

Legislative Journal

MONDAY, OCTOBER 24, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 86

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

STATEMENT BY SPEAKER

The SPEAKER. The Speaker asked that you be in attendance a little earlier than usual. Ordinarily, when prayer is offered, it is offered only by the Speaker and a handful of members.

You and I have gathered here in the hall of this House, some of us for many years. We fight over our individual preferences, philosophies, commitments, but we sometimes forget that we have a common cord which binds us together, that we are a people who believe fiercely in our own independent abilities to rule ourselves, and we sometimes forget that we are so unique in the world that when we send our young men abroad to help other people be free, we do not anticipate the ferocious, unprovoked, and outrageous attack which took place in Beirut yesterday.

The Speaker was particularly upset, because 41 years ago, when the Speaker was a young man, he volunteered to join the Marines and was told that he could not be accepted because of color. Yesterday, Marines of all one color, red blood in their veins, spilled it on the sands of Beirut. It was a stroke not against just Marines but against freedom of thought, freedom to assemble, freedom to speak, and freedom to be.

I ask you today to stand as Americans, members and guests, in a moment of silent prayer for the dead, whether they be from Lebanon, from France, or from the United States, for the wounded, for the families, and for all those who suffer. Let us stand for one moment of silent prayer before the formal prayer.

(Members stood.)

PRAYER

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

Eternal God, whose loving arms reach out to enfold all of Thine own, we know that we are children of Thine and share all the blessings which Thou dost see fit to bestow upon us. We approach Thee in this hour with reverence and devotion

and pray that we may never forget our dependency upon Thee and the ready accessibility of Thy love and mercy.

Heavenly Father, make us aware of the many pitfalls upon the pathway of life, keep us alert to recognize the dangers and allurements which confront us, and challenge us to use the power of Thy presence and the strength of Thy spirit at our beck and call. This we ask with the assurance of Thy forgiving spirit, the confidence of Thy indwelling presence, and the benediction of Thy gracious peace. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVED

The SPEAKER. The Journal of Monday, October 3, 1983, is in print, and unless the Chair hears objection, the Journal will be approved as printed. The Chair hears no objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, October 19, 1983, will be postponed until the Journal is in print. The Chair hears no objection.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair now turns to leaves of absence. Does the minority whip have any leaves of absence?

Mr. HAYES. Mr. Speaker, I request leave for the gentleman from Delaware, Mr. FREIND, for the day, and the gentleman from Washington, Mr. FISCHER, for the day.

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

The Chair recognizes the gentleman from Franklin, Mr. Coy. Are there any leaves of absence for the Democratic Caucus?

Mr. COY. Mr. Speaker, on behalf of the majority leader, I would ask for leave for the gentleman from Clearfield, Mr. GEORGE, for today, and the gentleman from Westmoreland, Mr. KUKOVICH, for today.

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1619 By Representative PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, clarifying a certain exception to the Pennsylvania Uniform Firearms Act relating to prison guards.

Referred to Committee on JUDICIARY, October 24, 1983.

No. 1620 By Representative PERZEL

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), requiring all claimants to serve one week on jury duty.

Referred to Committee on LABOR RELATIONS, October 24, 1983.

No. 1621 By Representative PERZEL

An Act regulating electrical contractors by requiring the licensing thereof; establishing the State Board of Examiners of Electrical Contractors and providing for its powers and duties; establishing licensing requirements; providing for an examination; providing for enforcement powers of the board, for certain exemptions, for injunctive relief; and providing penalties.

Referred to Committee on PROFESSIONAL LICENSURE, October 24, 1983.

No. 1622 By Representatives PETRARCA, GEIST, SALOOM, DOMBROWSKI, TRELLO, CAPPABIANCA, HAYES, GALLAGHER, LUCYK, TELEK, STAIRS, GAMBLE, EVANS and DEAL

An Act creating the Pennsylvania Award of Honor; and providing for its awarding by the Governor.

Referred to Committee on STATE GOVERNMENT, October 24, 1983.

No. 1623 By Representatives TRELLO, SEVENTY, PETRONE, DeLUCA, PISTELLA, PRESTON, GAMBLE, DUFFY, MISCEVICH and CESSAR

An Act amending the "County Institution District Law," approved June 24, 1937 (P. L. 2017, No. 396), providing for an annual salary for the treasurer in counties of the second class for services as an officer of the institution district; and making editorial changes.

Referred to Committee on LOCAL GOVERNMENT, October 24, 1983.

No. 1624 By Representatives MOWERY and VROON

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, revising provisions relating to retirement for State employees and officers.

Referred to Committee on JUDICIARY, October 24, 1983.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 146 By Representatives LASHINGER, REBER, CORNELL, RYBAK, PISTELLA, HERSHEY, PETRONE, MILLER, COLAFELLA, GAMBLE, SEMMEL, TRELLO, DeLUCA, FISCHER and MICHLOVIC

Directing the Speaker to appoint a special commission to review the Commonwealth's current requirements governing amateur and professional boxing.

Referred to Committee on RULES, October 24, 1983.

No. 147 By Representatives MISCEVICH, MARKOSEK, COLAFELLA, ITKIN, J. L. WRIGHT and PETRARCA

Urging Congress to support legislation to fund the Clinch River Breeder Reactor Plant.

Referred to Committee on RULES, October 24, 1983.

SENATE BILLS FOR CONCURRENCE

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

SB 98, PN 1386

Referred to Committee on MILITARY AND VETERANS AFFAIRS, October 24, 1983.

SB 642, PN 1387

Referred to Committee on JUDICIARY, October 24, 1983.

SB 761, PN 884

Referred to Committee on LOCAL GOVERNMENT, October 24, 1983.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—199

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Fischer Freind George Kukovich

COMMUNICATION FROM JOINT STATE GOVERNMENT COMMISSION

The SPEAKER. The Chair acknowledges receipt of the publication from the Joint State Government Commission forwarded to the Chair by Roger A. Madigan, chairman, on "Separating Transportation from Fixed Utility Regulation under the Public Utility Commission." The Chair offers this for filing.

The following communication was read:

General Assembly of the
Commonwealth of Pennsylvania
Joint State Government Commission
Room 108 - Finance Building
Harrisburg 17120
October 18, 1983

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

On behalf of the Joint State Government Commission I have the honor to transmit herewith the publication Separating Transportation from Fixed Utility Regulation under the Public Utility Commission.

Copies of this publication for members of the House of Representatives have been placed in their post office boxes.

Respectfully submitted,
Roger A. Madigan
Chairman

(For report, see Appendix.)

SENATE MESSAGE

**SENATE CONCURRENCE
IN HOUSE RESOLUTION**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 58, PN 712**.

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 1357, PN 1624**, with information that the Senate has passed the same without amendment.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that the following bills be removed from the table and placed on the active calendar:

- HB 606;
- HB 824;
- HB 825; and
- SB 641.

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

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

HB 383, PN 2033 (Amended)

By Rep. McMONAGLE

An Act licensing and regulating the practice of social work; providing penalties; and making an appropriation.

PROFESSIONAL LICENSURE.

BILLS SIGNED BY SPEAKER

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

HB 1357, PN 1624

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), changing the date for the General primary in 1984.

SB 446, PN 486

An Act amending the act of December 22, 1981 (P. L. 558, No. 166), entitled "A supplement to the act of July 1, 1981 (P. L. 142, No. 47), entitled 'An act providing for the capital budget for

the fiscal year 1981-1982,' itemizing public improvement and furniture and equipment projects to be constructed or acquired 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;....," further providing for the use of transportation assistance funds for Monroe County.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1241, PN 1700**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the ownership and maintenance of gas service lines.

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—196

Afflerbach	Evans	McCall	Rybak
Alderette	Fargo	McClatchy	Saloom
Angstadt	Fattah	McHale	Salvatore
Armstrong	Fee	McMonagle	Saurman
Arty	Flick	McVerry	Scheetz
Baldwin	Foster, W. W.	Mackowski	Schuler
Barber	Foster, Jr., A.	Madigan	Semmel
Battisto	Freeman	Maiale	Serafini
Belardi	Fryer	Manderino	Seventy
Belfanti	Gallagher	Manmiller	Showers
Beloff	Gallen	Markosek	Sirianni
Blaum	Gamble	Marmion	Smith, B.
Book	Gannon	Mayernik	Smith, L. E.
Bowser	Geist	Merry	Snyder, D. W.
Boyes	Gladeck	Michlovic	Snyder, G. M.
Brandt	Godshall	Micozzie	Spencer
Broujos	Greenwood	Miller	Spitz
Bunt	Grieco	Miscevich	Stairs
Burd	Gruitza	Moehlmann	Steighner
Burns	Gruppo	Morris	Stevens
Caltagirone	Hagarty	Mowery	Stewart
Cappabianca	Haluska	Mrkonic	Stuban
Carn	Harper	Murphy	Sweet
Cawley	Hasay	Nahill	Swift
Cessar	Hayes	Noye	Taylor, E. Z.
Cimini	Herman	O'Brien	Taylor, F. E.
Civera	Hershey	O'Donnell	Telek
Clark	Hoefel	Olasz	Tigue
Clymer	Honaman	Oliver	Trello
Cohen	Hutchinson	Perzel	Truman
Colafella	Itkin	Peterson	Van Horne
Cole	Jackson	Petrarca	Vroon
Cordisco	Jarolin	Petrone	Wachob
Cornell	Johnson	Phillips	Wambach
Coslett	Kasunic	Piccola	Wargo
Cowell	Kennedy	Pievsky	Wass
Coy	Klingaman	Pistella	Weston
Deluca	Kosinski	Pitts	Wiggins
DeVerter	Kowalshyn	Pott	Williams
DeWeese	Lashingner	Pratt	Wilson
Daley	Laughlin	Preston	Wogan

Davies	Lehr	Punt	Wozniak
Dawida	Lescovitz	Reber	Wright, D. R.
Deal	Letterman	Reinard	Wright, J. L.
Dietz	Levi	Richardson	Wright, R. C.
Dininni	Levin	Rieger	Zwinkl
Dombrowski	Linton	Robbins	
Dorr	Livengood	Rudy	Irvis,
Duffy	Lloyd	Ryan	Speaker
Durham	Lucyk		

NAYS—0

NOT VOTING—3

Donatucci	McIntyre	Rappaport
		EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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

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

REMARKS ON VOTE

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

Mr. RAPPAPORT. Mr. Speaker, I just arrived on the floor from my office. Had I been on the floor, I would have voted in the affirmative on HB 1241.

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

ANNOUNCEMENT BY SPEAKER

The **SPEAKER**. The Chair takes note that a very prominent member of this Assembly found a woman 41 years ago who was willing to stay with him that length of time in marriage. The Chair is not going to compliment the member, Mr. Rieger, but the Chair wishes it noted that the Chair compliments Mrs. Rieger for her courage, her stamina, and her ability to stay with him that long. Congratulations to Mrs. Rieger. She has to be some woman, Bill.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1309, PN 1990**, entitled:

An Act amending the "Pennsylvania Urban Mass Transportation Law," approved January 22, 1968 (P. L. 42, No.8), providing reduced fare services for persons 65 years of age or older for shared ride public transportation services; and reimbursing county transportation systems at 90% of the costs of free ride services provided to persons 65 years of age or older.

On the question,

Will the House agree to the bill on third consideration?

Mr. SAURMAN offered the following amendments No. A3361:

Amend Title, page 2, line 10, by inserting after "older"
, certain widows, widowers and permanently dis-
abled persons

Amend Title, page 1, line 14, by inserting after "older"
, certain widows, widowers and permanently dis-
abled persons

Amend Bill, page 3, by inserting between lines 5 and 6
Section 1. Section 202 of the act of January 22, 1968
(P.L.42, No.8), known as the Pennsylvania Urban Mass Trans-
portation Law, is amended by adding definitions to read:

Section 202. Definitions.—The following terms, whenever
used or referred to in this article, shall have the following mean-
ings, except in those instances where the context clearly indicates
a different meaning:

"Permanently disabled person" shall mean a person eighteen
years of age or older who is unable to engage in any substantial
gainful activity by reason of any medically determinable physical
or mental impairment which can be expected to continue indefi-
nitely.

"Widow" or "widower" shall mean a person fifty years of
age or older who is the surviving wife or the surviving husband, as
the case may be, of a deceased individual and who has not remar-
ried.

Amend Sec. 1, page 3, line 6, by striking out "1" and insert-
ing

2

Amend Sec. 1, page 3, lines 6 through 8, by striking out "OF"
where it appears the second time in line 6, all of line 7 and
"MASS TRANSPORTATION LAW," in line 8

Amend Sec. 1 (Sec. 203), page 4, line 7, by inserting after
"older"

, widows, widowers and permanently disabled
persons

Amend Sec. 1 (Sec. 203), page 4, line 18, by inserting after
"older"

, widows, widowers and permanently disabled
persons

Amend Sec. 2, page 5, line 4, by striking out "2" and insert-
ing

3

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

The purpose of this amendment really is to make uniform
those recipients of certain benefits from the Lottery Fund
surplus. Under our present law for providing benefits of tax
and rent rebates, we include widows and widowers who are 50
years of age and permanently disabled persons. For some
reason they seemed to have been omitted from these benefits
for transportation assistance, and therefore, this amendment
would include them.

I ask for a positive vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Saurman amendment, the Chair recognizes the gen-
tleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker,

Will the gentleman please stand for brief questioning?

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

Mr. WACHOB. Thank you.

Mr. Speaker, I am concerned. I think the intent of the
amendment is fine, and I think wherever possible we should
try to make uniform the benefits so that people understand
what is going on and what they are entitled to. But I am con-
cerned, and my question to you is, how much extra will this
amendment cost in addition to the present provisions of HB
1309?

Mr. SAURMAN. The fiscal note that I have is about
\$500,000, but it is very difficult to determine who will use the
facilities and, therefore, how much they will cost. However,
in view of the debate of the past couple of weeks, and most
specifically that debate that was offered during the drug pre-
scription forum, I would think that this would not be of
major concern. The big concern should be that these persons
not be eliminated from these benefits.

Mr. WACHOB. Thank you, Mr. Speaker. I do not have
any further questions.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr.
Wambach, on the Saurman amendment.

Mr. WAMBACH. Mr. Speaker, I would like to interrogate,
very briefly, the maker of the amendment, please.

The SPEAKER. The gentleman, Mr. Saurman, indicates he
will stand for interrogation. The gentleman, Mr. Wambach, is
in order and may proceed.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, under "permanently disabled person," would
you deem a qualifier under that provision to be someone who,
let us say, has epileptic seizures?

Mr. SAURMAN. Mr. Speaker, the interpretation of who is
a permanently disabled person is already being made with
regard to the tax/rent rebate program. Therefore, those pro-
visions are certainly established as to who qualifies. This lan-
guage is taken exactly from the tax/rent rebate form, and
therefore, those parameters have already been firmly estab-
lished.

I am not recommending or proposing anything new. This is
something which is already in effect, and I am just trying to
make it uniform.

Mr. WAMBACH. I understand that, Mr. Speaker. My
concern is the fact that I do have a constituent in my district,
probably one of many, who is an epileptic and is not permit-
ted, therefore, to operate or to be an operator of a motor
vehicle, and she depends very greatly on public transportation
on a very limited income. I was wondering if you felt that she
would qualify under the provision of "permanently disabled
person."

Mr. SAURMAN. I would suggest that it would depend
upon the extent of her disability. If her epilepsy causes a
determination of disability, for instance, for a disabled
vehicle license and that sort of thing, then she should qualify
under this program.

Mr. WAMBACH. Mr. Speaker, she is not able to operate a
motor vehicle because of her epilepsy.

Mr. SAURMAN. If I were making the determination, I would include her. However, I cannot really be sure what that verdict would be.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Wambach, in order to make a statement on the amendment.

Mr. WAMBACH. Thank you, Mr. Speaker.

I would urge all my colleagues to support the Saurman amendment A3361 for both the inclusion of "permanently disabled person" and "widow" or "widower" under the definitions so described in the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the majority caucus chairman?

The SPEAKER. Does the majority caucus chairman yield to interrogation? The gentleman, Mr. Itkin, indicates he will stand for interrogation. The gentleman, Mr. Letterman, will state his point of interrogation.

Mr. LETTERMAN. Mr. Speaker, do you intend to have a caucus this afternoon?

Mr. ITKIN. Yes, Mr. Speaker.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a statement.

The SPEAKER. Is the gentleman making a statement on the Saurman amendment?

Mr. LETTERMAN. Yes.

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. LETTERMAN. Mr. Speaker, since we are going to have a caucus this afternoon, I am going to make a motion that we hold this bill over until after caucus. I have quite a bit I would like to talk to the caucus about on this amendment, plus the bill itself. I would ask for that, please.

The SPEAKER. It is moved by the gentleman, Mr. Letterman, that HB 1309, PN 1990, be placed on the third consideration postponed calendar. The effect of the motion is to place the bill on a postponed calendar. It could then be called up after caucus or any other time.

On the question,

Will the House agree to the motion?

The SPEAKER. The House will stand at ease.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 1309, PN 1990, will go over temporarily.

The purpose of going over the bill temporarily will serve Mr. Letterman's objection. There will be caucuses of both parties this afternoon, and the bill, if agreed on in caucus by

the Republican Party and the Democratic Party, may be called up after the caucus.

Without objection, the bill will go over temporarily, and the Chair hears no objection.

* * *

The House proceeded to third consideration of **HB 291, PN 1374**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), defining and exempting privately-owned private golf courses from the licensing quota; and further regulating sales by such golf courses.

On the question recurring,

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

Mr. MANDERINO offered the following amendments No. A3345:

Amend Sec. 1, page 5, line 6, by inserting after "(A)" and (f)

Amend Sec. 1, page 5, line 8, by striking out "is" and inserting

are

Amend Sec. 1 (Sec. 461), page 6, by striking out line 12 and inserting

[(f) The provisions of subsection (a) which apply to privately-owned public golf courses shall not apply to the owner of such course who has, within three years prior to the effective date of this amendatory act or at any time after the effective date of this amendatory act, sold or transferred a regularly issued license for such course.]

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the amendment that I offer today speaks to page 6 of the present bill and speaks to a subject matter that I discussed here in the House at the time a bill previously came before the House of Representatives from a conference committee dealing with the subject matter of providing to publicly-used and privately-owned golf courses a liquor license. That bill passed, as you might recall, and presently privately-owned and publicly-used golf courses have been given the right to apply outside the quota for liquor licenses. A prohibition was put into the bill at the time it passed, which I indicated at the microphone here and to the members of the House was eminently unfair in the conference committee, and the bill was caused to be returned to the conference committee, once or twice as I can recall, because of that matter and other matters. But the bill that ultimately passed contained the same unfair language that I seek to remove now.

Basically the unfairness is this: If a privately-owned publicly-used golf course spent its assets to acquire a liquor license prior to the passage of the bill granting liquor licenses to all, in that situation, we put a prohibition in the bill that that particular one golf course or two golf courses would not be considered to be outside the quota. What in effect I argued here to the House and when we sent the bill back to the conference

committee was that we were penalizing that man who went out and spent \$20,000 or \$30,000 or whatever figure so that he could be in the business, along with his golf course, of a restaurant with alcoholic beverages. He spent his money; we were going to penalize him and give that same privilege to all of his surrounding competitors without cost, and we were taking away from that individual who was out there and purchased one the right to be outside the quota and sell the license he has.

Now that, I thought, was eminently unfair. The House, I thought, agreed with me at that time. I still think it is eminently unfair. Why should we as a State give to a class of the State's citizens a liquor license and deny it to a person or entity within that same class simply because they already had one that they paid good money for? It did not make good sense to me then and it does not make good sense to me now. So I ask that we remove that unfair provision from the bill that is before us so that what was done in the past can be corrected. My understanding is the reason that we could not get it corrected had to do with a Senator in the Senate who had a particular problem, who understood the unfairness that I spoke about but was unable to change his position so far as the conference committee report was concerned.

I ask for an affirmative vote on the amendment, 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—175

Afflerbach	Durham	Lucyk	Rudy
Alderette	Evans	McCall	Ryan
Angstadt	Fargo	McClatchy	Rybak
Armstrong	Fattah	McHale	Saloom
Arty	Fee	McIntyre	Salvatore
Baldwin	Flick	McMonagle	Saurman
Barber	Foster, W. W.	McVerry	Scheetz
Battisto	Freeman	Mackowski	Schuler
Belardi	Fryer	Maiale	Semmel
Belfanti	Gallagher	Manderino	Serafini
Beloff	Gamble	Manmiller	Seventy
Blaum	Gannon	Markosek	Showers
Book	Geist	Marmion	Sirianni
Boyes	Gladeck	Mayernik	Smith, B.
Brandt	Godshall	Merry	Snyder, D. W.
Broujos	Greenwood	Michlovic	Spencer
Bunt	Grieco	Micozzie	Spitz
Burd	Gruitza	Miscevich	Steighner
Burns	Gruppo	Moehlmann	Stevens
Caltagirone	Hagarty	Morris	Stewart
Cappabianca	Haluska	Mowery	Stuban
Carn	Harper	Mrkonic	Sweet
Cawley	Hasay	Murphy	Taylor, E. Z.
Cessar	Herman	Nahill	Taylor, F. E.
Cimini	Hoeffel	Noye	Telek
Civera	Honaman	O'Brien	Tigue
Clark	Hutchinson	O'Donnell	Trello
Colafella	Itkin	Olasz	Truman
Cole	Jackson	Oliver	Van Horne
Cordisco	Jarolin	Perzel	Wachob
Cornell	Johnson	Petrarca	Wambach
Coslett	Kasunic	Petrone	Wargo
Cowell	Kennedy	Piccola	Weston
Coy	Kosinski	Pievsky	Wiggins
Deluca	Kowalshyn	Pistella	Williams

DeWeese	Lashinger	Pott	Wilson
Daley	Laughlin	Pratt	Wogan
Davies	Lehr	Preston	Wozniak
Dawida	Lescovitz	Punt	Wright, D. R.
Deal	Letterman	Rappaport	Wright, J. L.
Dininni	Levin	Reber	Zwikl
Dombrowski	Linton	Reinard	
Donatucci	Livengood	Richardson	Irvis,
Dorr	Lloyd	Rieger	Speaker
Duffy			

NAYS—20

Bowser	Hayes	Miller	Smith, L. E.
Clymer	Hershey	Peterson	Stairs
DeVerter	Klingaman	Phillips	Swift
Dietz	Levi	Pitts	Vroon
Foster, Jr., A.	Madigan	Robbins	Wass

NOT VOTING—4

Cohen	Gallen	Snyder, G. M.	Wright, R. C.
-------	--------	---------------	---------------

EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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. DORR offered the following amendments No. A2930:

Amend Title, page 1, line 18, by striking out "and"

Amend Title, page 1, line 19, by removing the period after "courses" and inserting

; and further providing for unlawful acts.

Amend Bill, page 9, by inserting between lines 27 and 28

Section 3. Section 493 of the act is amended by adding a clause to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

(28) Other Businesses. Except as otherwise authorized by the board, for any licensee to operate or to permit any other person to operate any other business on the licensed premises: Provided, however, That a licensee may sell novelties and other incidental items promoting the licensed establishment including, but not limited to, shirts or caps imprinted with lettering or pictures approved by the board, for a price not to exceed ten dollars (\$10).

Amend Sec. 3, page 9, line 28, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, the practical effect of this amendment is to raise the amount of cost of items which can be sold by a liquor licensee across the bar, so to speak, of incidental items which are sold mainly for the purpose of promoting his particular tavern or club or restaurant.

Most of you are familiar with the fact that many restaurants or other liquor licensees sell or in some cases otherwise distribute things like T-shirts and caps with the name of the establishment on them for the purpose of promoting the particular establishment. In today's market, the Liquor Board's limitation of \$5 really is not practical anymore in order to get these out at a cost level, and therefore, the liquor establishment owners have requested permission to increase that amount. It will also be helpful to those of your constituents who do such things as silk screening and otherwise assisting or getting to market level the types of advertising novelties that we are talking about. Therefore, it is a small business bill.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Dorr amendment, the Chair recognizes the gentleman from Berks, Mr. Davies.

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

The SPEAKER. The gentleman, Mr. Dorr, indicates he will so stand for interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, this would be only for the promotion of that establishment? This would not be in any way for the promotion of brands of beer or sundry spirits as well, or if the promoter would somewhat specialize in that particular product, there could be no tie-in between the distiller or brewer? Will there be any prohibition on that, or is this wholly to be determined by the fact that it just has his name on it?

Mr. DORR. Mr. Speaker, the only way I can really answer that is to refer the gentleman to the language in the amendment. It says that the incidental items being discussed in the amendment would be those promoting the licensed establishment. Further definition of that or restriction on that would have to come by regulation from the Liquor Control Board. The intention is to promote the licensed establishment that is selling the item.

Mr. DAVIES. Well, in other words, Mr. Speaker, do I have any assurances that either Pabst or, let us say, Jim Beam is not going to start to somewhere or other make these items available through the sale of the tavern and therefore start somewhat of an advertising program that is related to the particular tavern with the tavern itself having its name on it as well?

Mr. DORR. No; I do not think the amendment offers any such assurance.

Mr. DAVIES. It does not offer any such assurance.

May I ask the maker of the motion how he feels about such promotions, if that should be part and parcel of the amendment or if he has no concern about such?

Mr. DORR. Mr. Speaker, I do not have any particular concern about it. I do not think we are talking about any kind of gigantic promotion in any event. Basically, it is an amendment trying to help the small tavern owner and trying to help those who are purveyors to those small tavern owners such as constituents of yours and mine who do silk screening and that sort of thing, mainly in their part time, and trying to assist the establishment in promoting its sales.

Mr. DAVIES. I appreciate that, Mr. Speaker, but my other concern is that a small tavern with, let us say, somewhat of a limited clientele could not find itself at a disadvantage by some other individual who would get this via the promotion of the fact that volume had something to do with the benefit of the promotional item.

Mr. DORR. If that is a question, Mr. Speaker, my judgment is that volume would have nothing to do with it, that the items being sold are being sold basically at cost. I think one person will have an equal opportunity with anybody else to sell the items they are purchasing, and basically, as they indicated, this is done at cost so that there is a promotional aspect to it.

Mr. DAVIES. And you would feel that there could be no disadvantage to local brewers such as the fact that we have some small brewers left in Pennsylvania who may not become involved in some kind of promotional disadvantage by this kind of offering if there would be such a tie-in?

Mr. DORR. Mr. Speaker, I do not think so. Frankly, I think, if I am not incorrect about present practices, if there was any such idea coming forth, it would have come a long time ago. The major brewers, if they thought this was a gigantic advertising idea, would have long ago provided such items as T-shirts and caps to the tavern owners at a cost less than the \$5 so that they could purvey them out at that cost level which is already permitted by the Liquor Control Board. Therefore, since I have not seen a lot of that, I cannot see that increasing the level of cost to \$10 is going to develop into that much of a problem.

Mr. DAVIES. Thank you, Mr. Speaker.

May I just make a brief statement, Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman to make a statement on the Dorr amendment.

Mr. DAVIES. I do not feel quite as safe as the maker of the amendment about the wisdom and the rules and regulations of the Liquor Control Board. The only thing that my general concern is is that there be no advantage given to large out-of-State concerns that would put a disadvantage on local brewers in Pennsylvania and local distillers in Pennsylvania simply because of the matter that they could not compete with such promotional ideas. I am sensitive to it because I think that Pennsylvania products by far in many instances are far superior to some other products from out-of-State, and I just wanted to be assured that they were not at that disadvantage. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Dorr amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I believe that the previous speaker was speaking of something he does not have to be concerned about, because the Liquor Control Board has control over the amount of money that a distributor is allowed to use as advertising. This amendment only speaks to the licensee in putting a \$10 limit on it, so there is no concern whatsoever. 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—180

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

NAYS—13

Dietz	Fryer	Micozzie	Pitts
Dombrowski	Hershey	Peterson	Smith, B.
Fee	Lloyd	Piccola	Vroon
Foster, Jr., A.			

NOT VOTING—6

Beloff	Levin	Perzel	Wright, R. C.
Cohen	O'Brien		

EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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

On the question recurring,

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

Mr. LASHINGER offered the following amendments No. A3202:

Amend Title, page 1, line 18, by striking out "and"

Amend Title, page 1, line 19, by removing the period after "courses" and inserting

; and further for the furnishing of free lunch, etc.

Amend Bill, page 9, by inserting between lines 27 and 28

Section 3. Section 493(9) of the act, is amended to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

(9) Retail Licensees Furnishing Free Lunch, etc. For any retail liquor licensee or any retail dispenser, his agents, servants or employes, to furnish, give or sell below a fair cost any lunch to any consumer, except for peanuts, popcorn, potato chips, crackers and cheese, shrimp, oysters and clams on the half shell, meatballs, sausages and such other foods customarily served as hors d'oeuvres, and except such articles of food as the board may authorize and approve.

Amend Sec. 3, page 9, line 28, by striking out "3" and inserting

4

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, for the record I would also like to note that Representative Bunt's name was supposed to appear on the amendment in conjunction with mine.

Mr. Speaker, this amendment could become known as the "chicken wing" amendment here in the House. Recently, the Liquor Board has chosen to cite a number of licensees in the Commonwealth under what they call their free lunch provision, which, as most know, prohibits inducements that they have interpreted to be a free lunch. During a happy hour at a lot of licensed locations, the establishments are giving items such as chicken wings, small hotdogs, items that are normally known as hors d'oeuvres. The Liquor Board has recently interpreted this to be an inducement under the free lunch provision and has cited these establishments across the Commonwealth. We are broadening the category of those items that are excepted from this free lunch provision. The items are enumerated there but mostly include those things that could be interpreted as hors d'oeuvres, and from this point forward they would be excepted from that provision and those places would not be cited any further. 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—169

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

NAYS—28

Boyes	Fryer	Peterson	Smith, B.
Clymer	Geist	Phillips	Vroon
Dietz	Hayes	Piccola	Wambach
Dininni	Hershey	Pitts	Wass
Dombrowski	Madigan	Scheetz	
Fargo	Manmiller	Schuler	Irvis,
Foster, W. W.	Merry	Sirianni	Speaker
Foster, Jr., A.	Mowery		

NOT VOTING—2

Armstrong	Cohen
-----------	-------

EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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

On the question recurring,

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

Mr. LASHINGER offered the following amendments No. A3254:

Amend Title, page 1, line 16, by inserting after "laws," further providing for the definition of "restaurant";

Amend Sec. 2, page 5, lines 6 through 9, by striking out all of said lines and inserting

Section 1. The definition of "restaurant" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is amended to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation [and]; habitually and principally used for the purpose of providing food for the public[, the place to have]; and having an area within a building of not less than four hundred square feet[,] which is equipped with tables and chairs accommodating at least thirty persons at one time or having two areas, which may have separate entrances, and each of which has an area of not less than four hundred square feet with tables and chairs accommodating at least thirty persons at one time.

Section 2. Section 461(a) of the act, amended December 17, 1982 (P.L.1390, No.319), is amended to read:

Amend Sec. 2, page 6, lines 13, by striking out "2" and inserting

3

Amend Sec. 3, page 9, line 28, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, this is another reaction to a recent board interpretation, and it has to do with the licensing of a restaurant and what the physical characteristics of that licensed establishment have to be. An establishment, though it has the minimum 400 square feet and the required number of tables and chairs to be licensed, if the facility were divided by a common area and there was not access between one side of the licensed establishment and the other side—a hypothetical would be two separate dining rooms separated by the kitchen and no common entrance to the two dining rooms—one license would not suffice for that establishment.

The amendment would read that if there are two separate areas—but they would still have to have the minimum 400 square feet—they could have separate entrances and would still have to have the other physical characteristics that are required. We are not changing any of those physical characteristics that are required under the Liquor Code now for the licensing of a restaurant, but we are saying, though, if there are separate entrances to two separate rooms that are divided by a common area that might be the kitchen, that might in some locations be a salad bar in some of the restaurants that have come to my attention, they would still qualify as one licensed establishment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Lashingner amendment, the Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I would like to interrogate the speaker.

The SPEAKER. The gentleman, Mr. Lashinger, indicates he will stand for interrogation. The gentleman, Mr. O'Donnell, is in order and may proceed.

Mr. O'DONNELL. Mr. Speaker, I am concerned about the possibility that we could have, really, two separate establishments operating under one license. Let me advance the following hypothetical and tell me if it applies. Suppose a bar or an "R" license was held and operated on the first floor. The second floor had a separate entrance to the outside, and the premises were owned by the same folks. The question I have is, if they met the other space requirements, could a disco or a bar or another part of the restaurant be operating upstairs with a separate entrance?

Mr. LASHINGER. Mr. Speaker, I am running through my mind the other sections of the Liquor Code. If there was a separate application by a new corporation or a new applicant, it is possible that there could be another license issued. It is my belief that because it is a separate establishment—it would be a separate function; it would be a disco or a bar separate and apart from the restaurant that was taking place in another location in the same building—it would have to be a separate license. It would not be covered under the same license.

Mr. O'DONNELL. Mr. Speaker, suppose it was regarded as part of the same establishment, the same ownership. Could it be run under the same license?

Mr. LASHINGER. Yes.

Mr. O'DONNELL. Thank you.

Mr. Speaker, on the amendment?

The SPEAKER. The Chair recognizes the gentleman.

Mr. O'DONNELL. Mr. Speaker, I would urge the rejection of this amendment. I think it was an attempt to very carefully craft legislation to avoid what probably was an unjust result in a situation that Mr. Lashinger is concerned with, and I do not fault that. The difficulty when we engage in this exercise is frequently we have effects that are unintended and are well outside the scope of what we want to cover and certainly outside the scope of what is permissible.

We have many situations in Pennsylvania where we want to force people who want to open a disco or whatever on the second floor of their restaurant to come back in, and they are, in effect—although that may not legally be correct—practically operating a second establishment on the second floor with an entrance to the outside, an entirely different kind of thing that was not anticipated by any of the neighbors or any of the other folks when this place first opened, and I think that this language has the effect of permitting that without the necessity of the transfer of another license and, therefore, without the opportunity for anybody in that community to respond to it. On that basis, I would urge the rejection of this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I am not sure that Mr. O'Donnell's concerns are not already current law. It is my understanding that if a restaurant—let us use a restaurant license for an example—was downstairs, that same license could be used to open up a catering hall where they could then serve liquor on the second floor and do public catering; they could choose to open a disco. If it were part of the same building now, it is my belief that the Liquor Code would cover that and that that is current law. What I am attempting to do is just do away with that provision that requires that the rooms be contiguous, which would mean that they would have some common access area; they would share some common access area. That is what this amendment is geared toward.

I understand Mr. O'Donnell's concerns, and they are legitimate concerns, but they are already in the Liquor Code now. When a notice is posted that the public can respond to a license application, it is my understanding that the public is told by the Liquor Board, when they notify the Liquor Board, that that license applies to the total building. The information about the building itself is supplied in the liquor license application, so that licensee, the applicant for the license, would supply the information whether that license is going to apply to the first, the second, or the third floor. He could not come back and amend that license at a later date. It would have to involve a separate license, and I think I indicated that in my response to Mr. O'Donnell's first question. So I am not sure that his concerns directly apply to this amendment, Mr. Speaker, and therefore, I ask the support of the House.

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—44

Angstadt	Davies	Letterman	Saloom
Belardi	Dorr	Linton	Serafini
Book	Duffy	Livengood	Smith, L. E.
Bunt	Durham	McClatchy	Snyder, D. W.
Caltagirone	Greenwood	Micozzie	Spencer
Cawley	Hagarty	Nahill	Stevens
Cessar	Hutchinson	Petrarca	Taylor, F. E.
Civera	Johnson	Pistella	Telek
Clark	Kasunic	Pratt	Tigue
Cornell	Lashinger	Reber	Wargo
DeVerter	Lehr	Ryan	Weston

NAYS—147

Afflerbach	Flick	McMonagle	Rudy
Alderette	Foster, W. W.	McVerry	Rybak
Armstrong	Foster, Jr., A.	Mackowski	Saurman
Baldwin	Freeman	Madigan	Scheetz
Barber	Fryer	Maiale	Schuler
Battisto	Gallagher	Manderino	Semmel
Belfanti	Gamble	Manmiller	Seventy
Beloff	Gannon	Markosek	Showers
Blaum	Geist	Marmion	Sirianni
Bowser	Gladeck	Mayernik	Smith, B.
Boyes	Godshall	Merry	Snyder, G. M.
Brandt	Grieco	Michlovic	Spitz
Broujos	Gruitza	Miller	Stairs
Burd	Gruppo	Miscevich	Steighner
Burns	Haluska	Mochlmann	Stewart
Cappabianca	Harper	Morris	Stuban
Carn	Hasay	Mowery	Sweet

Cimini	Hayes	Mrkonic	Swift
Clymer	Herman	Murphy	Taylor, E. Z.
Colafella	Hershey	Noye	Trello
Cole	Hoeffel	O'Donnell	Truman
Cordisco	Honaman	Olasz	Van Horne
Coslett	Itkin	Oliver	Vroon
Cowell	Jackson	Peterson	Wachob
Coy	Jarolin	Petrone	Wambach
Deluca	Kennedy	Phillips	Wass
DeWeese	Klingaman	Piccola	Wiggins
Daley	Kosinski	Pievsky	Williams
Dawida	Kowalshyn	Pitts	Wilson
Deal	Laughlin	Pott	Wogan
Dietz	Lescovitz	Preston	Wozniak
Dininni	Levi	Punt	Wright, D. R.
Dombrowski	Levin	Rappaport	Wright, J. L.
Donatucci	Lloyd	Reinard	Zwilk
Evans	Lucyk	Richardson	
Fargo	McCall	Rieger	Irvis,
Fattah	McHale	Robbins	Speaker
Fee			

NOT VOTING—8

Arty	Gallen	O'Brien	Salvatore
Cohen	McIntyre	Perzel	Wright, R. C.

EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House Norman Smith, Harold Taggart, and Tom Taggart, all of Berks County. They are here as the guests of Representative Fryer.

The Chair is delighted to welcome to the hall of the House Mr. Randy Saunder, who is here as the guest of Representative James Williams.

CONSIDERATION OF HB 291 CONTINUED

On the question recurring,

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

Mr. SALOOM offered the following amendments No. A3108:

Amend Title, page 1, line 18, by striking out "and"

Amend Title, page 1, line 19, by removing the period after "courses" and inserting ; and providing for volunteer fire companies.

Amend Sec. 1, page 5, line 9, by striking out "a subsection is" and inserting subsections are

Amend Sec. 1 (Sec. 461), page 5, line 18, by inserting after "courses"

and volunteer fire companies

Amend Sec. 1 (Sec. 461), page 6, line 3, by inserting brackets before and after "and" and inserting a comma

Amend Sec. 1 (Sec. 461), page 6, line 4, by inserting after "licensees"

and volunteer fire companies

Amend Sec. 1 (Sec. 461), page 6, by inserting between lines 12 and 13

(g) "Volunteer fire company" as used in this section shall mean any nonprofit chartered corporation, association or organization located in this Commonwealth which has been in existence for a period of ten years from the effective date of this amendatory act and which provides fire protection services and other voluntary emergency services in this Commonwealth. Volunteer emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

On the question,

Will the House agree to the amendments?

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

Mr. SALOOM. Mr. Speaker, the amendment that I have submitted would grant volunteer fire companies licenses regardless of the quota system. The fire departments would have to be in existence 10 years prior to the date of this amendatory act. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—140

Afflerbach	Evans	Linton	Richardson
Alderette	Fargo	Livengood	Rieger
Angstadt	Fattah	Lucyk	Ryan
Arty	Fee	McCall	Rybak
Baldwin	Flick	McClatchy	Saloom
Barber	Foster, W. W.	McHale	Salvatore
Belardi	Freeman	McIntyre	Semmel
Belfanti	Fryer	McMonagle	Serafini
Beloff	Gallagher	McVerry	Seventy
Blaum	Gallen	Maiale	Showers
Book	Gamble	Manderino	Snyder, D. W.
Bowser	Gannon	Manmiller	Stairs
Broujos	Gladeck	Markosek	Steighner
Bunt	Godshall	Marmion	Stevens
Burd	Greenwood	Mayernik	Stewart
Carn	Grieco	Michlovic	Stuban
Cessar	Gruppo	Micozzie	Sweet
Cimini	Hagarty	Miscevich	Taylor, E. Z.
Civera	Haluska	Morris	Taylor, F. E.
Clark	Harper	Mrkonic	Telek
Colafella	Hasay	Murphy	Trello
Cole	Hoeffel	O'Brien	Truman
Cordisco	Hutchinson	O'Donnell	Van Horne
Cornell	Itkin	Olasz	Wachob
Coslett	Jackson	Oliver	Weston
Cowell	Jarolin	Perzel	Wiggins
Deluca	Kasunic	Petrarca	Williams
DeWeese	Kennedy	Petrone	Wilson
Daley	Klingaman	Pievsky	Wogan
Davies	Kosinski	Pistella	Wozniak
Dawida	Kowalshyn	Pott	Wright, D. R.
Deal	Lashinger	Pratt	Zwilk
Dombrowski	Lehr	Preston	
Donatucci	Lescovitz	Rappaport	Irvis,
Duffy	Letterman	Reber	Speaker
Durham	Levin		

NAYS—55

Armstrong	Foster, Jr., A.	Miller	Scheetz
Battisto	Geist	Moehlmann	Schuler
Boyes	Gruitza	Mowery	Sirianni
Brandt	Hayes	Nahill	Smith, B.
Burns	Herman	Noye	Smith, L. E.
Caltagirone	Hershey	Peterson	Snyder, G. M.
Cappabianca	Honaman	Phillips	Spencer
Cawley	Johnson	Piccola	Swift
Clymer	Laughlin	Pitts	Tigue

Coy	Levi	Punt	Vroon
DeVerter	Lloyd	Reinard	Wambach
Dietz	Mackowski	Robbins	Wass
Dininni	Madigan	Rudy	Wright, J. L.
Dorr	Merry	Saurman	

NOT VOTING—4

Cohen	Spitz	Wargo	Wright, R. C.
-------	-------	-------	---------------

EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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—136

Afflerbach	Dorr	Linton	Rudy
Alderette	Duffy	Lucy	Ryan
Arty	Durham	McCall	Saloom
Baldwin	Evans	McClatchy	Salvatore
Barber	Fargo	McHale	Saurman
Battisto	Fattah	McIntyre	Serafini
Belardi	Fee	McMonagle	Seventy
Belfanti	Flick	McVerry	Showers
Beloff	Gallagher	Mackowski	Sirianni
Blaum	Gallen	Maiale	Spencer
Book	Gamble	Manderino	Steighner
Bowser	Gannon	Markosek	Stevens
Bunt	Gladeck	Marmion	Stewart
Burd	Godshall	Mayernik	Stuban
Burns	Greenwood	Merry	Sweet
Caltagirone	Grieco	Miscevich	Taylor, E. Z.
Cappabianca	Gruitza	Moehlmann	Taylor, F. E.
Carn	Gruppo	Morris	Tigue
Cawley	Hagarty	Murphy	Trello
Cessar	Haluska	Nahill	Truman
Cimini	Hasay	O'Brien	Van Horne
Clark	Hoeffel	O'Donnell	Wachob
Colafella	Hutchinson	Olasz	Wargo
Cole	Itkin	Oliver	Weston
Cordisco	Jackson	Perzel	Wiggins
Cornell	Jarolin	Petrarca	Williams
Coslett	Kasunic	Petrone	Wilson
Cowell	Kennedy	Pievsky	Wogan
DeLuca	Klingaman	Pistella	Wozniak
DeWeese	Kosinski	Pott	Wright, J. L.
Daley	Lashinger	Pratt	Zwikel
Davies	Lehr	Preston	
Dawida	Lescovitz	Reber	Irvis,
Dombrowski	Letterman	Rieger	Speaker
Donatucci	Levin		

NAYS—59

Angstadt	Fryer	Micozzie	Schuler
Armstrong	Geist	Miller	Semmel
Boyes	Hayes	Mowery	Smith, B.
Brandt	Herman	Mrkonic	Smith, L. E.
Broujos	Hershey	Noye	Snyder, D. W.
Civera	Honaman	Peterson	Snyder, G. M.
Clymer	Johnson	Phillips	Spitz
Coy	Kowalshyn	Piccola	Stairs
DeVerter	Laughlin	Pitts	Swift

Deal	Levi	Punt	Telek
Dietz	Livengood	Reinard	Vroon
Dininni	Lloyd	Richardson	Wambach
Foster, W. W.	Madigan	Robbins	Wass
Foster, Jr., A.	Manmiller	Rybak	Wright, D. R.
Freeman	Michlovic	Scheetz	

NOT VOTING—4

Cohen	Harper	Rappaport	Wright, R. C.
-------	--------	-----------	---------------

EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to **HB 1405, PN 1971**, on final passage postponed, entitled:

An Act relating to the rights of purchasers of defective new motor vehicles.

On the question recurring,
Shall the bill pass finally?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, the actual condition of HB 1405 is that I had made a request for reconsideration of the Ryan amendment, and as you may recall, the Ryan amendments specifically took out the provision for legitimate legal fees.

The SPEAKER. Will the gentleman yield for a moment?

We may have to apologize to the gentleman. I had not seen that.

The Chair apologizes to the gentleman, Mr. Laughlin, and thanks the gentleman for being alert. The Chair had not seen the request.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its statement that HB 1405, PN 1971, has passed third consideration as amended.

Mr. DORR. Mr. Speaker, I object.

The SPEAKER. The Chair has heard the objection. We may as well get this parliamentary point settled here and now so we do not have the same nonsense that we went through last week.

On that objection, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, if I can recall what occurred here last week, the Speaker pro tempore, Mr. Fryer, had already returned the bill from final passage. He had made that decision and an objection was made by a member of the

House at a time that I believe and Mr. Fryer believes he had already returned the matter to the proper order so it could be given the reconsideration motion that Mr. Laughlin had filed. Now, Mr. Fryer, as I recall, insisted that he had done that, and the matter ended at that point last week. I think we ought to be no further or no more behind than we were last week. If the gentleman wants to challenge the Chair's decision that it had already been returned, that would be his proper motion, I believe, Mr. Speaker.

The SPEAKER. The Chair has a problem. The Chair does not really understand what happened in his absence. Apparently the majority leader's argument is that the calendar is incorrectly printed when it says that HB 1405, PN 1971, is on final passage postponed.

Mr. DORR. Mr. Speaker, if I may, that is not a fact. Mr. Speaker, that transaction took place on an earlier bill, and then when this bill passed, Mr. Gallen at the time made a very vehement point of the fact that this bill would come back on final passage so that this particular parliamentary decision could be made at this time.

It was a fact that Mr. Fryer had done this very thing on an earlier bill which Mr. Gallen had objected to, and at the time we went back and then ran the bill through the process. But that was another bill, and this bill very definitely is on final passage.

Mr. MANDERINO. Mr. Speaker, it was not another bill. It was this very same bill, HB 1405, the "lemon" bill.

The SPEAKER. The Parliamentarian concurs with the majority leader. He says that it is this same bill that is involved.

Mr. DORR. I apologize. It might be the same bill, but it was not the same transaction.

The SPEAKER. Would the gentleman elucidate, for the benefit of the Chair, what is his objection to the Chair's reconsidering this? Is it simply to establish a parliamentary point?

Mr. DORR. Yes, Mr. Speaker, and I am in fact doing that on behalf of Mr. Gallen.

The SPEAKER. For what purpose?

Mr. DORR. The point was raised that—and the Speaker, in my judgment, made the correct decision or statement when he said, without objection the Chair rescinds its announcement. When this occurrence took place last week, the Chair at the time said, the Chair rescinds its announcement and the bill will go back to third consideration. There was not the point made at the time about the objection, and Mr. Gallen's point was that it should be without objection, and that if a member has an objection, it could be raised so that a vote would have to be taken to move the bill back on the calendar.

I will withdraw my objection if the Chair is of the same opinion that I am that that statement is correct, that it has to be without objection.

The SPEAKER. The Chair will state this and hopes that this is clear: When the Chair, whether it be the permanent Speaker or the pro tempore, states that the Chair rescinds its announcement, it does so always without objection, whether

it states that or not. That is fact, and in fact, it is so recorded in our records, even if the Chair just states it orally. It is recorded in the records that it was done without objection. Therefore, if the gentleman or any other person on the floor of the House raises an objection, the Chair must place that question before the House.

Mr. DORR. I thank the Speaker.

The SPEAKER. Now let us get on with the motion for reconsideration, because that, too, must be placed before the House. So those who have a disagreement with Mr. Laughlin have an opportunity, technically, to avoid that disagreement by a vote on the reconsideration motion. Is that clear?

On the question recurring,

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

AMENDMENT A3137 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, who moves that the vote by which the House passed amendment 3137 to HB 1405 on October 17, 1983, be reconsidered.

On the question,

Will the House agree to the motion?

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

Mr. RYAN. Mr. Speaker, I would ask that the members vote in the affirmative on the question of reconsideration. This is the type of courtesy that we have normally extended to our members in most all situations, and I do not feel that this particular one—although I would hope to win again—is so far out of the ordinary that I should ask that a negative vote be cast on the question.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, that is not to say that we will not object to reconsiderations on bills that have lost by a large majority, and I intend to do that every time a reconsideration is requested in a case like that.

The SPEAKER. The gentleman's remarks are well taken. The Chair reads into the former Speaker's statesmanlike presentation that he, too, might concur in what Mr. Letterman said, but in this instance he does not think that a reconsideration is beyond the pale and therefore asks for an affirmative vote.

Without further ado, let us conclude this business for today.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

Afflerbach	Evans	McCall	Ryan
Alderette	Fargo	McClatchy	Rybak
Angstadt	Fattah	McHale	Saloom
Armstrong	Fee	McIntyre	Salvatore

Arty	Flick	McMonagle	Saurman
Baldwin	Foster, W. W.	McVerry	Scheetz
Barber	Foster, Jr., A.	Mackowski	Schuler
Battisto	Freeman	Madigan	Semmel
Belardi	Fryer	Maiale	Serafini
Belfanti	Gallagher	Manderino	Seventy
Beloff	Gallen	Manmiller	Showers
Blaum	Gamble	Markosek	Sirianni
Book	Gannon	Marmion	Smith, B.
Bowser	Geist	Mayernik	Smith, L. E.
Boyes	Gladeck	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	Mowery	Stewart
Carn	Harper	Mrkonic	Stuban
Cawley	Hasay	Murphy	Sweet
Cessar	Hayes	Nahill	Swift
Cimini	Herman	Noye	Taylor, E. Z.
Civera	Hershey	O'Brien	Taylor, F. E.
Clark	Hoeffel	O'Donnell	Telek
Clymer	Honaman	Olasz	Tigue
Cohen	Hutchinson	Oliver	Trello
Colafella	Itkin	Perzel	Truman
Cole	Jackson	Peterson	Van Horne
Cordisco	Jarolin	Petrarca	Vroon
Cornell	Johnson	Petrone	Wachob
Coslett	Kasunic	Phillips	Wambach
Cowell	Kennedy	Piccola	Wargo
Coy	Klingaman	Pievsky	Wass
Deluca	Kosinski	Pistella	Weston
DeVerter	Kowalyshyn	Pitts	Wiggins
DeWeese	Lashinger	Pott	Williams
Daley	Laughlin	Pratt	Wilson
Davies	Lehr	Preston	Wogan
Dawida	Lescovitz	Punt	Wozniak
Deal	Letterman	Rappaport	Wright, D. R.
Dietz	Levi	Reber	Wright, J. L.
Dininni	Levin	Reinard	Wright, R. C.
Dombrowski	Linton	Richardson	Zwinkl
Donatucci	Livengood	Rieger	
Dorr	Lloyd	Robbins	Irvis,
Duffy	Lucyk	Rudy	Speaker
Durham			

NAYS—0

NOT VOTING—0

EXCUSED—4

Fischer Freind George Kukovich

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. A3137:

Amend Sec. 8, page 5, line 22, by striking out "reasonable attorneys' fees and"

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I feel certain that Mr. Laughlin will have remarks in connection with the amendment that I am offering. I reserve the right to rebut his remarks after he has had an opportunity to make a statement.

Briefly stated, however, I reiterate my remarks of last week, which essentially were to the effect that given the opportunity for lawyers to gain fees in litigation, it will encourage litigation. I feel that it is a mistake to give lawyers the opportunity to get fees out of litigation such as this. It is contrary to the practice of law as I have known it over the years. It is contrary to the common law. I think next if inroads are made in this particular area, inroads will be made in tort cases, contract cases, and every other case imaginable, and each time, each time we open up to the legal profession—and I am proudly a member of that profession—but each time we open up to the legal profession an opportunity to get fees from anyone, I think it encourages the expansion of litigation on courts that today are well saturated with litigation, much of it meaningless.

I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the Ryan amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, last week the minority leader did very eloquently speak to the fact that there are some lawyers who would take advantage of a circumstance to generate additional revenues for their office and to carry out long-term cases in order to profit by that. But certainly the minority leader also agrees that under the Judicial Code, for the wrongful use of civil proceedings, there is a section specifically designated to take care of anyone who would take action with regard to—and I use the word the minority leader used last week—a "frivolous" case, Mr. Speaker. And certainly under that section that we passed in this House a few years ago, we protect the interests of those who are sued wrongfully, so that any particular claimant who would make a claim against any manufacturer or any person in this State would be covered by this section, and certainly that would negate the minority leader's argument with regard to frivolous cases.

My interest in this case, Mr. Speaker, is strictly to guarantee that a person who is harmed by a manufacturer for the purchase of a vehicle has legal recourse without that person having to take on additional costs that would be involved when the manufacturer deliberately extends the period of time of appeal and takes that person to the higher courts and costs that person additional moneys far in excess of what the original case would be worth. Mr. Speaker, I do not think any lawyer is going to take a case where it is worth \$500 or \$1,000 if he is not going to be compensated for it in some reasonable fashion, and the claimant will then lose any benefit that he may have had if he has to pay the legal fees that are required. So, Mr. Speaker, I am looking out for the person who is wrongfully harmed, not the lawyer who is unscrupulously going to try to benefit from it.

I would ask the members merely to look back at this last week where the manufacturer of a major auto industry in this State deliberately, under their own reports, hid and deceived the people of this country when they were buying cars on locking of brake mechanisms. Mr. Speaker, I can only deal

with what has happened in the past, what is history, and that is that the manufacturers have not dealt fairly with the people, and our people in Pennsylvania need the protection of this consideration. I ask for a "no" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader, on this amendment.

Mr. RYAN. Mr. Speaker, the provision of the Judicial Code that the gentleman referred to, whereby a defendant or a person wrongfully sued has an opportunity to recover his legal expenses, is far different than the provision that is in the bill before us.

I do not think Mr. Laughlin is suggesting to you that the rights of the litigants, plaintiff and defendant, are the same as far as attorneys' fees go. In the one case, Mr. Laughlin would have any successful plaintiff recapture reasonable attorneys' fees in the, I guess, discretion of the court or jury. I am not sure of that part of it. On the other hand, the obligation of a defendant who is attempting to recapture or recoup the expenses of litigation is to prove not that the plaintiff lost a reasonable case but rather that he should never have brought that case in the first place.

The other concern voiced by Mr. Laughlin of the business community represented by the car industry taking matters up to the Supreme Court or appellate courts on relatively small matters I think is not well founded. We have seen that happen time and time again by community legal services who have taken small cases up and run them into major Supreme Court-type issues on individual plaintiffs, but that was because the government was paying their fees. They would then sue us perhaps for additional moneys. That is not the case before us today. Here you are going to exact those fees from the business community. If you have a dealer who sells 50 cars a month, a manufacturer who sells however many they sell, and you have enough litigation such as this, where a small recovery is possible by the plaintiff but a large recovery is possible by the attorneys, the entire cost of the industry has got to increase, the products of that industry.

The words "reasonable attorneys' fees" in this bill, as presented by Mr. Laughlin, do not say reasonable in light of the recovery. That reasonableness may be, how many hours did you spend - 30 hours, 40 hours, 50 hours, Mr. Lawyer? And what is your hourly rate - \$60, \$100, \$125? And the question then is, was that hourly rate reasonable? I do not believe it says, was it reasonable for you to spend, you, Mr. Lawyer, was it reasonable for you to spend 100 hours on a case where there is 1,000 dollars' worth of money damages? And that is the problem I think we are faced with.

There is no free lunch. Whoever pays those bills is going to pass it back onto those same consumers whom you are attempting to protect. If the cost of tires goes up, the cost of cars goes up. If the cost of steel goes up, the cost of cars goes up. If the cost of glass goes up, the cost of cars goes up. If the cost of labor goes up, the cost of cars goes up. If the cost of litigation goes up because of bills such as this, the cost of cars goes up at that time, too. I would again ask for a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Mr. Speaker, I do not wish to interrupt the flow of debate. I have a procedural question on this vote, and I would like to be recognized at the time before we vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Thank you, Mr. Speaker.

I know that the amendment has been couched in terms that somehow this is a good antilawyer thing that everybody ought to want to vote for. That is really not what this is all about at all.

What this means is, if this amendment passes, when your constituent has a car that he has had out of operation for a long period of time and he cannot get anybody to take care of it, and he has gone through arbitration run by the company and he wants to file suit in a court and he goes to look for a lawyer, he cannot find one, because the lawyer says, well, I do not know if I can get paid on this suit; the only way I will take it is if I get a percentage of whatever you recover. So if your constituent says to the lawyer, fine; you file that lawsuit, and then your constituent wins—because remember, the only person who is affected by this amendment are people who win—the issue then is, does your constituent have to take some of the money which is basically trying to compensate him for the bad car and pay his lawyer or can he make General Motors pay the lawyer? The gentleman says that somehow this is going to bring about a whole lot of additional litigation, and there probably is going to be some additional litigation. So the issue here is really, who does the paying, General Motors or your constituent? When there is a lemon, do you want your constituent to have an opportunity to get made whole, or do you want him to have to share most of his recovery with his lawyer?

I wish we could do away with those high lawyer fees entirely, and maybe we can do that. Maybe the gentleman and I can join in some legislation to put some restrictions on what lawyers can charge, but that is not the law now.

To characterize a vote for this amendment as a good thing because it is antilawyer, I think, is simply not correct. It is true that there is going to be more litigation, but it is going to be litigation only in the case of a constituent of yours who cannot get satisfaction for a bad car, and who among us have not had those kinds of complaints? The question is, do you want them to be able to get relief, or are you going to hide behind some kind of an antilawyer argument and say, well, I do not care if my constituents get relief or not; it is better to be recorded as being antilawyer? And then also ask yourself the question, which set of lawyers? Is this an amendment for lawyers who do defense work for manufacturers or is this an amendment for lawyers who do work for plaintiffs?

I think, Mr. Speaker, we ought to leave all of that issue aside. The real question is, do we want to have an effective

way of getting made whole if you have a bad car? It seems to me the right thing to do is to forget the rest of it and vote "no."

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, it seems on this amendment everyone wants to characterize what the essence of the question is, so let me not depart from that. Let me try to characterize what I think the essence of the question is.

I agree with Mr. Ryan in the respect that when we have individuals on an equal par with one another in litigation, we ought not to nor have we provided attorneys' fees to either party in winning the case. That is the way it ought to be. We have in recent years, in many bills that have gone through the floor of the House and at the Federal level, provided attorneys' fees in appropriate cases where the parties are not equal. Can you imagine how long one of the 7 or 10 motor vehicle manufacturers in this country in the marketplace could drag out a case of an individual who is trying to get a car replaced so that they would take the benefit away from him of ever having the car replaced in the first place? That is what the essence of the question is. We have provided counsel fees when it is individual constituent or individual against his government, because they are not on equal par. The government can drag the case forever and ever, and if the individual ever wins, the benefit of what he has won has been lost in litigation costs. Is this a proper case for us to give attorneys' fees to the winning party? I think that it is.

I agree that Mr. Lloyd and Mr. Laughlin have pointed out an important issue, but the real essence in my mind is, are the parties on such differing levels of ability to pay litigation costs that we ought to provide those litigation costs to the successful person in an automobile lemon case?

You have seen the history of the United States Government against the auto manufacturers in taking them into court on the issue such as one of the individuals has raised on the X cars, and those cases drag out for years and years and years before there is a settlement. I would imagine that our government is probably somewhere on equal par with the major manufacturers of automobiles in each's ability to pay the litigation costs, and so I would not want to provide litigation costs to either of those parties. But now talk about Joe, the constituent, trying to get a car replaced. Why, there will be depositions upon depositions and written interrogatories upon written interrogatories and claims for discovery and pre-trial procedures and appeals to the point that if you get your car replaced, you will have lost the value of that replacement in litigation costs. I think this is a proper case where we would allow in our law, and it is proper to allow by law, litigation costs to the successful party. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach, on the question.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

This past week when the minority leader offered his amendment, I supported that amendment, because I share the fear

that he has articulated; namely, that we do not need to make work for attorneys. We give them enough business interpreting the laws that we pass.

I rise today, however, to oppose the amendment. Upon intensive rereading of the bill and discussion with legal scholars, I am convinced that if the bill passes without the Ryan amendment, the result that he and I share will not come to pass. If I may refer to the bill for just a moment, the bill specifically states that a purchaser would be entitled to recover reasonable attorneys' fees only in such case as he may bring a civil cause of action, and further, that that civil cause of action may be brought only if the purchaser suffers any loss due to nonconformity of such vehicle as a result of the manufacturer's failure to comply with this act. The key word is "nonconformity."

Again, if we go into the bill to look at the definition of "nonconformity," we find "A defect or condition which substantially impairs the use, value or safety of a new motor vehicle and does not conform to the manufacturer's express warranty." Again, backing up to the definition of "manufacturer's express warranty," we find "The written warranty of the manufacturer of a new automobile of its condition and fitness for use,..." et cetera. Now, perhaps I am from the old school, but I believe that when a person or a company promises something to me in writing, they have an obligation to fulfill that promise. If I have to file a civil course of action to get them to keep their promise, then I think the attorneys' fees should be the responsibility of the breaker of that promise.

I now urge opposition to this amendment to keep the language in the bill providing reasonable attorneys' fees.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. Laughlin, consent to interrogation for a moment?

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will stand for interrogation. The gentleman, Mr. Ryan, is in order and may proceed.

Mr. LAUGHLIN. Mr. Speaker, maybe I ought to consult with my legal adviser over here before I do that. Would you hold on just a second, Mr. Speaker?

Mr. RYAN. Having your legal adviser by your side solves one of the problems, I think, that I was going to raise.

Mr. LAUGHLIN. Well, Mr. Speaker, if the gentleman, Mr. Manderino, charges as lightly as some of the other lawyers, the constituency would be a lot happier. He did not charge me anything for his advice. And do not tell me that his advice is worth what you pay for it; I have heard that before.

Mr. RYAN. No. You got your money's worth.

The SPEAKER. I have tried to alert the gentleman, you do not match wits with the Irish.

Mr. RYAN. Mr. Speaker, I recognize that the gentleman, Mr. Laughlin, had a deprived youth and did not go to law school, so I have no objection initially to his consulting with any member of the legal community that may be available.

It is my belief, Mr. Speaker—and this is a preamble to a question—that despite the fact that this bill appears to limit

these claims to the manufacturer, that your local automobile agency, which was the seller of that particular car, the instrumentality of it, the franchise holder, if you will, it is my opinion that that small businessman, small in most cases, will be joined as a defendant in any suit brought under this act. Do you agree or disagree with that, Mr. Speaker, as an additional defendant or as a joint defendant?

Mr. LAUGHLIN. Mr. Speaker, Mr. Ryan asked that question, and I can answer it in this fashion: that we met with the dealerships across the State of Pennsylvania and their representatives on this legislation, and we also met with the manufacturers. The manufacturers specifically asked to have an amendment into the bill that would include dealers so that they would have a defense in this situation, Mr. Speaker.

Mr. RYAN. I understand that. That is not my question.

Mr. LAUGHLIN. Under those circumstances, Mr. Speaker, I would have to say that, no, they would not be included as a third party.

Mr. RYAN. As a defendant?

Mr. LAUGHLIN. That is right, Mr. Speaker. As a matter of fact, in many instances, Mr. Speaker, they may well join the constituent, if in fact they have tried to repair a vehicle and that vehicle is not possibly to be repaired.

Mr. RYAN. Thank you, Mr. Speaker.

I have concluded my interrogation.

The SPEAKER. The minority leader is recognized and may continue.

Mr. RYAN. Contrary to the opinion of Mr. Laughlin, I believe—and I base this on some experience and also on expectation—I believe that in a suit brought by any one of our various constituents against a manufacturer, that constituent will be advised by his attorney to join the local automobile agency as a party defendant. If they do not join the automobile agency as a party defendant, I believe that the manufacturer will join the automobile agency as an additional defendant. It is a reasonable thing to expect. The manufacturer is going to say that the problems with this car came about because it was poorly serviced during these 20 or 30 trips to the automobile agency, and in most cases, they do contribute to the problems. That being the case, it is my fear and expectation that the litigation that will be encouraged by this bill will affect all of your local automobile dealers.

Now, I have been around for a little bit. I have been around these legislative halls for a little bit. I watched the gentleman's legal counsel, who voted with me last week, make a speech against me this week. I watched the gentleman from Lehigh, on reflection over the weekend, do a shift. I say now to the members of my caucus that if you stick with me on this one, you may read about it in your next campaign, the way they are lining this one up. So I am not expecting any of you to stay with me, but I do nevertheless put out a caveat and only time will tell. My caveat is this: that at some later date I believe you will find all of your small automobile dealers joined as additional defendants or defendants in these actions. And like no-fault, which I voted against—one of a very few—some 8 or 9 years ago, I think in some 6 or 8 years I will be glad that I have voted the way I am voting on this particular amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly to Mr. Ryan's last statement that we are going to involve the local dealer. Nothing could be further from the truth, Mr. Speaker. This bill is a separate act. It creates a new remedy. The remedy is solely against the manufacturer. The remedy is either the replacement of the automobile or the return of the money paid. If in fact the facts show that the manufacturer has not breached the conditions that he should have met, the buyer of the automobile simply loses his case. No one else is responsible. Even in a case where the dealer has caused the problem, if it is not the manufacturer's mistake, the court will not have the right under this act to place the dealer in jeopardy. You are reading the bill wrong, Mr. Speaker. No dealer is in jeopardy under this act.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, this bill brings the dealer into the activities that precede the litigation against the manufacturer. This bill imposes duties on the dealer. If I represented the manufacturer, I assure you that these duties imposed under section 7 would be raised as an issue by the manufacturer.

I do not want to beat this thing to death, but by the same token, I do not want to just ignore something that I believe is misleading. I am simply saying that I believe time will tell that the local automobile dealers are making a mistake if they are in favor of this bill, because I think that their lawyers—and I happen to be one—will be the beneficiaries of this particular bill.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. REBER. Thank you, Mr. Speaker.

If I might take the liberty of my minority leader and have a preamble to a little bit of interrogation of the prime sponsor, I would appreciate that.

The SPEAKER. The gentleman may proceed.

Mr. REBER. Mr. Speaker, last week I voted against the Ryan amendment, and I so voted against that because I felt we were talking about something that in most households, I believe, is probably the second largest purchase, largest investment, that an individual will make. With the cost of new automobiles skyrocketing, I think you almost have to take out a mortgage anymore to finance the purchase of same. So I think there is meaning behind the intent of the prime sponsor in providing for this type of redress if in fact there is a breach involved. However, I have had a second thought about some additional language that appears in the section we are debating, section 8, and to the prime sponsor I would address the following inquiry.

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will stand for interrogation. The gentleman, Mr. Reber, is in order and may proceed.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, in section 8 you state that any purchaser who suffers any loss due to nonconformity of such vehicle to the requirements of the act may bring a civil action and then, obviously, recover attorneys' fees. My question is this: Does that particular loss and that particular civil action only relate to in the Commonwealth what would be known as an assumption of action or a breach of contract action, or does it also allow recovery for loss sustained as a result of negligence that might be proven against the manufacturer for failure to comply?

Mr. LAUGHLIN. Mr. Speaker, the language in that particular section deals with any purchaser of a motor vehicle who suffers any loss due to nonconformity of such vehicle as a result of the manufacturer's failure to comply. Mr. Speaker, I do not think it goes beyond that, and so I do not believe there would be any damages to be recovered unless there was some specific injury that would be related to that damage, and it would probably come under any multiple of cases including product liability and other areas, Mr. Speaker.

Mr. REBER. In essence, then, I tend to agree with that response. As I read the bill, if in fact there is a loss to a purchaser and that loss is in the form of personal injury, and if in fact that individual institutes a civil action, part of his relief in that particular pleading in that civil action may be for the recovery of attorneys' fees from the at-fault party solely for personal injury loss to the purchaser. Is that correct?

Mr. LAUGHLIN. Mr. Speaker, I would tend to think that that would not be correct to that degree. I would think that any other separate action that would be taken in addition to securing a new vehicle, which is what this bill does, that that would be another cause of action, Mr. Speaker.

Mr. REBER. Mr. Speaker, could you rephrase that remark? I did not quite understand where you were going with that.

Mr. LAUGHLIN. Very simply, Mr. Speaker, I would think that the bill itself deals strictly with the replacement of a vehicle in that particular instance. There are certainly other areas of legal suit that could be initiated for third parties or anyone else who may have handled the vehicle or may have in some way been responsible for some damaging circumstance, that the person who was injured could certainly take some civil action in that case.

Mr. REBER. Mr. Speaker, may I run a hypothetical question to you, possibly to find out exactly where we are on this, because I think the bottom line is whether in fact we are talking about reasonable attorneys' fees being recouped by the purchaser for a breach of contract or whether we are talking about attorneys' fees also being available to be pled and recovered as a result of injury loss sustained by the purchaser. If that is the case, I think we are really amplifying potential claims. We are also amplifying insurance problems and the like, and that is where I am going. I think it is important so we at least have legislative history that that was not the intent of the act.

Mr. LAUGHLIN. That is not the intent of this legislation at all, Mr. Speaker. Our intention is strictly to provide the

wronged party with an opportunity to recoup civil damages for the circumstance of purchasing a vehicle that has not met the conformity that the company had originally pledged in its guarantee.

Mr. REBER. If that is the case then, Mr. Speaker, do you not think the language would be appropriately artfully drafted to specifically state that it is a civil action for breach of contract and not for personal injury loss?

Mr. LAUGHLIN. Well, Mr. Speaker, in view of the fact that we have covered that circumstance on the floor, I think the legislative intent is there, and I do not believe we would need any additional language.

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

Mr. Speaker, if I might just make one final statement on the amendment?

The SPEAKER. The gentleman may proceed.

Mr. REBER. Mr. Speaker, I think the members have got the gist of the interrogation that Representative Laughlin and I have been engaging in, and I must emphasize again that I do share the concern of the prime sponsor with the language and the intent behind the language to effectuate exactly what has been stated today. However, I do feel that we are going to subject a great number of individuals to litigation problems relating to personal injuries that might arise out of automobile safety nonconformity questions which are brought about by this act, and I believe that could appropriately be handled if in fact there was appropriate language placed in this particular legislation to handle that aspect.

I think it is important that we continue to protect the consumer for the breach of contract that we are talking about. I do not believe that will be appropriately done; I believe it will open a Pandora's box and cause problems. It is not my intent to stymie passage of this legislation. I also say that it is not my intent to see the reasonable-attorneys'-fees provision removed from the bill for this purpose. I do believe that is a salient issue to the bill, a necessity for the bill, and I would hope that somehow we could structure meaningful language so there would not be these problems.

MOTION TO RECOMMIT

Mr. REBER. Mr. Speaker, would a motion at this time be in order?

The SPEAKER. What is the motion?

Mr. REBER. Mr. Speaker, I would move to recommit this bill to the committee from whence the bill came in order to allow them to appropriately address this with appropriate language to clarify this particular issue that has been debated. I so move.

The SPEAKER. The gentleman's order is well taken. It has been moved by the gentleman, Mr. Reber, that HB 1405, PN 1971, be recommitted to the Committee on Consumer Affairs. The question is strictly on the motion, strictly on the motion.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman from Beaver, Mr. Laughlin, wish to be recognized on the motion?

Mr. LAUGHLIN. Mr. Speaker, very basically, I think the gentleman's motion is wrong, because we are on the amendment; we are not on the bill. In addition to that, Mr. Speaker, I would ask for a "no" vote. The committee has considered this legislation for a considerable length of time. We worked on it with the amendments. We dealt with the manufacturers. Mr. Speaker, they are speaking only of a section that is going to result in maybe 4 or 5 percent of the total number of complaints that are handled. The reason the manufacturers accepted this bill was because we have within it a procedure for arbitration.

The SPEAKER. The gentleman will yield. The Chair is going to be strict about this - only on the question of recommittal.

Mr. LAUGHLIN. I ask for a "no" vote on recommittal, Mr. Speaker.

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

The following roll call was recorded:

YEAS—48

Angstadt	Foster, W. W.	Madigan	Ryan
Arty	Gallen	Manmiller	Scheetz
Book	Gannon	Moehlmann	Sirianni
Bowser	Godshall	Mowery	Smith, B.
Brandt	Grieco	Nahill	Smith, L. E.
Burd	Hershey	Noye	Spencer
Cessar	Honaman	Peterson	Spitz
Cimini	Jackson	Phillips	Stairs
Clymer	Kennedy	Piccola	Swift
Dininni	Lashinger	Pott	Taylor, E. Z.
Fargo	Lehr	Reber	Vroon
Flick	McClatchy	Robbins	Wright, R. C.

NAYS—147

Afflerbach	Duffy	Lloyd	Rybak
Alderette	Durham	Lucyk	Saloom
Armstrong	Evans	McCall	Salvatore
Baldwin	Fattah	McHale	Saurman
Barber	Fee	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Fryer	Maiale	Seventy
Beloff	Gallagher	Manderino	Showers
Blaum	Gamble	Markosek	Snyder, D. W.
Boyes	Geist	Marmion	Snyder, G. M.
Broujos	Gladeck	Mayernik	Steighner
Bunt	Greenwood	Merry	Stevens
Burns	Gruitza	Michlovic	Stewart
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Miscevich	Sweet
Carn	Haluska	Morris	Taylor, F. E.
Cawley	Harper	Mrkonic	Telek
Civera	Hayes	Murphy	Tigue
Clark	Hayes	O'Brien	Trello
Cohen	Herman	O'Donnell	Truman
Colafiglia	Hoeffel	Olasz	Van Horne
Cole	Hutchinson	Oliver	Wachob
Cordisco	Itkin	Perzel	Wambach
Cornell	Jarolin	Petrarca	Wargo
Coslett	Johnson	Petrone	Wass
Cowell	Kasunic	Pievsky	Weston
Coy	Klingaman	Pistella	Wiggins
Deluca	Kosinski	Pitts	Williams

DeWeese	Kowalyszyn	Pratt	Wilson
Daley	Laughlin	Preston	Wogan
Davies	Lescovitz	Punt	Wozniak
Dawida	Letterman	Rappaport	Wright, J. L.
Deal	Levi	Reinard	Zwilk
Dietz	Levin	Richardson	
Dombrowski	Linton	Rieger	Irvis,
Donatucci	Livengood	Rudy	Speaker
Dorr			

NOT VOTING—4

DeVerter	McIntyre	Micozzie	Wright, D. R.
----------	----------	----------	---------------

EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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

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

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

Mr. BROUJOS. Mr. Speaker, the constituency of car dealers may exceed those of manufacturers, and I wish to address the questions raised by the speaker, Mr. Ryan. There was nowhere really addressed during the discussion of dealers and the likelihood of suit the definitions that are set forth in that act.

The bill has "Dealer"...A person...buying, selling or exchanging...." "Manufacturer," and manufacturer is defined in detail. "Manufacturer's express warranty." "Nonconformity." A defect or condition which...does not conform to the manufacturer's express warranty." Finally, in section 8, the one which is the subject of suit, it states that "Any purchaser...who suffers any loss due to nonconformity...as a result of the manufacturer's failure...."

There is a principle in law that the speaker, Mr. Ryan, will agree to, I am sure, and that is that where there is a statute in derogation or in opposition to common law, it is construed strictly. A consequence of that is that dealers should not be sued and dealers do not come within the definition. In addition, if they were to be brought in because an attorney would say, hey, join everybody you see in sight, the section we have been addressing in the Judicial Code, 2503(9), would cover that subject which states that capricious and arbitrary actions that are brought frivolously may be the subject of suit.

The second point I wish to address is that with respect to the general trend in the legislature for granting rights to sue for attorneys' fees, that question has not been adequately addressed. It has been dealt with only in terms of what the common law is or what the good old days used to be. As I mentioned previously, this House itself voted to add in the Judicial Code 10 separate rights for suit for attorneys' fees, and that is the trend. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

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

Mr. DeVERTER. Mr. Speaker, what I want recognition for is, on the recommittal motion on HB 1405, my switch did not activate. I would like the record to show that I would have voted in the negative.

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

**CONSIDERATION OF HB 1405 CONTINUED
PARLIAMENTARY INQUIRY**

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

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

The parliamentary procedures of the last few session days have certainly been educational. I would just like clarification on why we are voting on an amendment. It is my understanding that once an amendment is voted and a reconsideration vote is not taken prior to final passage, that once a bill is passed the amendment becomes an integral part of the bill. If we voted for reconsideration of HB 1405, I would like to know how we went from a vote on the bill itself, which we should be either repeating our vote for "yes" or "no" on HB 1405, how have we gotten back to being able to reconsider an amendment that was already approved and became part of the bill?

The SPEAKER. The reason that we are proceeding as we have is that the Chair announced that, without objection, the Chair would rescind its statement that the bill had passed on third consideration. Remember, there was an objection but it was withdrawn. Therefore, we were back on third consideration of the bill, and any amendment is available to the House at that point. At that point the gentleman, Mr. Ryan, offered his amendment again. The House debated the amendment, and the House is about to decide whether or not the bill shall be amended with the Ryan amendment as if it had never debated it before. Is that clear to the gentleman?

Mr. D. W. SNYDER. Not really.

In other words, although we voted on the amendment, this amendment is not a new amendment and we did not ask to reconsider this particular amendment. You know, it is nothing different than what we already voted on. It would be different if this was an amendment to delete Mr. Ryan's amendment from the bill. I perhaps could understand that.

The SPEAKER. No, it is not that. If the House decides that it will reconsider the vote by which final passage was reached—and it did that—the House has the power to return the bill to third consideration, which it did. At that point the gentleman, Mr. Ryan, or anyone else may offer an amendment. The gentleman, Mr. Ryan, chose to offer his amendment.

Mr. D. W. SNYDER. But this is an amendment that we already voted on.

The SPEAKER. The Chair yields to the minority leader. Maybe the Chair is missing his point.

Mr. RYAN. I believe, Mr. Speaker, that in your explanation you neglected to remind the gentleman that we in fact did

reconsider my amendment, and then my amendment came up again before the House.

The SPEAKER. There was a motion to reconsider.

Mr. D. W. SNYDER. Was a vote taken on both the bill and your amendment? Two reconsideration votes were taken?

The SPEAKER. The vote on the bill was taken last week. The House today rescinded its position, and that position of rescission was announced by the Chair. That placed the bill on third consideration, where the House could have simply passed it as it was or not passed it. The gentleman, Mr. Laughlin, offered a reconsideration motion to have the House reconsider the vote by which it placed the Ryan amendment into the bill. That motion was passed. That means that the Ryan amendment is once again in front of the House as if it had never been offered.

Mr. D. W. SNYDER. So the roll-call vote we took prior to this debate was not on reconsideration of HB 1405 but it was reconsideration on Mr. Ryan's amendment. Is that the vote we took?

The SPEAKER. That is correct.

The gentleman may not be the only one confused up here today. We are trying to untangle the confusion.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—77

Angstadt	Flick	Klingaman	Ryan
Armstrong	Foster, W. W.	Lehr	Saurman
Arty	Foster, Jr., A.	Levi	Scheetz
Belardi	Fryer	Levin	Schuler
Book	Gallen	McClatchy	Semmel
Bowser	Gannon	Mackowski	Serafini
Brandt	Geist	Madigan	Sirianni
Bunt	Gladeck	Manmiller	Smith, B.
Burd	Godshall	Merry	Smith, L. E.
Cimini	Grieco	Miller	Snyder, D. W.
Clymer	Gruppo	Moehlmann	Snyder, G. M.
Cornell	Hagarty	Nahill	Spencer
Coslett	Hayes	Noye	Stairs
DeVerter	Herman	Peterson	Stevens
Davies	Hershey	Phillips	Sweet
Dietz	Honaman	Piccola	Swift
Dininni	Jackson	Pitts	Taylor, E. Z.
Donatucci	Johnson	Pott	Telek
Dorr	Kennedy	Robbins	Vroon
Fargo			

NAYS—119

Afflerbach	Durham	McMonagle	Rudy
Alderette	Evans	McVerry	Rybak
Baldwin	Fattah	Maiale	Saloom
Barber	Fee	Manderino	Salvatore
Battisto	Freeman	Markosek	Seventy
Belfanti	Gallagher	Marmion	Showers
Beloff	Gamble	Mayernik	Spitz
Blaum	Greenwood	Michiovic	Steighner
Boyes	Gruitza	Micozzie	Stewart
Broujos	Haluska	Miscevich	Stuban
Burns	Harper	Morris	Taylor, F. E.
Caltagirone	Hasay	Mowery	Tigue
Cappabianca	Hoeffel	Mrkonic	Trello
Carn	Hutchinson	Murphy	Truman
Cawley	Itkin	O'Brien	Van Horne
Cessar	Jarolin	Olasz	Wachob
Civera	Kasunic	Oliver	Wambach
Clark	Kosinski	Perzel	Wargo

Cohen	Kowalyszyn	Petrarca	Wass
Colafella	Lashingier	Petrone	Wiggins
Cole	Laughlin	Pievsky	Williams
Cordisco	Lescovitz	Pistella	Wilson
Cowell	Letterman	Pratt	Wogan
Coy	Linton	Preston	Wozniak
Deluca	Livengood	Punt	Wright, D. R.
DeWeese	Lloyd	Rappaport	Wright, J. L.
Daley	Lucyk	Reber	Zwinkl
Dawida	McCall	Reinard	
Deal	McHale	Richardson	Irvis,
Dombrowski	McIntyre	Rieger	Speaker
Duffy			

NOT VOTING—3

O'Donnell Weston Wright, R. C.

EXCUSED—4

Fischer Freind George Kukovich

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. FARGO. Thank you, Mr. Speaker.

Would the prime sponsor of the bill please subject himself to an interrogation?

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will stand for interrogation. The gentleman, Mr. Fargo, is in order and may proceed.

Mr. FARGO. Thank you.

I am concerned about section 7, which requires that the dealer notify the manufacturer of the existence of a nonconformity, and I guess I am most concerned about the fact that he must do this by certified mail, return receipt requested. I guess my question to you is, at what point is this necessary? As I look at the definition of "nonconformity," I find that it says "A defect or condition which substantially impairs the use, value or safety of a new motor vehicle and does not conform to the manufacturer's express warranty." Would this include a problem such as a defective safety belt?

Mr. LAUGHLIN. Mr. Speaker, it would only include those items that are of a warranty of that nature. As you know, within the bill and within section 7 that you read, there is a specific section stating "within seven days," Mr. Speaker.

Mr. FARGO. That is correct, but my question, I guess, is would this include a problem with the carburetor that made it so that the automobile would not move properly?

Mr. LAUGHLIN. I am sorry, Mr. Speaker, but I could not hear your question.

Mr. FARGO. I am trying to determine just when the dealer would be required to go through the procedure of submitting to the manufacturer by certified mail, return receipt requested, that a nonconformity existed.

Mr. LAUGHLIN. Mr. Speaker, you had first mentioned a seat belt, I believe.

Mr. FARGO. That is correct.

Mr. LAUGHLIN. Mr. Speaker, that seat belt would not be a major item that would require a person to then process a request for a new vehicle. They would merely replace that particular seat belt if it was defective and take care of it in that fashion. You are talking about major problems with a vehicle that would prohibit it from delivering the normal service that a vehicle would to a person who makes the purchase.

Mr. FARGO. Mr. Speaker, would it be required then that the dealer determine what is substantial and what is not substantial prior to the actual requirement that he make this notification to the manufacturer?

Mr. LAUGHLIN. No, Mr. Speaker. It would be under the warranted section that he deals with. That is those items of major warranty. Those are the things that are covered by the bill, on the express warranty.

Mr. FARGO. Well, I am not aware of just how much of a substantial situation would have to exist before that was necessary, but I am concerned in that I know that we do not want it to get to the situation where the dealer has to notify, in the manner you are talking, every item of warranty that comes into his shop. With my knowledge of having worked with car dealers, I know that as far as General Motors is concerned, most of the warranty work is now done through a computer, through a terminal setup, so that there is no notification made to the manufacturer in writing. We are now requiring that the dealer do make a notification, not only in writing but by certified mail with a return receipt, which costs anywhere from \$1.50 to \$3, for every item that we are concerned about here, and it worries me to think that the dealers are going to find that they have a major, costly thing on their hands which really has very little to do with making sure that our consumers are not taken upon as far as the "lemon" bill is concerned.

The SPEAKER. The Chair thanks the gentleman, Mr. Fargo.

Has he finished his interrogation?

Mr. FARGO. I have, and thank you.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, on final passage.

Mr. LAUGHLIN. Mr. Speaker, I can understand Mr. Fargo's questions and his concern because of the fact that he has had extensive opportunity apparently to deal with auto dealers. With this particular legislation, Mr. Speaker, we sat down with the auto dealers across the State, with their association. They support the bill 100 percent, Mr. Speaker. So I would think in view of that fact that they have already reviewed the type of situation you are talking about and are in favor of the legislation.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, will the prime sponsor answer some questions?

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will stand for interrogation. The gentleman, Mr. Gannon, is in order and may proceed.

Mr. GANNON. Mr. Speaker, I have been trying to figure out the language of section 8 now that the Ryan amendment has been taken out, but even a little bit beyond that, and what concerns me is not so much what is in the bill but what is not. I would like the prime sponsor to point out in this legislation where it prohibits the purchaser from suing the seller of the automobile.

Mr. LAUGHLIN. Mr. Speaker, throughout the bill you will find the responsibilities specifically related to the manufacturer. For instance, in section 7 where the itemized statement is required, "The manufacturer or dealer shall provide to the purchaser...." Mr. Speaker, throughout the bill we placed the responsibility upon the manufacturer in every instance. There is no cause of action that we have left open to take against the dealer. That would be the case where the franchise is granted to the dealer through a manufacturer, and within that franchise agreement, any wrongdoing by the dealer would be dealt with in that fashion. All the legislation specifically says within it is that the manufacturer shall be responsible in these cases to provide a new vehicle or a return of the funds for the purchase of that vehicle if they fail to live up to the requirements of this bill, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Is the gentleman, Mr. Gannon, finished with the interrogation?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. Does the gentleman wish to be recorded as to a statement on the bill?

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. The Chair has recognized him.

Mr. GANNON. Mr. Speaker, I want to reiterate just what Representative Reber mentioned a little while back. In reading that language of section 8, it says that the purchaser may bring a civil action in a court of common pleas where the manufacturer has failed to comply. Now, that is not the way it reads. It reads, "Any purchaser of a new motor vehicle who suffers any loss due to nonconformity of such vehicle as a result of the manufacturer's failure to comply with this act may bring a civil action in a court of common pleas and, in addition to other relief, shall be entitled to recover reasonable attorneys' fees and all court costs."

First of all, that provision does not limit the suit to the manufacturer, although it does say that the suit can be brought for the manufacturer's failure to comply with this act. I think that a court, in interpreting that provision, would have to relate to current—both common and statutory—law in order to clarify as to who may be sued. Presently under product liability actions, the suit is made against the seller and it is brought on three theories - one, negligence; the other, breach of warranty; and the other, in strict liability under what is known as section 402(a) of the Restatement of Torts.

My concern is the warranty section. Presently under a warranty action your recovery is limited to actual damages. It is

my concern, Mr. Speaker, that this particular provision may very well open the area of breach of warranty much broader than is intended under current law. I agree with the intent of the prime sponsor, and I am merely expressing that concern that I think this thing warrants closer inspection and examination.

I think many of us here in the House are aware of the serious problems that are being confronted by many manufacturers in Pennsylvania and across the country with product liability litigation, and I think that this type of provision may be a little further instigation for that type of a suit, and maybe some encouragement with the reasonable-attorneys'-fees provision still in there.

Mr. Speaker, that is all I have to say about that. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—198

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

Dorr	Livengood	Rieger	
Duffy	Lloyd	Robbins	Irvis,
Durham	Lucyk	Rudy	Speaker

NAYS—0

NOT VOTING—1

Belfanti

EXCUSED—4

Fischer	Freind	George	Kukovich
---------	--------	--------	----------

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

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Northumberland, Mr. Belfanti, rise?

Mr. BELFANTI. Mr. Speaker, I was temporarily out of my seat when you took the final vote on HB 1405. I would like to be recorded in the affirmative.

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

ANNOUNCEMENTS BY SPEAKER

The SPEAKER. For the information of the members, the Chair passed over temporarily on page 6 HB 1244, PN 1701. The reason for passing it over temporarily was that the Chair was informed that the gentleman, Mr. Taylor, was going to offer the oil divorcement amendment to that bill. The gentleman has now withdrawn that amendment. The bill will go over for today, without objection. The Chair hears no objection.

On page 7, SB 11, mark your calendar "Amend - Taylor - oil divorcement." The amendment will be offered tomorrow to SB 11. Mark your calendar that way.

The Chair wishes to alert you to the fact that tomorrow also a motion will be made to reconsider the vote by which the House passed HB 969. That motion was to be considered today, but the Chair has been advised that the motion will not be placed today, but it will be placed before the House tomorrow.

**LOCAL TAX REFORM
SUBCOMMITTEE MEETING**

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

Mr. LEVIN. Mr. Speaker, upon the break there will be a meeting of the Subcommittee on Local Tax Reform of the Finance Committee in the rear of the House.

The SPEAKER. The Chair thanks the gentleman.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, immediately upon the call of the recess, the Rules Committee will meet in the majority leader's office.

The SPEAKER. The Chair thanks the gentleman.

**CRIME AND CORRECTIONS
SUBCOMMITTEE MEETING**

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

Mr. SWEET. Thank you, Mr. Speaker.

I would like to announce a meeting of the Subcommittee on Crime and Corrections at 9:45 on Wednesday morning in the Local Government Commission hearing room. The meeting is merely for the purpose of discussing the prison overcrowding inquiry.

The SPEAKER. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

Immediately upon the call of the recess, there will be a meeting of the House Appropriations Committee at the rear of this chamber. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democrats will caucus at 3:30 to give the Rules Committee a chance to report resolutions which will be considered in tomorrow's session. In addition, we will consider in the caucus the amendments to be proposed by Mr. Taylor to SB 11—that is the oil divorcement measure—and many other bills on the calendar that are very important. I would suggest and urge that all members of the Democratic Caucus attend caucus today at 3:30. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. DAWIDA presented the Report of the Committee of Conference on HB 379, PN 2035.

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

HB 58, PN 2036 (Amended)

By Rep. BARBER

An Act creating the Pennsylvania Adoption Cooperative Exchange; prescribing responsibilities; requiring certain agencies to cooperate with the exchange; and providing for regulations and staff.

HEALTH AND WELFARE.

HOUSE BILL INTRODUCED AND REFERRED

No. 1629 By Representatives PIEVSKY and
DeWEESE

A Supplement to the act of (P. L. , No.), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing public improvement, furniture and equipment and transportation assistance projects to be constructed or acquired by the Department of General Services or the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services or the Department of Transportation; stating the estimated useful life of the projects; and making an appropriation.

Referred to Committee on APPROPRIATIONS,
October 24, 1983.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

Republicans will caucus promptly at 3:30. We will take the major items first. I would ask you to be there to start promptly at 3:30.

HOUSE SCHEDULE

The SPEAKER. There will be no further votes taken on the floor of the House today. However, when the Chair calls for the adjournment motion, the adjournment motion will read that the House will return to session at 9 o'clock tomorrow morning. The session will begin tomorrow at 9 a.m.

WELCOME

The SPEAKER. The Chair welcomes a young gentleman from Indiana University of Pennsylvania, Curt Schroder, who is the guest of Representative Paul Wass and Representative Elinor Taylor.

RECESS

The SPEAKER. The House stands in recess until 4 p.m.

AFTER RECESS

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

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 206, PN 1238**.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to **SB 206, PN 1238**, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **SB 206, PN 1238**:

Messrs. RAPPAPORT, MAYERNIK and WOGAN.
Ordered, That the clerk inform the Senate accordingly.

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, October 24, 1983

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 14, 1983 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Monday, November 14, 1983 unless sooner recalled by the Speaker.

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.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1630 By Representatives PIEVSKY and
DeWEESE

A Supplement to the act of (P. L. , No.), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing highway safety and improvement projects to be constructed by the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed by the Department of Trans-

portation; stating the estimated useful life of the projects; and making an appropriation.

Referred to Committee on APPROPRIATIONS, October 24, 1983.

No. 1631 By Representatives PIEVSKY and DeWEESE

An Act amending the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," approved December 8, 1982 (P. L. 848, No. 235), adding a State bridge project in Montgomery County and Luzerne County and local bridge projects in Bucks County.

Referred to Committee on APPROPRIATIONS, October 24, 1983.

BILLS REREPORTED FROM COMMITTEE

HB 1565, PN 2040 (Amended)

By Rep. PIEVSKY

An Act amending the "Landscape Architects' Registration Law," approved January 24, 1966 (1965 P. L. 1527, No. 535), reestablishing and continuing the State Board of Landscape Architects; increasing per diem reimbursement for board members; providing for removal from the board for nonattendance at meetings; removing the requirement that the board keep a list of all licensed landscape architects; requiring the board to furnish the General Assembly with status reports of pending formal complaints; reducing the experience requirement of applicants; and making editorial changes.

APPROPRIATIONS.

SB 950, PN 1418 (Amended)

By Rep. PIEVSKY

An Act amending the act of December 14, 1982 (P. L. 1227, No. 281), entitled "Architects Licensure Law," providing for the reestablishment and continuation of the Architects Licensure Board; further providing for membership on the board; providing for review of the board; further providing for meetings of the board; and making editorial changes.

APPROPRIATIONS.

SB 966, PN 1419 (Amended)

By Rep. PIEVSKY

An Act amending the act of May 23, 1945 (P. L. 913, No. 367), entitled, as amended, "Professional Engineers Registration Law," reestablishing the State Registration Board for Professional Engineers; and making a repeal.

APPROPRIATIONS.

SB 967, PN 1420 (Amended)

By Rep. PIEVSKY

An Act amending the act of January 14, 1952 (1951 P. L. 1898, No. 522), entitled, as amended, "Funeral Director Law," reestablishing the State Board of Funeral Directors; specifying fee establishment procedures; requiring annual financial estimates; and making repeals.

APPROPRIATIONS.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 135, PN 1820 (Concurrent)

By Rep. MANDERINO

Urging voluntary refrainment from the use of alcohol during National Family Week.

RULES.

HR 140, PN 1946 (Concurrent)

By Rep. MANDERINO

Urging the Department of Revenue officials to cooperate with the Turnpike Commission in the furnishing of lottery machines to all restaurant facilities on the Pennsylvania Turnpike.

RULES.

HR 141, PN 1968 (Concurrent)

By Rep. MANDERINO

Memorializing Congress to remove the \$1 per hundredweight milk assessment.

RULES.

HR 143, PN 1970

By Rep. MANDERINO

Memorializing the United States Congress to increase Federal Supplemental Compensation benefit weeks and extend the Federal Supplemental Compensation Program to March 31, 1984.

RULES.

HR 145, PN 1991

By Rep. MANDERINO

Urging the Governor to proclaim Thursday, November 13, 1983 as Pennsylvania Retired Teachers Day.

RULES.

SR 85, PN 1349 (Concurrent)

By Rep. MANDERINO

Urging the Governor to declare the week of November 21, 1983 as Guion S. Bluford, Jr., Week.

RULES.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

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

Mr. ANGSTADT. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 25, 1983, at 9 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:06 p.m., e.d.t., the House adjourned.