you are saying that if I run a business such as, let us say, a small shop that sells religious articles and I reside someplace else in the same borough or same municipality but my business is located within the 1,000 feet, essentially I could be denied appearing there, and your interpretation says well-being does not include economic well-being of either the individual or the community. Is that correct?

Mr. O'DONNELL. No, sir.

Mr. DAVIES. Would you differentiate with me or spell out the no, sir, as to why you reply within the negative?

Mr. O'DONNELL. Your hypothetical was cast in the negative. There is no language in the code which precludes someone from testifying. The only issue that is in the code, and it is before us today in the amendment, is whether or not the board must permit someone to testify. It seems to me that it is my intent that the word "inhabitant" include residents and not include even the most compelling hypothetical of a business owner. However, the issue is whether or not the board must let such a person testify. I think the business that you just described would be permitted, in fact is clearly permitted, to testify before the board, but the board would not be required, either under the code or under the amendment, to permit such a person to testify.

Mr. DAVIES. Thank you, Mr. Speaker.

I ask the consent of the Chair then to respond after the interrogation.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Berks, Mr. Davies, wish to address the question?

Mr. DAVIES. Mr. Speaker, in that instance, in referring to somebody who may be a resident of the community but his business is established in another portion of the community and it would be sensitive to that area and also the fact that the well-being, I think, does include economic well-being, I would have to oppose the portion before us. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, the intention of the legislation is to provide a vehicle in which citizens may appear at a public hearing and testify either for or against the establishment of a liquor license in their community.

Keeping that in mind, I rise to support the O'Donnell amendment. We had discussed this same issue last session, and the problem that we discussed at that time was a situation where someone who has a liquor license is on the very border of the municipality, and you may have residents from the adjacent municipality living within 1,000 feet of that liquor license but who would be precluded from testifying.

So I see that the bottom line, the issue in the case is, is it more important for a resident who is on the extreme other side or the farthest side from the tavern to be allowed to testify, or should a resident who lives within 1,000 feet, regardless of their home municipality, be able to testify?

I urge everyone to support the O'Donnell amendment so that those people who are truly affected by the establishment of a business with a liquor license would have the opportunity to speak at the public hearing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Mr. Speaker, I would join in opposing this amendment. There is no reason why the State of Pennsylvania ought to set arbitrary restrictions as to who must be allowed to speak at a Liquor Control Board hearing. If the testimony

is not relevant, the Liquor Control Board can throw it out. Under current law, under the law without this amendment, some of the testimony may be relevant; some may be irrelevant. I have confidence that the Liquor Control Board, if it hears the testimony, can make an adequate decision on this matter. I would urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAWIDA. Mr. Speaker, I urge a "yes" vote for the O'Donnell amendment. The compelling interest that I have is in several cases where people who live on the edge of municipalities have not been able to testify at these kinds of hearings, and I think the 1,000 feet overcomes the fact that they live in a different municipality, even though they are within the affected area. I think that is a critical thing to remember. Other people outside that area can testify, if they can prove a good reason for it, but the people who live nearest one of these facilities are the ones who have the most need to be protected, so I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The question recurs, will the House adopt the O'Donnell amendment? Remember, we are voting not on the total amendment but only on that part which ends with the words "of such inhabitants."

The Chair recognizes the gentleman from Northampton, Mr. Gruppo. For what purpose does the gentleman rise?

Mr. GRUPPO. Mr. Speaker, a few of us in this area of the House of Representatives are having difficulty understanding exactly what it is we are voting on and what the provision is that Mr. O'Donnell is attempting to do with this amendment. I am not sure about the 1,000 feet. Would you mind explaining it again, please?

The SPEAKER. The gentleman, Mr. O'Donnell, indicates he will stand for interrogation. The gentleman, Mr. Gruppo, is in order and directs the question to the gentleman, Mr. O'Donnell, to please explain the meaning of that section of his amendment which is up for a vote.

Mr. O'DONNELL. Mr. Speaker, the amendment is divisible not just as a parliamentary matter but also as a matter of logic. The first part moves the bill from permitting anyone to testify who is a resident of the municipality to limiting the participation to those people who live within 1,000 feet or are inhabitants within 1,000 feet. The second part raises from 500 feet to 1,000 feet those people who would have standing to lodge a protest.

Now, the middle ground is somewhere between 500 feet and the municipality. The discussions in the committee resolved that as the middle ground of 1,000 feet in both cases so the code would be consistent.

The purpose of this division by Mr. Freind is to give the House the opportunity to vote on those two issues separately. So the only issue that is now before the House is whether HB 224 should be changed so that instead of its original provision, which would allow witnesses who are inhabitants of the municipality, to limit the witnesses to those people who are inhabitants within 1,000 feet. That is the only issue that is right now before the House.

The SPEAKER. The Chair thanks both the gentlemen.

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

The following roll call was recorded:

YEAS—146

Afflerbach	Durham	Lloyd	Saloom
Alderette	Evans	Lucy	Saurman
Angstadt	Fargo	McCall	Scheetz
Armstrong	Fattah	McClatchy	Schuler
Arty	Fee	McMonagle	Semmel
Baldwin	Flick	McVerry	Seventy
Barber	Fryer	Mackowski	Sirianni
Belfanti	Gallagher	Maiale	Smith, B.
Beloff	Gallen	Manderino	Snyder, D. W.
Blaum	Gamble	Manmiller	Snyder, G. M.
Book	Gannon	Markosek	Spencer
Bowser	Geist	Marmion	Stairs
Brandt	George	Mayernik	Steighner
Broujos	Gladeck	Merry	Stevens
Burd	Greenwood	Michlovic	Stewart
Burns	Gruitza	Miller	Stuban
Caltagirone	Gruppo	Miscevich	Sweet
Cappabianca	Hagarty	Moehlmanna	Swift
Carn	Haluska	Morris	Taylor, E. Z.
Cawley	Hasay	Mrkonic	Taylor, F. E.
Cessar	Hoeffel	Murphy	Tigue
Clark	Hutchinson	Nahill	Trello
Colafella	Jackson	O'Donnell	Truman
Cole	Jarolin	Olasz	Van Horne
Cordisco	Kasunic	Oliver	Wachob
Cornell	Kennedy	Petrarca	Wambach
Coslett	Kosinski	Petrone	Wiggins
Cowell	Kowalshyn	Piccola	Williams
Coy	Kukovich	Pievsky	Wilson
Deluca	Lashingner	Pistella	Wogan
DeWeese	Laughlin	Pott	Wozniak
Daley	Lehr	Preston	Wright, D. R.
Dawida	Lescovitz	Punt	Wright, J. L.
Deal	Letterman	Rappaport	Wright, R. C.
Dombrowski	Levin	Richardson	
Donatucci	Linton	Rieger	Irvis,
Dorr	Livengood	Rybak	Speaker

NAYS—46

Belardi	Foster, W. W.	Klingaman	Reber
Boyes	Foster, Jr., A.	Levi	Robbins
Bunt	Freeman	McHale	Rudy
Cimini	Freind	Madigan	Ryan
Civera	Godshall	Micozzie	Serafini
Clymer	Grieco	Mowery	Showers
Cohen	Hayes	Noye	Smith, L. E.
DeVerter	Herman	O'Brien	Spitz
Davies	Hershey	Peterson	Vroon
Dietz	Honaman	Phillips	Wargo
Duffy	Itkin	Pitts	Wass
Fischer	Johnson		

NOT VOTING—8

Dininni	McIntyre	Pratt	Salvatore
Harper	Perzel	Reinard	Telek

EXCUSED—3

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

The SPEAKER. The gentleman, Mr. O'Donnell, is recognized and offers the second section of the amendment, which begins as follows: "Amend Bill, page 2, by inserting between lines 24 and 25..." and continues through page 2, the words

"...date of application for the said license. Amend Sec. 2, page 2, line 25, by striking out '2' and inserting 3." That is the second part of the amendment.

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

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

Mr. O'DONNELL. Mr. Speaker, the second part is almost technical at this point. If you do not adopt the second amendment, we have a situation where people within 1,000 feet can testify but only as to the welfare, health, peace, and morals of the people within 500 feet, if you can picture that. So what you really need to do now is to change the 500 to 1,000. It is almost a technical issue at this point.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—178

Afflerbach	Durham	Lloyd	Ryan
Alderette	Evans	Lucy	Rybak
Angstadt	Fee	McCall	Saloom
Armstrong	Flick	McClatchy	Salvatore
Arty	Foster, W. W.	McHale	Saurman
Baldwin	Freeman	McMonagle	Scheetz
Barber	Freind	McVerry	Schuler
Belardi	Fryer	Mackowski	Semmel
Belfanti	Gallagher	Madigan	Serafini
Beloff	Gallen	Maiale	Seventy
Blaum	Gamble	Manderino	Showers
Book	Gannon	Manmiller	Sirianni
Bowser	Geist	Markosek	Smith, B.
Brandt	George	Marmion	Snyder, D. W.
Broujos	Gladeck	Mayernik	Snyder, G. M.
Bunt	Godshall	Merry	Spencer
Burd	Greenwood	Michlovic	Spitz
Burns	Grieco	Micozzie	Stairs
Caltagirone	Gruitza	Miller	Steighner
Cappabianca	Gruppo	Miscevich	Stevens
Carn	Hagarty	Moehlmanna	Stewart
Cawley	Haluska	Morris	Stuban
Cessar	Hasay	Mowery	Sweet
Cimini	Herman	Mrkonic	Swift
Civera	Hershey	Murphy	Taylor, E. Z.
Clark	Hoeffel	Nahill	Taylor, F. E.
Clymer	Honaman	Noye	Telek
Cohen	Hutchinson	O'Brien	Tigue
Colafella	Itkin	O'Donnell	Trello
Cole	Jackson	Olasz	Truman
Cordisco	Jarolin	Oliver	Van Horne
Cornell	Kasunic	Petrarca	Wachob
Coslett	Kennedy	Petrone	Wambach
Cowell	Klingaman	Piccola	Wargo
Coy	Kosinski	Pievsky	Wiggins
Deluca	Kowalshyn	Pistella	Williams
DeWeese	Kukovich	Pitts	Wilson
Daley	Lashingner	Pott	Wogan
Davies	Laughlin	Preston	Wozniak
Dawida	Lehr	Punt	Wright, D. R.
Deal	Lescovitz	Rappaport	Wright, J. L.
Dininni	Letterman	Reinard	Wright, R. C.
Dombrowski	Levin	Richardson	
Dorr	Linton	Rieger	Irvis,
Duffy	Livengood	Rudy	Speaker



NAYS—16

Boyes	Fischer	Levi	Robbins
DeVerter	Foster, Jr., A.	Peterson	Smith, L. E.
Dietz	Hayes	Phillips	Vroon
Fargo	Johnson	Reber	Wass

NOT VOTING—6

Donatucci	Harper	Perzel	Pratt
Fattah	McIntyre		

EXCUSED—3

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

On the question,

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

Mr. GREENWOOD offered the following amendments No. A0803:

Amend Title, page 1, line 18, by removing the period after "licenses" and inserting ; and requiring notices to certain municipalities.

Amend Bill, page 2, by inserting between lines 24 and 25 Section 2. Section 403(g) of the act, amended November 19, 1959 (P.L.1546, No.553), is amended to read:

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—\*\*\*

(g) Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or at the proposed new location for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Simultaneous with posting of the notice of such application, the applicant shall send notice of the application to the governing body of the municipality in which the premises or proposed new location is located by certified mail, return receipt requested. Proof of the posting of such notice and mailing of notice to the municipality shall be filed with the board. Notwithstanding any other provision of law, the board shall take no action on an application until at least fifteen days have elapsed from the date of receipt of notice by the municipality.

\*\*\*

Amend Sec. 2, page 2, line 25, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

What this amendment does is simply require that the applicant for the transfer of a license must notify by certified mail the municipality itself of his application before the Liquor Control Board, and it would prohibit the Liquor Control Board from acting on that license for at least 15 days after the municipality has been notified. It is again part of the local government courtesy package, part of which we passed last week concerning the Department of Environmental Resources, and it provides the local officials with the opportunity to be aware of a pending application in their community. I would urge the members' support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Afflerbach	Evans	Lloyd	Robbins
Alderette	Fargo	Lucy	Rudy
Angstadt	Fee	McCall	Ryan
Armstrong	Fischer	McClatchy	Rybak
Arty	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McMonagle	Salvatore
Barber	Foster, Jr., A.	McVerry	Saurman
Belardi	Freeman	Mackowski	Scheetz
Belfanti	Freind	Madigan	Schuler
Beloff	Fryer	Maiale	Semmel
Blaum	Gallagher	Manderino	Serafini
Book	Gallen	Manmiller	Seventy
Bowser	Gamble	Markosek	Showers
Boyes	Gannon	Marmion	Sirianni
Brandt	Geist	Mayernik	Smith, B.
Broujos	George	Merry	Smith, L. E.
Bunt	Gladeck	Michlovic	Snyder, D. W.
Burd	Godshall	Micozzie	Snyder, G. M.
Burns	Greenwood	Miller	Spencer
Caltagirone	Grieco	Moehlmann	Spitz
Cappabianca	Gruppo	Morris	Stairs
Carn	Hagarty	Mowery	Steighner
Cawley	Haluska	Mrkonc	Stevens
Cessar	Hasay	Murphy	Stewart
Cimini	Hayes	Nahill	Stuban
Civera	Herman	Noye	Sweet
Clark	Hershey	O'Brien	Swift
Clymer	Hoeffel	O'Donnell	Taylor, E. Z.
Cohen	Honaman	Olasz	Taylor, F. E.
Colafella	Hutchinson	Oliver	Telek
Cole	Itkin	Perzel	Tigue
Cordisco	Jackson	Peterson	Trello
Cornell	Jarolin	Petrarca	Van Horne
Coslett	Johnson	Petrone	Vroon
Cowell	Kasunic	Phillips	Wachob
Coy	Kennedy	Piccola	Wambach
Deluca	Klingaman	Pievsky	Wass
DeVerter	Kosinski	Pistella	Wiggins
DeWeese	Kowalyszyn	Pitts	Williams
Daley	Kukovich	Pott	Wilson
Davies	Lashinger	Pratt	Wogan
Dawida	Laughlin	Preston	Wozniak
Deal	Lehr	Punt	Wright, D. R.
Dietz	Lescovitz	Rappaport	Wright, J. L.
Dininni	Levi	Reber	Wright, R. C.
Dombrowski	Levin	Reinard	
Dorr	Linton	Richardson	Irvis,
Duffy	Livengood	Rieger	Speaker
Durham			

NAYS—3

Gruitza	Letterman	Wargo
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NOT VOTING—6

Donatucci	Harper	Miscevich	Truman
Fattah	McIntyre		

EXCUSED—3

Battisto	Weston	Zwikl
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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. CIVERA offered the following amendments No. A0805:

Amend Title, page 1, line 17, by inserting after "for" where it appears the first time

notices and

Amend Title, page 1, line 18, by inserting after "licenses" ; and for notice to municipalities relating to hearings on suspensions and revocations

Amend Bill, page 2, by inserting between lines 24 and 25

Section 2. Section 403(g) of the act, amended November 19, 1959 (P.L.1546, No.553), is amended to read:

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—\*\*\*

(g) Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of a least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or at the proposed new location for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board. The board shall give notice to the municipality in which the premises is or is intended to be located of the application for a new or for a transfer of an existing license.

\*\*\*

Section 3. Section 471 of the act, amended January 13, 1966 (1965 P.L.1301, No.518) and repealed in part June 3, 1971 (P.L.118, No.6), is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.—(a) Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulations of the board adopted pursuant to such laws, of any violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee within the scope of this article, his officers, servants, agents or employes, or upon any other sufficient cause shown, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner, not less than ten nor more than sixty days from the date of sending such licensee, by registered mail, a notice addressed to him at his licensed premises, to show cause why such license should not be suspended or revoked or a fine imposed. The board shall also send a copy of the hearing notice to the municipality in which the premises is located.

(b) Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), notifying the licensee by registered letter addressed to his licensed premises. In the event the fine is not paid within twenty days of the order the board shall suspend or revoke the license, notifying the licensee by registered mail addressed to his licensed premises. Suspensions and revocations shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order, during which time the licensee may take an appeal as provided for in this act. When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the

licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person who was fined or whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of quarter sessions or the county court of Allegheny County in the same manner as herein provided for appeals from refusals to grant licenses. Upon appeal, the court so appealed to shall, in the exercise of its discretion, sustain, reject, alter or modify the findings, conclusions and penalties of the board, based on the findings of fact and conclusions of law as found by the court. The aforesaid appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. No penalty provided by this section shall be imposed by the board or any court for any violations provided for in this act unless the enforcement officer or the board notifies the licensee of its nature and of the date of the alleged violation within ten days of the completion of the investigation which in no event shall exceed ninety days.

(c) If the violation in question is a third or subsequent violation of this act or [the act of June 24, 1939 (P.L.872), known as "The Penal Code,"] Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses), occurring within a period of four years the board shall impose a suspension or revocation.

(d) The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Amend Sec. 2, page 2, line 25, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendments?

### PARLIAMENTARY INQUIRY

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

Mr. CIVERA. Mr. Speaker, I would like to ask a parliamentary inquiry.

What I would like to do on the amendment is to delete from the first line down to "...a new or for a transfer of an existing license." I would move to delete that section from the amendment.

The SPEAKER. What the gentleman is saying is he wishes to divide the amendment, if it is divisible. Would the gentleman repeat for the Chair where he prefers to divide this if it is divisible?

Mr. CIVERA. From the beginning of the amendment, "Amend Title, page 1, line 17,..." down to section 3, and the last line would read, "...a new or for a transfer of an existing license."

### AMENDMENTS DIVIDED

The SPEAKER. The question of the gentleman is whether or not his amendment is divisible. He has suggested that if it is, it be divided at the words "...a new or for a transfer of an existing license." The remainder of the words offered by the gentleman would be his total amendment.

In the opinion of the Chair, it is so divisible, and the Chair rules that it has been so divided.

Before the House at this time, if the Chair understands the gentleman, would be these words: "Section 3. Section 471 of the act, amended January 13, 1966..." and all the language on page 2 and all the language on page 3. Is that correct?

Mr. CIVERA. That is correct.

On the question,

Will the House agree to the amendments as divided?

The SPEAKER. The Chair recognizes the gentleman on that language.

Mr. CIVERA. What that does, Mr. Speaker, in section 3 is that any violations that the Liquor Control Board finds against the said premises or said license, it would notify the municipality of where that licensee is located.

The SPEAKER. The question recurs, will the House adopt the Civera amendment? Remember now, we have divided the amendment. We do not have the first part of this amendment before us. It will probably not be offered. We have the words, beginning in the middle of the page approximately, "Section 3. Section 471 of the act, amended January 13, 1966..." and sequela, and the words which follow.

The Chair recognizes the gentleman from Allegheny, Mr. Clark, on the Civera amendment.

Mr. CLARK. Mr. Speaker, could he just briefly restate the purpose of the amendment?

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

Mr. CIVERA. Yes. Mr. Speaker, what I am attempting to do in the amendment is that if there are any violations or a hearing against a said licensed premises, the local municipality will be notified of the hearing date or whatever violation is being charged against the licensee. In other words, if a tavern goes in and has a violation against it, the municipality will be notified.

Mr. CLARK. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments as divided?

The following roll call was recorded:

YEAS—195

Afflerbach	Evans	Lloyd	Robbins
Alderette	Fargo	Lucy	Rudy
Angstadt	Fattah	McCall	Ryan
Armstrong	Fee	McClatchy	Rybak
Arty	Fischer	McHale	Saloom
Baldwin	Flick	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Belardi	Freeman	McVerry	Scheetz
Belfanti	Freind	Mackowski	Schuler
Beloff	Fryer	Madigan	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Brandt	Geist	Marmion	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Spencer
Caltagirone	Grieco	Miller	Spitz
Cappabianca	Gruppo	Miscevich	Stairs
Carn	Hagarty	Moehlmann	Steighner
Cawley	Haluska	Morris	Stevens
Cessar	Hasay	Mowery	Stewart

Cimini	Hayes	Mrkonic	Stuban
Civera	Herman	Murphy	Sweet
Clark	Hershey	Nahill	Swift
Clymer	Hoefel	Noye	Taylor, E. Z.
Cohen	Honaman	O'Brien	Taylor, F. E.
Colafella	Hutchinson	O'Donnell	Telek
Cole	Itkin	Olasz	Tigue
Cordisco	Jackson	Oliver	Trello
Cornell	Jarolin	Perzel	Truman
Coslett	Johnson	Peterson	Van Horne
Cowell	Kasunic	Petrarca	Vroon
Coy	Kennedy	Petrone	Wachob
Deluca	Klingaman	Phillips	Wambach
DeVerter	Kosinski	Piccola	Wass
DeWeese	Kowalshyn	Pievsky	Wiggins
Daley	Kukovich	Pistella	Williams
Davies	Lashingier	Pitts	Wilson
Dawida	Laughlin	Pott	Wogan
Deal	Lehr	Preston	Wozniak
Dietz	Lescovitz	Punt	Wright, D. R.
Dininni	Letterman	Rappaport	Wright, J. L.
Dombrowski	Levi	Reber	Wright, R. C.
Donatucci	Levin	Reinard	
Dorr	Linton	Richardson	Irvis,
Duffy	Livengood	Rieger	Speaker
Durham			

NAYS—2

Gruitza Wargo

NOT VOTING—3

Foster, W. W. Harper Pratt

EXCUSED—3

Battisto Weston Zwinkl

The question was determined in the affirmative, and the amendments as divided 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. A0780:

Amend Title, page 1, line 18, by inserting after "licenses" and for the surrender of club licenses

Amend Bill, page 2, by inserting between lines 24 and 25

Section 2. Section 474 of the act, added July 20, 1968 (P.L. 429, No.201), is amended to read:

Section 474. Surrender of Club Licenses for Benefit of Licensees.—[Whenever a club license has been returned to the board for the benefit of the licensee due to the licensed establishment not having been in operation for any reason whatsoever for a period of time not exceeding fifteen days, the license shall be held by the board for the benefit of the licensee for a period of time not exceeding one year, or, upon proper application to the board, for an additional year, and the license shall be revoked at the termination of the period, and transfer of the license shall not be permitted after the termination of the period.] (a) Any club licensee whose licensed establishment is not in operation for a period of fifteen consecutive days for any reason shall return its license and, if a liquor license, its wholesale purchase permit card, to the board not later than the expiration of the fifteen-day period. The return of such license and card will not invalidate the license, which will be held for the benefit of the licensee and be available for its use when operations are resumed at the licensed premises, or for transfer.

(b) Where the club license is returned because the licensee no longer has a lease for the licensed premises, or removes therefrom, or is dispossessed by legal process, the license will be invalidated as to the premises for which issued but will not be invali-

dated generally nor cancelled, and will be held for the benefit of the licensee for transfer only.

(c) Where the club license and wholesale liquor purchase permit card are not surrendered and returned voluntarily by the licensee, enforcement officers of the board will lift and return such license and card to the board.

(d) No club license surrendered to the board, nor any renewal thereof in possession of the board, will be held for the benefit of the licensee for a period exceeding one year from the date of surrender, except where, in the opinion of the board, circumstances beyond the control of the licensee prevent reactivation. The board shall reconsider the revocation of any such club license during the last five years to ascertain if circumstances beyond the control of the licensee prevented timely reactivation of the license. Failure of the licensee to lift the license and resume operation of the licensed business or to effect a transfer of the license within the one-year period may be sufficient cause for revocation of the license if timely reactivation was not due to circumstances beyond the control of the licensee.

(e) In the case of any club license which is reactivated under this section, the board shall determine no sooner than eighteen months after such reactivation, and no later than twenty-four months after reactivation, that the club has actually resumed operation and is functioning in fact as a club as defined in section 102. If the board finds that the club is not so functioning the license shall be immediately revoked.

Amend Sec. 2, page 2, line 25, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that was overwhelmingly approved by the House in the previous session. It would allow the Liquor Control Board to review those club licenses that have been revoked over the last 5 years because the 2-year escrow period has run on those club licenses. The circumstances are such that approximately 30 to 35 fraternal, civic, and the like, types of organizations have lost their licenses for failure to renew the license. What is happening is these civic groups go out of existence or due to some administrative oversight by one of the officers fail to renew the license or to draw the license down during that 2-year holding period. It is an absolute action by the Liquor Control Board that at the end of that 2-year period, those licenses are revoked. We are asking that during the last 5-year period those licenses—and there are approximately 35, according to the Liquor Control Board—be reviewed to see that if possibly after review the cause for revocation could be attributed to some administrative oversight on the part of one of the fraternal or civic organizations.

Likewise, we are saying to the Liquor Control Board that the 2-year period will no longer hold. If one of the club licenses decides to escrow this license, they would have an unlimited period of time to allow this license to stay in escrow. What we are allowing the clubs to do then is to preserve that license and not have to get into a competitive bidding war for a new club license, should that club decide to start up again or reactivate their membership list. I ask for the support of the House. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—156

Alderette	Durham	McClatchy	Rybak
Angstadt	Evans	McHale	Saloom
Baldwin	Fattah	McIntyre	Salvatore
Barber	Fee	McMonagle	Saurman
Belardi	Foster, Jr., A.	McVerry	Scheetz
Belfanti	Freeman	Mackowski	Schuler
Beloff	Freind	Madigan	Semmel
Blaum	Fryer	Maiale	Serafini
Book	Gallagher	Manderino	Seventy
Bowser	Gallen	Markosek	Showers
Brandt	Gamble	Marmion	Smith, B.
Broujos	Geist	Mayernik	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G. M.
Burd	Greenwood	Michlovic	Spencer
Burns	Grieco	Miscevich	Steighner
Caltagirone	Gruitza	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Carn	Hagarty	Mrkonic	Suban
Cawley	Haluska	Murphy	Sweet
Cessar	Hasay	Nahill	Swift
Cimini	Herman	Noye	Taylor, F. E.
Clark	Hoeffel	O'Brien	Telek
Cohen	Honaman	O'Donnell	Trello
Colafella	Jackson	Olasz	Truman
Cole	Jarolin	Oliver	Van Horne
Cordisco	Kasunic	Perzel	Wachob
Cornell	Kennedy	Petrarca	Wambach
Coslett	Kosinski	Petrone	Wargo
Cowell	Kowalshyn	Pievsky	Wiggins
Coy	Kukovich	Pistella	Williams
Deluca	Lashinger	Poit	Wilson
DeWeese	Laughlin	Preston	Wogan
Daley	Lehr	Punt	Wozniak
Davies	Lescovitz	Reber	Wright, D. R.
Dawida	Letterman	Reinard	Wright, J. L.
Deal	Levin	Richardson	Wright, R. C.
Dininni	Linton	Rieger	
Dombrowski	Livengood	Rudy	Irvis,
Dorr	Lucyk	Ryan	Speaker
Duffy	McCall		

NAYS—40

Afflerbach	Flick	Levi	Rappaport
Armstrong	Foster, W. W.	Lloyd	Robbins
Arty	Gannon	Manmiller	Sirianni
Boyes	George	Micozzie	Smith, L. E.
Civera	Godshall	Miller	Spitz
Clymer	Hayes	Mowery	Stairs
DeVertter	Hershey	Peterson	Taylor, E. Z.
Dietz	Itkin	Phillips	Tigue
Fargo	Johnson	Piccola	Vroon
Fischer	Klingaman	Pitts	Wass

NOT VOTING—4

Donatucci	Harper	Hutchinson	Pratt
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EXCUSED—3

Battisto	Weston	Zwinkl
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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—169

Afflerbach	Duffy	Lucyk	Saloom
Alderette	Durham	McCall	Salvatore
Angstadt	Evans	McClatchy	Saurman
Arty	Fargo	McHale	Scheetz
Baldwin	Fattah	McMonagle	Schuler
Barber	Fee	McVerry	Semmel
Belardi	Flick	Mackowski	Serafini
Belfanti	Freeman	Maiale	Seventy
Beloff	Freind	Manderino	Showers
Blaum	Fryer	Manmiller	Sirianni
Book	Gallagher	Markosek	Snyder, D. W.
Brandt	Gallen	Marmion	Snyder, G. M.
Broujos	Gamble	Mayernik	Spencer
Bunt	Gannon	Merry	Spitz
Burd	Geist	Michlovic	Stairs
Burns	George	Micozzie	Steighner
Caltagirone	Gladeck	Miller	Stevens
Cappabianca	Greenwood	Miscevich	Stewart
Carn	Grieco	Morris	Stuban
Cawley	Gruppo	Mrkonic	Sweet
Cessar	Hagarty	Murphy	Taylor, E. Z.
Cimini	Haluska	Nahill	Taylor, F. E.
Civera	Hasay	O'Brien	Telek
Clark	Herman	O'Donnell	Tigue
Clymer	Hoeffel	Olasz	Trello
Cohen	Hutchinson	Oliver	Truman
Colafella	Itkin	Perzel	Van Horne
Cole	Jackson	Petrarca	Wachob
Cordisco	Jarolin	Petrone	Wambach
Cornell	Kasunic	Piccola	Wargo
Coslett	Kennedy	Pievsky	Wass
Cowell	Klingaman	Pistella	Wiggins
Coy	Kosinski	Pott	Williams
Deluca	Kowalshyn	Preston	Wilson
DeWeese	Kukovich	Punt	Wogon
Daley	Lashinger	Rappaport	Wozniak
Davies	Laughlin	Reber	Wright, D. R.
Dawida	Lehr	Reinard	Wright, J. L.
Deal	Lescovitz	Richardson	Wright, R. C.
Dininni	Levin	Rieger	
Dombrowski	Linton	Rudy	Irvis,
Donatucci	Livengood	Ryan	Speaker
Dorr	Lloyd	Rybak	

NAYS—27

Armstrong	Foster, Jr., A.	Letterman	Pitts
Bowser	Godshall	Levi	Robbins
Boyes	Gruitza	Madigan	Smith, B.
DeVerter	Hayes	Mowery	Smith, L. E.
Dietz	Hershey	Noye	Swift
Fischer	Honaman	Peterson	Vroon
Foster, W. W.	Johnson	Phillips	

NOT VOTING—4

Harper	McIntyre	Moehlmann	Pratt
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EXCUSED—3

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

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

REMARKS ON VOTE

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

Mr. REINARD. Mr. Speaker, on HB 224, the first amendment offered by Mr. O'Donnell, A601, Part 1, the first amendment, my vote was not registered. I would like it to show I would have voted in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 573, PN 641, entitled:

An Act designating the bridge on L.R. 37089 in Lawrence County as the LTC John B. Brettell Bridge.

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

Mr. FEE offered the following amendments No. A0816:

Amend Title, page 1, line 2, by striking out "LTC" and inserting

Lieutenant Colonel

Amend Sec. 1, page 1, line 10, by striking out all of said line and inserting "Lieutenant Colonel John B. Brettell Bridge," in memory of this Pennsylvania Army National Guard Officer who died January 28, 1945, while a prisoner of the Japanese during World War II.

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

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

Mr. FEE. Mr. Speaker, this amendment simply eliminates the abbreviation and spells out the words "Lieutenant Colonel."

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Afflerbach	Evans	Lloyd	Rudy
Alderette	Fargo	Lucyk	Ryan
Angstadt	Fattah	McCall	Rybak
Armstrong	Fee	McClatchy	Saloom
Arty	Fischer	McHale	Salvatore
Baldwin	Flick	McIntyre	Saurman
Barber	Foster, W. W.	McMonagle	Scheetz
Belardi	Foster, Jr., A.	McVerry	Schuler
Belfanti	Freeman	Mackowski	Semmel
Beloff	Freind	Madigan	Serafini
Blaum	Fryer	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Marmion	Smith, L. E.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G. M.
Burd	Godshall	Michlovic	Spencer
Burns	Greenwood	Micozzie	Spitz
Caltagirone	Grieco	Miller	Stairs

Cappabianca	Gruitza	Miscevich	Steighner
Carn	Gruppo	Moehlmann	Stevens
Cawley	Hagarty	Morris	Stewart
Cessar	Haluska	Mowery	Stuban
Cimini	Hasay	Mrkonic	Sweet
Civera	Hayes	Murphy	Swift
Clark	Herman	Nahill	Taylor, E. Z.
Clymer	Hershey	Noye	Taylor, F. E.
Cohen	Hoeffel	O'Brien	Telek
Colafella	Honaman	O'Donnell	Tigue
Cole	Hutchinson	Olasz	Trello
Cordisco	Itkin	Oliver	Truman
Cornell	Jackson	Perzel	Van Horne
Coslett	Jarolin	Peterson	Vroom
Cowell	Johnson	Petrarca	Wachob
Coy	Kasunic	Petrone	Wambach
Deluca	Kennedy	Phillips	Wargo
DeVerter	Klingaman	Piccola	Wass
DeWeese	Kosinski	Pievsky	Wiggins
Daley	Kowalyszyn	Pistella	Williams
Davies	Kukovich	Pitts	Wilson
Dawida	Lashingner	Pott	Wogan
Deal	Laughlin	Preston	Wozniak
Dietz	Lehr	Punt	Wright, D. R.
Dininni	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reber	Wright, R. C.
Donatucci	Levi	Reinard	
Dorr	Levin	Richardson	Irvis,
Duffy	Linton	Rieger	Speaker
Durham	Livengood	Robbins	

NAYS—0

NOT VOTING—3

Gallagher	Harper	Pratt
EXCUSED—3		

Battisto	Weston	Zwinkl
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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?

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—199

Afflerbach	Fargo	Lloyd	Robbins
Alderette	Fattah	Lucyk	Rudy
Angstadt	Fee	McCall	Ryan
Armstrong	Fischer	McClatchy	Rybak
Arty	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Belardi	Freeman	McVerry	Scheetz
Belfanti	Freind	Mackowski	Schuler
Beloff	Fryer	Madigan	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Brandt	Geist	Marmion	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Spencer
Caltagirone	Grieco	Miller	Spitz
Cappabianca	Gruitza	Miscevich	Stairs

Carn	Gruppo	Moehlmann	Steighner
Cawley	Hagarty	Morris	Stevens
Cessar	Haluska	Mowery	Stewart
Cimini	Hasay	Mrkonic	Stuban
Civera	Hayes	Murphy	Sweet
Clark	Herman	Nahill	Swift
Clymer	Hershey	Noye	Taylor, E. Z.
Cohen	Hoeffel	O'Brien	Taylor, F. E.
Colafella	Honaman	O'Donnell	Telek
Cole	Hutchinson	Olasz	Tigue
Cordisco	Itkin	Oliver	Trello
Cornell	Jackson	Perzel	Truman
Coslett	Jarolin	Peterson	Van Horne
Cowell	Johnson	Petrarca	Vroom
Coy	Kasunic	Petrone	Wachob
Deluca	Kennedy	Phillips	Wambach
DeVerter	Klingaman	Piccola	Wargo
DeWeese	Kosinski	Pievsky	Wass
Daley	Kowalyszyn	Pistella	Wiggins
Davies	Kukovich	Pitts	Williams
Dawida	Lashingner	Pott	Wilson
Deal	Laughlin	Pratt	Wogan
Dietz	Lehr	Preston	Wozniak
Dininni	Lescovitz	Punt	Wright, D. R.
Dombrowski	Letterman	Rappaport	Wright, J. L.
Donatucci	Levi	Reber	Wright, R. C.
Dorr	Levin	Reinard	
Duffy	Linton	Richardson	Irvis,
Durham	Livengood	Rieger	Speaker
Evans			

NAYS—0

NOT VOTING—1

Harper		
EXCUSED—3		

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

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

**CONSIDERATION OF HR 85 RESUMED**

On the question recurring,

Will the House adopt the resolution as amended?

Mr. BLAUM offered the following amendment No. A0817:

Amend First Resolved Clause, page 2, lines 5 through 8, by striking out "Speaker of the House of Representatives" in line 5, all of lines 6 and 7 and "majority party and four members of the minority party;" in line 8 and inserting

Judiciary Committee of the House of Representatives investigate the Pennsylvania State Police;

On the question,

Will the House agree to the amendment?

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

Mr. BLAUM. Thank you, Mr. Speaker.

I would like to apologize for the lateness of this amendment; however, this is the first day that the resolution has been on the calendar.

What the amendment does, basically, is switch the investigation from the concept of a select committee to the standing Judiciary Committee in the House of Representatives. I

believe that with their expertise and staff, that would be a better vehicle to conduct the investigation which has been put forward today, and I ask for support for the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. RAPPAPORT. Mr. Speaker, it has been the custom of this House to appoint special investigating committees to investigate specific problems which arise. I have had the honor of serving on several such committees since I have been a member of this House.

The reason for appointing a special committee is in order to permit members who have a special expertise or interest in a particular subject to serve on that special committee. It also means that the standing committees can spend their time on the routine business of that committee, handling bills and doing certain other business. The special committee device permits the standing committees to continue with their normal business. I can seldom remember that the chairman of a standing committee was appointed to be the chairman of a special committee, because the chairmen are usually busy processing the routine work of their own committees.

Today, Mr. Speaker, this House authorized the Judiciary Committee to conduct an investigation of conditions within the State prisons. We requested this power because of the conditions in the prisons which have given rise to the bad problems at Rockview, hostage taking, and will undoubtedly arise in other prisons because of the overcrowding. And I am not criticizing anybody when I talk about overcrowding. It is a fact of life in Pennsylvania today and something that we as the General Assembly will have to deal with. I might add, it is no secret that we already have impeachment proceedings in our committee involving two judges in western Pennsylvania, common pleas court judges. And I will not repeat what the Speaker said yesterday at his press conference.

I would therefore ask the House to vote against this amendment, particularly in the light of the promise made by the majority leader that the special committee would be a 4-3 ratio, which is a much more favorable ratio to the minority than the ratio on the committee. I would suggest to the House that if indeed we are charged with this responsibility, we will have no time whatsoever to handle any other business in the Judiciary Committee. That may not faze many people but it should faze some, because the Commonwealth must continue and routine business must be conducted. I therefore rise, Mr. Speaker, to state that we do not have the personnel and we do not have the time to handle this investigation and do the other business that every standing committee of this House must do. Therefore, I ask for a "no" vote so that our business may continue. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Blaum amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I have far more confidence in Mr. Rappaport and his committee, evidently, than Mr. Rappaport does. I think it is a proper place to put the investi-

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. I want you to know in all fairness that Mr. Ryan made that statement even though he knows that the committee breakdown is 14 to 9.

Mr. Speaker, I would ask that we reject the amendment being proposed by Mr. Blaum. In many, many instances I would think that the proper committee, the proper entity, to do an investigation would be the standing committee. We have a chairman of the standing committee who has indicated that his committee is busy with other things that more properly interest the committee, or at least its chairman.

Mr. Deal, who has championed the resolution and who has shepherded it in and out of committee and on the floor of the House, is not a member of the Judiciary Committee. We have in most instances allowed, if not to be the chairman, then a member of the committee, most people who have a special interest in the subject matter and who have brought that special interest in the subject matter to the form of a resolution; who have received sponsorship of the resolution, cosponsorship; have asked that it come out of committee; have managed the matter on the floor, and I think that we would be precluding the possibility of Mr. Deal's serving on the committee, and I do not think we ought to do that. I think that we ought to allow the special committee, under these circumstances, to handle this matter. I think the Judiciary Committee, through its chairman, has already indicated that they would rather it be handled that way, and I think that we ought to, by our votes, give the matter to the special committee by voting in the negative on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—108

Angstadt	Dombrowski	Klingaman	Reinard
Armstrong	Dorr	Lashinger	Robbins
Arty	Durham	Lehr	Rudy
Baldwin	Fargo	Levi	Ryan
Belardi	Fischer	McCall	Salvatore
Belfanti	Flick	McClatchy	Saurman
Blaum	Foster, W. W.	McVerry	Scheetz
Book	Foster, Jr., A.	Mackowski	Schuler
Bowser	Freind	Madigan	Semmel
Boyes	Gallen	Manmiller	Serafini
Brandt	Gannon	Marmion	Sirianni
Broujos	Geist	Merry	Smith, B.
Bunt	Gladeck	Micozzie	Smith, L. E.
Burd	Godshall	Miller	Snyder, D. W.
Cappabianca	Greenwood	Moehlmann	Snyder, G. M.
Cawley	Grieco	Mowery	Spencer
Cessar	Gruppo	Nahill	Spitz
Cimini	Hagarty	Noye	Stairs
Civera	Hasay	O'Brien	Stevens
Clymer	Hayes	Perzel	Swift
Cordisco	Herman	Peterson	Taylor, E. Z.
Cornell	Hershey	Phillips	Tigue
Coslett	Hoeffel	Piccola	Vroon
DeVerter	Honaman	Pitts	Wass
Davies	Jackson	Pott	Wilson
Dietz	Johnson	Punt	Wogan
Dininni	Kennedy	Reber	Wright, J. L.

NAYS—89

Afflerbach	Freeman	McMonagle	Seventy
Alderette	Fryer	Maiale	Showers
Barber	Gallagher	Manderino	Steighner
Beloff	Gamble	Markosek	Stewart
Burns	George	Mayernik	Stuban
Caltagirone	Gruitza	Michlovic	Sweet
Carn	Haluska	Miscevich	Taylor, F. E.
Clark	Hutchinson	Morris	Telek
Cohen	Itkin	Mrkonic	Trello
Colafella	Jarolin	Murphy	Truman
Cole	Kasunic	O'Donnell	Van Horne
Cowell	Kosinski	Olasz	Wachob
Coy	Kowalshyn	Oliver	Wambach
Deluca	Kukovich	Petrarca	Wargo
DeWeese	Lescovitz	Petrone	Wiggins
Daley	Letterman	Pievsky	Williams
Dawida	Levin	Pistella	Wozniak
Deal	Linton	Preston	Wright, D. R.
Donatucci	Livengood	Rappaport	Wright, R. C.
Duffy	Lloyd	Richardson	
Evans	Lucyk	Rieger	Irvis,
Fattah	McHale	Rybak	Speaker
Fee	McIntyre	Saloom	

NOT VOTING—3

Harper	Laughlin	Pratt
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EXCUSED—3

Battisto	Weston	Zwikl
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,  
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—152

Afflerbach	Duffy	Levin	Robbins
Alderette	Durham	Linton	Rudy
Angstadt	Evans	Lloyd	Rybak
Baldwin	Fargo	Lucyk	Scheetz
Barber	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Seventy
Beloff	Fischer	McHale	Showers
Blaum	Foster, W. W.	McMonagle	Sirianni
Book	Foster, Jr., A.	McVerry	Smith, B.
Boyes	Freeman	Mackowski	Smith, L. E.
Brandt	Freind	Madigan	Snyder, D. W.
Bunt	Fryer	Maiale	Snyder, G. M.
Burd	Gallagher	Manderino	Spencer
Burns	Gallen	Manmiller	Spitz
Caltagirone	Geist	Marmion	Steighner
Cappabianca	George	Merry	Stevens
Carn	Gladeck	Michlovic	Struban
Cawley	Greenwood	Miller	Sweet
Cessar	Grieco	Morris	Swift
Cimini	Gruitza	Murphy	Taylor, E. Z.
Civera	Gruppo	Nahill	Taylor, F. E.
Cohen	Hagarty	O'Donnell	Telek
Colafella	Haluska	Oliver	Tigue
Cole	Hayes	Petrone	Trello
Cordisco	Herman	Phillips	Truman
Cornell	Hershey	Piccola	Van Horne
Coslett	Hoeffel	Pievsky	Wachob
Cowell	Honaman	Pistella	Wambach
Coy	Itkin	Pitts	Wargo
Deluca	Jarolin	Pott	Wass
DeVerter	Johnson	Pratt	Wiggins
DeWeese	Kasunic	Preston	Williams
Daley	Kosinski	Punt	Wilson
Davies	Kowalshyn	Rappaport	Wright, D. R.
Dawida	Kukovich	Reber	Wright, R. C.
Deal	Lashingar	Reinard	

Dietz	Laughlin	Richardson	Irvis,
Dininni	Lehr	Rieger	Speaker
Dombrowski	Lescovitz		

NAYS—43

Armstrong	Godshall	Micozzie	Saloom
Arty	Hasay	Miscevich	Saurman
Belardi	Hutchinson	Moehlmann	Schuler
Bowser	Jackson	Mowery	Serafini
Broujos	Kennedy	Mrkonic	Stairs
Clark	Klingaman	Noye	Stewart
Clymer	Letterman	O'Brien	Vroon
Dorr	Levi	Olasz	Wogan
Flick	Livengood	Peterson	Wozniak
Gamble	Markosek	Petrarca	Wright, J. L.
Gannon	Mayernik	Ryan	

NOT VOTING—5

Donatucci	McIntyre	Perzel	Salvatore
Harper			

EXCUSED—3

Battisto	Weston	Zwikl
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The question was determined in the affirmative, and the resolution as amended was adopted.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

There will be a meeting of the Appropriations Committee in the majority caucus room immediately upon the call of the recess. A meeting of the Appropriations Committee in the majority caucus room immediately upon the call of the recess. Thank you, Mr. Speaker.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I move that the rules of the House be temporarily suspended so that a resolution I intend to offer may immediately be considered.

The SPEAKER. Has the majority leader been advised of this move?

Mr. MANDERINO. Quite recently, Mr. Speaker.

The SPEAKER. Does the gentleman wish us to stand at ease until he has had an opportunity to look at the resolution?

Mr. MANDERINO. I have had that opportunity, Mr. Speaker.

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

The SPEAKER. The Chair recognizes, on that question, the majority leader.

Mr. MANDERINO. Mr. Speaker, the resolution that I have been given deals with the matter of the turnpike and a who-struck-John situation on why the jobs are not moving.

Mr. Speaker, the resolution that we adopted last week went through the Rules Committee and was reported from the Rules Committee, and I propose that the same thing happen to Mr. Ryan's resolution, that it go to the Rules Committee



and not go around the rules of the House. I would ask every member of the House to vote against the suspension of the rules so that the matter can be considered in full by the Rules Committee and a decision made on the resolution by that committee.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, ordinarily I would agree with the gentleman, like I usually do, that what we should do is run this through the Rules Committee. However, if the members will think back to yesterday when we were debating the resolution that carried yesterday—which, incidentally, we joined in passing—urging the Governor to do whatever he could do to help along the road program in Pennsylvania, which in fact would help our constituents both in their travel and in their employment, I did say that I would be offering a resolution today—this should come as no surprise to any of the members—and that the resolution I would propose to offer would be that we do the same thing with the Turnpike Commission that we did with the Governor, and that is, say to them if in fact you have the right to begin design on the widening of the Pennsylvania Turnpike, and if in fact you have the right and the money—which we are advised they have—to do the interchange up in the Scranton area, then let us urge the Turnpike Commissioners to take such actions as are indicated to accomplish that.

That is the purpose of the suspension of the rules, so that that resolution might be immediately considered. I would ask that we suspend the rules at this time and then adopt the resolution, so that both resolutions - yesterday's and today's - can be on the record urging the various State officials to do whatever they can do to take care of this serious problem facing us.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the resolution makes a number of statements that require study before we can ascribe to the language in the resolution. It talks about whether or not the bonding is available. It talks about whether authority is there. It talks about whether or not we can proceed with part of the projects. Mr. Speaker, the Rules Committee should study this, and I ask all members to vote in the negative on the suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

This is on the question of temporary suspension of the rules. It will take 102 votes to pass.

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

The following roll call was recorded:

YEAS—97

Angstadt	Foster, W. W.	McClatchy	Ryan
Armstrong	Foster, Jr., A.	McVerry	Salvatore
Arty	Freind	Mackowski	Saurman
Belardi	Gallen	Madigan	Scheetz
Book	Gannon	Manmiller	Schuler
Bowser	Geist	Marmion	Semmel
Boyes	Godshall	Merry	Serafini
Brandt	Greenwood	Micozzie	Sirianni
Bunt	Grieco	Miller	Smith, B.
Burd	Gruppo	Moehlmann	Smith, L. E.
Burns	Hagarty	Mowery	Snyder, D. W.

Cessar	Hasay	Nahill	Snyder, G. M.
Cimini	Hayes	Noye	Spencer
Civera	Herman	O'Brien	Spitz
Clymer	Hershey	Perzel	Stairs
Cornell	Honaman	Peterson	Stevens
Coslett	Jackson	Phillips	Swift
DeVerter	Johnson	Piccola	Taylor, E. Z.
Davies	Kennedy	Pitts	Telek
Dietz	Klingaman	Pott	Wass
Dorr	Lashinger	Punt	Wilson
Durham	Lehr	Reber	Wogan
Fargo	Levi	Reinard	Wright, J. L.
Fischer	Livengood	Robbins	Wright, R. C.
Flick			

NAYS—99

Afflerbach	Duffy	Lloyd	Rieger
Alderette	Evans	Lucyk	Rudy
Baldwin	Fattah	McCall	Rybak
Barber	Fee	McHale	Saloom
Belfanti	Freeman	McIntyre	Seventy
Beloff	Fryer	McMonagle	Showers
Blaum	Gallagher	Manderino	Steighner
Broujos	Gamble	Markosek	Stewart
Caltagirone	George	Mayernik	Stuban
Cappabianca	Gruitza	Michlovic	Sweet
Carn	Haluska	Miscevich	Taylor, F. E.
Cawley	Harper	Morris	Tigue
Clark	Hoeffel	Mrkonic	Trello
Cohen	Hutchinson	Murphy	Truman
Colafella	Itkin	O'Donnell	Van Horne
Cole	Jarolin	Olasz	Wachob
Cordisco	Kasunic	Oliver	Wambach
Cowell	Kosinski	Petrarca	Wargo
Coy	Kowalshyn	Petrone	Wiggins
Deluca	Kukovich	Pievsky	Williams
DeWeese	Laughlin	Pistella	Wozniak
Daley	Lescovitz	Pratt	Wright, D. R.
Dawida	Letterman	Preston	
Deal	Levin	Rappaport	Irvis,
Dombrowski	Linton	Richardson	Speaker
Donatucci			

NOT VOTING—4

Dininni	Gladeck	Maiale	Vroon
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EXCUSED—3

Battisto	Weston	Zwikl
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Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

RULES SUSPENDED

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

Mr. SAURMAN. Mr. Speaker, I move that the rules of the House be temporarily suspended so I may submit for immediate consideration a resolution.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I have looked at the resolution. I see no urgency in the matter. I ask that the Rules Committee process be used and that we vote against suspension of the rules.

The SPEAKER. The Chair regrets that Mr. Saurman may not debate this. If the minority leader wishes to speak on the suspension of the rules, only the leaders are permitted.

Mr. RYAN. Mr. Speaker, I had not had an opportunity to look at this resolution.

I understand the problems raised by the gentleman, Mr. Manderino, in connection with the resolution I offered. I do not think, however, that the same applies to Educational Bosses' Week, which is the resolution that Mr. Saurman is asking us to consider. We regularly and in fact earlier today passed a resolution by suspension of the rules for Small Business Week. Now, Mr. Manderino, we do not have to bang heads on Educational Bosses' Week, I would hope.

Mr. MANDERINO. Mr. Ryan, it is 5 minutes to 5 in the afternoon, and I saw the Saurman resolution 3 minutes ago. I ask for a negative vote on the suspension of the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—106

Angstadt	Flick	McVerry	Salvatore
Arty	Foster, W. W.	Mackowski	Saurman
Baldwin	Foster, Jr., A.	Madigan	Scheetz
Belardi	Freind	Manmiller	Schuler
Belfanti	Gallen	Marmion	Semmel
Book	Gannon	Merry	Serafini
Bowser	Geist	Michlovic	Showers
Boyes	Gladeck	Micozzie	Sirianni
Brandt	Godshall	Miller	Smith, B.
Broujos	Greenwood	Moehlmann	Smith, L. E.
Bunt	Grieco	Mowery	Snyder, D. W.
Burd	Gruppo	Nahill	Snyder, G. M.
Burns	Hagarty	Noye	Spencer
Cessar	Hasay	O'Brien	Spitz
Cimini	Hayes	Perzel	Stairs
Civera	Herman	Peterson	Stevens
Clymer	Hershey	Phillips	Swift
Cornell	Honaman	Piccola	Taylor, E. Z.
Coslett	Jackson	Pitts	Telek
Coy	Johnson	Pott	Vroon
DeVerter	Kennedy	Punt	Wachob
Davies	Klingaman	Reber	Wass
Dietz	Kukovich	Reinard	Wilson
Dorr	Lashinger	Robbins	Wogan
Durham	Lehr	Rudy	Wright, J. L.
Fargo	Levi	Ryan	Wright, R. C.
Fischer	McClatchy		

#### NAYS—85

Afflerbach	Fee	Lucyk	Rybak
Alderette	Freeman	McCall	Saloom
Barber	Fryer	McHale	Seventy
Beloff	Gallagher	McMonagle	Steighner
Blaum	Gamble	Manderino	Stewart
Caltagirone	George	Markosek	Stuban
Cappabianca	Gruitza	Mayernik	Sweet
Carn	Haluska	Miscevich	Taylor, F. E.
Cawley	Hoeffel	Morris	Tigue
Clark	Hutchinson	Mrkoncic	Trello
Colafella	Itkin	Murphy	Truman
Cole	Jarolin	O'Donnell	Van Horne
Cowell	Kasunic	Olasz	Wambach
Deluca	Kosinski	Oliver	Wargo
DeWeese	Kowalyshyn	Petrarca	Wiggins
Daley	Laughlin	Petrone	Williams
Dawida	Lescovitz	Pievsky	Wozniak
Deal	Letterman	Pistella	Wright, D. R.
Dombrowski	Levin	Preston	
Donatucci	Linton	Rappaport	Irvis,
Duffy	Livengood	Richardson	Speaker
Evans	Lloyd	Rieger	

#### NOT VOTING—9

Armstrong	Dininni	Harper	Maiale
Cohen	Fattah	McIntyre	Pratt
Cordisco			

#### EXCUSED—3

Battisto	Weston	Zwilk
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

#### RESOLUTION ADOPTED

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

Mr. SAURMAN. Mr. Speaker, I offer the following resolution.

The following resolution was read:

#### House Resolution No. 94

#### A RESOLUTION

Designating the week of May 15 through May 21, 1983, as Educational Bosses' Week.

WHEREAS, School administrators have dedicated their lives to the development of quality education; and

WHEREAS, The pressure of professional obligations of school administrators have become more demanding and complex; and

WHEREAS, In the search for excellence, they have demonstrated leadership, courage, self-discipline, enthusiasm and energy and, by example, they encourage these qualities in those with whom they work; and

WHEREAS, School administrators foster good working relationships, maintaining dignity and a sympathetic attitude; therefore be it

RESOLVED, That the week of May 15 through May 21, 1983, be observed as Educational Bosses' Week and observed in educational offices in tribute to their unselfish service to schools and communities of the Commonwealth.

George E. Saurman  
Gordon J. Linton  
Harry E. Bowser  
Joseph M. Gladeck, Jr.  
Lynn B. Herman

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. I would just ask for an affirmative vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader. Does the majority leader require recognition?

Mr. MANDERINO. Yes. I am waiting for the vote sheet on the last vote, Mr. Speaker.

#### PARLIAMENTARY INQUIRY

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

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

The SPEAKER. The gentleman will state it.

Mr. DAVIES. I will have to count this in the term would it be proper under interrogation to ask the Speaker of this inquiry as to the role of a regular member who would be in any impeachment procedure, what are the parameters of conduct in such action, and do the normal rules of the House apply in that specific action, or do special judicial rules apply in such action? The reason that I state the parliamentary inquiry is because of the inquiries that I have had of such action and for my own edification so that I may properly answer those inquiries, or may I delay such a question until the proceedings tomorrow?

The SPEAKER. You may delay it, but the Chair is prepared to give you the only answer it can give you at this time, or, indeed, tomorrow.

The Chair does not know the answer to the gentleman's questions. There has not been a successful impeachment in the Commonwealth of Pennsylvania—our quick research indicates—since 1803. Consequently, it is going to take a considerable amount of research to answer the gentleman's question, and the gentleman has followed what the Speaker announced yesterday. The Speaker was very careful to say he instructed his legal staff to do that basic research. As of the moment, the Speaker does not know the answer. The staff does not yet know all the answers. When we have those answers at that point in time, we will be glad to try and answer the question for the gentleman or anyone else interested in it.

Mr. DAVIES. Thank you, Mr. Speaker.

### CONSIDERATION OF HR 94 CONTINUED

The SPEAKER. Is the majority leader now ready?

Mr. MANDERINO. Yes, Mr. Speaker. I wonder whether the gentleman, Mr. Perzel, would consent to interrogation.

### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the minority leader rise?

Mr. RYAN. A point of parliamentary inquiry.

Mr. Speaker, apparently the majority leader, Mr. Manderino, is attempting to attack a roll-call vote after the roll call has been announced, or is looking to see whether or not the roll call on the suspension of the rules taken a moment ago can be reconsidered. It is my opinion that, A, as to the first part, the gentleman has no right once the vote has been announced to question votes—

Mr. MANDERINO. Mr. Speaker, I rise to a point of order.

The SPEAKER. Will the gentleman yield.

Mr. RYAN. —B—

The SPEAKER. Would the gentleman, Mr. Ryan, yield.

The gentleman, Mr. Ryan, is presumptive. The majority leader has asked no such question of the House nor of the Chair. If the majority leader does address himself to that point, the Chair will rule as of that moment.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I wonder whether the gentleman, Mr. Perzel, would consent to interrogation.

The SPEAKER. Does the gentleman, Mr. Perzel, indicate that he will stand for interrogation? Is the gentleman, Mr. Perzel, on the floor of the House?

The Chair advises the majority leader he does not see the gentleman, Mr. Perzel.

Mr. MANDERINO. He voted for the suspension of the rules, and I wondered whether he would explain to me what the resolution is about that we are suspending the rules on.

The SPEAKER. The Chair does not see the gentleman, Mr. Perzel. Is the gentleman on the floor of the House?

Mr. MANDERINO. How about Mr. Salvatore? Would he stand for interrogation?

The SPEAKER. Is the gentleman, Mr. Salvatore, on the floor of the House?

### PARLIAMENTARY INQUIRY

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

The SPEAKER. What is the gentleman, Mr. Ryan's point of parliamentary inquiry?

Mr. RYAN. I do not believe what the gentleman is attempting to do is relevant to the proceedings before the House at this time. If the Speaker recalls—

The SPEAKER. The Chair would advise Mr. Ryan, with all due respect, neither the Chair nor Mr. Ryan can make that statement. The gentleman, Mr. Manderino, has asked for powers of interrogation. Neither the Chair nor Mr. Ryan could know what his purpose is.

Mr. RYAN. What is before the House at this time, Mr. Speaker?

The SPEAKER. The question is on the resolution, and the gentleman, Mr. Manderino, is asking to interrogate on the resolution.

Mr. RYAN. Is the gentleman interrogating on HR 94?

The SPEAKER. It is the Chair's opinion that that is precisely what the gentleman has asked to interrogate on.

Mr. MANDERINO. Absolutely, Mr. Ryan.

The SPEAKER. The gentleman, Mr. Manderino, is recognized and may continue.

Mr. MANDERINO. Is the gentleman, Mr. Grieco, on the floor of the House?

The SPEAKER. The gentleman, Mr. Grieco?

Mr. MANDERINO. Would he consent to interrogation?

The SPEAKER. Will the gentleman stand for interrogation? Is the gentleman, Mr. Grieco, on the floor?

Miss SIRIANNI. Mr. Speaker, he just left.

The SPEAKER. The Chair thanks the lady.

The gentleman is not on the floor, Mr. Majority Leader.

Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Snuffy Smith, consent to interrogation on the resolution?

The SPEAKER. Is the gentleman, Mr. Smith, on the floor? The gentleman, Mr. Smith, apparently is not on the floor.

Mr. MANDERINO. Mr. Smith apparently left after he moved to suspend the rules also.

The SPEAKER. The Chair would have to presume that that is so.

Mr. MANDERINO. Will the gentleman, Mr. Dininni, consent to interrogation?

The SPEAKER. Is the gentleman, Mr. Dininni, on the floor? The gentleman, Mr. Dininni, is not on the floor.

Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Spencer, consent to interrogation?

The SPEAKER. Is the gentleman, Mr. Spencer, on the floor? The gentleman, Mr. Spencer, evidently is not on the floor, Mr. Manderino.

Miss SIRIANNI. Mr. Speaker?

The SPEAKER. For what purpose does the lady, Miss Sirianni, interrupt the majority leader?

Miss SIRIANNI. Mr. Speaker, Mr. Dininni did not vote.

Mr. MANDERINO. I did not say he did. I just simply wanted to know whether he would consent to interrogation.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Will the gentleman, Mr. Dorr, consent to interrogation?

The SPEAKER. Is the gentleman, Mr. Dorr, on the floor? The gentleman, Mr. Dorr, is not on the floor.

Has the gentleman, Mr. Manderino, concluded his interrogation?

Mr. MANDERINO. Of those members, Mr. Speaker, who voted to suspend the rules and who are not here to explain to me what the resolution is, because I did not have a chance to read it, I thought maybe they would tell me what the resolution is.

Would the gentleman, Mr. Broujos, consent to interrogation?

The SPEAKER. The gentleman, Mr. Broujos, is on the floor. Will the gentleman stand for interrogation? The gentleman, Mr. Broujos, has indicated he will so stand. The majority leader is in order and may proceed.

Mr. MANDERINO. Mr. Speaker, the majority leader has not had time to read the resolution. I wonder whether Mr. Broujos would explain it to him.

Mr. BROUJOS. I have not read it. I will not explain it.

Mr. MANDERINO. But you did vote to suspend the rules.

Mr. BROUJOS. Which has nothing to do with the contents of the resolution.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—179

Alderette	Fattah	McClatchy	Rybak
Angstadt	Fee	McHale	Saloom
Armstrong	Fischer	McIntyre	Saurman
Arty	Flick	McMonagle	Scheetz
Baldwin	Foster, W. W.	McVerry	Schuler
Barber	Foster, Jr., A.	Mackowski	Semmel
Belardi	Freeman	Madigan	Serafini
Belfanti	Freind	Manderino	Seventy
Beloff	Fryer	Manmiller	Showers
Blaum	Gallagher	Markosek	Sirianni
Book	Gallen	Marmion	Smith, B.
Bowser	Gannon	Mayernik	Smith, L. E.
Boyes	Geist	Merry	Snyder, D. W.
Brandt	Godshall	Michlovic	Snyder, G. M.
Broujos	Greenwood	Micozzie	Spencer
Bunt	Grieco	Miller	Spitz
Burd	Gruitza	Miscevich	Stairs

Burns	Gruppo	Moehlmann	Steighner
Caltagirone	Hagarty	Morris	Stevens
Cappabianca	Haluska	Mrkonic	Stewart
Carn	Hasay	Murphy	Stuban
Cawley	Hayes	Nahill	Sweet
Cessar	Herman	Noye	Swift
Cimini	Hershey	O'Brien	Taylor, E. Z.
Clymer	Hoefel	O'Donnell	Taylor, F. E.
Cohen	Honaman	Olasz	Telek
Colafella	Itkin	Oliver	Tigue
Cole	Jackson	Peterson	Trello
Cordisco	Johnson	Petrarca	Van Horne
Cornell	Kennedy	Petrone	Vroon
Coslett	Klingaman	Phillips	Wachob
Cowell	Kosinski	Piccola	Wambach
Coy	Kowalshyn	Pievsky	Wargo
Deluca	Kukovich	Pistella	Wass
DeVerfer	Lashinger	Pitts	Wiggins
DeWeese	Laughlin	Pott	Williams
Daley	Lehr	Preston	Wilson
Davies	Lescovitz	Punt	Wogan
Dawida	Letterman	Rappaport	Wozniak
Deal	Levi	Reber	Wright, D. R.
Dietz	Levin	Reinard	Wright, J. L.
Dombrowski	Linton	Richardson	Wright, R. C.
Duffy	Lloyd	Robbins	
Durham	Lucyk	Rudy	Irvis,
Evans	McCall	Ryan	Speaker
Fargo			

NAYS—5

Afflerbach	George	Jarolin	Livengood
Clark			

NOT VOTING—16

Civera	Gamble	Kasunic	Pratt
Dininni	Gladeck	Maiale	Rieger
Donatucci	Harper	Mowery	Salvatore
Dorr	Hutchinson	Perzel	Truman

EXCUSED—3

Battisto	Weston	Zwilk
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The question was determined in the affirmative, and the resolution was adopted.

SENATE MESSAGE

HOUSE BILL

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 219, PN 244**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE AMENDMENTS

NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurrent in the amendments made by the House of Representatives to **SB 128, PN 726**, and has appointed Senators **BELL, TILGHMAN** and **BODACK** a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

**SENATE MESSAGE****AMENDED HOUSE BILL  
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 5, PN 1119**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**BILL SIGNED BY SPEAKER**

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

**HB 219, PN 244**

An Act amending the act of August 24, 1961 (P. L. 1135, No. 508), entitled "An act imposing a tax for general public school purposes in school districts of the first class A on salaries, wages, commissions and other compensation earned by residents thereof, and on the net profits earned from businesses, professions or other activities conducted by residents thereof; \*\*\*; conferring and imposing powers and duties on boards of public education and school treasurers in such districts; providing for the administration of the act and imposing penalties for violation thereof," providing for the filing of annual returns.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair is pleased to announce that there will be no further votes taken. If you recall, the gentleman, Mr. Pievsky, has announced a meeting of the Appropriations Committee immediately following the declaration of recess.

For the benefit of the members, tomorrow will be a nonvoting session. Please tell the members who have already left the floor. Tomorrow will be a nonvoting session.

**REMARKS ON VOTE**

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

Mr. JAROLIN. Mr. Speaker, I would like to be recorded in the affirmative. I believe my vote was negative on that last vote.

The SPEAKER. On which bill?

Mr. JAROLIN. HR 94.

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

**HOUSE SCHEDULE**

The SPEAKER. The Chair announces that the House will not be adjourned at this time. The Chair will remain open. The gentleman from Boyertown, the Chair's personal friend, Mr. Fryer, is named as Speaker pro tem. The Chair will remain open until approximately 6 o'clock in order to allow reports of committees.

**RECESS**

The SPEAKER. This House stands in recess until 6 o'clock, unless sooner recalled by the Speaker pro tem.

**AFTER RECESS**

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

**THE SPEAKER PRO TEMPORE  
(LESTER K. FRYER) IN THE CHAIR  
BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****HB 52, PN 61**

By Rep. PIEVSKY

An Act amending the act of December 18, 1980 (P. L. 1252, No. 228), entitled "A supplement to the act of October 6, 1980 (P. L. 784, No. 145), entitled 'An act providing for the capital budget for the fiscal year 1980-1981,' itemizing public improvement and furniture and equipment projects, to be constructed by the Department of General Services and transportation assistance projects to be acquired or constructed by the Pennsylvania Department of Transportation together with their estimated financial cost; \* \* \* providing for the adoption of capital projects to be financed from current revenues of the Boating Fund and the Fish Fund and making an appropriation," increasing and adding certain projects; and making a repeal.

**APPROPRIATIONS.****HB 110, PN 122**

By Rep. PIEVSKY

An Act amending the act of June 19, 1982 (No. 23A), entitled "An act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania," providing an additional appropriation for certain unpaid bills and debts.

**APPROPRIATIONS.****HB 265, PN 298**

By Rep. PIEVSKY

An Act amending the act of June 19, 1982 (No. 22A), entitled "An act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania," increasing the appropriation for the operation and maintenance of the school.

**APPROPRIATIONS.****HB 960, PN 1103**

By Rep. PIEVSKY

An Act to further provide for the expenses of the Executive and Judicial Departments of the Commonwealth for the fiscal period July 1, 1982 to June 30, 1983.

**APPROPRIATIONS.****BILLS REREPORTED FROM COMMITTEE****HB 132, PN 956**

By Rep. PIEVSKY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting natural gas utilities from utilizing a sliding scale of rates to recover natural gas costs; and further providing for procedures and standards for regulating the rates of natural gas utilities.

**APPROPRIATIONS.**

**HB 164, PN 958**

By Rep. PIEVSKY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for a tariff calculated to increase gross annual operating expenses; and prohibiting multiple filings.

## APPROPRIATIONS.

**HB 331, PN 957**

By Rep. PIEVSKY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for conversion of generating units from oil or gas to coal; providing for the approval of the construction of generating units fueled by nuclear energy, oil or natural gas; and providing for the conversion of Three Mile Island.

## APPROPRIATIONS.

**HB 625, PN 693**

By Rep. PIEVSKY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, regulating construction costs and limiting rate increases.

## APPROPRIATIONS.

**BILLS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Semmel.

Mr. SEMMEL. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 11, 1983, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:42 p.m., e.d.t., the House adjourned.